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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 AGRICULTURE

Agricultural Marketing Service

7 CFR Part 52

[Document No. AMS–FV–08–0075]

RIN 0581–AC89

Country of Origin Labeling of Packed Honey

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule adopts an interim rule, with change, establishing new regulations addressing country of origin labeling for packed honey bearing any official USDA mark or statement. Also, the rule added a new cause for debarment from inspection and certification service for honey if country of origin labeling requirements are not met for packages of honey containing official USDA grade marks or statements. The rule was necessary because section 10402 of the Food, Conservation and Energy Act of 2008 (2008 Farm Bill) amended the Agricultural Marketing Act of 1946 to require country of origin labeling for honey if it contains official USDA grade marks or statements.

DATES: *Effective Date:* February 3, 2011.

FOR FURTHER INFORMATION CONTACT: Chere L. Shorter by phone at (202) 720–4693 or e-mail to *Chere.Shorter@ams.usda.gov.*

SUPPLEMENTARY INFORMATION: The regulations governing inspection and certification of processed fruits and vegetables 7 CFR part 52, were amended by an interim final rule published in the **Federal Register** on July 8, 2009 (74 FR 32389) to include provisions for country of origin labeling requirements for packed honey; and for debarment of services if the country of origin labeling requirements are not met for packages of honey containing official USDA grade marks or statements. The interim final rule became effective on October 6, 2009.

Section 10402 of the 2008 Farm Bill (Pub. L. 110–246) amended section 1622(h) of the Agricultural Marketing Act of 1946, (7 U.S.C. 1621–1627, 1635–1638), to require that all packed honey bearing any official USDA mark or statement also bear "legibly and permanently in close proximity (such as on the same side(s) or surface(s)) to the certificate, mark, or statement, and in at least a comparable size, the [country or] countries of origin of the lot or container of honey, preceded by the words 'Product of' or other words of similar meaning." Section 10402 also establishes that a violation of the labeling requirements may be deemed by the Secretary of Agriculture to be sufficient cause for debarment from the benefits of the Act, only with respect to honey, and that the honey amendments shall take effect one year after the date of enactment of the 2008 Farm Bill, which is June 18, 2009.

The Act authorizes official inspection, grading, and certification for processed fruits, vegetables, and processed products made from them. This amendment to the Act required the amendment of the regulations in 7 CFR part 52, which provide for official inspection and certification services with respect to processed fruit, vegetables, and miscellaneous products and the fees charged for such services. Section 52.53 describes and illustrates the use of approved certification marks. Section 52.54 lists the acts or practices that may cause debarment by the Administrator of any person from any benefits of the Act for a specified period of time. These include: (1) Fraud or misrepresentation in filing an application; submission of samples; use of an inspection report or certificate; use of the words "Packed under continuous inspection of the U.S. Department of Agriculture," any legend signifying that the product has been officially inspected, any statement of grade or similar words; use of a facsimile form; (2) willful violations of the regulations; or (3) interfering with an inspector, inspector's aid, or licensed sampler. Pursuant to the amendment of the Act by the 2008 Farm Bill, section 52.54 was amended to add a new paragraph providing for debarment of services if the country of origin labeling requirements are not met for honey.

Executive Order 12988

This final rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have a retroactive effect. There are no administrative procedures which must be exhausted prior to any judicial challenge to the provisions of this rule.

Executive Order 12866

This rule has been determined to be not significant for purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget (OMB).

Regulatory Flexibility Act and Paperwork Reduction Act

As required by the Regulatory Flexibility Act (5 U.S.C. 601–612) the Agricultural Marketing Service (AMS) has prepared a regulatory flexibility analysis.

AMS estimates that there are between 139,600 and 212,000 beekeepers in the United States. The vast majority of beekeepers (95 percent) are hobbyists with fewer than 25 hives, or bee colonies, and about 4 percent are part-time beekeepers who keep from 25 to 299 hives. Together, hobbyists and part-time beekeepers account for about 50 percent of bee colonies and about 40 percent of honey produced. Commercial beekeepers are those with 300 or more bee colonies. There are approximately 1,600 commercial beekeeping operations in the United States, which produce about 60 percent of the nation's honey.

AMS believes that there are approximately 2,700 producers of honey, 41 handlers/packers, and 614 importers of honey and honey products. The Small Business Administration [13 CFR 121.201] defines small agricultural producers as those having annual receipts of $750,000 or less annually and small agricultural service firms as those having annual receipts of $7 million or less. Using these criteria, most producers and handlers/packers would be considered small businesses, while most importers would not.

National Agricultural Statistics Service (NASS) data report that U.S. production of honey, from producers with five or more colonies, totaled 144 million pounds in 2009, representing a decrease of 14 percent from 2004. The

number of U.S. bee colonies producing honey in 2009 was 2.4 million (based on beekeepers who manage five or more colonies).

The average annual yield per colony was 58.5 pounds of honey. The average producer price per pound was $1.44. The 2009 honey crop was valued at more than $208.2 million.

The top six honey producing States in 2009 were North Dakota, South Dakota, California, Florida, Minnesota, and Montana. NASS reported the value of honey sold from these six States in 2009 was $144,843 and the volume produced was 101,697,000 pounds.

Based on data from Department of Commerce, U.S. Census Bureau, Foreign Trade Statistics, seventeen countries produced more than 98 percent of the honey imported into the U.S. In 2009, six of these countries produced over 80 percent of the total honey imported into the United States. These countries and their share of the imports are Brazil (19 percent), Vietnam (18 percent), India (14 percent), Argentina (11 percent), Malaysia (9 percent), and Canada (9 percent). Imports accounted for 62 percent of U.S. consumption in 2006, an increase of 18 percent, up from 51 percent since 2002. The United States is one of the world's largest markets for industrial honey. This sector accounts for approximately 45 percent of total domestic consumption. The primary users of industrial honey are bakery, health food, and cereal manufacturers. Other users such as the food service industry account for another 10 percent of domestic consumption. Individual consumers who purchase small amounts of honey for personal use also significantly contribute to overall consumption in the United States.

USDA grades for honey are not mandatory, but beekeepers, handlers/packers labeling honey as a particular grade are responsible for the accuracy of the label. The U.S. Standards for Grades of Honey are located on the AMS Web site at *http://www.ams.usda.gov/processedinspection.*

The Act authorizes the inspection, certification, and identification of class, quality, quantity, and condition of agricultural commodities, under the Act, no person is required to use the services.

The 2008 Farm Bill amended the Act to require that packaged honey bearing a grade mark or statement, continuous inspection mark or statement, sampling mark or statement, or any combination of marks or statements of the Department of Agriculture, must also bear the one or more names of the countries of origin of the lot or container of honey legibly and permanently in close proximity to and at least in comparable size to the mark or statement.

Under the existing regulations governing the inspection and grading of processed fruits, vegetables, and miscellaneous products, section 52.53 provides for the use of approved identification marks and paragraph (h) describes or lists prohibited uses of approved identification. Section 52.53(h) provides that, except for officially inspected or otherwise approved products, no label or advertising material used upon, or in conjunction with, a processed product shall bear a brand name, trademark, product name, company name, or any other descriptive material as it relates or alludes to any official U.S. Department of Agriculture certificate of quality or loading, grade mark, grade statement (except honey and maple syrup which may bear such grade mark or statement), continuous inspection mark, continuous inspection statement, sampling mark or sampling statement or combinations of one or more of the above. Therefore, honey and maple syrup may bear official USDA grade marks without official inspection.

This rule applies to domestic as well as foreign sources of honey. Under this rule, any honey that has an official U.S. grade mark must include in its label the country of origin in letters at least the same size and in close proximity to the grade mark. For example, if foreign or domestic honey were labeled U.S. Grade A, then it would have to identify its country or countries of origin. Conversely, if the honey is not officially grade labeled, the country of origin labeling is not necessary whether the honey is domestic or foreign. This discussion has been clarified from that which appeared in the interim rule.

AMS believes that under current industry labeling practices, packages of honey that include the official U.S. grade marks, in most cases, also include country of origin labeling. However, country of origin information usually is located on the back of the package. The Act requires that all honey bearing any official USDA mark or statement also bear legibly and permanently in close proximity (such as on the same side(s) or surface(s)) to the certificate, mark, or statement, and in at least a comparable size, the country or countries of origin of the lot or container of honey, preceded by the words "Product of" or other words of similar meaning.

Because honey does not require official inspection in order to carry official USDA grade marks and since there are no existing programs that require the official inspection and certification of honey, AMS believes that there will be little, if any, impact on the honey industry or small producers, except if a handler or importer is carrying official marks on their labels beyond the date that this rule is effective and has not reconfigured their labels. AMS believes that product labeling changes normally involve reconfiguring labeling without substantial costs and without having to purchase new equipment.

With regard to alternatives to this rule, section 10402 of the 2008 Farm Bill amends the Act, which requires AMS to amend its regulations.

Enforcement will be handled by AMS if it receives complaints. All complaints will be turned over to our Compliance and Analysis Program (Compliance) who will investigate the alleged violation. Compliance would then determine the validity of the complaint, and appropriate action would be taken.

The Agency has identified some Federal rules that may conceivably be viewed to duplicate or overlap with this rule. Under pre-existing Federal laws and regulations, country of origin labeling is required by the Tariff Act of 1930, 19 U.S.C. 1304(a) and CBP Regulations, 19 CFR part 134.

Such requirements are enforced by the U.S. Customs and Border protection (CPB) as authorized by the Tariff Act of 1930 and CBP regulations (19 U.S.C. 1304(a) and 19 CFR part 134. This law requires that every imported item must be conspicuously and indelibly marked in English to indicate to the ultimate purchaser its country of origin.

Summary of Comments

AMS received six comments; four commenters were in favor and two opposed the rule.

Three commenters requested that a requirement for country of origin and country of process be placed on all containers of honey. The statute provides only for identification of country of origin as previously discussed, when packages of honey bear official USDA marks or statements. Accordingly, these comments were not adopted.

One commenter stated that COOL should be required for all other bee products intended to be ingested (including bee pollen, royal jelly, etc.), that are offered for sale in the U.S. including any containers that have been repackaged from bulk containers shipped to or processed in the U.S. However, the country of origin amendment to the 1946 Act is only applicable to packaged honey. Nonetheless, country of origin labeling is required for imported products under

the Tariff Act of 1930 and CBP regulations. Accordingly, these comments were not adopted.

One commenter requested that added ingredients be included on the labels. The labeling of added ingredients was not included in the 2008 Farm Bill amendment. The U.S. Food and Drug Administration regulates the labeling of food products. (*See* 21 CFR 101.4.) Accordingly this comment was not adopted.

One commenter requested that additional time be granted to allow domestic packers to exhaust current inventories of labels. The commenter stated that packers order labels in large quantities to effect cost savings and estimated that many domestic packers will need at least one year to use up current supplies and that an additional six months would be required for this stock to be sold from retailers' shelves. The new rule also affects packers of domestic honey, who are now required to include country of origin on their labels; formerly, only imported product required a COOL declaration.

As stated in the interim rule, the Department provided a 90-day period for packers to exhaust current inventories of labels. The Department believes this is a reasonable amount of time to allow packaged honey bearing any USDA mark or statement already in the chain of commerce to clear the system and allow the honey industry time to reconfigure labels as appropriate. Enforcement will be handled by AMS if it receives complaints. All complaints will be turned over to the AMS Compliance and Analysis Program (Compliance) who will investigate the alleged violation. Compliance will then determine the validity of the complaint and appropriate action to be taken.

One commenter asked if the country of origin can be abbreviated on the label. AMS considers generic abbreviations as appropriate if they comply with CBP requirements.

AMS has reviewed this rule pursuant to the Paperwork Reduction Act (44 U.S.C. 3501–3520), and has determined that there are no additional information collection requirements imposed by this rule.

List of Subjects in 7 CFR Part 52

Food grades and standards, Food labeling, Honey, Miscellaneous products, Debarment of services, Reporting and recordkeeping requirements, Approved identification, Country of origin labeling, and Prohibited uses of approved identification.

■ For the reasons set forth in the preamble, 7 CFR part 52 is amended as follows:

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

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

Authority: 7 U.S.C. 1621–1627.

■ 2. Section 52.54 is revised to read as follows:

§ 52.54 Debarment of services.

(a) The following acts or practices, or the causing thereof, may be deemed sufficient cause for the debarment, by the Administrator, of any person, including any agents, officers, subsidiaries, or affiliates of such person, from any or all benefits of the Act for a specified period. The Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes set forth in §§ 1.130 through 1.151 of this title and the Supplemental Rules of Practice in part 50 of this chapter shall be applicable to such debarment action.

(1) *Fraud or misrepresentation.* Any misrepresentation or deceptive or fraudulent practice or act found to be made or committed in connection with:

(i) The making or filing of an application for any inspection service;

(ii) The submission of samples for inspection;

(iii) The use of any inspection report or any inspection certificate, or appeal inspection certificate issued under the regulations in this part;

(iv) The use of the words "Packed under continuous inspection of the U.S. Department of Agriculture," any legend signifying that the product has been officially inspected, any statement of grade or words of similar import in the labeling or advertising of any processed product;

(v) The use of a facsimile form which simulates in whole or in part any official U.S. certificate for the purpose of purporting to evidence the U.S. grade of any processed product.

(2) *Willful violation of the regulations in this subpart.* Willful violation of the provisions of this part of the Act.

(i) Country of origin labeling for packed honey. The use of a label or advertising material on, or in conjunction with, packaged honey that bears any official certificate of quality, grade mark or statement, continuous inspection mark or statement, sampling mark or statement, or any combination of the certificates, marks, or statements of the Department of Agriculture is hereby prohibited unless there appears legibly and permanently in close proximity (such as on the same side(s) or surface(s)) to the certificate, mark, or statement, and in at least a comparable size, the one or more names of the one or more countries of origin of the lot or container of honey, preceded by the words 'Product of' or other words of similar meaning.

(A) A violation of the requirements of this section may be deemed by the Secretary to be sufficient cause for debarment from the benefits of the regulations governing inspection and certification only with respect to honey.

(3) *Interfering with an inspector, inspector's aid, or licensed sampler.* Any interference with, obstruction of, or attempted interference with, or attempted obstruction of any inspector, inspector's aide, or licensed sampler in the performance of his duties by intimidation, threat, assault, bribery, or any other means—real or imagined.

Dated: December 22, 2010.

Rayne Pegg,

Administrator, Agricultural Marketing Service.

[FR Doc. 2010–33137 Filed 1–3–11; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2010–1286; Directorate Identifier 2010–CE–064–AD; Amendment 39–16563; AD 86–25–07 R1]

RIN 2120–AA64

Airworthiness Directives; ROLLADEN-SCHNEIDER Flugzeugbau GmbH Model LS6 Gliders

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: We are rescinding an existing airworthiness directive (AD) for the products listed above. The existing AD resulted from mandatory continuing airworthiness information (MCAI) issued by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as:

During flights at speeds between 250 to 270 km/h (135 to 145 kts) aileron flutter occurred resulting in damage of control stick attachment.

Since issuance of that AD, we have determined that the AD is not applicable because the Model LS6 is not type certificated in the United States.

DATES: This AD is effective January 19, 2011.

We must receive comments on this AD by February 18, 2011.

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

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

Examining the AD Docket

You may examine the AD docket 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 AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Jim Rutherford, Aerospace Engineer, Small Airplane Directorate, FAA, 901 Locust, Room 301, Kansas City, Missouri 64106; phone: (816) 329–4165; fax: (816) 329–4090; e-mail: *jim.rutherford@faa.gov*.

SUPPLEMENTARY INFORMATION:

Discussion

In 1986, we issued AD 86–25–07, Amendment 39–5487 (51 FR 44901, December 15, 1986). That AD required actions intended to address an unsafe condition on the products listed above. Since we issued AD 86–25–07, we have determined that the AD is not applicable because the only version of the Model LS6 type certificated in the United States is the Model LS6-c. Since the Model LS6 is not type certificated in the United States, there are no airplanes affected by that AD. We have also determined that the unsafe condition does not exist in the Model LS6-c gliders.

FAA's Determination

We are issuing this AD rescission because we evaluated all the relevant information and determined the existing AD is not applicable to the Model LS6 glider, and the unsafe condition described previously is not likely to exist or develop in the Model LS6-c gliders type design.

FAA's Justification and Determination of the Effective Date

AD 86–25–07 is not applicable to the Model LS6 because it is not type certificated in the United States. Therefore, we find that notice and opportunity for prior public comment are unnecessary and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

Although this is a final rule that was not preceded by notice and an opportunity for public comment, we invite you to submit any written relevant data, views, or arguments regarding this AD. Send your comments to an address listed under the **ADDRESSES** section. Include the docket number FAA–2010–1286 and Directorate Identifier 2010–CE–064–AD at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this AD. We will consider all comments received by the closing date and may amend this AD because 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 about this AD.

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

This AD will not have federalism implications under Executive Order 13132. This AD will 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 this AD:

(1) Is not a "significant regulatory action" under Executive Order 12866,

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

(3) Will not affect intrastate aviation in Alaska, and

(4) 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.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

■ Accordingly, under the authority delegated to me by the Administrator, the FAA amends 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 rescinding AD 86–25–07, Amendment 39–5487 (51 FR 44901, December 15, 1986):

86–25–07 R1 ROLLADEN-SCHNEIDER Flugzeugbau GmbH: Amendment 39–16563; Docket No. FAA–2010–1286; Directorate Identifier 2010–CE–064–AD.

Effective Date

(a) This AD is effective January 19, 2011.

Affected ADs

(b) This AD rescinds AD 86–25–07.

Applicability

(c) This AD rescission applies to Model LS6 gliders, all serial numbers, that are certified in any category.

Subject

(d) Joint Aircraft System Component (JASC)/Air Transport Association (ATA) of America Code 27, Flight Controls.

Issued in Kansas City, Missouri, on December 21, 2010.

Earl Lawrence,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2010–32798 Filed 1–3–11; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2010–0829; Directorate Identifier 2010–NE–23–AD; Amendment 39–16524; AD 2010–24–05]

RIN 2120–AA64

Airworthiness Directives; Pratt & Whitney Canada Corp. (P&WC) PW305A and PW305B Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: The FAA is correcting an airworthiness directive (AD) that published in the **Federal Register**. That AD applies to the products listed above. The agency docket No. and the engine type in the subject heading and paragraph (c) in the Summary section and the Regulatory text are incorrect. This document corrects that error. In all other respects, the original document remains the same.

DATES: This final rule is effective January 3, 2011.

ADDRESSES: You may examine the AD docket 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 AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is Document Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: James Lawrence, Aerospace Engineer, Engine Certification Office, FAA, 12 New England Executive Park, Burlington, MA 01803; phone: (781) 238–7176; fax: (781) 238–7199; e-mail: *james.lawrence@faa.gov.*

SUPPLEMENTARY INFORMATION: Airworthiness Directive 2010–24–05, amendment 39–16524 (75 FR 72653, November 26, 2010), currently requires updating the airworthiness limitations section of the engine maintenance manuals for Pratt & Whitney Canada (P&WC) PW305A and PW305B turbofan engines.

As published, the agency docket No. in the Summary section and the engine type in the Summary section and in the Regulatory text are incorrect.

No other part of the preamble or regulatory information has been changed; therefore, only the changed portion of the final rule is being published in the **Federal Register**.

The effective date of this AD remains January 3, 2011.

Correction of Non-Regulatory Text

In the **Federal Register** of November 26, 2010, AD 2010–24–05; Amendment 39–16524 is corrected as follows:

On page 72653, in the third column, on line 19 under 14 CFR Part 39, change "Docket No. FAA–2010–0892" to "Docket No. FAA–2010–0829".

On page 72653, in the third column, on line 25 under 14 CFR Part 39, change "PW305A and PW305B Turboprop" to "PW305A and PW305B Turbofan".

Correction of Regulatory Text

§ 39.13 [Corrected]

■ In the **Federal Register** of November 26, 2010, on page 72655, in the first column, paragraph (c) of AD 2010–24–05 is corrected to read as follows:

* * * * *

(c) This AD applies to Pratt & Whitney Canada Corp. (P&WC) PW305A and PW305B turbofan engines with certain impellers, part numbers (P/Ns) 30B2185, 30B2486, 30B2858–01, or 30B4565–01 installed. These engines are installed on, but not limited to, Hawker-Beech Corporation BAe.125 series 1000A, 1000B, and Hawker 1000 airplanes and Learjet Inc. Learjet 60 airplanes.

* * * * *

Issued in Burlington, Massachusetts, on December 22, 2010.

Peter A. White,

Assistant Manager, Engine & Propeller Directorate, Aircraft Certification Service.

[FR Doc. 2010–33171 Filed 1–3–11; 8:45 am]

BILLING CODE 4910–13–P

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 275 and 279

[Release No. IA–3129; File No. S7–10–00]

RIN 3235–AI17

Amendments To Form ADV; Extension of Compliance Date

AGENCY: Securities and Exchange Commission.

ACTION: Final rule; extension of compliance date.

SUMMARY: The Securities and Exchange Commission is extending the compliance date for Part 2B of Form ADV, the brochure supplement, and for certain rule provisions that relate to the delivery of brochure supplements. The Commission is extending the compliance date generally for four months to provide certain investment advisers additional time to design, test and implement systems and controls to satisfy their obligations to prepare and deliver brochure supplements.

DATES: The effective date for amendments to Part 2 of Form ADV and related rules under the Advisers Act remains October 12, 2010. The compliance date for Form ADV, Part 2B and the provisions of rule 204–3 concerning the delivery of brochure supplements is extended generally for four months as described in the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: Vivien Liu, Senior Counsel, or Daniel Kahl, Branch Chief, at (202) 551–6787 or *IArules@sec.gov,* Office of Investment Adviser Regulation, Division of Investment Management, U.S. Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–8549.

SUPPLEMENTARY INFORMATION: On July 28, 2010, the Commission adopted amendments to Part 2 of Form ADV [17 CFR 279.1], and related rules under the Investment Advisers Act of 1940 [15 U.S.C. 80b] ("Advisers Act"),[1] to require registered investment advisers to provide clients with a brochure and brochure supplements written in plain English ("Adopting Release").[2] The brochure contains information about the advisory firm, whereas the brochure supplement contains information about the advisory personnel on whom clients rely for investment advice.

When we adopted amendments to Form ADV last July, we established two separate compliance dates for delivering brochure supplements. New investment adviser registrants, *i.e.,* those that apply for registration on or after January 1, 2011, would begin providing brochure supplements to clients upon registering. Existing investment adviser registrants would provide brochure supplements to new and prospective clients upon filing their annual updating amendment to

[1] *See e.g.,* rule 204–3 [17 CFR 275.204–3], which requires registered advisers to deliver brochures and brochure supplements.

[2] *Amendments to Form ADV,* Investment Advisers Act Rel. No. 3060 (July 28, 2010) [75 FR 49234 (Aug. 12, 2010)].

Form ADV for fiscal year ends beginning on December 31, 2010, and to existing clients within 60 days of filing the annual updating amendment. Most registered advisers have fiscal years ending on December 31 and must, as a result, file an annual updating amendment by March 31, 2011.[3] Absent an extension of the compliance date, these advisers would be required to deliver their first brochure supplements to new and prospective clients no later than March 31, 2011 and to existing clients no later than May 31, 2011.

We have received correspondence from the Securities Industry and Financial Markets Association ("SIFMA"), requesting that we delay the compliance date for at least an additional four months, until July 31, 2011, solely with respect to requirements regarding delivery of the brochure supplement.[4] SIFMA asserts that preparing and disseminating brochures with respect to thousands of supervised persons to tens of thousands of clients presents its members with substantial logistical challenges in meeting the compliance date. It asserts that its members need additional time to design, test and implement systems and controls that will assure that each client receives an accurate brochure supplement with respect to the supervised person who provides advice to that client.

Based on the concerns expressed in the correspondence, and in light of similar concerns that have been expressed by other investment advisers to our staff, we are persuaded that a limited extension of the compliance date for the delivery of brochure supplements for existing registered advisers is appropriate.[5] We have based this decision on the information SIFMA has provided and our experience in overseeing the industry. In addition, to provide consistent treatment for newly registering advisers, we are also persuaded that the limited extension of the compliance date for the delivery of brochure supplements is appropriate for these advisers as well. We are not extending the compliance date for the filing and delivery of the brochure required by Part 2A of Form ADV and related rules under the Advisers Act, which is required for newly registering investment advisers beginning on January 1, 2011, and for existing registered advisers when they file their annual updating amendments for fiscal years ending on and after December 31, 2010.

Accordingly, the Commission believes it is appropriate to modify and extend the compliance date for brochure supplements for the following investment advisers:[6]

Existing Registered Investment Advisers. All investment advisers registered with the Commission as of December 31, 2010, and having a fiscal year ending on December 31, 2010 through April 30, 2011, have until July 31, 2011, to begin delivering brochure supplements to *new and prospective clients.* These advisers have until September 30, 2011 to deliver brochure supplements to *existing clients.* The compliance dates for delivering brochure supplements for existing registered investment advisers with fiscal years ending after April 30, 2011 remain unchanged.

Newly-registered Investment Advisers. All newly registered investment advisers filing their applications for registration from January 1, 2011 through April 30, 2011, have until May 1, 2011 to begin delivering brochure supplements to *new and prospective clients.* These advisers have until July 1, 2011 to deliver brochure supplements to *existing clients.* The compliance dates for delivering brochure supplements for newly-registered investment advisers filing applications for registration after April 30, 2011 remain unchanged.

The Commission finds that, for good cause and the reasons cited above, including the brief length of the extension we are granting, notice and solicitation of comment regarding the extension of the compliance date for Part 2B of Form ADV and the provisions of rule 204–3 that relate to the delivery of brochure supplements are impracticable, unnecessary, or contrary to the public interest.[7] In this regard, the Commission also notes that investment advisers need to be informed as soon as possible of the extension and its length in order to plan and adjust their implementation process accordingly.

Dated: December 28, 2010.

By the Commission.

Elizabeth M. Murphy,

Secretary.

[FR Doc. 2010–33142 Filed 1–3–11; 8:45 am]

BILLING CODE 8011–01–P

[3] Based on Investment Adviser Registration Depository data as of December 1, 2010, 92% of SEC-registered investment advisers report a December fiscal year end.

[4] Memorandum from Morgan Lewis on behalf of certain SIFMA member firms dated Dec. 16, 2010 available at *http://www.sec.gov/rules/proposed/s71000.shtml.*

[5] The North American Securities Administrators Association has recommended that the State securities authorities provide the same extension for State-registered investment advisers. However, State-registered advisers should contact the States where they are registered to confirm compliance dates.

[6] Advisers may choose to deliver brochure supplements earlier than the dates outlined in this release.

[7] *See* Section 553(b)(3)(B) of the Administrative Procedure Act (5 U.S.C. 553(b)(3)(B)) ("APA") (an agency may dispense with prior notice and comment when it finds, for good cause, that notice and comment are "impracticable, unnecessary, or contrary to the public interest"). This finding also satisfies the requirements of 5 U.S.C. 808(2), allowing the rules to become effective notwithstanding the requirement of 5 U.S.C. 801 (if a Federal agency finds that notice and public comment are "impractical, unnecessary or contrary to the public interest," a rule "shall take effect at such time as the Federal agency promulgating the rule determines"). Also, because the Regulatory Flexibility Act (5 U.S.C. 601–612) only requires agencies to prepare analyses when the Administrative Procedures Act requires general notice of rulemaking, that Act does not apply to the actions that we are taking in this release. The change to the compliance date is effective upon publication in the **Federal Register.** This date is less than 30 days after publication in the **Federal Register**, in accordance with the APA, which allows effectiveness in less than 30 days after publication for "a substantive rule which grants or recognizes an exemption or relieves a restriction." *See* 5 U.S.C. 553(d)(1).

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 50

[Docket No. FDA–2009–N–0592]

RIN No. 0910–AG32

Informed Consent Elements

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the current informed consent regulations to require that informed consent documents and processes for applicable drug (including biological products) and device clinical trials include a specific statement that clinical trial information will be entered into a databank. The databank referred to in this final rule is the clinical trial registry databank maintained by the National Institutes of Health/National Library of Medicine (NIH/NLM) which was created by statute. The submission of clinical trial information to this data bank also is required by statute. This amendment to the informed consent regulations is required by the Food and Drug Administration Amendments Act of 2007 (FDAAA) and is designed to promote transparency of clinical research to participants and patients.

DATES: *Effective date:* This rule is effective March 7, 2011.

Compliance date: The compliance date of this final rule is March 7, 2012, for clinical trials that are initiated on or after the compliance date. See section III of this document for an additional explanation of the compliance date and required implementation of this final rule.

FOR FURTHER INFORMATION CONTACT: Jarilyn Dupont, Office of Policy, Office of Commissioner, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 32, rm. 4248, Silver Spring, MD 20993–0002, 301–796–4830.

SUPPLEMENTARY INFORMATION:

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I. Introduction

In the **Federal Register** of December 29, 2009 (74 FR 68750), FDA issued a notice of proposed rulemaking (NPRM) to amend 21 CFR 50.25, its regulations governing informed consent documents and processes. This final rule revises the current informed consent regulations to require a new element for informed consent documents and processes that will inform the potential clinical trial participant that information about applicable clinical trials has been, or will be, entered into a databank that is publicly accessible at *http://www.ClinicalTrials.gov*. (*See* section IV.F of this document for a discussion of applicable clinical trials.) The final rule adds this requirement in a new paragraph, § 50.25(c), and redesignates existing paragraphs.

This final rule is issued under section 801 of FDAAA (Pub. L. 110–85, September 27, 2007), which requires that information on an applicable clinical trial be submitted to NIH for inclusion in the clinical trial registry databank. This section also requires that the Secretary of the Department of Health and Human Services (HHS) update certain informed consent regulations to mandate that informed consent documents and processes include a statement that the required clinical trial information has been or will be submitted for inclusion in the registry databank. The current informed consent regulations do not include provisions similar to those required by FDAAA. (*See* parts 50 and 312 (21 CFR parts 50 and 312) and 21 CFR 812.2(b)(1)(iii) and 812.25(g)).

Section 801 of FDAAA amends the Public Health Service Act (the PHS Act) to require the Secretary, acting through the Director of NIH, to expand the existing clinical trial registry databank established under section 113 of the Food and Drug Administration Modernization Act (FDAMA), enacted November 21, 1997 (Pub. L. 105–115 currently codified at 42 U.S.C. 282(i)). The new provision requires the Director to ensure that the databank is made publicly available through the Internet and to expand the databank to require the submission of specified information for applicable drug clinical trials and applicable device clinical trials. (The term "drug" includes biological products regulated under section 351 of the PHS Act (42 U.S.C. 262).) The provision also requires the Secretary of HHS to ensure that the databank includes links to results information for those clinical trials that form the primary basis of an efficacy claim or are conducted after the drug involved or device involved is cleared or approved. In addition, section 801(b)(3)(A) of FDAAA states:

> NEW DRUGS AND DEVICES.—
> INVESTIGATIONAL NEW DRUGS.—Section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)) is amended in paragraph (4), by adding at the end the following: "The Secretary shall update such regulations to require inclusion in the informed consent documents and process a statement that clinical trial information for such clinical investigation has been or will be submitted for inclusion in the registry data bank pursuant to subsection (j) of section 402 of the Public Health Service Act."

II. Overview of the Final Rule

We considered all of the comments to the NPRM and the additional data and accompanying materials submitted with the comments. We also consulted with our internal experts on informed consent documents and processes as well as our internal experts in communicating health-related information to the public, clinical trial participants, and patients in evaluating the required statement.

In response to the comments, and based on our internal reconsideration of the proposed requirements in the NPRM, we have amended the specific language of the statement required to be included in informed consent documents and processes. The mandatory statement is now shorter, less complex, and more understandable for potential clinical trial participants. Specific terms that are not commonly used by lay persons, or were deemed to be misleading or confusing, have been clarified and simplified. The mandatory statement has been revised to facilitate understanding while maintaining the purpose of the statutory provision.

In response to comments expressing confusion and/or concern over the proposed placement of the new requirement as a "basic" element of informed consent under § 50.25(a), a new paragraph (c) has been added and the existing paragraphs have been redesignated. This separate new paragraph emphasizes the unique basis of the new element—required only for applicable clinical trials—as compared with existing basic elements which align with various ethics codes and apply to all clinical investigations regulated by FDA and clinical investigations that support applications for research or marketing permits for products regulated by FDA.

New paragraph § 50.25(c) interacts with all other requirements of part 50 as do the other requirements and provisions of § 50.25. Similar to other informed consent elements, it is subject to the regulations governing documentation of informed consent (§ 50.27) and Institutional Review Board (IRB) waivers (§ 56.109(c)(1) (21 CFR 56.109)). When a short form written consent document is chosen (§ 50.27(b)(2)), a short form and written summary must be provided to the clinical trial participant. All of these are considered "informed consent documents" and must contain the new statement (Ref. 1). For example, if an IRB waives the requirement for a signed written consent form under § 56.109(c)(1), and requires "the investigator to provide subjects with a written statement regarding the research," this written statement is considered a part of the documentation of ensuring the informed consent of the participant and thus, it must include the new statement (§ 56.109(d)).

III. Compliance Date

In response to comments, and after consideration of the intent and purpose of the new statutory requirement, we have determined that the compliance date of new § 50.25(c) will be 1 year after the effective date of this final rule for all informed consent documents and processes related to a clinical investigation that is initiated on or after the compliance date of this rule. In section IV.B of this document we provide, in our responses to the comments made concerning the effective date, additional explanation of the application of the compliance date to particular clinical investigations.

IV. Comments on the Proposed Rule

We received 68 comments on the NPRM. Comments were received from IRBs, academic research centers, clinical investigators, physicians, health care professional societies, trade organizations representing clinical research organizations, drug and device sponsors, blood banks, clinical research organizations, research hospitals, medical device manufacturers, nonprofit organizations for ethical research, patient advocacy organizations, health care attorneys, pharmacy and law students, and others.

To make it easier to identify comments and our responses, the word "Comment," in parentheses, will appear before each comment, and the word "Response," in parentheses, will appear before each response. We also have numbered the comments to make it easier to distinguish between comments; the numbers are for organizational purposes only and do not reflect the order in which we received the comments or any value associated with the comment. We have combined similar comments under one numbered comment.

A. General Comments

(Comment 1) We received comments that objected to adding any statement to informed consent documents about submitting information to the databank to be posted on the ClinicalTrials.gov Web site. The principal reasons given for these objections were that the additional statement: (1) Lengthens already lengthy informed consent documents, exacerbating potential participants' confusion and anxiety upon reading consent forms; (2) unnecessarily burdens or overwhelms participants because it does not provide information necessary to make an informed decision about whether to participate in a clinical trial; (3) fails to advance human subject protection in any way; and (4) will cause patients to ignore more important aspects of the consent form or other research-related forms. Other comments approved the inclusion of a statement that alerted potential participants to the clinical trials registry databank to inform them how the data are generally used and to increase awareness of the clinical trial registry.

(Response) We appreciate the concerns expressed by the comments regarding the increasing length of informed consent documents and the additional information required to be provided to potential clinical trial participants. Section 801(b)(3)(A) of FDAAA, however, requires the Secretary to update FDA's regulations to "require inclusion in the informed consent documents and process a statement that clinical trial information for such clinical investigations has been or will be submitted for inclusion in the registry data bank." Thus, while we appreciate the concerns, Congress has directed that this be implemented by FDA.

While FDA has been directed by statute to include this particular statement in informed consent documents and processes related to applicable clinical trials, there is increasing support for informing clinical trial participants about the clinical trials in which they participate and the outcome of those trials whether it is included in the informed consent document or through other efforts. The rationale for informed consent is to ensure that participants enter into the research voluntarily and with adequate information (Refs. 2, 3, and 4). Communications, other than the specific informed consent, may include informing the participant on how to obtain or access information relating to the outcomes of the research (Refs. 5 and 6). Implementing the statutory provision by including the statement in the informed consent documents and processes, as required, also advances these other goals.

We disagree with comments that the new statement does not provide any information necessary to make an informed decision about whether to participate in a clinical trial. As noted in the NPRM, alerting potential clinical trial participants to the existence of a publicly accessible databank, whether in the informed consent or during the process, can reassure them that a transparent system exists to help ensure greater accountability and responsibility of investigators (74 FR 68750 at 68752). Clinical research (as opposed to clinical practice) is not designed to deliver therapeutic benefits to individual patients, so it is possible that potential clinical trial participants would want to know the overall benefits that may accrue to society at large (Refs. 7 and 8). One of the basic elements of informed consent which investigators are required to inform participants of is "a description of any benefits to the subject or to others which may reasonably be expected from the research." (§ 50.25(a)(3)). The reference to the databank Web site allows participants to ascertain the nature, scope, and progress of a registered applicable clinical trial, thus reassuring the participant that participation in a trial contributes to the advancement of medical knowledge, an important benefit in the full disclosure of risks and benefits. Although the current statutory requirement at 42 U.S.C. 282(j), section 402(j) of the PHS Act, only requires registration at *http://www.ClinicalTrials.gov* for certain applicable clinical trials, and not all clinical trials, this limitation does not lessen the value of the information for participants.

We do not agree that the new required statement significantly increases the length of consent forms to such a degree as to increase participants' confusion and anxiety. The revised language consists of four short sentences, which will minimally impact a potential subject's reaction to a consent form. These additional sentences will not dwarf or diminish other important information in informed consent forms and documents. FDA responded to similar comments when it issued the final rule that established § 50.25 concerning the basic and additional elements of informed consent. Many of the comments suggested that there were too many elements, they were duplicative, and they would simply confuse research participants. Other comments expressed the concern that the elements would require a long, detailed consent form that would be confusing and would detract from the intended purposes of the regulation that relevant information about a study be conveyed to the human subject (46 FR 8942 at 8949, January 27, 1981). In responding to all of the comments, FDA defended the required elements, and, although minor changes were made to simplify the final rule, FDA maintained that the informed consent process involved "giving the subject all the information concerning the study that the subject would reasonably want to know." (46 FR 8942 at 8949, January 27, 1981) This same reasoning applies to the requirements of the new element in § 50.25(c). Congress has decided that clinical trial participants would reasonably want to know that applicable clinical trials will be registered and that certain results and other information will be available in a publicly accessible databank.

(Comment 2) One comment objected to the new statement as an "inefficient method of implementing the statutory mandate of FDAAA."

(Response) We disagree. The statutory mandate of FDAAA is specific. It requires FDA to update its regulations to "require inclusion in the informed consent documents and process a statement that clinical trial information for such clinical investigation has been or will be submitted for inclusion in the registry data bank." The NPRM proposed to implement the statutory

mandate by requiring the new statement in informed consent documents and processes and the final rule adopts that proposal. We believe the short required statement accomplishes the statutory mandate in the most efficient manner possible.

(Comment 3) Two comments suggested that the new statement should not be included because research involving de-identified data is exempt from human-subjects regulation since only de-identified data are submitted to *http://www.ClinicalTrials.gov.*

(Response) We believe this comment reflects a misunderstanding about the statutory requirements to register applicable clinical trials with NIH at *http://www.ClinicalTrials.gov.* The new informed consent element applies to "applicable clinical trials," which necessarily involve research on human subjects. The fact that only de-identified data derived from the applicable clinical trial will be submitted to the databank is irrelevant to the requirement to include the new statement in informed consent documents. Human subjects are still involved in the underlying "applicable clinical trial" and informed consent regulations apply to the clinical investigation. We emphasize that the new element is required by statute, and the subsequent reporting of only de-identified data to NIH in no way creates an exemption to the statutory or regulatory requirement.

B. Effective Date, Compliance Date, and Retroactivity

(Comment 4) Many comments requested clarification on the effective date of the regulation and whether it would be applied retroactively. Specifically, comments requested clarification on the following clinical trial scenarios: (1) Clinical studies that received favorable ethics committee opinion but patient recruitment has not begun before the effective date, (2) clinical studies that received favorable ethics committee opinion and patient recruitment has begun before final rule, (3) clinical studies where IRB rulings are pending or not yet submitted to IRB, (4) protocol amendment (requiring re-consent) dated within 30 days of the final rule. Other comments stated that the rule should not require re-consent of enrolled participants. One comment requested a 6-month grace period for compliance after the rule takes effect.

(Response) As discussed in section III of this document, we have decided to make the compliance date 1 year after the effective date of this final rule. This means that FDA intends to enforce this final rule, new § 50.25(c), only for informed consent documents and processes for clinical investigations that are initiated on or after the compliance date.

To address the specific examples in the comments, we generally would consider that for purposes of this final rule only, a clinical investigation has been initiated if the sponsor/investigator has had any informed consent documents for that clinical investigation cleared or approved by an IRB, a regulatory body, or other human subjects review entity. This interpretation of the initiation of the clinical trial/investigation is limited to this final rule. If the clinical investigation is a multi-site trial and informed consent documents have been cleared or approved for one or more sites before the compliance date of this final rule, but not for all sites, the clinical investigation will be considered to have initiated before the compliance date. The informed consent documents for the remaining clinical investigation sites would be considered part of the clinical investigation that initiated prior to the compliance date.

Re-consent, based solely on the new requirement, of clinical trial participants in clinical investigations that were initiated before the compliance date will not be required. If a clinical investigation is ongoing as of the final rule compliance date, the new requirement will not be applicable. We recognize that this will mean that if the informed consent documents and processes of the ongoing clinical investigation are required to be amended for any other purpose and re-consent of the already enrolled or actively participating clinical trial participants is required for that other purpose, compliance with new § 50.25(c) will not be required.

When the original informed consent regulations were issued in 1981, we chose to impose those requirements strictly prospectively—only clinical investigations that began on or after the effective date of the regulation were required to comply with new parts 50 and 56 (21 CFR part 56. (*See* 46 FR 8942 at 8945 to 8946, January 27, 1981.) In determining that those new requirements should apply only prospectively, we "balanced the cost of compliance against possible added protections to be gained by research participants, and determined that the potential cost of imposing the requirements retroactively outweighs the potential gain. The informed consent regulations that will continue to be in effect until the effective date of part 50 have assured that at least minimum standards of informed consent have been met in studies initiated before the effective date * * *" (46 FR 8942 at 8946). We believe the same principles apply in this final rule and the regulation will not be applied retroactively. There is nothing in this rule, however, that would prohibit inclusion of the statement in circumstances in which there may be re-consent for other reasons.

We are aware that many educational and governmental institutions, IRBs, and industry sponsors have created model templates for informed consent documents. These model templates generally are developed to address various situations and include mandatory provisions to ensure compliance with all regulatory requirements (Refs. 9 and 10). We anticipate that the compliance date for the final rule will permit sufficient time for this new required statement in § 50.25(c) to be added to existing model templates. While there is a benefit to including the new statement in existing informed consent documents and processes, we do not believe the benefit outweighs the difficulty, cost, and complexity of requiring revision to all existing informed consent documents.

(Comment 5) One comment requested clarification on whether the new element would require sponsors to re-consent participants enrolled in clinical trials. This comment noted FDA's 1998 Information Sheet Guidances for IRBs, Clinical Investigators, and Sponsors: Frequently Asked Questions (No. 45), advising that enrolled and actively participating subjects should be informed of a change that might relate to a subject's willingness to participate in the study.

(Response) As discussed in the Response to Comment 4, re-consent will not be required solely based on the new requirements of § 50.25(c). While the FDA's 1998 Information Sheets for IRBs, Clinical Investigators, and Sponsors: Frequently Asked Questions (No. 45) recommends that already enrolled and actively participating subjects be informed of a change that might relate to a subject's willingness to participate in the study, we are not requiring such a notification based on this new requirement. If this recommendation were to be followed by clinical investigators, we would expect that such notice, if warranted, already had occurred, as applicable clinical trials have been statutorily required to be registered with NIH at *http://www.ClinicalTrials.gov* since 2007 and results posting for certain trials has been required since 2008.

(Comment 6) One comment expressed concern that the specific language of the new element would have to be revised

after NIH issued regulations to implement changes to *ClinicalTrials.gov.* This comment recommended that FDA issue a guidance instead of a regulation because a guidance would be easier to change, if necessary, after the NIH regulations issued.

(Response) We decline to issue a guidance in lieu of a regulation. Section 801(b)(3)(A) of FDAAA makes clear that the "Secretary shall update [FDA's] regulations," not merely issue a guidance. NIH's subsequent regulations will not impact the specific language of the new element as the language of the required statement is not affected by the statutory or regulatory interpretation of an "applicable clinical trial." There is a statutory definition of "applicable clinical trial" and no matter what additional regulatory explanation of "applicable clinical trial" is provided in a future rulemaking, it will not affect or change the required statement. Changes to the definition only will impact the determination made by sponsors and investigators about their clinical trial and whether it is an "applicable clinical trial" subject to the registration requirements of 42 U.S.C. 282(j)(1)(A), section 402(j)(1)(A) of the PHS Act. That separate determination is made prior to the inclusion of the mandatory statement in informed consent documents and processes.

C. New Section 50.25(c)

In order to address some of the concerns raised by comments, and on our own initiative, we have created a new paragraph (c) in § 50.25 to include the requirements of this final rule. While this is a "required" element of informed consent documents and processes, it is only required if the clinical trial is an "applicable clinical trial" as defined in FDAAA, 42 U.S.C. 282(j)(1)(A), section 402(j)(1)(A) of the PHS Act, and any relevant regulation. Although there were comments suggesting that § 50.25(b) was the more appropriate location for the required provision, we are concerned that such placement would be confusing given the specific requirement of section 801(b)(3)(A) of FDAAA and the mandatory nature of its inclusion when an applicable clinical trial is involved. To avoid any confusion, we have created a new paragraph (c) in § 50.25 and redesignated existing paragraphs.

(Comment 7) Many comments suggested that the rule should amend § 50.25(b), "Additional Elements of Informed Consent," rather than § 50.25(a), "Basic Elements of Informed Consent." Some comments reasoned that the new statement could not be considered a "basic element" because it would not apply to all clinical trials, only applicable clinical trials. For example, a phase 1 or device feasibility study would not be considered an applicable clinical trial under the statutory definition in FDAAA. These comments further reasoned that the new statement qualified as an "additional element" because it would be required only "when appropriate" (i.e., in applicable clinical trials).

(Response) We agree with the comments that the element should not be included in § 50.25(a) since the statutory provision limits it to inclusion in informed consent documents and processes only for "applicable clinical trials." We disagree, however, that the new statement should be included as an "additional element" under § 50.25(b) as this may raise further confusion as to the mandatory nature of the requirement.

As noted in the preamble to the final rule establishing the original informed consent elements, "[t]he elements listed as 'additional' are not material to every clinical investigation." (46 FR 8942 at 8949, comments 41 and 42) This new element, however, is statutorily required, and therefore, is material to *all* applicable clinical trials. Investigators do not have the discretion to determine whether the element is "appropriate" for a particular applicable clinical trial. Therefore, we decline to include the new element in § 50.25(b) and, instead, have created a new paragraph (c).

Nothing in this preamble affects our explanation in the 1981 final rule that "when any one of those additional elements would be appropriate, § 50.25(b) *requires* that the additional information be provided to the subject." (*emphasis added*)

(Comment 8) One comment recommended that FDA accomplish its statutory mandate to inform potential participants about the databank by amending § 50.25(a) to require a statement that describes whether results or other aspects of the trial may be published. This comment suggested that posting of results on *http://www.ClinicalTrials.gov* be treated like any other publication of clinical trial results in journals or elsewhere.

(Response) We do not agree that the statement proposed by the comments would accomplish our statutory mandate, which specifies that informed consent regulations be updated to require that a statement that clinical trial information has been or will be submitted for inclusion in the registry data bank. A statement that simply alludes to the general possibility of publication does not accomplish the statutory mandate or the objectives set forth in the NPRM and this final rule: informing clinical trial participants and potential patients about the data bank; directing them to the *http://www.ClinicalTrials.gov* Web site in order to enhance the system of checks and balances for the research community and trial sponsors; assisting individuals in deciding whether to participate in a trial; and, providing patients with additional information beyond traditional publications.

(Comment 9) One comment recommended that the new element amend § 50.25(a)(5), which requires a statement describing the extent to which confidentiality of records identifying the subject will be maintained. This comment expressed concern that a wholly new provision devoted to a new basic element in § 50.25(a) would place undue emphasis on "low-risk" reporting requirements to the detriment of the other "high-risk" provisions of § 50.25(a) devoted to protecting clinical trial participants.

(Response) We agree that the new element has a unique basis and thus differs in a fundamental way from the basic consent elements in § 50.25(a) but disagree that the new element should be located in § 50.25(a)(5). Section 50.25(a)(5) requires that in seeking informed consent, investigators provide to potential participants "A statement describing the extent, if any, to which confidentiality of records identifying the subject will be maintained and that notes the possibility that the Food and Drug Administration may inspect the records." This statement concerning confidentiality is applicable to all aspects of the clinical trial data. The same confidentiality standards that apply to a submission of an article to a medical journal also apply to a *http://www.ClinicalTrials.gov* submission—only aggregate data are provided. Thus, creating a paragraph of § 50.25(a) which would identify only the extent to which confidentiality would be maintained with respect to submissions of data to *http://www.ClinicalTrials.gov* could be confusing and misleading.

To avoid confusion and to emphasize the unique basis for the new element, FDA has created a new paragraph (c) in § 50.25. This paragraph specifies that the new element is required for all applicable clinical trials but not for non-applicable clinical trials. Thus, § 50.25(c) is distinct from § 50.25(a), which requires basic elements for all clinical trials of FDA-regulated products whether or not they are "applicable clinical trials," and from § 50.25(b), which requires additional elements in informed consent documents and

processes "when appropriate." Furthermore, the new element merits a wholly new provision owing to its unique basis. The new element has an external informational component directed to the participant, it enhances the protection of the human subject participating in the "applicable clinical trial," and is statutorily mandated.

D. Specific Language for Informed Consent Documents and Processes

(Comment 10) Many comments objected to specific required language, as opposed to a general requirement for the content of the message with flexibility to craft the exact language. These comments stated that specific language denies institutions the flexibility to tailor the language to the local community, subject population, type of study, or, in non-U.S. trials, other countries' unique data privacy concerns. One comment stated that requiring specific language is inconsistent with other elements of informed consent, which specifies content but not language. Another comment objected to the specific language because it would require additional clarifying language about other registries.

(Response) In proposing specific language, we considered issues similar to those raised by the comments but concluded that the risk of inaccurate and confusing statements was too great to permit investigators and sponsors to craft their own statements regarding the inclusion of clinical trial information in *http://www.ClinicalTrials.gov.* The comments received in response to the NPRM support our previous conclusion that specific language needs to be provided. While we agree that the proposed language should be simpler and more understandable, and has been made so in this final rule, the diverse comments showed much confusion and misunderstanding about the FDAAA statutory requirements for registration of clinical trials with NIH and the type of information required to be provided to potential clinical trial participants. Suggested revisions to simplify the language resulted in very different, and often inaccurate, messages. If each sponsor/entity were to craft their own individual statement, we are concerned that participants in different clinical trials would receive vastly different messages. Many statements could be inaccurate, confusing, or different from that intended by the statutory requirement. We want to ensure that potential clinical trial participants receive a consistent and accurate message and are directed to the specific Web site that contains the clinical trial databank. Investigators, sponsors, and IRBs are not restricted from providing additional explanation. It is essential, however, that one common message appear consistently in all informed consent documents and processes. The provision of the specific language also will make it easier for IRBs and other review entities to identify the inclusion of this statutorily required statement in their review of informed consent documents and processes and to incorporate it into any model templates.

E. Communication and Readability of Language

(Comment 11) Many comments criticized the new statement as too complex or technical for many potential clinical trial participants to understand. Some comments noted that the proposed language registered approximately 18 on the Flesch-Kincaid reading grade level (Ref. 11) Many recommended that the required new statement register at an eighth-grade reading level (8 on the Flesch-Kincaid scale). Other comments objected to undefined terms not commonly used (*e.g.,* "data bank," "registry"), phrases that were meaningful to sponsors but not trial participants (submission "at the appropriate and required time"), and words perceived as too unspecific to be informative (*e.g.,* "information," "not personally identifiable," "certain clinical trials").

(Response) We agree that the language proposed in the NPRM was too complex and may be too difficult for some potential participants to understand. We consulted with our internal experts on risk communication to identify specific problems with the proposed statement and to devise a statement that was more understandable across a greater range of reading skills (Ref. 12). We have revised the statement to include simpler language, and removed many of the terms perceived as objectionable. For example, the statement no longer contains the words "data bank" and "registry;" these are replaced by the more commonly used term "Web site." Sponsor-oriented phrases and some general words also have been removed. The revised statement registers 7.2 on the Flesch-Kincaid reading scale.

We have not further defined the term "information" in the statement. The definition depends on when data are submitted to the databank and what would be included depends on the data fields being completed. The word "information" is basic enough to encompass anything that may be required to be submitted to the databank at any point in time. The statement provides the specific Web address to the databank so that clinical trial participants may visit the Web site to see what "information" is included in a particular clinical trial record. The new statement will read as follows:

"A description of this clinical trial will be available on *http://www.ClinicalTrials.gov,* as required by U.S. Law. This Web site will not include information that can identify you. At most, the Web site will include a summary of the results. You can search this Web site at any time."

(Comment 12) Several comments expressed concern that a statement using complex language would be difficult to translate into other languages for international consent forms or for U.S. clinical trial participants whose first language is not English.

(Response) We have revised the required statement to use simpler language and do not believe that the revised statement will pose translation difficulties. See the response to Comment 18 for additional discussion on translation of the required statement.

(Comment 13) One comment objected to directing participants to a Web site that promotes therapeutic misconception. Therapeutic misconception is the common misunderstanding among clinical trial participants that the primary purpose of a clinical trial is to provide therapeutic treatment, rather than experimental research.

(Response) We disagree that *http://www.ClinicalTrials.gov* promotes therapeutic treatment as the primary focus of the clinical trials posted to the databank. The ClinicalTrials.gov Web site makes clear that clinical trials are research studies. Extensive questions and answers are provided on the Web site detailing what a clinical trial is and what participation encompasses. Regardless, the informed consent documents and process, properly administered, should dispel any misconception about the purpose of the clinical trial.

(Comment 14) Several comments stated that the reference to the ClinicalTrials.gov Web site should be omitted because: (1) It was not necessary for a subject to make an informed decision about whether to participate in the trial and (2) the Web site had no more information than the informed consent document about the trial. Other comments favored the reference to ClinicalTrials.gov, stating that this information is consistent with the goals of enhancing transparency of clinical trials, boosting public confidence in the clinical research process, and better informing potential participants.

(Response) We decline to omit the reference to *http://www.ClinicalTrials.gov* and agree the specific Web site is helpful to direct potential participants to that databank and to help them become better educated about clinical trials. The specific Web site address also eliminates the need for the participant to search the Internet for access to the databank Web site. The Web site address allows participants to more quickly take the opportunity to view the contents of the databank and review the types of information submitted to and posted on the Web site. The Web site is not intended to substitute for the information and description of the clinical trial in the consent form; however, the Web site also can provide reference to other related trials conducted before or after the clinical trial in which the participant took part. Furthermore, the Web site does have more information than the informed consent documents since the databank may eventually contain the final results of the specific clinical trial for which the participant consented—information the informed consent documents will not contain.

(Comment 15) Two comments recommended that the statement list Web sites other than *http://www.ClinicalTrials.gov* because the link could change in the future, or more common Web sites would be easier for participants to find. The comment alternatively recommended that the rule reference FDA's Web site, which should provide a link to the clinical trials databank.

(Response) We decline to replace *http://www.ClinicalTrials.gov* with another or FDA's own Web site. In response to the comments that the Web site might change, it is unlikely that this Web address will change, since it has been in use for over 10 years. If in the future it is altered, we can revise the final rule with an amendment identifying the new Web address. We think it important that clinical trial participants know specifically where to locate the clinical trial information without having to perform an Internet search. We do not see any advantage in referring potential participants to more "common" Web sites that link to *http://www.ClinicalTrials.gov* instead of a direct link. In fact, *http://www.ClinicalTrials.gov* has become quite well known and could be considered a "common" Web site itself. The Web site currently has over 50 million page views per month and 65,000 visitors daily.

(Comment 16) One comment suggested that the new statement was misleading in several ways: (1) It implies that the trial is registered only at ClinicalTrials.gov and not elsewhere, (2) it implies that results for all trials will be submitted to the databank; and (3) the statement that U.S. law requires submission of information to the databank does not take into account that some studies are voluntarily registered.

(Response) The new words have been carefully chosen to accurately represent how clinical trial data are included in the databank. First, the element states that "A description of this clinical trial will be available on *http://www.ClinicalTrials.gov,* as required by U.S. law." The new element is required only in informed consent documents and processes related to applicable clinical trials, so this statement is true. The new statement should not be included in informed consent documents or processes for clinical trials that are not applicable clinical trials because, as the regulation makes clear, only applicable clinical trials are subject to the requirement. Second, we have chosen to say "will be available" to generalize the statement for early-phase participants (when the trial has not been registered yet) and participants joining after the trial is registered at *http://www.ClinicalTrials.gov.* Under the statute, responsible parties for applicable clinical trials must submit relevant clinical trial information to NIH/NLM for inclusion in the registry databank no later than 21 days after the first participant is enrolled in the applicable clinical trial. We believe "will be available" reasonably applies to all participants and is simpler than saying "has been or will be submitted." Third, the revised language states that "At most, the Web site will include a summary of the results." Thus, potential participants will not expect that clinical trial results will always appear on the Web site but, if results do appear, these will be in summary form. Fourth, the statement makes no reference to non-applicable or voluntarily registered trials, and we disagree that the language misleads anyone about these other trials in any way. By stating that "this clinical trial will be available * * * as required by U.S. law," the new element in no way implies that other types of trials cannot be registered. The new language also does not imply that all clinical trials must be registered; it only refers to the clinical trial in which the participant is taking part.

(Comment 17) Several comments suggested that the regulation also should require an alternate statement for non-applicable, voluntarily registered clinical trials that they will not be included in the databank. These comments suggested that such a statement would be necessary for potential participants to make an informed decision about whether to participate in the trial.

(Response) We decline to include an alternate statement for non-applicable, voluntarily registered clinical trials, some of which may be registered in the databank. Potential participants will have no expectation that a non-applicable clinical trial will be registered, since an informed consent document for a non-applicable clinical trial is not required to include the new statement. If an investigator, sponsor, or IRB feels that a potential participant would want to know about the existence of a registry databank for trials other than the one the participant is contemplating or for non-applicable clinical trials, nothing in this regulation would prevent an investigator, sponsor, or IRB from informing potential participants of such information in an appropriate manner.

(Comment 18) One comment requested that FDA provide translations into other languages frequently encountered in the United States. This comment also recommended that if FDA would not provide such translations, then FDA should state in the regulation that the text may be freely translated into other languages.

(Response) Under § 50.20, the informed consent document should be in language understandable to the subject (or legally authorized representative). When the potential participants are non-English speaking or the clinical investigator or the IRB anticipates that the consent interviews will be conducted in a language other than English, the IRB should require a translated consent document to be prepared and assure that the translation is accurate. As required by § 50.27, a copy of the consent document must be given to each subject. In the case of non-English speaking participants, this would be the translated document. While a translator may be helpful in facilitating conversation with a non-English speaking subject, routine ad hoc translation of the consent document should not be substituted for a written translation. This is explained in more detail in our guidance documents/information sheets concerning informed consent (Ref. 13). The statement can be translated into languages other than English for potential clinical trial participants. FDA will not provide translations of the statement.

(Comment 19) One comment recommended that the words "federal law" be replaced with a reference to U.S. law, since "federal law" might cause

confusion in multinational clinical trials.

(Response) We agree and the revised statement indicates that the clinical trial description on *http://www.ClinicalTrials.gov* is required by "U.S. law."

F. Applicable Clinical Trials

(Comment 20) Several comments requested clarification on whether certain types of clinical trials, such as investigational device trials considered to be non-interventional, would be considered "applicable clinical trials." Several bloodbank organizations specifically inquired about clinical studies done by blood centers under investigational new drug applications (INDs) to validate new blood screening tests.

(Response) We decline to provide a more detailed definition of "applicable clinical trial," as it is not necessary for the purposes of this final rule. Section 801(a)(1) of FDAAA contains a statutory definition of this term (section 402(j)(1)(A) of the PHS Act). NIH/NLM also has elaborated on the meaning of "applicable clinical trial" at *http://prsinfo.clinicaltrials.gov/fdaaa.html* and at *http://prsinfo.clinicaltrials.gov/ElaborationsOnDefinitions.pdf* (Ref. 14), which represents NIH's current thinking on the definitions. It is possible these definitions will be expanded upon in rulemaking by NIH. It is the responsibility of the sponsors and investigators to determine if their clinical trial meets the definition of an applicable clinical trial and to ensure compliance with the most current applicable statutory and regulatory requirements.

(Comment 21) Several comments recommended that the new statement not be required in the informed consent forms for clinical trials conducted outside of the United States, even if done in support of U.S. regulatory approval or conducted under an FDA IND. These comments stated that the new element should be required only when the clinical trials are conducted in the United States. These comments reasoned that: (1) Institutions and patients in other countries may object to or be offended by U.S.-centric language, (2) 21 other countries and regions already have in place or are in the process of implementing their own clinical trial registries, (3) foreign governments may prefer references to their own countries' registries, and (4) foreign IRBs and ethics committees may have their own informed consent requirements that conflict with the new statement.

(Response) We disagree. The new informed consent statement applies to all "applicable clinical trials" as defined in section 801(a)(1) of FDAAA. FDAAA does not limit "applicable clinical trials" to only those conducted in the United States; it also includes clinical trials that are not conducted in the United States that are subject to FDA's jurisdiction. Thus, informed consent documents and processes of all "applicable clinical trials," including those conducted in foreign countries, must include this new statement regarding the inclusion of information in the clinical trial databank. Congress did not provide an exemption from this requirement for applicable clinical trials conducted in foreign countries.

(Comment 22) One comment requested clarification on whether the new element is required only when a trial is conducted under a U.S. IND or is otherwise subject to FDA regulation at the time the research participant is enrolled. This comment focused in particular on data from non-U.S. trials that were not conducted under a U.S. IND or subject to FDA regulation at the time of inception but were later submitted in support of a new drug application (NDA).

(Response) Yes, the new requirement, § 50.25(c), applies only when a trial is conducted under a U.S. IND or is otherwise subject to FDA regulation.

(Comment 23) Several comments expressed concern that the new element would conflict with or cause confusion about other countries' registries or informed consent practices. One comment suggested that the new statement might conflict with the informed consent practices of IRBs and ethics committees residing outside the United States, and that foreign governments may not want references to a U.S. database in the informed consent forms for multinational trials being conducted in their countries. This comment recommended that the new element apply to informed consent documents used only at U.S. clinical trial sites and not for clinical trials at foreign sites even if the clinical trial was conducted under an FDA IND.

(Response) See the response to Comment 21.

(Comment 24) One comment suggested that U.S. participants in international clinical trials be informed that information about the trial also may be available in the registries of other countries. This comment further suggested including the statement "Information about this trial may also be available on the Internet in the clinical trial registries of other countries."

(Response) We decline to require a statement alerting potential participants of information about clinical trial registries of other countries. If other countries require the inclusion of such a statement, we would not object. FDA is only requiring a reference to the NIH/NLM databank as it has been directed to do by Congress. Nothing in this final rule prevents investigators, sponsors, or IRBs from advising potential participants that information about the clinical trial may be found in other countries' registries.

(Comment 25) One comment praised the Agency's decision to apply the ClinicalTrials.gov reporting requirements to drug and device trials. Another comment acknowledged the Agency's authority to issue a regulation applying the statutory requirement to device trials but requested that FDA use its discretion to not exercise that authority until Congress explicitly indicated that drug and device trials should be treated the same.

(Response) FDA has decided to require that all applicable clinical trials (including applicable device clinical trials) include the new required statement for the reasons stated in the NPRM: To maintain consistency of informed consent requirements for all applicable clinical trials, to simplify informed consent requirements for clinical trials involving both drugs and devices, to offer all potential participants the same information that could affect their decisions to enter a clinical trial, and to efficiently implement the statutory mandate. Our legal authority to issue this regulation and require it to be applied to applicable device clinical trials is further described in section V of this document.

G. Other Miscellaneous Comments

(Comment 26) One comment stated that "the sharing of de-identified data falls under the category of exempt research or is not considered human subject research at all, and it is common for IRBs, following the regulations, to allow the research to go forward with a waiver of the consent requirement." The comment apparently suggests that the new element can be or should be waived.

(Response) Similar to other provisions required by § 50.25, the new element is waiveable only under the exceptions specified in §§ 50.23 and 50.24 for waiver of informed consent. Some clinical trials (those that are conducted or supported by HHS) are also governed by 45 CFR part 46, which permits an IRB to waive the requirement for one or more elements of informed consent. It

should be noted for purposes of clarification that under 45 CFR 46.102(f) research using de-identified data would not be considered research on a human subject and, thus, the waiver of the informed consent requirement would not be applicable.

As a general matter, clinical research that both involves FDA-regulated products and is conducted or supported by HHS must meet the requirements of both sets of regulations. If such clinical trials are also applicable clinical trials under FDAAA, the new element must be included in the informed consent documents and process for these trials unless waived under part 50, regardless of whether an IRB determines that one or more of the elements is waiveable under 45 CFR part 46.

In some instances, review of records containing de-identified data may be exempt from IRB review because such record review does not qualify as human subject research. This is not always the case under FDA regulations and there are some circumstances in which the use of de-identified data requires IRB review. See §§ 56.101 and 56.103 and "Guidance for Sponsors, Institutional Review Boards, Clinical Investigators and FDA Staff: Guidance on Informed Consent for *In Vitro* Diagnostic Device Studies Using Leftover Human Specimens That Are Not Individually Identifiable." (Ref. 15). The definition of an "applicable clinical trial," however, necessarily involves human subjects; thus an applicable clinical trial must comply with human subject regulations. The use of the new statement would not be implicated in research that does not qualify as human subject research under the definition of applicable clinical trial (Ref. 14).

It is also true that de-identified data (stripped of the 18 specified identifiers) fall outside of the Health Insurance Portability and Accountability Act of 1996 (Pub. L. 104–191) (HIPAA) privacy regulations and thus are not considered individually identifiable health information. As a consequence, clinical investigators need not obtain a subject's authorization to release de-identified data in a HIPAA authorization form, which is often included in a research consent form and accompanies an informed consent form. Regardless of whether an IRB determines that the information concerning submission of aggregate results to ClinicalTrials.gov does not need to be included in a HIPAA authorization form, the new element is still required by statute to be included in the informed consent documents and processes for applicable clinical trials.

(Comment 27) One comment suggested that the new element be included in an information sheet separate from the informed consent document, where the sheet explained the ClinicalTrials.gov Web site in simple terms.

(Response) FDAAA requires that the new element be included "in the informed consent documents and processes," not in an information sheet that is separate from an informed consent document. There is nothing in this final rule, however, that prevents an investigator, sponsor, or IRB from providing additional information in an information sheet further explaining ClinicalTrials.gov as part of the informed consent process.

(Comment 28) Many comments voiced a variety of opinions on the issue that no personally identifiable information is submitted to the databank or shown on the Web site. Several comments supported including such a statement to that effect in the required statement. Several comments requested that FDA include additional language in the new element to clarify any potential confidentiality issues posed by the databank. These comments suggested including: (1) Assurance that participants' names and identities will not be posted on ClinicalTrials.gov, will not be made available to employers, and will not be discoverable in court proceedings; (2) a statement that it is probable that participants' information will be re-identified; (3) a lay person description of data submitted to ClinicalTrials.gov and the Basic Element Results Definitions; and (4) an expanded description of the clinical trial registry and databank. Other comments recognized that no personal information about participants is submitted to ClinicalTrials.gov, so there are no privacy or confidentiality issues. Still another comment stated that its consent documents already contain language that non-identifiable information may be made public in scientific journals, presentations, and, if applicable, submitted to a government data bank/registry.

(Response) We have revised the new statement in the final rule so that it is clear that the Web site does not include information that can identify the clinical trial participant. We believe the new statement will provide reassurance to potential participants. The only results information submitted to the databank and posted on the Web site are aggregate statistics, such as those that typically appear in medical journals and product package inserts. No individual-level data are submitted to the databank. A review of the data fields on *http://www.ClinicalTrials.gov* for which data are required to be submitted by the sponsor/investigator confirms that there is no individual information, only aggregate, overall data (Ref. 16). Furthermore, § 50.25(a)(5) requires informed consent documents to explain the extent, if any, to which confidentiality of clinical trial data and the records of the clinical trial participant will be maintained. Nothing in this rule prohibits an investigator, sponsor, or IRB from including further explanation on the nature and confidentiality of information submitted to ClinicalTrials.gov in the informed consent form or process or a HIPAA authorization form.

(Comment 29) One comment suggested that the new statement should be inserted into the section of the consent document that invites the potential or enrolled participant to ask questions of the individual conducting the informed consent process. Such placement, according to the comment, would facilitate communication and encourage participants to ask questions.

(Response) The final rule does not require that the new statement be located in any particular section of the consent form. Investigators, sponsors, and IRBs have the flexibility to place the new statement in the consent form where they believe best serves participants' interests.

(Comment 30) One comment requested that the new statement include a phrase indicating that the information would be submitted to ClinicalTrials.gov "if required by law." The comment requested this change to eliminate the need for separate templates for studies that require registry in the databank and those that do not. Anticipated benefits were stated to be simplified documentation; reduced review time by sponsors, investigators, and IRBs; and reduced likelihood of using the incorrect consent template for a particular clinical study. Other comments apparently read the NPRM to require the statement in consent forms for all clinical trials and objected to the inclusion of the statement for trials that did not require registry in the databank.

(Response) We do not agree that it is necessary to include an additional phrase that would allow for a universal consent template. Sponsors and investigators already have to determine if a clinical trial is an applicable clinical trial in order to comply with the requirements of 42 U.S.C. 282(j), section 402(j) of the PHS Act. Adding the required statement to informed consent documents and processes will occur after that determination has been made

by the sponsor or investigator. Furthermore, because the mandatory statement requires specific language, it should not be burdensome for reviewers to determine whether the statement is included in the informed consent documents.

(Comment 31) Two comments expressed concern that the required new element would create an inconsistency between regulations governing applicable clinical trials of FDA-regulated products (part 50) and regulations governing clinical trials funded or supported by HHS (45 CFR part 46). The comments perceived the new element as contrary to FDA's objective to harmonize regulations of human-subject protection.

(Response) FDA does not agree that the required element would create an inconsistency or lack of harmony between the regulations on human subjects in the two sets of regulations. The new element merely entails an additional requirement for applicable clinical trials of FDA-regulated products in accordance with a statutory mandate, whether or not the trial is supported or funded by HHS. The new element does not conflict with any existing regulations under 45 CFR part 46.

(Comment 32) There were several comments that questioned the estimates contained in the preliminary Analysis of Impacts including the estimated time to explain the required statement if a potential participant asked questions.

(Response) These comments are addressed fully in section VII of this document.

V. Legal Authority and Enforcement

Section 505(i)(4) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 355(i)(4) requires drug manufacturers to "inform any human beings to whom [investigational] drugs * * * are being administered * * * that such drugs are being used for investigational purposes" and obtain consent prior to administering such drugs. Section 520(g)(3)(D) of the FD&C Act (21 U.S.C. 360j(g)(3)(D) contains a similar requirement for medical device manufacturers. Sections 505(i) and 520(g) of the FD&C Act also authorize the Secretary to issue regulations for the protection of human subjects in clinical investigations. Additionally, section 701(a) of the FD&C Act (21 U.S.C. 371(a)) confers general authority to the Secretary to issue regulations for the efficient enforcement of the FD&C Act.

Section 801(b)(3)A) of FDAAA amends section 505(i)(4) of the FD&C Act by adding at the end the following: "The Secretary shall update such regulations to require inclusion in the informed consent documents and process a statement that clinical trial information for such clinical investigation has been or will be submitted for inclusion in the registry data bank pursuant to subsection (j) of section 402 of the Public Health Service Act." The regulations implementing section 505(i) of the FD&C Act can be found at parts 312 and 50. Part 312 sets forth regulations governing drug IND applications, while part 50 includes general requirements for human subject protection in all FDA-regulated clinical investigations and clinical investigations that support applications for research or marketing permits for products regulated by FDA, including trials for drugs and medical devices. Section 801(b)(3)(A) of FDAAA does not amend section 520(g) of the FD&C Act; however, in instances where the regulations have been amended to address human subject protection, FDA has not made distinctions between clinical investigations for drugs and medical devices.

For example, FDA created a uniform system of human subject protection when it initially amended its regulations governing human subject protection in 1981 (46 FR 8942). In revising part 50, FDA aimed to: (1) Address the informed consent provision included in the device amendments, (2) create a uniform set of Agency-wide informed consent standards for more effective administration of the Agency's bioresearch monitoring program, (3) implement recommendations of the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research, and (4) harmonize FDA's rules with those of HHS (then the department of Health, Education, and Welfare). Indeed, the preamble expressed the Agency's intent to adopt a single standard that reflected the most current congressional thinking on informed consent and the important ethical principles and social policies underlying the doctrine of informed consent (46 FR 8942 at 8943).

Requiring a statement regarding the registry databank for informed consent documents and processes for only applicable clinical drug trials but not applicable clinical device trials would create a disparity in FDA's policy on human subject protection. This disparity could result in confusion among those who conduct such clinical trials over what is required in informed consent documents and processes, especially in the cases of applicable clinical trials involving both a drug and device or for investigators conducting applicable clinical trials of both types of regulated products.

Thus, although section 801(b)(3)(A) of FDAAA requires the statement regarding the clinical trial registry databank for informed consent documents and processes only for applicable drug clinical trials conducted under section 505(i) of the FD&C Act, under its general authority to issue regulations for the efficient enforcement of the FD&C Act (section 701(a) of the FD&C Act), FDA is requiring all applicable clinical trials, including applicable device clinical trials, to include this new statement in informed consent documents and processes. Requiring an additional statement regarding the inclusion of clinical trial information in the registry databank to be included in the informed consent documents and processes for all applicable clinical trials is the most efficient method of implementing the statutory mandate. To prevent confusion that might result from different requirements for informed consent for applicable clinical drug and device trials and implement the congressional purpose reflected in FDAAA, we will apply the same standards regarding elements of informed consent to applicable clinical drug and device trials by amending § 50.25 to include a new paragraph (c) which requires a statement about the registry databank in informed consent discussions and documents for all applicable clinical trials under section 801 of FDAAA.

The Agency has several options available for enforcing the new informed consent requirement. The authority to issue regulations for the protection of human subjects is accompanied by the authority to impose penalties for violations of such regulations. Specifically, section 301(e) of the FD&C Act (21 U.S.C. 331(e)) makes the "failure to establish or maintain any record, or make any report, required under section * * * 505(i) * * *" and the "failure or refusal to comply with any requirement prescribed under section * * * 520(g)" prohibited acts. The FD&C Act and implementing regulations allow FDA to seek administrative, civil, and criminal penalties for violations of section 301 of the FD&C Act. 21 U.S.C. § 303(a); §§ 312.44(b)(1)(ix), 312.70(a), 812.30(b)(4), 812.119(a), 56. 121(b).

VI. Environmental Analysis

The Agency has determined under 21 CFR 25.30(h) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

VII. Analysis of Impacts

A. Introduction

FDA has examined the impacts of the final rule under Executive Order 12866 and the Regulatory Flexibility Act (5 U.S.C. 601–612), and the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity). The Agency believes that this final rule is not a significant regulatory action as defined by the Executive order.

The Regulatory Flexibility Act requires agencies to analyze regulatory options that would minimize any significant impact of a rule on small entities. Because the final rule is expected to impose costs of about $3 per clinical trial participant or $611 to $1,061 per trial protocol, the Agency certifies that it will not have a significant economic impact on a substantial number of small entities.

Section 202(a) of the Unfunded Mandates Reform Act of 1995 requires that agencies prepare a written statement, which includes an assessment of anticipated costs and benefits, before proposing "any rule that includes any Federal mandate that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more (adjusted annually for inflation) in any one year." The current threshold after adjustment for inflation is $135 million, using the most current (2009) Implicit Price Deflator for the Gross Domestic Product. FDA does not expect this final rule to result in any 1-year expenditure that would meet or exceed this amount.

B. The Final Rule

On December 29, 2009, FDA published a proposed rule that would require that the informed consent documents for applicable drug and device clinical trials include a statement that applicable clinical trial information has been or will be submitted to the NIH/NLM for inclusion in the statutorily required clinical trial databank. As it pertains to applicable drug clinical trials, the final rule would implement a requirement of FDAAA. As discussed previously in this preamble, FDA also requires that the same statement be included in the informed consent documents for applicable device clinical trials.

The proposed rule included an analysis of impacts as required by Executive Order 12866 and the Regulatory Flexibility Act (5 U.S.C. 601–612), and the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). FDA received many public comments concerning its estimated costs and benefits for the proposed rule. As a result of the review and consideration of these and other comments to the proposed rule, FDA has made changes to both the codified final rule and its analysis of impacts section.

C. Need for the Final Rule

The need for this rule arises from section 801(b)(3)(A) of FDAAA. It requires that the current regulations for informed consent documents and process be amended to include a statement that clinical trial information from the clinical investigation has been or will be submitted to the NIH/NLM clinical trial registry databank. FDA has decided that revising the general informed consent section is the appropriate course by which to fulfill the requirements of the statute, and will provide the pertinent information and protection for clinical trial participants.

D. Public Comments Concerning Impacts Analysis

Several comments objected to the inclusion of the informed consent statement for various reasons. Some believed the statement would cause confusion or anxiety to the participants. Others believed it would distract the participants from focusing on the substantive issues concerning the study that would affect one's decision to participate in the study. Some comments stated that the overall effect would be a reduced participation rate for prospective participants. No estimates of the size of this reduced participation rate were submitted. Additional comments questioned whether any relevant or valuable information could be acquired from an informed consent statement that takes less than 1 minute to read and discuss, resulting in less benefit to the participant than the administrative costs to the investigator.

FDA acknowledges that additional time will be required to read and, if necessary, discuss the statement that FDAAA mandates be included in the informed consent documents and process. FDA does not agree, however, that the benefit of the statement to the participant is directly related to the time it takes to read and discuss the statement. Further, FDA maintains that the benefits of the informed consent statement would be difficult to estimate with any certainty, making a meaningful comparison of benefits to costs impractical. FDA also has revised the statement to make it shorter and easier to understand by deleting those terms that could be expected to cause anxiety and confusion. FDA believes that in doing so it has reduced the theoretical possibility that the statement would cause some participants to abandon the study as much as possible while still fulfilling the FDAAA mandate.

E. Benefits of the Final Rule

FDA published a qualitative explanation of the expected benefits to clinical trial participants in its 2009 proposed rule. FDA received some public comments that agreed with the expected benefits. Others disagreed, criticizing the proposed rule for not educating the public at large about the clinical trial registry databank. Some proposed that FDA undertake a public education campaign to broaden awareness of the clinical trial registry databank. That policy option, however laudable, was not included in the FDAAA mandate concerning updating FDA's regulations concerning informed consent documents and process. While an educational campaign is not the subject of this rulemaking, there will be other opportunities for improving awareness of the NIH clinical trials databank. The comments as a whole did not contain any arguments that convinced FDA that it should amend its initial explanation of benefits. As a result, FDA restates the expected benefits for this final rule.

The rule would increase the transparency of clinical trials by increasing participant and patient awareness of the existence of the clinical trials databank and those trials that are registered in the databank. By helping to create a system of checks and balances through which participants, patients, and health care providers are encouraged to check whether information about a trial of interest is registered in the databank, it also would provide greater accountability of clinical trial investigators for outcomes and adverse events, thereby raising confidence in the validity of the research process. Last of all, it would encourage physicians and patients to obtain more information in order to make more educated treatment decisions. FDA has not attempted to quantify these benefits, but believes that the overall effect of the rule on public health would be positive.

F. Costs of the Final Rule

FDA estimated the total costs of the proposed rule to both industry and the

clinical trial participant population to range from $688,000 to $2,398,000 annually. This equated to $98 to $342 per trial protocol, or about $0.48 to $0.96 per clinical trial participant. These costs included labor costs for both the investigator and the trial participant, as well as document preparation costs and paper materials costs. The cost of government oversight was not expected to be significant. For the most part, the public comments on the proposed rule did not address the structure of the cost analysis (except IRB review costs). FDA retains much of the cost analysis of the proposed rule for the final rule.

1. Labor Costs

The costs of the final rule derive from complying with the requirement to add another statement to the informed consent documents and the additional time that medical professionals and clinical trial participants spend reading and discussing this statement.

We have revised the final cost estimate to account for the administrative costs for companies involved in pharmaceutical, biologic, and medical device research and manufacturing, and administrative costs for IRB oversight. These additional labor costs are due to the administrative review of the rule and the determination of compliance responsibilities. All companies involved in this would incur some labor costs, regardless of the frequency with which they undertake clinical trials. Census data from 2002 list 5,666 companies in the seven North American Industrial Classification System (NAICS) categories that would be subject to this rule. FDA estimates that each could expend about 2 hours to review the final rule and determine any changes it needs to make to its internal administrative policies due to this rule. The pharmaceutical and medicine manufacturing category of the NAICS lists the hourly wage for a manager in this category at about $54. A 35 percent adjustment to this figure for employee benefits results in total hourly compensation costs of about $73. A one-time 2 hour review for each company would result in compliance costs of almost $147 per company, and a total of about $830,000 for the industry. This equates to an annualized cost (over 5 years at a 7 percent discount rate) of about $202,000 for the entire industry. These estimates may overstate true compliance costs for review of the rule since those companies that rarely sponsor clinical trials on even an occasional basis may not expend as much labor as those who do so more frequently.

For the proposed rule, FDA estimated that it receives about 7,000 clinical trial protocol submissions annually for applicable clinical trials that would be subject to this final rule, with the vast majority of the submissions to the FDA's Center for Drug Evaluation and Research (CDER). The public comments did not address the size of this estimate. However, further analysis of the data upon which the estimates were made shows that up to 30 percent of the CDER protocols may be for phase 1 clinical trials which would not be subject to the final rule. FDA has adjusted the estimated number of CDER trial protocols accordingly, which results in a reduction of the total trial protocols estimate to 5,146. FDA estimates of average numbers of participants per clinical trial vary greatly across FDA Centers, from single-patient INDs to vaccine trials with over 25,000 participants. Published data on average number of participants per trial, therapeutic area, suggests that the average number of participants in phase 1, 2, and 3 clinical trials of pharmaceuticals, biotech, and medical device products may range from about 200 to 360.[1] FDA did not receive any comments on this estimate of the average number of participants per clinical trial, and retains it for the analysis of the final rule.

Compliance with the rule would require that the informed consent documents contain the required statement concerning the clinical trial's inclusion in the clinical trial registry databank and provide for any additional discussion concerning this statement between participants and the medical professional administering the documents. As discussed previously in this preamble, FDA received many comments concerning the language used in the statement, as well as the length of time necessary to read and, if necessary, discuss this statement with the medical professional administering the study. Due to these comments, FDA has both simplified the language used in the statement, and reduced the length of the statement by about 50 percent. Additionally, FDA has revised its estimate of the average number of minutes that a clinical trial participant would require to read and discuss the statement from a range of 30 seconds to 1 minute used in the analysis of the proposed rule to 3 minutes for the analysis of the final rule.

Registered nurses, or other medical professionals with a similar level of training, often administer and discuss the informed consent forms with trial participants. The average compensation for a registered nurse in 2008 was $40.54 per hour, including a 35 percent increase to account for benefits. The increased labor cost for administering the informed consent procedures for these medical professionals in applicable clinical trials for all participants ranges from $2.09 million to $3.76 million (see Table 1 of this document). This estimate is the result of $40.54 per hour times 3 minutes per participant times 200 to 360 participants per trial times 5,146 protocols per year. The cost to the sponsor per prospective participant is estimated at $2.03 and the cost per trial protocol is estimated to range from $405 to $730.

TABLE 1—COSTS OF INFORMED CONSENT PROPOSED RULE

Cost factor	Annual cost
Labor Cost—Administrative Review of Rule [1]	$202,000
Labor Cost—Clinical Trial Administrator	2,086,000–3,755,000
Labor Cost—Clinical Trial Participant	801,000–1,442,000
Labor Cost—IRB Review	29,000
Document Preparation Cost	17,000
Paper Cost	7,000–12,000

[1] *Parexel's Bio/Pharmaceutical R&D Statistical Sourcebook 2008/2009,* Parexel International Corp., copyright 2008, p. 160. The average number of participants (not weighted by therapeutic area) in phase 1, 2, and 3 clinical trials in 2006 was 27, 141, and 444, respectively. The unweighted average of these numbers is 204. As an upper bound, FDA uses the average of the numbers representing the therapeutic area with the largest average number of participants in each of the three clinical phases, which would tend to overstate the average size of participants. This upper bound is calculated at 360 participants per trial protocol.

TABLE 1—COSTS OF INFORMED CONSENT PROPOSED RULE—Continued

Cost factor	Annual cost
Total Costs	3,143,000–5,458,000

[1] This is a one-time cost of $830,000 annualized over 5 years at 7 percent.

Some clinical trial participants are compensated for their participation in trials. Whether an individual participant receives compensation or not, the additional time spent by all participants to read and discuss the new informed consent statement represents a social cost of the rule. Using the median U.S. wage rate of $15.57 per hour, a clinical trial participant would be expected to incur a cost of $0.78 for the 3 minutes to read and, if necessary, discuss the proposed informed consent statement. On an annual basis over the 5,146 clinical trials, this would amount to about $0.80 million to $1.44 million.

Comments to the proposed rule included a criticism that FDA had failed to account for the costs to IRB for its oversight role of the new statement. FDA agrees that the new informed consent statement will require an additional amount of oversight from IRBs. FDA has added to its cost elements a labor cost for the effort of the IRBs to determine that the statement has been added to the model templates for informed consent documents. Although IRBs can have many members, in practice, only one or two members may be involved in reviewing the study documents on behalf of the IRB for inclusion of all the necessary informed consent statements. FDA estimates the additional review of the entirety of consent forms and documents to determine that the new statement is appropriately included could take an additional 3 minutes of administrative effort for each of the 5,146 protocols. FDA bases its cost estimate on the mean hourly pay rate for physicians, adjusted 35 percent for benefits, of $113.[2] Using these factors, FDA estimates that an additional $29,000 in labor costs will be incurred due to this final rule.

The cost of incorporating the new statement into the informed consent documents is expected to be very small. The new statement would only need to be written once per protocol and is estimated to take about 5 minutes. Using the same wage rate as mentioned previously, $40.54 per hour, the additional annual costs to write the statement for the 5,146 annual protocols would total to about $17,000. The capital cost of adding the new informed consent statement would only consist of the additional paper. At a cost of about $0.02 per page and about one-third of a page per participant, the total paper costs for this rule are estimated to range from $7,000 to $12,000 annually.

2. Total Industry Costs

The total costs of the final rule to both industry and the clinical trial participant population are estimated to range from $3.14 million to $5.46 million annually. This equates to $611 to $1,061 per trial protocol, or about $2.95 to $3.05 per clinical trial participant.

3. Costs to Government

FDA did not receive any comments on its estimate of the impacts of the proposed rule on government costs, and retains its conclusions for the final rule. The costs to government for oversight of this rule would be extremely low as a review of a sample of informed consent documents for each trial would only be increased, at most, by a few minutes per clinical trial due to the additional informed consent statement. FDA believes this cost would not be significant.

4. Alternatives to the Final Rule

FDAAA specifically requires that the regulations concerning informed consent documents include a statement that clinical trial information has been or will be submitted for inclusion in the clinical trial registry databank. It did not provide FDA with discretion concerning the inclusion of a statement for applicable drug clinical trials. For the reasons stated previously in this document, FDA has decided to require the revised, shorter statement be included in the informed consent documents for medical device trials as well. If the final rule did not include the new informed consent statement for applicable medical device clinical trials, the annual costs of the rule would be reduced by $207,000 to $615,000 per year. If FDA had not revised the informed consent statement to make it both shorter and easier to understand, the compliance costs would have been larger than those estimated in this analysis.

5. Regulatory Flexibility Act

Impacts on Small Entities

The Regulatory Flexibility Act requires agencies to analyze regulatory options that would minimize any significant impact of a rule on small entities. The companies that would be affected are classified in seven separate NAICS categories by the Census Bureau. The affected industries are NAICS 325412—Pharmaceutical Preparation; NAICS 325414—Biological Products (except diagnostic); NAICS 334510—Electromedical and Electrotherapeutic Apparatus; NAICS 339112—Surgical and Medical Instrument; NAICS 339113—Surgical Appliance and Supplies; NAICS 339114—Dental Equipment and Supplies; NAICS 339115—Opthalmic Goods.

The Small Business Administration (SBA) size standards for all these industries define small entities as those companies with less than 500 employees, except for pharmaceutical preparation, for which it defines a small entity as one with less than 750 employees. The most recent Census of Manufacturers data that offers the level of detail for establishments at or near the employee size limits as defined by SBA is from 2002 (the 2007 Census data on the size distributions were not yet available; using 2002 data for the calculations overstates the likely effects on small businesses). In each of these establishment size categories, large majorities of the establishments meet the criteria as small entities. Even taking into account that many of these establishments are parts of multi-establishment corporations, significant numbers of companies would still qualify as small entities. Preliminary Census data from 2007, though less detailed, shows that significant numbers of establishments continue to have less than 100 employees across all of these categories. While FDA expects that most companies sponsoring applicable clinical trials would be larger than the average-sized company in their industry, FDA concludes that a substantial number of sponsoring companies would still qualify as small entities.

The cost analysis concluded that the compliance cost of the proposed rule per trial protocol would range from $611 to $1,061. Some firms will direct

[2] U.S. Department of Labor, Bureau of Labor Statistics, May 2009 National Occupational Employment and Wage Estimates United States, p. 8.

multiple applicable clinical trials in the same year. For large firms that would administer the informed consent documents for 10 separate trials, the cost would range from $6,110 to $10,610 per year. Using 2002 Census data, the average value of shipments for establishments in these industries with one to four employees ranged from $244,000 to $824,000 according to the Census of Manufacturers. Assuming that such small operations had one applicable clinical trial administered each year, the costs of the proposed rule would represent, at most, 0.43 percent of the annual value of shipments. For establishments with 50 or more employees, the compliance costs would represent 0.11 percent or less of the value of shipments even with 10 applicable clinical trials administered annually. For establishments with 100 or more employees, the compliance costs would represent 0.23 percent or less of the value of shipments even with 50 applicable clinical trials administered annually. Because of the small costs that would be incurred relative both to the total cost of a clinical trial and the revenues of an individual sponsor of a product undergoing a clinical trial, the Agency certifies that the final rule would not have a significant economic impact on a substantial number of small entities.

VIII. Paperwork Reduction Act

FDA concludes that the informed consent requirement in this document is not subject to review by the Office of Management and Budget because it does not constitute a "collection of information" under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). Rather, the requirement to include a statement in informed consent documents and processes on submission of information to the clinical trial data bank is a "public disclosure of information originally supplied by the Federal government to the recipient for the purpose of disclosure to the public" (5 CFR 1320.3(c)(2)).

IX. Federalism

FDA has analyzed this final rule in accordance with the principles set forth in Executive Order 13132. FDA has determined that the final rule does not contain policies that 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. Accordingly, the Agency has concluded that the final rule does not contain policies that have federalism implications as defined in the Executive order and, consequently, a federalism summary impact statement is not required.

X. References

The following references have been placed on display in the Division of Dockets Management, Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20857 and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday. We have verified the Web site addresses, but we are not responsible for any subsequent changes to the Web sites after this document publishes in the **Federal Register**.

1. Food and Drug Administration, "Protection of Human Subjects; Informed Consent Final Rule" (46 FR 8942, January 27, 1981). "FDA recognizes that the documentation of informed consent represents only one part of the entire consent process. The consent form itself is merely an aid to assure that a required minimum of information is provided to the subject and that the subject consents. The entire informed consent process involves giving the subject all the information concerning the study that the subject would reasonably want to know; assuring that the subject has comprehended this information; and finally, obtaining the subject's consent to participate." 46 FR 8942 at 8945. Available at: *http://www.fda.gov/ScienceResearch/SpecialTopics/RunningClinicalTrials/ucm113818.htm*, accessed August 9, 2010.

2. National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research, "The Belmont Report: Ethical Principles and Guidelines for the Protection of Human Subjects of Research." Part A: Boundaries Between Practice & Research, April 18, 1979, available at: http://www.hhs.gov/ohrp/humansubjects/guidance/belmont.htm, accessed August 9, 2010.

3. National Research Act, Title II (Pub. L. 93–348, July 12, 1974).

4. Trials of War Criminals Before the Nuremberg Military Tribunals Under Control Council Law, No. 10, Vol. 2, pp. 181–182; Washington, DC, U.S. Government Printing Office (1949), available at: *http://www.loc.gov/rr/frd/Military_Law/pdf/NT_war-criminals_Vol-II.pdf,* accessed August 9, 2010.

5. Council for International Organizations of Medical Sciences, *International Ethical Guidelines for Biomedical Research Involving Human Subjects* (2002), Guideline 5, No. 7 states that the informed consent process include information that subjects, after completion of the study, will be provided with general research results and any findings relating to their particular health status. Guideline 5, No. 11 states that the subject be informed of "the expected benefits of the research to the community or to society at large.", available at: *http://www.cioms.ch/publications/layout_guide2002.pdf,* accessed August 9, 2010.

6. World Medical Association, *Declaration of Helsinki, Ethical Principles for Medical Research Involving Human Subjects,* 59th WMA General Assembly, Seoul, October 2008, Section C.33 states that: "At the conclusion of the study, patients entered into the study are entitled to be informed about the outcome of the study and to share any benefits that result from it. * * *", available at: *http://www.wma.net/en/30publications/10policies/b3/17c.pdf*, accessed August 9, 2010.

7. Sim, I., A. Chan, A. Gülmezoglu, "Clinical Trial Registration: Transparency is the Watchword," *The Lancet,* Vol. 367, Issue 9523, p. 1631, May 2006.

8. De Angelis, C., J. M. Drazen, et al. "Is This Clinical Trial Fully Registered?: A Statement From the International Committee of Medical Journal Editors," International Committee of Medical Journal Editors, available at: *http://www.icmje.org/update_may05.html*, accessed October 4, 2010.

9. Several examples of model templates can be found at:

a. Mayo Clinic, Institutional Review Board, IRB Consent Form Template, available at: *http://mayoresearch.mayo.edu/mayo/research/irb/upload/irb10294.pdf* accessed July 7, 2010;

b. Stanford University Research Compliance Office, Human Subjects Research, "Stanford University Consent (includes HIPAA), available at: *http://humansubjects.stanford.edu/consents/SUSampCons_CA_privacy.doc,* accessed July 7, 2010;

c. Duke University School of Medicine, Institutional Review Board, "Sample Consent," available at: *http://irb.duhs.duke.edu/wysiwyg/downloads/Consent_Template_-_Long_Form_102_01-02-09_JW.doc,* accessed July 7, 2010;

d. University of Michigan Medical School, Informed Consent & Assent Templates, "Informed Consent Template (Standard) Version 3–29–10," available at: *http://med.umich.edu/irbmed/ict.htm,* accessed July 7, 2010;

e. University of Texas at Austin, Office of Research Support, "Consent Form 1—For Greater Than Minimal Risk Studies," available at: *http://www.utexas.edu/research/rsc/humansubjects/forms/consent_form_1.doc,* accessed on July 7, 2010;

f. Children's Hospital Boston, Office of Clinical Investigation, "English Informed Consent Template," available at: *http://www.childrenshospital.org/cfapps/research/data_admin/Site2206/Documents/Consent_Template.doc,* accessed July 8, 2010;

g. Partners Human Research Committee, Consent Forms, "Drug Trial Consent Form Template," available at: *http://healthcare.partners.org/phsirb/irbforms/Consent_Templates_and_Instructions/PHS_Research_Consent_Form_Adult_Surrogate_Drug_2.2010.doc,* accessed July 8, 2010;

h. Walter Reed Army Medical Center, NCA Templates, "Informed Consent Form." Available at: *http://www.wramc.army.mil/Patients/healthcare/dci/protocols/nca templates/INFORMED%20CONSENT%20FORM%20(ICF)/WRNMMC_ClinicalTrials ICF.doc,* accessed July 8, 2010;

i. American College of Radiology Imaging Network, Protocol Development & Regulatory Resources, "Informed Consent Template & Checklist," available at: *http://www.acrin.org/Portals/0/Administration/Regulatory/ICF_Template.doc,* accessed July 8, 2010;

j. National Cancer Institute, "Simplification of Informed Consent Documents," available at: *http://www.cancer.gov/clinicaltrials/education/simplification-of-informed-consent-docs/allpages*, accessed July 7, 2010.

10. Institutional Review Board: Management and Function (edited by Bankert, E. A. and R. J. Amdur), 2d Ed., 2006 (Chapter 6–1, *The Institutional Review Board's Role in Editing Consent Documents,* Pensha, R. L., pp. 199–201 and Chapter 6–2, *The Consent Documents,* Brown, A., pp 202–204).

11. Flesch-Kincaid Reading Scale Information, Rudolf Flesch, "A New Readability Yardstick," *Journal of Applied Psychology,* vol. 32, pp. 221–233, 1948.

12. FDA, Office of Planning, Risk Communication Staff, ANALYSIS NOTE: Note No. 2010–001, July 30, 2010.

13. FDA: A Guide to Informed Consent—Information Sheet, available at: *http://www.fda.gov/RegulatoryInformation/Guidances/ucm126431.htm#nonenglish*, accessed August 8, 2010.

14. NIH: ClinicalTrials.gov: Protocol Registration System: PRS and U.S. Public Law 110–85: "Applicable Clinical Trials," available at: *http://prsinfo.clinicaltrials.gov/fdaaa.html* and *http://prsinfo.clinicaltrials.gov/ElaborationsOnDefinitions.pdf*, accessed August 8, 2010.

15. "Guidance for Sponsors, Institutional Review Boards, Clinical Investigators and FDA Staff: Guidance on Informed Consent for *In Vitro* Diagnostic Device Studies Using Leftover Human Specimens That Are Not Individually Identifiable," available at: *http://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/ucm078384.htm*, accessed August 8, 2010.

16. NIH: ClinicalTrials.gov "Basic Results Data Element Definitions (DRAFT)," available at: *http://prsinfo.clinicaltrials.gov/results_definitions.html,* accessed August 8, 2010.

List of Subjects in 21 CFR Part 50

Human research subjects, Prisoners, Reporting and recordkeeping requirements, Safety.

■ Therefore, under the Federal Food, Drug, and Cosmetic Act, the Public Health Service Act, and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 50 is amended as follows:

PART 50—PROTECTION OF HUMAN SUBJECTS

■ 1. The authority citation for 21 CFR part 50 continues to read as follows:

Authority: 21 U.S.C. 321, 343, 346, 346a, 348, 350a, 350b, 352, 353, 355, 360, 360c-360f, 360h-360j, 371, 379e, 381; 42 U.S.C. 216, 241, 262, 263b-263n.

■ 2. Section 50.25 is amended by redesignating paragraphs (c) and (d) as paragraphs (d) and (e), and by adding new paragraph (c) to read as follows:

§ 50.25 Elements of informed consent.

* * * * *

(c) When seeking informed consent for applicable clinical trials, as defined in 42 U.S.C. 282(j)(1)(A), the following statement shall be provided to each clinical trial subject in informed consent documents and processes. This will notify the clinical trial subject that clinical trial information has been or will be submitted for inclusion in the clinical trial registry databank under paragraph (j) of section 402 of the Public Health Service Act. The statement is: "A description of this clinical trial will be available on *http://www.ClinicalTrials.gov,* as required by U.S. Law. This Web site will not include information that can identify you. At most, the Web site will include a summary of the results. You can search this Web site at any time."

* * * * *

Dated: December 28, 2010.

Leslie Kux,

Acting Assistant Commissioner for Policy.

[FR Doc. 2010–33193 Filed 1–3–11; 8:45 am]

BILLING CODE 4160–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 239 and 258

[EPA–R10–RCRA–2010–0953; FRL–9247–6]

Alaska: Adequacy of Alaska Municipal Solid Waste Landfill Permit Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: This action approves a modification to Alaska's approved Municipal Solid Waste Landfill (MSWLF) permit program. The approved modification allows the State to issue Research, Development, and Demonstration (RD&D) permits to owners and operators of MSWLFs in accordance with its State law. On March 22, 2004, EPA issued final regulations allowing RD&D permits to be issued to certain MSWLFs by approved States. On September 7, 2010, the State of Alaska submitted an application to EPA Region 10 seeking Federal approval of its RD&D requirements. After thorough review, EPA Region 10 has determined that Alaska's RD&D permit requirements are adequate through this direct final action.

DATES: This direct final rule will become effective March 7, 2011 without further notice unless EPA receives adverse comments on or before February 3, 2011. If adverse comments are received, EPA will publish a timely withdrawal of this direct final rule in the **Federal Register** informing the public that the rule will not take effect. EPA will then review the comments and then will publish a final rule in the **Federal Register** responding to the comments and affirming or revising its initial decision.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R10–RCRA–2010–0953, by one of the following methods:

- *http://www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *E-mail: calabro.domenic@epa.gov.*
- *Fax:* (206) 553–8509, to the attention of Domenic Calabro.
- *Mail:* Domenic Calabro, Office of Air, Waste and Toxics, U.S. EPA, Region 10, 1200 Sixth Avenue, Suite 900, Mailstop: AWT–122, Seattle, WA 98101.
- *Hand Delivery or Courier:* Deliver your comments to Domenic Calabro, Office of Air, Waste and Toxics, U.S. EPA, Region 10, 1200 Sixth Avenue, Suite 900, Mailstop: AWT–122, Seattle, WA 98101. Such deliveries are only accepted during the Office's normal hours of operation.

Instructions: Identify your comments as relating to Docket ID No. EPA–R10–RCRA–2010–0953. 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 claimed to be other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or e-mail. The *http://www.regulations.gov* Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through *http://www.regulations.gov*, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any

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

Docket: EPA has established a docket for this action under Docket ID No. EPA–R10–RCRA–2010–0953. All documents in the docket are listed on the *http://www.regulations.gov* Web site. Although it may be listed in the index, some information might not be publicly available, e.g., 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 either electronically through *http://www.regulations.gov* or in hard copy at the U.S. Region 10 Library, 1200 Sixth Avenue, Seattle, WA 98101 by appointment only; telephone: (206) 553–1289.

FOR FURTHER INFORMATION CONTACT: Domenic Calabro, Office of Air, Waste and Toxics, U.S. EPA, Region 10, 1200 Sixth Avenue, Suite 900, Mailstop: AWT–122, Seattle, WA 98101, telephone: (206) 553–6640, *calabro.domenic@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On March 22, 2004, EPA issued a final rule (69 FR 13242) amending the Municipal Solid Waste Landfill (MSWLF) criteria in 40 CFR part 258 to allow for Research, Development and Demonstration (RD&D) permits (69 FR 13242). That rule allows for variances from specified criteria for a limited period of time, to be implemented through State-issued RD&D permits. RD&D permits are available only in States with approved MSWLF permit programs that have been modified to incorporate RD&D permit authority. While States are not required to seek approval to allow permits under this new provision, those States that are interested in providing RD&D permits to owners and operators of MSWLFs must seek approval from EPA before issuing such permits. Approval procedures for new provisions of 40 CFR Part 258 are outlined in 40 CFR 239.12.

On March 15, 2000, EPA published a final rule (65 FR 453) approving the State of Alaska's MSWLF permit program. On September 7, 2010, Alaska applied for approval of its RD&D permit provisions which are included as part of a broader revision package and is codified as 18 AAC 60.213. The final package was adopted by the ADEC, signed and officially filed by the Lt. Governor, and took effect on September 5, 2010.

II. Decision

After a thorough review of Alaska's revision package, EPA has determined that the Alaska Research, Development and Demonstration (RD&D) permit provisions as set out in 18 AAC 60.213 are adequate to comply with the Federal criteria as set out in 40 CFR 258.4. The State regulations regarding RD&D permits incorporate by reference all of the requirements of 40 CFR 258.4, while specifying particular requirements which are either equivalent to or more stringent than the requirements of 40 CFR 258.4.

III. Statutory and Executive Order Reviews

This action approves State solid waste requirements pursuant to Resource Conversation and Recovery Act (RCRA) Section 4005 and imposes no Federal requirements. Therefore, this rule complies with applicable executive orders and statutory provisions as follows:

1. Executive Order 12866

This action is not a "significant regulatory action" under the terms of Executive Order (EO) 12866 (58 FR 51735, October 4, 1993) and is therefore not subject to review under the EO.

2. Paperwork Reduction Act

This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* Burden is defined at 5 CFR 1320.3(b). This direct final rule does not establish or modify any information or recordkeeping requirements for the regulated community. EPA has determined that it is not subject to the provisions of the Paperwork Reduction Act.

3. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA), as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA), 5 U.S.C. 601 *et seq.,* generally requires Federal agencies to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions. For purposes of assessing the impacts of this direct final rule on small entities, small entity is defined as: (1) A small business, as codified in the Small Business Size Regulations at 13 CFR part 121; (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field. EPA has determined that this direct final action will not have a significant impact on small entities because the action will only have the effect of modifying pre-existing authorized requirements under State law. I certify that this action will not have a significant economic impact on a substantial number of small entities.

4. Unfunded Mandates Reform Act

This action contains no Federal mandates under the provisions of Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), 2 U.S.C. 1531–1538 for State, local, or Tribal governments or the private sector. This action imposes no new enforceable duty on any State, local or Tribal governments or the private sector. This action contains no regulatory requirements that might significantly or uniquely affect small government entities. Thus, EPA has determined that the requirements of section 203 of the UMRA do not apply to this action.

5. Executive Order 13132: Federalism

This action addresses a modification to Alaska's approved MSWLF permit program, which has been modified by State law to incorporate RD&D permitting authority. There are no substantial direct effects on the States, on the relationship between Federal and State governments, or on the distribution of power between among the various levels of government, as specified in Executive Order 13132. Therefore, Executive Order 13132 does not apply to this action.

6. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have Tribal implications, as specified in Executive Order 13175. This action addresses a modification to Alaska's approved

MSWLF permit program, which has been modified by State law to incorporate RD&D permitting authority. Thus, EPA has determined that Executive Order 13175 does not apply to this rule.

7. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks

This action is not subject to Executive Order 13045 because it is not economically significant and it is not based on health or safety risks.

8. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211 (66 FR 28355, May 22, 2001), because it is not a "significant regulatory action" as defined under Executive Order 12866.

9. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 ("NTTAA"), Public Law 104–113, section 12(d) (15 U.S.C. 272) directs EPA to use voluntary consensus standards bodies in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus bodies. The NTTAA directs EPA to provide Congress, through the OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards. EPA has determined that this action does not involve "technical standards" as defined by the NTTAA. Therefore EPA is not considering the use of any voluntary consensus standards.

10. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

Executive Order (EO) 12898 (59 FR 7629 (Feb. 16, 1994)) establishes Federal executive policy on environmental justice. Its main provision directs Federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States.

EPA has determined that this action will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because it does not affect the level of protection provided to human health or the environment. This action addresses a modification to Alaska's approved MSWLF permit program, which has been modified by State law to incorporate RD&D permitting authority. EPA has determined that the action is not subject to Executive Order 12898.

11. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this document 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 in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2). This action will be effective March 7, 2011.

List of Subjects

40 CFR Part 239

Environmental protection, Administrative practice and procedure, Intergovernmental relations, Waste treatment and disposal.

40 CFR Part 258

Reporting and recordkeeping requirements, Waste treatment disposal, Water pollution control.

Authority: This action is issued under the authority of section 2002, 4005 and 4010(c) of the Solid Waste Disposal Act, as amended, 42 U.S.C. 6912, 6945 and 6949(a).

Dated: December 22, 2010.

Dennis J. McLerran,

Regional Administrator, EPA Region 10.

[FR Doc. 2010–33196 Filed 1–3–11; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket ID FEMA–2010–0003]

Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

SUMMARY: Base (1% annual-chance) Flood Elevations (BFEs) and modified BFEs are made final for the communities listed below. The BFEs and modified BFEs are the basis for the floodplain management measures that each community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The date of issuance of the Flood Insurance Rate Map (FIRM) showing BFEs and modified BFEs for each community. This date may be obtained by contacting the office where the maps are available for inspection as indicated in the table below.

ADDRESSES: The final BFEs for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–4064, or (e-mail) *luis.rodriguez1@dhs.gov.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the modified BFEs for each community listed. These modified elevations have been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Deputy Federal Insurance and Mitigation Administrator has resolved any appeals resulting from this notification.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in flood prone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and FIRM available at the address cited below for each community.

The BFEs and modified BFEs are made final in the communities listed below. Elevations at selected locations in each community are shown.

National Environmental Policy Act. This final rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. An environmental impact assessment has not been prepared.

Regulatory Flexibility Act. As flood elevation determinations are not within the scope of the Regulatory Flexibility Act, 5 U.S.C. 601–612, a regulatory flexibility analysis is not required.

Regulatory Classification. This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 13132, Federalism. This final rule involves no policies that have federalism implications under Executive Order 13132.

Executive Order 12988, Civil Justice Reform. This final rule meets the applicable standards of Executive Order 12988.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

■ Accordingly, 44 CFR part 67 is amended as follows:

PART 67—[AMENDED]

■ 1. The authority citation for part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.;* Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 67.11 [Amended]

■ 2. The tables published under the authority of § 67.11 are amended as follows:

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL) Modified	Communities affected
Drew County, Arkansas, and Incorporated Areas Docket No.: FEMA–B–1083			
Tenmile Creek	Approximately 1,000 feet downstream of Missouri Pacific Railroad.	+208	Unincorporated Areas of Drew County.
	Just downstream of Missouri Pacific Railroad	+212	
Tenmile Tributary	Approximately 3,200 feet downstream of Ragland Avenue	+222	City of Monticello, Unincorporated Areas of Drew County.
	Just downstream of Barkada Road	+236	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES

City of Monticello
Maps are available for inspection at 204 West Gains Street, Monticello, AR 71655.

Unincorporated Areas of Drew County
Maps are available for inspection at 210 South Main Street, Monticello, AR 71655.

St. Joseph County, Indiana, and Incorporated Areas Docket No.: FEMA–B–1020			
Baugo Creek	Approximately 300 feet upstream of the confluence with St. Joseph River/Baugo Bay.	+719	Town of Osceola, Unincorporated Areas of St. Joseph County.
	Approximately 100 feet upstream of the Elkhart County boundary.	+726	
Judy Creek	Approximately 1,950 feet upstream of Kenilwood Road	+711	Town of Roseland.
	Approximately 1,825 feet downstream of Indiana East-West Toll Road.	+712	
Kieffer Creek	Approximately 550 feet upstream of the confluence with the St. Joseph River.	+690	City of South Bend, Unincorporated Areas of St. Joseph County.
	Approximately 1,850 feet upstream of Hollyhock Road	+722	
Potato Creek	Approximately 280 feet downstream of Cemetery Road	+709	Town of North Liberty.
	Approximately 980 feet upstream of Cemetery Road	+712	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL) Modified	Communities affected

ADDRESSES

City of South Bend
Maps are available for inspection at 227 West Jefferson Boulevard, Suite 400, South Bend, IN 46601.

Town of North Liberty
Maps are available for inspection at 300 South Main Street, North Liberty, IN 46554.

Town of Osceola
Maps are available for inspection at 850 Lincoln Way West, Osceola, IN 46561.

Town of Roseland
Maps are available for inspection at 200 Independence Drive, Roseland, IN 46637.

Unincorporated Areas of St. Joseph County
Maps are available for inspection at 227 West Jefferson Boulevard, Room 732, South Bend, IN 46601.

Cass County, Iowa, and Incorporated Areas
Docket No.: FEMA–B–1068

Baughmans Creek	Just upstream of 540th Street	+1,091	Unincorporated Areas of Cass County.
	Approximately 900 feet downstream of Adair Street	+1,098	
	Approximately 400 feet downstream of Main Street	+1,103	
	Approximately 650 feet upstream of Main Street	+1,106	
East Nishnabotna River	Just upstream of Jasper Road	+1,136	Unincorporated Areas of Cass County.
	Just downstream of the confluence with Troublesome Creek.	+1,154	
Troublesome Creek	Just upstream of the confluence with the East Nishnabotna River.	+1,154	Unincorporated Areas of Cass County.
	Just upstream of Olive Street	+1,154	
	Approximately 0.4 mile upstream of 635th Street	+1,163	
	Approximately 0.5 mile upstream of 635th Street	+1,163	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES

Unincorporated Areas of Cass County
Maps are available for inspection at 5 West 7th Street, Atlantic, IA 50022.

Montgomery County, Kentucky, and Incorporated Areas
Docket No.: FEMA–B–1061

Hinkston Creek	Approximately 500 feet upstream of Hinkston Pike (KY–1991).	+911	City of Mt. Sterling, Unincorporated Areas of Montgomery County.
	Approximately 100 feet downstream of Calk Lane	+962	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES

City of Mt. Sterling
Maps are available for inspection at 33 North Maysville Street, Mount Sterling, KY 40353.

Unincorporated Areas of Montgomery County
Maps are available for inspection at 1 Court Street, Mount Sterling, KY 40353.

Cedar County, Missouri, and Incorporated Areas
Docket No.: FEMA–B–1078

Stockton Lake	Entire shoreline within community	+887	City of Stockton, Unincorporated Areas of Cedar County.

* National Geodetic Vertical Datum.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL) Modified	Communities affected

+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES

City of Stockton
Maps are available for inspection at 201 South High Street, Stockton, MO 65785.

Unincorporated Areas of Cedar County
Maps are available for inspection at 113 South Street, Stockton, MO 65785.

Henry County, Missouri, and Incorporated Areas
Docket No.: FEMA–B–1075

Harry S. Truman Reservoir ...	Entire shoreline within community	+741	City of Calhoun, City of Deepwater, City of Urich, Unincorporated Areas of Henry County, Village of Brownington, Village of La Due.
Montrose Reservoir	Entire shoreline within community	+755	Unincorporated Areas of Henry County.

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES

City of Calhoun
Maps are available for inspection at 201 East Main Street, Calhoun, MO 65323.

City of Deepwater
Maps are available for inspection at 259 Southwest State Highway 52, Deepwater, MO 64740.

City of Urich
Maps are available for inspection at 308 North Main Street, Urich, MO 64788.

Unincorporated Areas of Henry County
Maps are available for inspection at 100 West Franklin Street, Clinton, MO 64735.

Village of Brownington
Maps are available for inspection at 858 Southwest Missouri Route BB, Deepwater, MO 64740.

Village of La Due
Maps are available for inspection at 100 West Franklin Street, Clinton, MO 64735.

Grant County, New Mexico, and Incorporated Areas
Docket No.: FEMA–B–1064

Cotton Wood Creek	Approximately 400 feet upstream of the confluence with Silva Creek.	+5,942	Unincorporated Areas of Grant County.
	Just downstream of Little Walnut Road	+5,987	
Maude's Creek	Approximately 1.0 mile downstream of Rosedale Road	+5,698	Unincorporated Areas of Grant County.
	Approximately 1.1 miles upstream of the confluence with Central Arroyo.	+6,122	
Pinos Altos Creek	Approximately 0.4 mile upstream of North Fowler Avenue ..	+6,116	Unincorporated Areas of Grant County.
	Approximately 0.5 mile upstream of North Fowler Avenue ..	+6,130	
San Vicente Arroyo	Approximately 1,000 feet downstream of Broken Arrow Drive.	+5,623	Unincorporated Areas of Grant County.
	Approximately 700 feet upstream of the confluence with Tributary No. 4 (San Vicente Arroyo).	+5,762	
Silva Creek	Approximately 400 feet upstream of the confluence with Silva Creek.	+5,942	Unincorporated Areas of Grant County.
	Approximately 300 feet upstream of Jade Drive	+5,993	
Tributary No. 1 (Maude's Creek).	At the confluence with Maude's Creek	+5,858	Unincorporated Areas of Grant County.
	Approximately 1,300 feet downstream of Silver Heights Boulevard.	+6,006	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL) Modified	Communities affected
Tributary No. 2 (Maude's Creek).	Approximately 800 feet upstream of Yellow Arrow Lane	+5,853	Unincorporated Areas of Grant County.
	Approximately 1,900 feet upstream of Yellow Arrow Lane ...	+5,868	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES

Unincorporated Areas of Grant County

Maps are available for inspection at 1400 U.S. Route 180 East, Silver City, NM 88061.

Noble County, Ohio, and Incorporated Areas
Docket No.: FEMA–B–1078

Salt Run	Approximately 460 feet downstream of State Route 78 in the Village of Caldwell.	+726	Unincorporated Areas of Noble County, Village of Caldwell.
	Approximately 280 feet upstream of State Route 564	+738	
West Fork Duck Creek	Approximately 0.41 mile upstream of Township Highway 330.	+734	Unincorporated Areas of Noble County, Village of Belle Valley.
	Approximately 0.6 mile upstream of Main Street in the Village of Belle Valley.	+746	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES

Village of Belle Valley

Maps are available for inspection at the Noble County Auditor's Office, 200 Courthouse Square, Caldwell, OH 43724.

Village of Caldwell

Maps are available for inspection at the Noble County Auditor's Office, 200 Courthouse Square, Caldwell, OH 43724.

Unincorporated Areas of Noble County

Maps are available for inspection at the Noble County Auditor's Office, 200 Courthouse Square, Caldwell, OH 43724.

Custer County, Oklahoma, and Incorporated Areas
Docket No.: FEMA–B–1064

Tributary 1 (Unnamed Stream).	Approximately 600 feet upstream of the confluence with Tributary 2.	+1,491	Unincorporated Areas of Custer County.
	Approximately 200 feet downstream of Terrace Drive	+1,527	
Tributary 2 (Unnamed Stream).	Approximately 500 feet upstream of the confluence with Tributary 1.	+1,499	Unincorporated Areas of Custer County.
	Just upstream of South 13th Street	+1,537	
Washita River	Approximately 0.61 mile downstream of I–40	+1,484	Unincorporated Areas of Custer County.
	Approximately 1.04 mile upstream of U.S. Route 183	+1,495	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES

Unincorporated Areas of Custer County

Maps are available for inspection at the Custer County Courthouse, 675 B Street, Arapaho, OK 73620.

Okmulgee County, Oklahoma, and Incorporated Areas
Docket No.: FEMA–B–1025

Duck Creek	Approximately 3,950 feet downstream of South Yale Avenue.	+622	Town of Liberty, Unincorporated Areas of Okmulgee County.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL) Modified	Communities affected
	Approximately 1,377 feet upstream of Lewis Avenue	+642	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES

Town of Liberty
Maps are available for inspection at 719 East 8th Street, Okmulgee, OK 74447.

Unincorporated Areas of Okmulgee County
Maps are available for inspection at 719 East 8th Street, Okmulgee, OK 74447.

Spartanburg County, South Carolina, and Incorporated Areas
Docket Nos.: FEMA–B–7714 and FEMA–B–1049

Abners Creek	At the confluence with the Enoree River	+704	City of Greer, Unincorporated Areas of Spartanburg County.
	Approximately 150 feet upstream of Freeman Farm Road ..	+870	
Alexander Creek	At the confluence with the South Pacolet River (William C. Bowen Lake).	+825	Unincorporated Areas of Spartanburg County.
	Approximately 2,010 feet upstream of Page Road	+844	
Alexander Creek Tributary 1	At the confluence with Alexander Creek	+838	Unincorporated Areas of Spartanburg County.
	Approximately 1,620 feet upstream of Walnut Hill Church Road.	+855	
Beaverdam Creek East	Just upstream of Old Canaan Road	+619	Unincorporated Areas of Spartanburg County.
	Approximately 300 feet upstream of Church Street	+677	
Beaverdam Creek East Tributary 1.	At the confluence with Beaverdam Creek East	+637	Unincorporated Areas of Spartanburg County.
	Approximately 400 feet upstream of Church Street	+676	
Beaverdam Creek West	At the confluence with the Middle Tyger River	+817	Unincorporated Areas of Spartanburg County.
	Approximately 2 miles upstream of State Highway 357	+834	
Big Ferguson Creek	Approximately 820 feet upstream of the confluence with Ferguson Creek.	+576	Unincorporated Areas of Spartanburg County.
	Approximately 5,190 feet upstream of Wofford Road	+662	
Browns Branch	At the confluence with the Pacolet River	+481	Unincorporated Areas of Spartanburg County.
	Approximately 960 feet upstream of Short Drive	+496	
Buck Creek	At the confluence with the Pacolet River	+709	Unincorporated Areas of Spartanburg County.
	Approximately 4,950 feet upstream of Cherokee Foothills Scenic Highway.	+808	
Buffalo Creek	Approximately 100 feet upstream of the confluence with Fairforest Creek.	+574	Unincorporated Areas of Spartanburg County.
	Approximately 1.2 miles upstream of Steward Road	+618	
Casey Creek	At the confluence with the Pacolet River	+709	Unincorporated Areas of Spartanburg County.
	Approximately 2,290 feet upstream of Overcreek Road	+824	
Cedar Shoals Creek	Approximately 620 feet downstream of Horseshoe Falls Road.	+406	Unincorporated Areas of Spartanburg County.
	Approximately 1.5 miles upstream of Browning Road	+539	
Cherokee Creek	Approximately 70 feet downstream of Cherokee Circle	+713	Unincorporated Areas of Spartanburg County.
	Approximately 1,040 feet upstream of Cherokee Circle	+713	
Chinquepin Creek	Approximately 100 feet upstream of Chesnee Highway	+719	Unincorporated Areas of Spartanburg County.
	Approximately 920 feet upstream of Chesnee Highway	+726	
Dildine Creek	At the confluence with the Enoree River	+560	Unincorporated Areas of Spartanburg County.
	Approximately 4,580 feet upstream of the confluence with the Enoree River.	+563	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL) Modified	Communities affected
Dillard Creek	At the confluence with the Enoree River	+708	Unincorporated Areas of Spartanburg County.
	Approximately 4,540 feet upstream of the confluence with the Enoree River.	+715	
Dutchman Creek	Approximately 1 mile downstream of Tucker Road	+481	Unincorporated Areas of Spartanburg County.
	Approximately 2,370 feet upstream of Walnut Grove Pauline Road.	+645	
Enoree River	Approximately 4.3 miles downstream of I–26	+401	Unincorporated Areas of Spartanburg County.
	Approximately 125 feet upstream of State Highway 14	+748	
Enoree River Tributary 1	At the confluence with the Enoree River	+698	Unincorporated Areas of Spartanburg County.
	Approximately 1,690 feet upstream of Sharon Church Road	+790	
Fairforest Creek	Approximately 80 feet downstream of Glen Springs Road	+491	City of Spartanburg, Unincorporated Areas of Spartanburg County.
	Approximately 100 feet downstream of I–85	+844	
Fairforest Creek Tributary 1	At the confluence with Fairforest Creek	+497	Unincorporated Areas of Spartanburg County.
	Approximately 1.3 miles upstream of the confluence with Fairforest Creek.	+525	
Fairforest Creek Tributary 2	Approximately 50 feet upstream of Fairforest Creek	+574	Unincorporated Areas of Spartanburg County.
	Approximately 1,320 feet upstream of West Road	+656	
Fairforest Creek Tributary 3	Approximately 300 feet upstream of the confluence with Fairforest Creek.	+614	Unincorporated Areas of Spartanburg County.
	Approximately 3,630 feet upstream of the confluence with Fairforest Creek.	+631	
Fawn Branch	Just upstream of Old Furnace Road	+807	Unincorporated Areas of Spartanburg County.
	Approximately 870 feet upstream of Old Furnace Road	+810	
Fawn Branch Tributary 1	Just upstream of Old Furnace Road	+807	Unincorporated Areas of Spartanburg County.
	Approximately 2,640 feet upstream of Clark Road	+883	
Fawn Branch Tributary 2	At the confluence with Fawn Branch Tributary 1	+826	Unincorporated Areas of Spartanburg County.
	Approximately 440 feet upstream of State Highway 9	+873	
Ferguson Creek	Approximately 190 feet downstream of Old Spartanburg Highway.	+627	Unincorporated Areas of Spartanburg County.
	Approximately 1,990 feet upstream of Old Spartanburg Highway.	+638	
Fleming Branch	At the confluence with Fairforest Creek	+566	Unincorporated Areas of Spartanburg County.
	Approximately 2,200 feet upstream of the confluence with Fairforest Creek.	+576	
Foster Creek	Approximately 330 feet upstream of Twin Oaks Road	+607	Unincorporated Areas of Spartanburg County.
	Approximately 1.4 miles upstream of Old Canaan Road	+659	
Foster Creek Tributary 1	At the confluence with Foster Creek	+636	Unincorporated Areas of Spartanburg County.
	Approximately 4,000 feet upstream of the confluence with Foster Creek.	+748	
Fourmile Branch	Just upstream of Country Club Road	+632	Unincorporated Areas of Spartanburg County.
	Approximately 2,810 feet upstream of Pine Street	+734	
Halfway Branch	Approximately 600 feet upstream of the confluence with Halfway Branch Tributary 1.	+680	City of Spartanburg.
	Approximately 2,150 feet upstream of the confluence with Halfway Branch Tributary 1.	+708	
Halfway Branch Tributary 1	Just downstream of Blackwood Drive	+686	City of Spartanburg, Unincorporated Areas of Spartanburg County.
	Approximately 700 feet upstream of Perrin Drive	+722	
Island Creek	At the confluence with the Pacolet River	+655	Unincorporated Areas of Spartanburg County.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL) Modified	Communities affected
	Approximately 2,000 feet upstream of Cemetery Road	+804	
Jamison Mill Creek	At the confluence with the South Pacolet River	+878	Unincorporated Areas of Spartanburg County.
	Approximately 1.4 miles upstream of Spivey Creek Road	+920	
Jimmies Creek (North)	Just upstream of Freys Drive	+665	City of Wellford, Unincorporated Areas of Spartanburg County.
	Approximately 2,190 feet upstream of Tucapau Road	+789	
Jimmies Creek (South)	At the confluence with the North Tyger River	+440	Town of Woodruff, Unincorporated Areas of Spartanburg County.
	Approximately 1,550 feet upstream of Georgia Road	+696	
Jimmies Creek (South) Tributary 1.	At the confluence with Jimmies Creek (South)	+444	Unincorporated Areas of Spartanburg County.
	Approximately 5,070 feet upstream of the confluence with Jimmies Creek (South).	+470	
Kelsey Creek	At the confluence with Fairforest Creek	+524	Unincorporated Areas of Spartanburg County.
	Approximately 4,900 feet upstream of the confluence with Thompson Creek.	+555	
Lawsons Fork Creek	Just upstream of Meadow Farm Road	+802	Unincorporated Areas of Spartanburg County.
	Approximately 2,320 feet upstream of Park Street	+937	
Lawsons Fork Creek Tributary 1.	Approximately 850 feet upstream of the confluence with Lawsons Fork Creek.	+656	City of Spartanburg.
	Approximately 3,890 feet upstream of Woodburn Road	+701	
Lawsons Fork Creek Tributary 3.	Approximately 900 feet upstream of Lawsons Fork Creek	+779	Unincorporated Areas of Spartanburg County.
	Approximately 2,120 feet upstream of Honeysuckle Road	+828	
Lawsons Fork Creek Tributary 4.	Just upstream of River Forest Rd	+787	Unincorporated Areas of Spartanburg County.
	Approximately 400 feet upstream of Lyman Road	+864	
Lick Creek	At the confluence with the Enoree River	+567	Unincorporated Areas of Spartanburg County.
	Approximately 425 feet upstream of Allen Bridge Road	+581	
Little Buck Creek	At the confluence with Buck Creek	+712	City of Chesnee, Unincorporated Areas of Spartanburg County.
	Approximately 280 feet upstream of Cherokee Street	+841	
Little Buck Creek Tributary 1	At the confluence with Little Buck Creek	+815	City of Chesnee.
	Approximately 1,100 feet upstream of the confluence with Little Buck Creek.	+851	
Maple Creek	Just upstream of New Woodruff Road	+854	City of Greer, Unincorporated Areas of Spartanburg County.
	Approximately 85 feet downstream of Acron Drive	+866	
McElwain Creek	Approximately 3,266 feet downstream of Yard Road	+495	Unincorporated Areas of Spartanburg County.
	Approximately 230 feet upstream of Yard Road	+499	
Meadow Creek	Approximately 500 feet upstream of the confluence with Lawsons Fork Creek.	+803	Unincorporated Areas of Spartanburg County.
	Approximately 1,360 feet upstream of I–26	+849	
Meadow Creek Tributary 1	At the confluence with Meadow Creek	+823	Unincorporated Areas of Spartanburg County.
	Approximately 3,380 feet upstream of Spring Valley Road	+837	
Middle Tyger River	Just upstream of Spartex Dam	+733	Town of Duncan, Town of Lyman, Unincorporated Areas of Spartanburg County.
	Approximately 250 feet upstream of Sloan Road	+859	
Middle Tyger River Tributary 1.	Approximately 1,800 feet upstream of the confluence with the Middle Tyger River.	+616	Unincorporated Areas of Spartanburg County.
	Approximately 5,040 feet upstream of the confluence with the Middle Tyger River.	+629	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL) Modified	Communities affected
Motlow Creek	At the confluence with the South Pacolet River	+826	Town of Campobello, Unincorporated Areas of Spartanburg County.
	Approximately 740 feet upstream of Macedonia Church Road.	+943	
North Pacolet River	At the confluence with the Pacolet River	+723	Unincorporated Areas of Spartanburg County.
	Approximately 4,030 feet upstream of Landrum Road	+837	
North Tyger River	Approximately 3,340 feet downstream of State Highway 56	+421	Unincorporated Areas of Spartanburg County.
	Approximately 2.2 miles upstream of I–26	+583	
North Tyger River Tributary 1	Just downstream of I–26	+594	Unincorporated Areas of Spartanburg County.
	Approximately 1.4 miles upstream of Stillhouse Road	+672	
North Tyger River Tributary 2	Approximately 1,780 feet upstream of the confluence with the North Tyger River.	+666	Unincorporated Areas of Spartanburg County.
	Approximately 260 feet upstream of U.S. Route 29	+748	
North Tyger River Tributary 3	Approximately 900 feet upstream of confluence with the North Tyger River.	+736	Town of Lyman, Unincorporated Areas of Spartanburg County.
	Approximately 1.6 miles upstream of Holly Springs Road	+898	
Obed Creek	At the confluence with the North Pacolet River	+737	Unincorporated Areas of Spartanburg County.
	Approximately 4,100 feet upstream of Burnt Chimney Road	+879	
Pacolet River	Approximately 2.4 miles downstream of Chapel Drive	+476	Town of Pacolet, Unincorporated Areas of Spartanburg County.
	At the confluence with the North Pacolet River and the South Pacolet River.	+723	
Pacolet River Tributary 1	At the confluence with the Pacolet River	+632	Town of Cowpens, Unincorporated Areas of Spartanburg County.
	Approximately 290 feet upstream of Church Street	+765	
Pacolet River Tributary 2	At the confluence with the Pacolet River	+716	Unincorporated Areas of Spartanburg County.
	Approximately 5,140 feet upstream of Fairfield Road	+875	
Peters Creek	At the confluence with the Pacolet River	+630	Unincorporated Areas of Spartanburg County.
	Approximately 210 feet downstream of Jones Road	+796	
Ransom Creek	Approximately 1,120 feet upstream of the confluence with the North Tyger River.	+611	Unincorporated Areas of Spartanburg County.
	Approximately 1,050 feet upstream of Schirra Court	+732	
Ransom Creek Tributary 1	At the confluence with Ransom Creek	+614	Unincorporated Areas of Spartanburg County.
	Approximately 460 feet upstream of I–26	+640	
Reedy Creek	Approximately 100 feet downstream of Old Canaan Road	+624	Unincorporated Areas of Spartanburg County.
	Approximately 230 feet upstream of McAbee Road	+667	
Richland Creek	At the confluence with the South Pacolet River	+785	Unincorporated Areas of Spartanburg County.
	Approximately 1.3 miles upstream of Hickory Nut Drive	+832	
Richland Creek East	At the confluence with the Pacolet River	+539	Unincorporated Areas of Spartanburg County.
	Approximately 4,970 feet upstream of the confluence with the Pacolet River.	+540	
Richland Creek Tributary 1	At the confluence with Richland Creek	+785	Unincorporated Areas of Spartanburg County.
	Approximately 2,740 feet upstream of River Oak Road	+825	
Richland Creek Tributary 2	At the confluence with Richland Creek Tributary 1	+792	Unincorporated Areas of Spartanburg County.
	Approximately 3,860 feet upstream of the confluence with Richland Creek Tributary 1.	+810	
Richland Creek Tributary 3	At the confluence with Richland Creek	+785	Unincorporated Areas of Spartanburg County.
	Approximately 570 feet upstream of Owens Dive	+855	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL) Modified	Communities affected
Shoally Creek	Approximately 60 feet downstream of the confluence with Shoally Creek Tributary 2.	+804	Unincorporated Areas of Spartanburg County.
	Approximately 4,580 feet upstream of Old Furnace Road	+915	
Shoally Creek Tributary 1	Approximately 300 feet upstream of the confluence with Shoally Creek.	+752	Unincorporated Areas of Spartanburg County.
	Approximately 250 feet upstream of Sandifer Road	+796	
Shoally Creek Tributary 2	Just upstream of the confluence with Shoally Creek	+804	Unincorporated Areas of Spartanburg County.
	Approximately 1,730 feet upstream of Burnett Road	+875	
Shoally Creek Tributary 3	At the confluence with Shoally Creek	+804	Unincorporated Areas of Spartanburg County.
	Approximately 150 feet upstream of McMillin Boulevard	+850	
South Pacolet River Tributary 2.	At the confluence with South Pacolet River Tributary 1	+832	Unincorporated Areas of Spartanburg County.
	Approximately 2,410 feet upstream of the confluence with South Pacolet River Tributary 1.	+861	
South Pacolet River	At the confluence with the Pacolet River	+723	Town of Campobello, Unincorporated Areas of Spartanburg County.
	At the confluence with Jamison Mill Creek	+878	
South Pacolet River Tributary 1.	At the confluence with the South Pacolet River	+825	Unincorporated Areas of Spartanburg County.
	Approximately 4,230 feet upstream of Old Mill Road	+844	
South Tyger River	At the confluence with the North Tyger River	+518	City of Greer, Town of Duncan, Unincorporated Areas of Spartanburg County.
	Approximately 1.9 miles upstream of Wade Hampton Boulevard.	+771	
South Tyger River Tributary 1	At the confluence with the South Tyger River	+604	Unincorporated Areas of Spartanburg County.
	Approximately 2,340 feet upstream of the confluence with the South Tyger River.	+612	
Spivey Creek	At the confluence with the South Pacolet River	+857	Unincorporated Areas of Spartanburg County.
	Approximately 140 feet upstream of Spivey Creek Road	+876	
Thompson Creek (North)	At the confluence with the Pacolet River	+714	Unincorporated Areas of Spartanburg County.
	Approximately 1.1 miles upstream of Peachtree Road	+796	
Thompson Creek (South)	At the confluence with Kelsey Creek	+554	Unincorporated Areas of Spartanburg County.
	Approximately 1.1 miles upstream of Johnson Lake Road	+648	
Turkey Hen Branch	At the confluence with the Pacolet River	+565	Unincorporated Areas of Spartanburg County.
	Approximately 630 feet upstream of Harper Fish Camp Road.	+646	
Twomile Creek	At the confluence with the Enoree River	+485	Unincorporated Areas of Spartanburg County.
	Approximately 3,990 feet upstream of Parker Road	+513	
Vines Creek	At the confluence with Abners Creek	+717	Unincorporated Areas of Spartanburg County.
	Approximately 1.2 miles upstream of Babe Wood Road	+776	
Wards Creek	At the confluence with the North Tyger River	+554	Unincorporated Areas of Spartanburg County.
	Approximately 3,450 feet upstream of Harrison Grove Road	+616	
Wiley Fork Creek	At the confluence with Dutchman Creek	+532	Unincorporated Areas of Spartanburg County.
	Approximately 2,390 feet upstream of the confluence with Dutchman Creek.	+537	
Zekial Creek	At the confluence with Island Creek	+804	Unincorporated Areas of Spartanburg County.
	Approximately 4,530 feet upstream of the confluence with Island Creek.	+815	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL) Modified	Communities affected

∧ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES

City of Chesnee
Maps are available for inspection at 201 West Cherokee Street, Chesnee, SC 29323.

City of Greer
Maps are available for inspection at 106 South Main Street, Greer, SC 29650.

City of Spartanburg
Maps are available for inspection at 145 West Broad Street, Spartanburg, SC 29304.

City of Wellford
Maps are available for inspection at 127 Syphrit Road, Wellford, SC 29385.

Town of Campobello
Maps are available for inspection at 208 North Main Street, Campobello, SC 29322.

Town of Cowpens
Maps are available for inspection at 530 North Main Street, Cowpens, SC 29330.

Town of Duncan
Maps are available for inspection at 153 West Main Street, Duncan, SC 29334.

Town of Lyman
Maps are available for inspection at 81 Groce Road, Lyman, SC 29365.

Town of Pacolet
Maps are available for inspection at 180 Montgomery Avenue, Pacolet, SC 29372.

Town of Woodruff
Maps are available for inspection at 231 East Hayne Street, Woodruff, SC 29388.

Unincorporated Areas of Spartanburg County
Maps are available for inspection at 9039 Fairforest Road, Spartanburg, SC 29301.

Bosque County, Texas, and Incorporated Areas
Docket No.: FEMA–B–1066

Tributary 1 to North Bosque River.	Approximately 1,000 feet downstream of the confluence with Tributary to North Bosque River.	+560	Unincorporated Areas of Bosque County.
	Approximately 400 feet upstream of State Highway 6	+590	
Tributary to North Bosque River.	Approximately 1,000 feet downstream of the confluence with Tributary 1 to North Bosque River.	+560	Unincorporated Areas of Bosque County.
	Approximately 900 feet upstream of State Highway 6	+572	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES
Unincorporated Areas of Bosque County
Maps are available for inspection at the Bosque County Courthouse, 201 South Main Street, Meridian, TX 76665.

Burleson County, Texas, and Incorporated Areas
Docket No.: FEMA–B–1064

Copperas Hollow Creek	Approximately 0.3 mile upstream of Country Club Drive	+367	Unincorporated Areas of Burleson County.
	Approximately 630 feet downstream of Burlington Northern Santa Fe Railroad.	+378	
Elm Branch Tributary 1	At the confluence with Elm Branch	+341	Unincorporated Areas of Burleson County.
	Just downstream of 10th Street	+372	
Stream TCA	Just downstream of Burlington Northern Santa Fe Railroad	+246	City of Somerville, Unincorporated Areas of Burleson County.
	Approximately 650 feet upstream of County Road 422	+254	
Stream TCB	At the confluence with Stream TCA	+247	City of Somerville.
	Approximately 1,000 feet upstream of Avenue E	+251	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL) Modified	Communities affected

∧ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES

City of Somerville

Maps are available for inspection at P.O. Box 159, Somerville, TX 77879.

Unincorporated Areas of Burleson County

Maps are available for inspection at 100 West Buck Street, Suite 306, Caldwell, TX 77836.

Cherokee County, Texas, and Incorporated Areas
Docket No.: FEMA–B–1080

Gum Creek	Just upstream of Lakeshore Drive	+429	City of Jacksonville.
	Approximately 1,700 feet upstream of Lakeshore Drive	+439	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES

City of Jacksonville

Maps are available for inspection at 301 East Commerce Street, Jacksonville, TX 75766.

DeWitt County, Texas, and Incorporated Areas
Docket No.: FEMA–B–1065

Gohlke Creek	Just upstream of Old Clinton Road	+166	Unincorporated Areas of DeWitt County.
	Approximately 800 feet downstream of West Heaton Street	+167	
SCS Channel	Approximately 1.1 miles downstream of Old Cheapside Road.	+178	Unincorporated Areas of DeWitt County.
	Approximately 650 feet downstream of Terrell Street	+184	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES

Unincorporated Areas of DeWitt County

Maps are available for inspection at 307 North Gonzalez Street, Cuero, TX 77954.

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Dated: December 29, 2010.

Sandra K. Knight,

Deputy Federal Insurance and Mitigation Administrator, Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2010–33190 Filed 1–3–11; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 300

[Docket No. 100311144–0623–02]

RIN 0648–AY75

International Fisheries; Pacific Tuna Fisheries; Vessel Capacity Limit in the Purse Seine Fishery in the Eastern Pacific Ocean

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: NMFS hereby issues regulations under the Tuna Conventions Act of 1950 (Act), as amended, for the U.S. purse seine fishery operating in the eastern Pacific Ocean (EPO) to make U.S. regulations more consistent with the Inter-American Tropical Tuna Commission (IATTC) Resolution on the Capacity of the Tuna Fleet Operating in the Eastern Pacific Ocean. These revisions will ensure that the United States satisfies its obligations under the Tuna Conventions Act while allowing controlled operational flexibility for the U.S. industry consistent with the IATTC management framework.

DATES: These regulations become effective on February 3, 2011.

ADDRESSES: Copies of supporting documents that were prepared for this final rule, including the environmental

assessment (EA), the small entity compliance guide, and the proposed rule, are available via the Federal e-Rulemaking portal, at *http://www.regulations.gov.* Those documents are also available from the Regional Administrator, Rodney R. McInnis, NMFS Southwest Regional Office, 501 W. Ocean Boulevard, Suite 4200, Long Beach, CA 90802. The initial regulatory flexibility analysis (IRFA) and final regulatory flexibility analysis (FRFA) prepared for this rule are included in the proposed rule and this final rule, respectively. Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this final rule may be submitted to the NMFS Southwest Regional Office and by e-mail to *OIRA_Submission@omb.eop.gov,* or faxed to (202) 395–7285.

FOR FURTHER INFORMATION CONTACT: Heidi Hermsmeyer, NMFS SWR, 562–980–4036.

SUPPLEMENTARY INFORMATION: On September 3, 2010, NMFS published a proposed rule in the **Federal Register** (75 FR 54078) that would revise regulations at 50 CFR part 300, subpart C, in order to implement certain decisions of the IATTC. The proposed rule was open to public comment through October 4, 2010.

As a Contracting Party to the 1949 Convention for the Establishment of an Inter-American Tropical Tuna Commission (Convention) and a member of the IATTC, the United States is legally bound to implement the decisions of the IATTC. The Act (16 U.S.C. 951 *et seq.*) authorizes the Secretary of Commerce, in consultation with the Secretary of State and the Secretary of the Department in which the United States Coast Guard (USCG) is operating (currently the Department of Homeland Security), to promulgate such regulations as may be necessary to carry out the obligations of the United States under the Convention, including the decisions of the IATTC. The Secretary of Commerce has delegated the authority to promulgate regulations to NMFS.

IATTC Decisions Regarding Capacity in the Purse Seine Fishery

At its sixty-ninth annual meeting in June 2002, the IATTC adopted the Resolution on the Capacity of the Tuna Fleet Operating in the Eastern Pacific Ocean (Resolution C–02–03) to address the problem of excess capacity in the tuna purse-seine fleet operating in the EPO by limiting the capacity to a level which would ensure that tuna fisheries in the region are sustainable. The resolution, available with other decisions of the IATTC at *http://www.iattc.org/ResolutionsActiveENG.htm,* places certain obligations on the IATTC's members and cooperating non-members. Resolution C–02–03 replaced the previous Resolution on Fleet Capacity adopted at the sixty-second annual meeting of the IATTC in October 1998 (Resolution C–98–11). Resolution C–02–03 established a total vessel capacity limit of 158,000 cubic meters for all vessels authorized by the IATTC to fish for tuna species in the EPO. Each member and cooperating non-member was allocated a vessel capacity limit by the IATTC based on historical fishing levels in the EPO. The resolution included provisions that, among other things, prohibited the entry of new vessels to the EPO purse seine fleet, except to replace vessels removed from the Vessel Register, and prohibited the increase of the capacity of any existing purse seine vessel unless a purse seine vessel or vessels of equal or greater capacity is removed from the Vessel Register.

The proposed rule included further background information, including information on the Convention and the IATTC, the international obligations of the United States under the Convention, and the basis for this action.

New Requirements

This final rule establishes the following requirements:

(1) A vessel capacity limit for the U.S. purse seine fleet fishing for tuna and operating in the EPO of 31,775 cubic meters.

When Resolution C–02–03 was adopted, the United States was authorized to have a total of 39,228 cubic meters of total well volume capacity in the purse seine fishery, as well as a provision that allowed up to 32 U.S. purse seine vessels that regularly operate in the western and central Pacific Ocean (WCPO) to make one trip per year in the EPO without being included on the IATTC Vessel Register. However, for reasons prevailing at the time regarding the IATTC's consideration of implementing a capacity management regime, the United States chose to further limit its fleet capacity by maintaining the U.S. fleet capacity limit established under paragraph 1 of Resolution C–98–11, which had been replaced by Resolution C–02–03. Thus, on April 12, 2005, a final rule was published in the **Federal Register** (70 FR 19004), which, among other things, established a fleet capacity limit of 8,969 mt. This level reflected the actual level of the fishing capacity of the U.S. tuna purse seine fleet operating in the EPO at the time the measure was adopted. In August 2002, the U.S. Department of State notified the IATTC of the smaller limit that NMFS chose to impose on the U.S. fleet. Since that time, the actual level of fishing effort by the United States in the EPO has remained well below even this self imposed limit. Even so, some U.S. vessels that would like the flexibility to participate in the fishery have been prevented from doing so. Due to removals and additions of vessels from the Vessel Register, currently the United States is authorized by the IATTC to have up to 31,775 cubic meters of carrying capacity in the purse seine fleet.

(2) All purse seine vessels, regardless of size, must be on the Vessel Register and categorized as active under 50 CFR 300.22(b)(1)(ii), paragraph (b)(4)(i) in order to be authorized to fish for tuna in the IATTC Convention Area.

This rule removes the exemption that allowed smaller vessels (class sizes 1–5) to opportunistically fish for tuna species in the EPO without being listed on the IATTC Vessel Register. These vessels will now be required to apply to be on the Vessel Register every year if they anticipate fishing for tunas; however, there is no associated cost for registering to be on the IATTC Vessel Register because there are no IATTC observer requirements for vessels under class size 6. This regulatory amendment is necessary because the IATTC Resolution on a Vessel Register (Resolution C–00–06) requires all vessels to provide the IATTC with applicable vessel information and be listed on the IATTC Vessel Register in order to be authorized to fish in the IATTC Convention Area for species under the purview of the IATTC.

(3) Purse seine vessels that are class size 5 and under (363 cubic meter carrying capacity or less) that primarily fish for coastal pelagic species off the west coast of the United States are exempt from the frivolous request provisions for active status at 50 CFR 300.22(b)(4)(ii).

The frivolous request provisions essentially provide a disincentive to vessels that apply to be on the vessel register and do not fish for tuna in the EPO by putting them at the bottom of the hierarchy when applying to be on the vessel register the following year. These provisions are meant to discourage vessel owners who do not have any intent to fish in the Convention Area from applying to be on the vessel register and occupying assigned capacity. By this final rule, the smaller vessels are now exempt from these provisions because it would be difficult, if not impossible, for the vessel

owners to anticipate whether unassociated schools of tuna would come within their range off the U.S. west coast during the summer and fall months in a given year.

(4) Capacity measurements must also be reported in cubic meters.

Including capacity measurements in cubic meters as well as metric tons is an administrative change. Since 2000, the IATTC has used well volume, in cubic meters, instead of weight, in metric tons, to measure the carrying capacities of vessels. Because a well can be loaded with different densities of fish, measuring carrying capacity in weight is subjective, as a load of fish packed into a well at a higher density weighs more than a load of fish packed at a lower density. Using volume as a measure of capacity eliminates this variability and standardizes measurements. The IATTC staff began collecting capacity data by volume in 1999, but has not yet obtained this information for all vessels. For vessels for which reliable information on well volume is not available, NMFS will calculate the estimated cubic meters of well volume using the estimated fish hold capacity at no cost to the vessel owner. This calculation will be based on a vessel's landings history in metric tons and a conversion factor used by the IATTC (1.1705 cubic meters to 1 metric ton). Alternatively, vessel owners can opt to have a maritime surveyor assess the vessel capacity in cubic meters; however, this is not required. Switching to cubic meter measurements will benefit the IATTC and make measurements less subjective.

These revisions ensure that the United States is satisfying its obligations under the Tuna Conventions Act and not exceeding its allotted capacity in the purse seine fishery. Furthermore, they lessen the regulatory constraints on the U.S. industry to allow activity by U.S. vessels within the IATTC capacity limits.

Response to Comments

There was a 30-day public comment period during which comments could be submitted electronically via the Federal e-Rulemaking portal, at *http://www.regulations.gov,* or by mail. There was also a public hearing on September 9, 2010, from 9 a.m. to 12 p.m. in Long Beach, CA. NMFS received three public comments during the comment period. One substantive comment, summarized below, from the American Tunaboat Association supported the action; one anonymous comment expressed a general objection to fishing and this action in particular; and one letter submitted by the United States Department of the Interior (DOI) stated that the proposed rule had been reviewed by the DOI and the DOI had no comments to offer. Three individuals participated in the public hearing via teleconference. No substantive issues were discussed during the public hearing. Most participants only asked procedural questions about the proposed rule and did not make substantive comments for the record. No one expressed opposition to the proposed action at the public hearing.

Comment 1: The American Tunaboat Association represents all of the U.S. flag Class 6 purse seiners operating in the Pacific Ocean. They gave their "full support" for the procedures presented in the proposed rule. They "believe that this proposal properly reflects the rights of the U.S. purse seine fleet and the U.S. government." They suggested "that the NMFS may want to review, or establish alternate procedures for the calculation of the cubic meters of capacity for purse seine vessels operating in the Eastern Pacific."

Response: NMFS acknowledges this comment in support of the action. In regards to the suggestion that NMFS review or establish alternate procedures for the calculation of the well volume in cubic meters of capacity for purse seine vessels, NMFS would like to clarify that currently there are two methods NMFS can use to calculate the well volume of a vessel in cubic meters. By default, for vessels that do not already have reliable information on well volume, NMFS will calculate the estimated cubic meters of well volume using the estimated fish hold capacity based on a vessel's landings history in metric tons and a conversion factor used by the IATTC (1.1705 cubic meters to 1 metric ton) at no cost to the vessel owner. If vessel owners prefer, they can opt to have a maritime surveyor assess the vessel capacity of the well volume in cubic meters; however, this is not necessary.

Changes From the Proposed Rule

The wording of § 300.22(b)(1), which allows 32 once-per-year fishing trips in the ETP for South Pacific Tuna Treaty purse seine vessels without being added to the IATTC's Vessel Register, is revised in this final rule to clarify that the exception applies to each vessel that fishes in compliance with the 90-day limit and other requirements of the regulations. The previous wording could have been read to mean that the 90-day and other conditions were imposed on the vessels as a group. Furthermore, a process is established under which NMFS would communicate to the rest of the fleet when all 32 one-time trips have been used, so they know that no more trips are available under this exception. Although no more than a handful of these 32 trips have been used in any calendar year in the past, if all 32 trips were used in a single year in the future, due process requires NMFS notify the owners of the vessels that would otherwise be eligible to make such trips so they know the option is no longer available for the year.

There are no other changes to the regulatory text of the proposed rule.

Classification

The NMFS Assistant Administrator has determined that this final rule is consistent with the Tuna Conventions Act and other all applicable laws.

This final rule has been determined to be not significant for purposes of Executive Order 12866.

A final regulatory flexibility analysis (FRFA) was prepared. The FRFA incorporates the IRFA and a summary of the analyses completed to support the action. No public comments were received on the IRFA or on the economic impacts of the rule generally. A copy of the IRFA is available from NMFS (*see* **ADDRESSES**).

A description of the action, why it is being considered, and the legal basis for this action are contained in the preamble and **SUMMARY** section of the proposed rule. There are no disproportionate economic impacts between small and large vessels resulting from this rule. Furthermore, there are no disproportionate economic impacts from this rule based on vessel size, gear, or homeport. Other compliance requirements are described in the IRFA. This rule is issued under authority of the Tuna Conventions Act.

Description of Small Entities to Which the Rule Will Apply

The total number of affected purse seine vessels is approximated by the current number of U.S. purse seine vessels authorized to fish in the IATTC Convention Area and the number of vessels that have the potential to enter the fishery as a result of this action. As of October 2010, there were two U.S purse seine vessels listed on the IATTC Vessel Register and authorized to fish in the Convention Area totaling 1,194 mt carrying capacity; this does not include small vessels which are exempt from the requirement to be listed on the Vessel Register. One of the large vessels is class size 6 (greater than 363 mt carrying capacity) and one is class size 5 (273–363 metric tons carrying capacity). In 2009, there were eight small purse seine vessels that were exempt from being listed on the IATTC Vessel Register and

made landings of tuna in the EPO; these vessels amount to an estimated 1,000 mt of carrying capacity are class size 1–2 vessels. Thus, it is estimated that the current U.S. vessel capacity, including small vessels, is about 2,200 mt. Although this modification provides additional flexibility to the U.S. fleet, NMFS believes it is unlikely that this action will lead to a substantial increase in effort in the purse seine fishery operating in the EPO.

Increasing the total aggregate carrying capacity of the purse seine fleet to 31,775 cubic meters (or about 27,147 mt) allows for about 20 or fewer large vessels, depending on the size of the individual vessels and the number of small vessels participating in the fishery, to be on the Vessel Register and participate in the fishery (this estimate is based on the average carrying capacity of U.S. vessels operating in the WCPO, or 1,487 cubic meters). It is estimated that at most, 10–15 small vessels may opt to be on the Vessel Register. It is estimated that the majority of the vessels that have the potential to enter the fishery are class size 6 vessels based on current and historical participation in the EPO and WCPO purse seine fisheries.

Class size 6 purse seine vessels usually fish outside U.S. waters and deliver their catch to U.S. (e.g., American Samoa) or foreign (e.g., Ecuador, Mexico, Colombia, Costa Rica) ports. Class size 6 vessels are required to have 100 percent observer coverage. They are categorized as large business entities (revenues in excess of $4 million per year) and typically generate about 4,000 to 5,000 mt of tuna valued at about $4 to $5 million per year. Class size 5 vessels are not required to carry an observer. Purse seine vessels class size 5 or smaller are considered small business entities (revenues equal to or less than $4 million per year) and it is estimated that from 2004–2008, the majority, if not all, of these smaller vessels had revenues of less than $0.5 million per year.

The final rule will increase the opportunity for all U.S. purse seine vessels, regardless of size, to register to be on the IATTC Vessel Register and participate in the fishery targeting tunas in the EPO. This rule also removes the current exemption that allows smaller vessels (class sizes 1–5) to opportunistically fish for tuna species in the EPO without being listed on the IATTC Vessel Register. As previously mentioned, these vessels will now be required to apply to be on the Vessel Register every year if they anticipate fishing for tunas; however, there is no associated cost for registering to be on the IATTC Vessel Register because there are no IATTC observer requirements for vessels under class size 6. Although these smaller vessels are required to be listed on the IATTC Vessel Register, they are exempt from the frivolous request provisions. The smaller vessels are exempt because it would be difficult, if not impossible, for the vessel owners to anticipate whether schools of tuna would become available off the U.S. west coast during the summer and fall months in a given year. In addition, using cubic meters rather than metric tons is not likely to negatively affect small business entities as it is an administrative change, which will not have any associated costs.

Steps Taken To Minimize the Economic Impact on Small Business Entities

NMFS compared the effects of the proposed rule to three alternatives, including a no action alternative. Alternative 1 would have been the same as the preferred alternative; however, the Vessel Register list exemption for small purse seine vessels at 50 CFR 300.22(b)(1)(ii) would not have been removed, and the frivolous request regulations would not have been amended. Thus, Alternative 1 would have increased the U.S. vessel carrying capacity limit for the purse seine fishery operating in the EPO to 31,775 cubic meters, the capacity measurements would have been changed to cubic meter measurements, and small purse seine vessels for which landings of tuna caught in the Convention Area comprise 50 percent or less of the vessel's total landings, by weight, for a given calendar year, would have continued to be exempt from the requirement to be on the Vessel Register. The effects of this alternative on small business entities would have been similar to those described for the proposed action, except small purse seine vessels would have continued to be exempt from the requirement to be on the Vessel Register. If Alternative 1 had been adopted, the United States would have maintained U.S. regulations that are less consistent with IATTC Resolution C–00–06 because not all vessels operating in the Convention Area would be on the IATTC Vessel Register.

Alternative 2 would have revised the current regulations to give NMFS the discretion to revise the current 8,969 mt (10,498 cubic meters) vessel capacity limit in the future up to the amount authorized under resolutions adopted by the IATTC (currently 31,775 cubic meters) based on specific criteria. However, the vessel capacity limit would not have been increased upon approval of the action because, as noted earlier, there currently appears to be limited demand for additional vessel capacity. The capacity measurements would have been amended to be in cubic meter measurements and small purse seine vessels for which landings of tuna caught in the Convention Area comprise 50 percent or less of the vessel's total landings, by weight, for a given calendar year, would have continued to be exempt from the requirement to be on the Vessel Register. The impacts to small business entities would have been similar to those described under Alternative 1 with respect to not removing the exemption for small vessels. Alternative 2 did not necessarily increase the current carrying capacity in the purse seine fishery, so this could have been disadvantageous to large and some small business entities that were not exempt from being listed on the Vessel Register if the current vessel capacity were reached in a given year and they were not able to participate in the fishery due to a lack of available capacity.

Under Alternative 3, the no action alternative, there would have been no changes to the current regulations for the purse seine fishery which targets tuna species in the EPO. The purse seine vessel capacity limit would have remained at 8,969 mt, the capacity measurements would have remained in metric tons, and small purse seine vessels for which landings of tuna caught in the Convention Area comprise 50 percent or less of the vessel's total landings, by weight, for a given calendar year, would have continued to be exempt from the requirement to be on the Vessel Register. Under this alternative, the United States would have maintained U.S. regulations that are less consistent with IATTC Resolution C–00–06 because small vessels that occasionally fish for tunas would not have been included on the Vessel Register. In addition, U.S. regulations would have continued constraining the carrying capacity limit beyond what is authorized by the IATTC and would have therefore limited the opportunity for U.S. businesses to participate in the fishery.

Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 states that for each rule or group of related rules for which an agency is required to prepare a FRFA, the agency shall publish one or more guides to assist small entities in complying with the rule, and shall designate such publications as "small entity compliance guides." The agency shall explain the actions a small entity is required to take to comply with a rule or group of rules.

As part of this rulemaking process, a small entity compliance guide was prepared. Copies of this final rule are available from the Southwest Regional Office (*see* **ADDRESSES**), and the guide will be sent to all purse seine vessel owners that have fished for tuna in the IATTC Convention area since 2005. The guide and this final rule will be available upon request.

This rule contains a collection-of-information requirement subject to the Paperwork Reduction Act (PRA) and which has been approved by OMB under control number 0648–0387. Public reporting burden for Vessel Register annual notification is estimated to average 35 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate, or any other aspect of this data collection, including suggestions for reducing the burden, to NMFS (*see* **ADDRESSES**) and by e-mail to *OIRA_Submission@omb.eop.gov,* or fax to (202) 395–7285.

Notwithstanding any other provision of the law, no person is required to respond to, and no person shall be subject to penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB control number.

NMFS prepared an Environmental Assessment (EA) on these regulations. A copy of the final EA is available from NMFS (*see* **ADDRESSES**) or at: *http://swr.nmfs.noaa.gov*.

List of Subjects in 50 CFR Part 300

Administrative practice and procedure, Antarctica, Canada, Exports, Fish, Fisheries, Fishing, Imports, Indians, Labeling, Marine resources, Reporting and recordkeeping requirements, Russian Federation, Transportation, Treaties, Wildlife.

Dated: December 28, 2010.

Eric C. Schwaab,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

■ For the reasons set out in the preamble, 50 CFR part 300, subpart C is amended as follows:

PART 300—INTERNATIONAL FISHERIES REGULATIONS

Subpart C—Eastern Pacific Tuna Fisheries

■ 1. The authority citation for 50 CFR part 300, subpart C, continues to read as follows:

Authority: 16 U.S.C. 951–961 *et seq.*

■ 2. Revise the heading for 50 CFR part 300, subpart C, to read as set forth above.

§ 300.21 [Amended]

■ 3. In § 300.21, remove the definition of "Commission's Yellowfin Regulatory Area (CYRA)."

■ 4. In § 300.22, revise paragraphs (b)(1), (b)(3), (b)(4)(i)(A), and (b)(4)(ii) to read as follows:

§ 300.22 Eastern Pacific fisheries recordkeeping and written reports.

* * * * *

(b) * * *

(1) *Exception.* Once per year, a vessel that is licensed under the South Pacific Tuna Treaty may exercise an option to fish with purse seine gear to target tuna in the Convention Area without being listed on the Vessel Register, for a fishing trip that does not exceed 90 days in duration. No more than 32 of such trips are allowed each calendar year. After the commencement of the 32nd such trip, the Regional Administrator shall announce, in the **Federal Register** and by other appropriate means, that no more such trips are allowed for the remainder of the calendar year. Under § 216.24(b)(6)(iii)(C) of this title, vessel assessment fees must be paid for vessels exercising this option.

* * * * *

(3) *Vessel information.* Information on each commercial fishing vessel or CPFV authorized to use purse seine, longline, drift gillnet, harpoon, troll, rod and reel, or pole and line fishing gear to fish for tuna and tuna-like species in the Convention Area for sale shall be collected by the Regional Administrator to conform to IATTC resolutions governing the Vessel Register. This information initially includes, but is not limited to, the vessel name and registration number; the name and business address of the owner(s) and managing owner(s); a photograph of the vessel with the registration number legible; previous vessel name(s) and previous flag (if known and if any); port of registry; International Radio Call Sign; vessel length, beam, and moulded depth; gross tonnage, fish hold capacity in cubic meters, and carrying capacity in metric tons and cubic meters; engine horsepower; date and place where built; and type of fishing method or methods used. The required information shall be collected as part of existing information collections as described in this and other parts of the CFR.

(4) * * *

(i) * * *

(A) The cumulative carrying capacity of all purse seine vessels categorized as active on the Vessel Register may not exceed 31,775 cubic meters in a given year;

* * * * *

(ii) *Frivolous requests for active status.*—(A) Except as described under paragraph (b)(4)(ii)(B) of this section, requests for active status under paragraph (b)(4)(i) of this section will be considered frivolous if, for a vessel categorized as active in a given calendar year:

(*1*) Less than 20 percent of the vessel's total landings, by weight, in that same year is comprised of tuna harvested by purse seine in the Convention Area; or

(*2*) The vessel did not fish for tuna at all in the Convention Area in that same year.

(B) *Exceptions.* Requests described under paragraph (b)(4)(ii)(A) of this section will not be considered frivolous requests if:

(*1*) The vessel's catch pattern fell within the criteria described in pargraph (b)(4)(ii)(A) as a result of force majeure or other extraordinary circumstances as determined by the Regional Administrator; or

(*2*) The vessel's carrying capacity is 400 st (362.8 mt) or less and landings of tuna caught by the vessel in the Convention Area comprise 50 percent or less of the vessel's total landings, by weight, for a given calendar year.

* * * * *

[FR Doc. 2010–33228 Filed 1–3–11; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 76, No. 2
Tuesday, January 4, 2011

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 205

[Document Number AMS–TM–07–0136; TM–07–14PR]

RIN 0581–AC77

National Organic Program (NOP); Sunset Review (2011)

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would address recommendations submitted to the Secretary of Agriculture (Secretary) by the National Organic Standards Board (NOSB) on November 5, 2009, and April 29, 2010. The recommendations addressed in this proposed rule pertain to the continued exemption (use) of 12 substances in organic production and handling. Consistent with the recommendations from the NOSB, this proposed rule would continue the exemption (use) of 12 substances on the U.S. Department of Agriculture's (USDA) National List of Allowed and Prohibited Substances (National List) (along with any restrictive annotations). These substances were originally added to the National List on September 12, 2006.

DATES: Comments must be received by February 3, 2011.

ADDRESSES: Interested persons may submit written comments on this proposed rule using the following addresses:

- *Mail:* Toni Strother, Agricultural Marketing Specialist, National Organic Program, USDA–AMS–NOP, 1400 Independence Ave., SW., Room 2646–So., Ag Stop 0268, Washington, DC 20250.
- *Internet: http://www.regulations.gov.*

Written comments responding to this proposed rule should be identified with the docket number AMS–TM–07–0136; TM–07–14. You should clearly indicate your position to continue the allowance of the substances identified in this proposed rule and the reasons for your position. You should include relevant information and data to support your position (*e.g.,* scientific, environmental, manufacturing, industry impact information, etc.). You should also supply information on alternative substances or alternative management practices, where applicable, that support a change from the current exemption for the substance. Only the supporting material relevant to your position will be considered.

It is our intention to have all comments concerning this proposed rule, including, names and addresses when provided, whether submitted by mail or Internet available for viewing on the Regulations.gov (*http://www.regulations.gov*) Internet site. Comments submitted in response to this proposed rule will also be available for viewing in person at USDA–AMS, National Organic Program, 1400 Independence Ave., SW., Room 2646–South Building, Washington, DC, from 9 a.m. to 12 noon and from 1 p.m. to 4 p.m., Monday through Friday, (except official Federal holidays). Persons wanting to visit the USDA South Building to view comments received in response to this proposed rule are requested to make an appointment in advance by calling (202) 720–3252.

FOR FURTHER INFORMATION CONTACT: Melissa Bailey, Director, Standards Division, Telephone: (202) 720–3252; Fax: (202) 205–7808.

SUPPLEMENTARY INFORMATION:

I. Background

The Organic Foods Production Act of 1990 (OFPA), 7 U.S.C. 6501 *et seq.,* authorizes the establishment of the National List of exempted and prohibited substances. The National List identifies synthetic substances that may be used in organic production and nonsynthetic (natural) substances that are prohibited in organic crop and livestock production. The National List also identifies nonagricultural nonsynthetic, nonagricultural synthetic and nonorganic agricultural substances that may be used in organic handling.

The exemptions and prohibitions granted under the OFPA are required to be reviewed every 5 years by the National Organic Standards Board (NOSB). The Secretary of Agriculture has authority under the OFPA to renew such exemptions and prohibitions. If they are not reviewed by the NOSB within 5 years of their inclusion on the National List and renewed by the Secretary, their authorized use or prohibition expires. This means that synthetic substances Hydrogen chloride (CAS # 7647–01–0) and Ferric phosphate (CAS # 10045–86–0), currently allowed for use in organic crop production, will no longer be allowed for use after the sunset date, September 12, 2011. This also means that Egg white lysozyme (CAS # 9001–63–2), L–Malic acid (CAS # 97–67–6), Microorganisms, Activated charcoal (CAS #s 7440–44–0; 64365–11–3), Cyclohexylamine (CAS # 108–91–8), Diethylaminoethanol (CAS # 100–37–8), Octadecylamine (CAS # 124–30–1), Peracetic acid/Peroxyacetic acid (CAS # 79–21–0), Sodium acid pyrophosphate (CAS # 7758–16–9), and Tetrasodium pyrophosphate (CAS # 7722–88–5), currently allowed for use in organic handling, will no longer be allowed for use after the sunset date, September 12, 2011.

In response to the sunset provisions in the OFPA, the Secretary published an Advanced Notice of Proposed Rulemaking (ANPR) (73 FR 13795) in the **Federal Register** on March 14, 2008, to announce the review of the 12 exemptions authorized under the National Organic Program (NOP) regulations. This ANPR also requested public comment on the continued use of such substances. The public comment period lasted 60 days.

We received 25 comments in response to the ANPR. Comments were received from producers, handlers, certifying agents, trade associations, organic associations, various industry groups, and a university. Some comments addressed more than one substance. We received general comments urging that the current listings remain as they are currently stated, and one general comment insisting that no chemicals should be allowed for use in organic products. Most commenters provided specific support for substances that they promoted, represented, or relied upon. Specific support was received for the following substances: Hydrogen chloride, Ferric phosphate, Egg white lysozyme, L-Malic acid, Microorganisms, Activated charcoal, Cyclohexylamine, Diethylaminoethanol,

Octadecylamine, Peracetic acid/Peroxyacetic acid, Sodium acid pyrophosphate, and Tetrasodium pyrophosphate.

The NOSB received additional public comment concerning the pending sunset of the 12 substances in response to three **Federal Register** Notices announcing meetings of the NOSB and its planned deliberations on recommendations involving Sunset 2011 substances. The three notices were published in the **Federal Register** as follows: March 20, 2009 (74 FR 11904), September 9, 2009 (74 FR 46411), and March 17, 2010 (75 FR 12723). The NOSB received further written and oral testimony at these public business meetings which occurred in Washington, DC on May 4–6, 2009, and November 3–5, 2009, and in Woodland, CA on April 26–29, 2010. The written comments can be retrieved via *http://www.regulations.gov* by searching for the document ID numbers: AMS–TM–09–0014 (May 2009 meeting); AMS–TM–09–0060 (November 2009 meeting); and AMS–NOP–10–0021 (April 2010). The oral comments were recorded in the meeting transcripts which are available on the NOP Web site, *http://www.ams.usda.gov/nop.*

As a result of the May 2009, November 2009, and April 2010, NOSB meetings, and in consideration of the comments received from the ANPR, the NOSB recommended that the Secretary renew the 12 exemptions on the National List (along with any restrictive annotations). The Secretary is issuing this proposed rule to reflect the recommendations of the NOSB, from November 2009 and April 2010, and to request public comment on the continued exemption (use) of 12 substances on the National List.

Under the authority of the OFPA, as amended, (7 U.S.C. 6501 *et seq.*), the National List can be amended by the Secretary based on proposed amendments developed by the NOSB. Since established, the National List has been amended fourteen times, October 31, 2003 (68 FR 61987), November 3, 2003 (68 FR 62215), October 21, 2005 (70 FR 61217), June 7, 2006 (71 FR 32803), September 11, 2006 (71 FR 53299), June 27, 2007 (72 FR 35137), October 16, 2007 (72 FR 58469), December 10, 2007 (72 FR 69569), December 12, 2007 (72 FR 70479), September 18, 2008 (73 FR 54057), October 9, 2008 (73 FR 59479), July 6, 2010 (75 FR 38693), August 24, 2010 (75 FR 51919), and December 13, 2010 (75 FR 77521). Additionally, proposed amendments to the National List were published on November 8, 2010 (75 FR 68505).

II. Overview of Proposed Renewals

From May 4, 2009, through April 29, 2010, the NOSB reviewed 12 exemptions that are authorized on the National List and set to expire on September 12, 2011. Using the evaluation criteria specified in the ANPR for sunset review, the NOSB reviewed these exemptions for continued authorization in organic agricultural production and handling. As a result of the NOSB's review, the NOSB recommended that the Secretary renew the 12 exemptions.

With respect to the criteria used to make recommendations regarding the continued authorization of exemptions and prohibitions, the NOSB's decision is based on public comments and applicable supporting evidence that expresses a continued need for the use or prohibition of the substance(s).

Concerning criteria used to make recommendations regarding the discontinuation of an authorized exempted synthetic substance or prohibited nonsynthetic substance, the NOSB's decision, for the exempted synthetic substance, is based on public comments and applicable supporting evidence that demonstrates the currently authorized exempted substance is: (a) Harmful to human health or the environment, (b) not necessary to the production of the agricultural products because of the availability of wholly nonsynthetic substitute products, or (c) inconsistent with organic farming and handling.

Renewals

After considering all public comments and supporting evidence, the NOSB determined that the 12 exemptions demonstrated a continued need for authorization in organic agricultural production and handling. On November 5, 2009, the NOSB finalized its recommendations on 11 of the 12 exemptions, and on April 29, 2010, the NOSB finalized its recommendation on Ferric phosphate.

The Agricultural Marketing Service (AMS) has reviewed and concurs with the NOSB recommendations. Accordingly, this proposed rule would continue the exemptions at § 205.601, along with any restrictive annotations, for the following synthetic substances allowed for use in organic crop production: Ferric phosphate (CAS # 10045–86–0); and Hydrogen chloride (CAS # 7647–01–0). This proposed rule would continue the exemptions at § 205.605(a), along with any restrictive annotations, for the following nonsynthetic, nonagricultural (nonorganic) substances allowed as ingredients in or on processed products labeled as "organic" or "made with organic (specified ingredients or food groups(s))": Egg white lysozyme (CAS # 9001–63–2); L–Malic acid (CAS # 97–67–6); and Microorganisms. This proposed rule would continue the exemptions at § 205.605(b), along with any restrictive annotations, for the following synthetic, nonagricultural (nonorganic) substances allowed as ingredients in or on processed products labeled as "organic" or "made with organic (specified ingredients or food groups(s))": Activated charcoal (CAS #s 7440–44–0; 64365–11–3); Cyclohexylamine (CAS # 108–91–8); Diethylaminoethanol (CAS # 100–37–8); Octadecylamine (CAS # 124–30–1); Peracetic acid/Peroxyacetic acid (CAS # 79–21–0); Sodium acid pyrophosphate (CAS # 7758–16–9); and Tetrasodium pyrophosphate (CAS # 7722–88–5).

III. Related Documents

One advanced notice of proposed rulemaking with request for comments was published in **Federal Register** 73 FR 13795 on March 14, 2008, to make the public aware that the allowance of 12 synthetic and non-synthetic substances in organic production and handling will expire, if not reviewed by the NOSB and renewed by the Secretary.

IV. Statutory and Regulatory Authority

The OFPA, as amended (7 U.S.C. 6501 *et seq.*), authorizes the Secretary to make amendments to the National List based on proposed amendments developed by the NOSB. Sections 6518(k)(2) and 6518(n) of OFPA authorize the NOSB to develop proposed amendments to the National List for submission to the Secretary and establish a petition process by which persons may petition the NOSB for the purpose of having substances evaluated for inclusion on or deletion from the National List. The National List petition process is implemented under § 205.607 of the NOP regulations. The current petition process (72 FR 2167, January 18, 2007) can be accessed through the NOP Web site at: *http://www.ams.usda.gov/nop.*

A. Executive Order 12866

This action has been determined not significant for purposes of Executive Order 12866, and therefore, has not been reviewed by the Office of Management and Budget.

B. Executive Order 12988

Executive Order 12988 instructs each executive agency to adhere to certain requirements in the development of new

and revised regulations in order to avoid unduly burdening the court system. This proposed rule is not intended to have a retroactive effect.

States and local jurisdictions are preempted under the OFPA from creating programs of accreditation for private persons or State officials who want to become certifying agents of organic farms or handling operations. A governing State official would have to apply to USDA to be accredited as a certifying agent, as described in § 2115(b) of the OFPA (7 U.S.C. 6514(b)). States are also preempted under §§ 2104 through 2108 of the OFPA (7 U.S.C. 6503 through 6507) from creating certification programs to certify organic farms or handling operations unless the State programs have been submitted to, and approved by, the Secretary as meeting the requirements of the OFPA.

Pursuant to § 2108(b)(2) of the OFPA (7 U.S.C. 6507(b)(2)), a State organic certification program may contain additional requirements for the production and handling of organically produced agricultural products that are produced in the State and for the certification of organic farm and handling operations located within the State under certain circumstances. Such additional requirements must: (a) Further the purposes of the OFPA, (b) not be inconsistent with the OFPA, (c) not be discriminatory toward agricultural commodities organically produced in other States, and (d) not be effective until approved by the Secretary.

Pursuant to § 2120(f) of the OFPA (7 U.S.C. 6519(f)), this proposed rule would not alter the authority of the Secretary under the Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*), the Poultry Products Inspections Act (21 U.S.C. 451 *et seq.*), or the Egg Products Inspection Act (21 U.S.C. 1031 *et seq.*), concerning meat, poultry, and egg products, nor any of the authorities of the Secretary of Health and Human Services under the Federal Food, Drug and Cosmetic Act (21 U.S.C. 301 *et seq.*), nor the authority of the Administrator of EPA under the Federal Insecticide, Fungicide and Rodenticide Act (7 U.S.C. 136 *et seq.*).

Section 2121 of the OFPA (7 U.S.C. 6520) provides for the Secretary to establish an expedited administrative appeals procedure under which persons may appeal an action of the Secretary, the applicable governing State official, or a certifying agent under this title that adversely affects such person or is inconsistent with the organic certification program established under this title. The OFPA also provides that the U.S. District Court for the district in which a person is located has jurisdiction to review the Secretary's decision.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612) requires agencies to consider the economic impact of each rule on small entities and evaluate alternatives that would accomplish the objectives of the rule without unduly burdening small entities or erecting barriers that would restrict their ability to compete in the market. The purpose is to fit regulatory actions to the scale of businesses subject to the action. Section 605 of the RFA allows an agency to certify a rule, in lieu of preparing an analysis, if the rulemaking is not expected to have a significant economic impact on a substantial number of small entities.

Pursuant to the requirements set forth in the RFA, the AMS performed an economic impact analysis on small entities in the final rule published in the **Federal Register** on December 21, 2000 (65 FR 80548). The AMS has also considered the economic impact of this action on small entities. The impact on entities affected by this proposed rule would not be significant. The effect of this proposed rule would be to allow the continued use of additional substances in agricultural production and handling. The AMS concludes that the economic impact of this addition of allowed substances, if any, would be minimal and beneficial to small agricultural service firms. Accordingly, USDA certifies that this rule will not have a significant economic impact on a substantial number of small entities.

Small agricultural service firms, which include producers, handlers, and accredited certifying agents, have been defined by the Small Business Administration (SBA) (13 CFR 121.201) as those having annual receipts of less than $7,000,000 and small agricultural producers are defined as those having annual receipts of less than $750,000.

According to USDA, Economic Research Service (ERS) data based on information from USDA-accredited certifying agents, the number of certified U.S. organic crop and livestock operations totaled nearly 13,000 and certified organic acreage exceeded 4.8 million acres in 2008.[1] ERS, based upon the list of certified operations maintained by the NOP, estimated the number of certified handling operations was 3,225 in 2007.[2] AMS believes that most of these entities would be considered small entities under the criteria established by the SBA.

The U.S. sales of organic food and beverages have grown from $3.6 billion in 1997 to nearly $21.1 billion in 2008.[3] The organic industry is viewed as the fastest growing sector of agriculture, representing over 3 percent of overall food sales in 2009. Between1990 and 2008, organic food sales have historically demonstrated a growth rate between 15 to 24 percent each year. In 2009, organic food sales grew 5.1%.[4]

In addition, USDA has 98 accredited certifying agents who provide certification services to producers and handlers. A complete list of names and addresses of accredited certifying agents may be found on the AMS NOP Web site, at *http://www.ams.usda.gov/nop*. AMS believes that most of these accredited certifying agents would be considered small entities under the criteria established by the SBA.

D. Paperwork Reduction Act

No additional collection or recordkeeping requirements are imposed on the public by this proposed rule. Accordingly, OMB clearance is not required by section 350(h) of the Paperwork Reduction Act of 1995, 44 U.S.C. 3501, *et seq.,* or OMB's implementing regulations at 5 CFR part 1320.

E. General Notice of Public Rulemaking

This proposed rule reflects recommendations submitted to the Secretary by the NOSB for the continuation of 12 exemptions contained on the National List of Allowed and Prohibited Substances. A 30-day period for interested persons to comment on this rule is provided. Thirty days is deemed appropriate because the expiration of these 12 substances has been widely publicized, their continued use is critical to organic production, and this rulemaking should be completed before September 12, 2011.

List of Subjects in 7 CFR Part 205

Administrative practice and procedure, Agriculture, Animals,

[1] U.S. Department of Agriculture, Economic Research Service. 2009. *Data Sets: U.S. Certified Organic Farmland Acreage, Livestock Numbers and Farm Operations, 1992–2008. http://www.ers.usda.gov/Data/Organic/.*

[2] U.S. Department of Agriculture, Economic Research Service, 2009. *Data Sets: Procurement and Contracting by Organic Handlers: Documentation. http://www.ers.usda.gov/Data/OrganicHandlers/Documentation.htm.*

[3] Dimitri, C., and L. Oberholtzer. 2009. *Marketing U.S. Organic Foods: Recent Trends from Farms to Consumers,* Economic Information Bulletin No. 58, U.S. Department of Agriculture, Economic Research Service, *http://www.ers.usda.gov/Publications/EIB58.*

[4] Organic Trade Association's *2010 Organic Industry Survey, http://www.ota.com.*

Archives and records, Imports, Labeling, Organically produced products, Plants, Reporting and recordkeeping requirements, Seals and insignia, Soil conservation.

The authority citation for 7 CFR part 205 continues to read as follows:

Authority: 7 U.S.C. 6501–6522.

Dated: December 22, 2010.

Rayne Pegg,

Administrator, Agricultural Marketing Service.

[FR Doc. 2010–33138 Filed 1–3–11; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. NM439 Special Conditions No. 25–10–04–SC]

Special Conditions: Gulfstream Model GVI Airplane; Single-Occupant Side-Facing Seats

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed special conditions.

SUMMARY: This action proposes special conditions for the Gulfstream GVI airplane. This airplane will have a novel or unusual design feature(s) associated with single-occupant side-facing seats. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These proposed special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: We must receive your comments by February 18, 2011.

ADDRESSES: You must mail two copies of your comments to: Federal Aviation Administration, Transport Airplane Directorate, Attn: Rules Docket (ANM–113), Docket No. NM439, 1601 Lind Avenue, SW., Renton, Washington 98057–3356. You may deliver two copies to the Transport Airplane Directorate at the above address. You must mark your comments: Docket No. NM439. You can inspect comments in the Rules Docket weekdays, except Federal holidays, between 7:30 a.m. and 4 p.m.

FOR FURTHER INFORMATION CONTACT: Daniel Jacquet, FAA, Airframe/Cabin Safety Branch, ANM–115, Transport Standards Staff, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 227–2676; facsimile (425) 227–1320.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite interested people to take part in this rulemaking by sending written comments, data, or views. The most helpful comments reference a specific portion of the special conditions, explain the reason for any recommended change, and include supporting data. We ask that you send us two copies of written comments.

We will file in the docket all comments we receive, as well as a report summarizing each substantive public contact with FAA personnel concerning these special conditions. You can inspect the docket before and after the comment closing date. If you wish to review the docket in person, go to the address in the **ADDRESSES** section of this preamble between 7:30 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

We will consider all comments we receive on or before the closing date for comments. We will consider comments filed late if it is possible to do so without incurring expense or delay. We may change these special conditions based on the comments we receive.

If you want us to acknowledge receipt of your comments on this proposal, include with your comments a self-addressed, stamped postcard on which you have written the docket number. We will stamp the date on the postcard and mail it back to you.

Background

On September 28, 2006, Gulfstream Aerospace Corporation (hereafter referred to as "Gulfstream") applied for an FAA type certificate for its new Gulfstream Model GVI passenger airplane. The Gulfstream Model GVI airplane will be an all-new, two-engine jet transport airplane with an executive cabin interior. The maximum takeoff weight will be 99,600 pounds, with a maximum passenger count of 19 passengers.

Type Certification Basis

Under provisions of Title 14, Code of Federal Regulations (14 CFR) 21.17, Gulfstream must show that the Gulfstream Model GVI airplane (hereafter referred to as "the GVI") meets the applicable provisions of 14 CFR part 25, as amended by Amendments 25–1 through 25–119 and 25–122. If the Administrator finds that the applicable airworthiness regulations (*i.e.,* 14 CFR part 25) do not contain adequate or appropriate safety standards for the GVI because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

In addition to complying with the applicable airworthiness regulations and special conditions, the GVI must comply with the fuel vent and exhaust emission requirements of 14 CFR part 34 and the noise certification requirements of 14 CFR part 36. The FAA must also issue a finding of regulatory adequacy pursuant to section 611 of Public Law 92–574, the "Noise Control Act of 1972."

The FAA issues special conditions, as defined in 14 CFR 11.19, in accordance with § 11.38, and they become part of the type certification basis under § 21.17(a)(2).

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same novel or unusual design features, the special conditions would also apply to the other model under provisions of § 21.101.

Novel or Unusual Design Features

The GVI offers interior arrangements, which include single-occupant side-facing seat installations. Dynamic testing of all seats approved for occupancy during takeoff and landing is required by § 25.562. The pass/fail criteria for the testing developed in Amendment 25–64 to § 25.562 focused primarily on fore/aft facing seats. Side-facing seat installations were not adequately addressed for transport category airplanes in this amendment.

Discussion of Proposed Special Conditions

Section 25.785(b), "Seats, berths, safety belts, and harnesses," requires that "each seat * * * at each station" designated as occupiable during takeoff and landing must be designed so that a person making proper use of these facilities "will not suffer serious injury in an emergency landing as a result of the inertia forces specified in §§ 25.561 and 25.562." Additionally, § 25.562, "Emergency landing dynamic conditions," requires dynamic testing of all seats occupied during takeoff and landing. The relative forces and injury mechanisms affecting the occupants of side-facing seats during an emergency landing are different from those of standard forward- or aft-facing seats, or seats equipped with conventional restraint systems.

Although § 25.562 was written with forward- and aft-facing seats in mind, the orientation of the seat does not change the relevant test conditions, and the rule applies to all seats regardless of orientation.

The dynamic test conditions included in § 25.562 are directly applicable to side-facing seats. However, for injury pass/fail criteria, the orientation of the seat may be significant. For forward-, aft-, and side-facing seats the injury criteria are currently limited to head, spine, and femur loads. The head and lumbar loads are critical but the femur load is not critical. For a side-facing seat, additional injury parameters may be identified and evaluation of those parameters would be necessary to provide an acceptable level of safety.

When evaluating side-facing seats the following should be taken into consideration:

1. The isolation of one occupant from another. Occupants should not rely on impact with other occupants to provide energy absorption; body-to-body impacts are unacceptable.

2. The restraint system and the retention of occupants in the seat. Addressing this concern may necessitate providing a means of restraint for the lower limbs as well as the torso. Failure to limit the forward (in the airplane's coordinate system) travel of the lower limbs may cause the occupant to come out of the restraint system or produce severe injuries due to the resulting position of the restraint system and/or twisting (torsional load) of the lower lumbar spinal column.

3. The load limit in the torso in the lateral direction. Human tolerance for side-facing seats differs from that for forward- or aft-facing seats.

The automotive industry has developed test procedures and occupant injury criteria appropriate for side impact conditions. The criteria include limiting lateral pelvic accelerations and using the "Thoracic Trauma Index," which is defined in 49 CFR 571.214. Use of the side impact dummy (SID) identified in 49 CFR part 572, subpart F, rather than the Hybrid II dummy identified in 49 CFR part 572, subpart B, is required to evaluate these parameters. The Hybrid II dummy is used in the current § 25.562 test. Testing with a SID is the best means available to assess the injury potential of a sideward impact condition. Such an evaluation is considered necessary to provide an acceptable level of safety for side-facing seats.

The side-facing seat proposed special conditions have been determined to result in a level of safety equivalent to that provided by the injury pass/fail criteria in § 25.562 for forward- or aft-facing seats.

Applicability

As discussed above, this proposed special condition is applicable to the GVI. Should Gulfstream apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design features, this proposed special condition would apply to that model as well.

Conclusion

This action affects only certain novel or unusual design features of the GVI. It is not a rule of general applicability.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

The Proposed Special Conditions

Accordingly, the Federal Aviation Administration (FAA) proposes the following special conditions as part of the type certification basis for the GVI airplanes.

In addition to the airworthiness standards in §§ 25.562 and 25.785, the following proposed special conditions provide injury criteria and installation/testing guidelines that represent the minimum acceptable airworthiness standard for single-place side-facing seats:

A. The Proposed Injury Criteria

1. *Existing Criteria:* All injury protection criteria of § 25.562(c)(1) through (c)(6) apply to the occupant of a side-facing seat. Head injury criterion (HIC) assessments are only required for head contact with the seat and/or adjacent structures.

2. *Body-to-Wall/Furnishing Contact:* The seat must be installed aft of a structure such as an interior wall or furnishing that will support the pelvis, upper arm, chest, and head of an occupant seated next to the structure. A conservative representation of the structure and its stiffness must be included in the tests. It is recommended, but not required, that the contact surface of this structure be covered with at least two inches of energy absorbing protective padding (foam or equivalent), such as Ensolite.

3. *Thoracic Trauma:* Thoracic trauma index (TTI) injury criterion must be substantiated by dynamic test or by rational analysis based on previous test(s) of a similar seat installation. Testing must be conducted with a side impact dummy (SID), as defined by Title 49, Code of Federal Regulations (49 CFR) part 572, Subpart F, or its equivalent. TTI must be less than 85, as defined in 49 CFR part 572, subpart F. SID TTI data must be processed as defined in Federal Motor Vehicle Safety Standard (FMVSS) part 571.214, section S6.13.5.

4. *Pelvis:* Pelvic lateral acceleration must be shown by dynamic test or by rational analysis based on previous test(s) of a similar seat installation not to exceed 130g. Pelvic acceleration data must be processed as defined in FMVSS part 571.214, section S6.13.5.

5. *Shoulder Strap Loads:* Where upper torso straps (shoulder straps) are used for occupants, tension loads in individual straps must not exceed 1,750 pounds. If dual straps are used for restraining the upper torso, the total strap tension loads must not exceed 2,000 pounds.

B. General Test Guidelines

1. One longitudinal test with the SID or its equivalent, undeformed floor, no yaw, and with all lateral structural supports (armrests/walls).

Pass/fail injury assessments: TTI and pelvic acceleration.

2. One longitudinal test with the Hybrid II anthropomorphic test dummy (ATD), deformed floor, with 10 degrees yaw, and with all lateral structural support (armrests/walls).

Pass/fail injury assessments: HIC; and upper torso restrain load, restraint system retention and pelvic acceleration.

3. Vertical (14g) test is to be conducted with modified Hybrid II ATDs with existing pass/fail criteria.

Issued in Renton, Washington, on December 22, 2010.

Jeffrey E. Duven,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2010–33221 Filed 1–3–11; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2006–24145; Directorate Identifier 2006–NE–06–AD]

RIN 2120–AA64

Airworthiness Directives; General Electric Company CF6–45 and CF6–50 Series Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede an existing airworthiness directive (AD) that applies to General Electric Company (GE) CF6–45 and CF6–50 series turbofan engines. The existing AD requires replacing certain forward and aft centerbodies of the long fixed core exhaust nozzle (LFCEN) assembly. Since we issued that AD, we became aware that other forward and aft centerbodies are also affected. This proposed AD would add certain new centerbodies requiring replacement. This proposed AD is prompted by the discovery of more part numbers (P/Ns) of centerbodies requiring replacement. We are proposing this AD to prevent the forward and aft centerbody of the LFCEN assembly from separating from the engine, damage to the engine, and damage to the airplane.

DATES: We must receive comments on this proposed AD by February 18, 2011.

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

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

For service information identified in this AD, contact General Electric Company, GE–Aviation, Room 285, 1 Neumann Way, Cincinnati, OH 45215, telephone 513–552–3272; fax 513–552–3329; e-mail: *geae.aoc@ge.com.* You may review copies of the referenced service information at the FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7125.

Examining the AD Docket

You may examine the AD docket 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 AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Tomasz Rakowski, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate; phone: 781–238–7735; fax: 781–238–7199; e-mail: *tomasz.rakowski@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include "Docket No. FAA–2006–24145; Directorate Identifier 2006–NE–06–AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because 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 about this proposed AD.

Discussion

On February 12, 2009, we issued AD 2009–04–17, Amendment 39–15823 (74 FR 8735, February 26, 2009), for GE CF6–45 and CF6–50 series turbofan engines. That AD requires replacing LFCEN assembly forward centerbodies P/N 1313M55G01 or G02, P/N 9076M28G09 or G10, and aft centerbodies P/N 1313M56G01 or 9076M46G05 with modified centerbodies. That AD resulted from reports of separation of centerbodies from the engine due to high imbalance engine conditions caused by events including bird strikes. Separation of the centerbodies from the engine would cause engine damage and airplane damage. We issued that AD to prevent the forward and aft centerbody of the LFCEN assembly from separating from the engine, damage to the engine, and damage to the airplane.

Actions Since Existing AD Was Issued

Since we issued AD 2009–04–17, we identified seven additional centerbody P/Ns that should have been included in the AD. These centerbodies are of the same design and construction as those identified in the original AD and therefore, are subject to the same unsafe condition. We added forward centerbodies P/N 9076M28G05, G06, G08, P/N 9076M82G01, G03, and aft centerbodies P/N 9076M46G02, G04 to the applicability of this proposed AD to remove them from service.

FAA's Determination

We are proposing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Proposed AD Requirements

This proposed AD would add forward centerbody P/Ns 9076M28G05, G06, and G08, P/Ns 9076M82G01, G03, and aft centerbody P/Ns 9076M46G02, G04, to those P/Ns in AD 2009–04–17 to be removed from service.

Costs of Compliance

We estimate that this proposed AD would affect 383 GE CF6–45 and CF6–50 series turbofan engines installed on airplanes of U.S. registry. We also estimate that it would take about 44 work hours per engine to perform the actions required by this AD, and that the average labor rate is $85 per work-hour. Required parts would cost about $11,000 per engine. Based on these figures, we estimate the total cost of this AD to U.S. operators to be $5,645,420.

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),

(3) Will not affect intrastate aviation in Alaska, and

(4) 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.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, 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 removing airworthiness directive (AD) 2009–04–17, Amendment 39–15823 (74 FR 8735; February 26, 2009), and adding the following new AD:

General Electric Company: Docket No. FAA–2006–24145; Directorate Identifier 2006–NE–06–AD.

Comments Due Date

(a) The FAA must receive comments on this AD action by February 18, 2011.

Affected ADs

(b) This AD supersedes AD 2009–04–17, Amendment 39–15823.

Applicability

(c) This AD applies to the following engines with a long fixed core exhaust nozzle (LFCEN) assembly forward centerbody, part number (P/N) 1313M55G01 or G02, P/N 9076M28G05, G06, G08, G09, or G10, P/N 9076M82G01 or G03, and aft centerbody P/N 1313M56G01, or P/N 9076M46G02, G04, or G05, installed in:

(1) General Electric Company (GE) CF6–45A, CF6–45A2, CF6–50A, CF6–50C, CF6–50CA, CF6–50C1, CF6–50C2, CF6–50C2B, CF6–50C2D, CF6–50E, CF6–50E1, CF6–50E2, and CF6–50E2B turbofan engines; including engines marked on the engine data plate as CF6–50C2–F and CF6–50C2–R.

(2) These engines are installed on, but not limited to, Airbus A300 series, Boeing 747 series, McDonnell Douglas DC–10 series, and DC–10–30F (KDC–10) airplanes.

Unsafe Condition

(d) This AD was prompted by the discovery of more P/Ns of centerbodies affected, requiring replacement. We are issuing this AD to prevent the forward and aft centerbody of the LFCEN assembly from separating from the engine, damage to the engine, and damage to the airplane.

Compliance

(e) Comply with this AD within the compliance times specified, unless already done.

(1) Within 18 months after the effective date of this AD, replace forward centerbody, P/N 1313M55G01 and G02, P/N 9076M28G05, G06, G08, G09, and G10, P/N 9076M82G01 and G03, and aft centerbody P/N 1313M56G01, P/N 9076M46G02, G04, and G05 with a forward and aft centerbody that has been modified using the Accomplishment Instructions, Section 3, of GE Service Bulletin (SB) No. CF6–50 S/B 78–0244, Revision 1, dated March 13, 2008, CF6–50 S/B 78–0244, dated July 30, 2007, or CF6–50 S/B 78–0242, dated September 26, 2005.

Centerbody Installation Prohibition

(2) After 18 months from the effective date of this AD, do not install any engine with forward centerbody, P/N 1313M55G01 or G02, P/N 9076M28G05, G06, G08, G09, or G10, P/N 9076M82G01 or G03, or aft centerbody P/N 1313M56G01, P/N 9076M46G02, G04, or G05 on any airplane.

Alternative Methods of Compliance (AMOCs)

(f) The Manager, Engine Certification Office, FAA, may approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19.

Related Information

(g) For more information about this AD, contact Tomasz Rakowski, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate; phone: 781–238–7735; fax: 781–238–7199; e-mail: *tomasz.rakowski@faa.gov.*

(h) For service information identified in this AD, contact General Electric Company, GE–Aviation, Room 285, 1 Neumann Way, Cincinnati, OH 45215, telephone 513–552–3272; fax 513–552–3329; e-mail: *geae.aoc@ge.com.* You may review copies of the referenced service information at the FAA, Engine & Propeller Directorate. For information on the availability of this material at the FAA, call 781–238–7125.

Issued in Burlington, Massachusetts, on December 28, 2010.

Peter A. White,

Assistant Manager, Engine & Propeller Directorate, Aircraft Certification Service.

[FR Doc. 2010–33167 Filed 1–3–11; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 922

[0908041219–0073–02]

RIN 0648–AX79

Amendments to National Marine Sanctuary Regulations Regarding Low Overflights in Designated Zones

AGENCY: Office of National Marine Sanctuaries (ONMS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Extension of public comment period.

SUMMARY: On December 8, 2010, NOAA published a proposed rule in the **Federal Register** to amend the low overflight regulations of the Channel Islands, Monterey Bay, Gulf of the Farallones, and Olympic Coast national marine sanctuaries. Specifically, NOAA proposes to amend the regulations requiring that motorized aircraft maintain certain minimum altitudes above specified locations within the boundaries of the listed sanctuaries; and state that failure to comply with these altitude limits is presumed to disturb marine mammals or seabirds and is a violation of the sanctuary regulations.

DATES: The public comment period on the proposed rule published at 75 FR 76319, December 8, 2010, will be extended an additional 30 days from the original due date of January 7, 2011. Comments will be accepted through February 7, 2011.

ADDRESSES: You may submit comments, identified by RIN 0648–AX79 by any one of the following methods:

- *Electronic Submissions:* Submit all electronic public comments via the Federal eRulemaking Portal *http://www.regulations.gov.*
- *Mail:* Debra Malek, Office of National Marine Sanctuaries, 1305 East-West Highway, 11th floor, Silver Spring, MD 20910.

Instructions: No comments will be posted for public viewing until after the comment period has closed. All comments received are a part of the public record and will be posted to *http://www.regulations.gov* without change. All Personal Identifying Information (for example, name, address, *etc.*) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

ONMS will accept anonymous comments (enter N/A in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, Wordperfect, or Adobe PDF file formats only.

FOR FURTHER INFORMATION CONTACT: Debra Malek, Office of National Marine Sanctuaries, 1305 East-West Highway, 11th floor, Silver Spring, MD 20910, (301) 713–3125 Ext. 262.

Daniel J. Basta,

Director, Office of National Marine Sanctuaries.

[FR Doc. 2010–33088 Filed 1–3–11; 8:45 am]

BILLING CODE 3510–NK–M

DELAWARE RIVER BASIN COMMISSION

18 CFR Part 410

Proposed Amendments to the Water Quality Regulations, Water Code and Comprehensive Plan To Provide for Regulation of Natural Gas Development Projects

AGENCY: Delaware River Basin Commission.

ACTION: Proposed rule; notice of public hearing.

SUMMARY: The Delaware River Basin Commission ("Commission") proposes to amend its Water Quality Regulations ("WQR"), Water Code and Comprehensive Plan by adding a new Article 7 to the WQR providing for the conservation and development of water resources of the Delaware River Basin during the implementation of natural gas development projects. This Article applies to all natural gas development projects involving siting, construction or use of production, exploratory or other wells in the Basin regardless of the target geologic formation, and to water withdrawals, well pad and related activities and wastewater disposal activities comprising part of, associated with or serving such projects.

DATES: Comments must be received on or before close of business on March 16, 2011. Public hearings are scheduled for February 17 and 22, 2011. See **SUPPLEMENTARY INFORMATION** below for further information about the public hearings.

ADDRESSES: *Electronic comments* will only be accepted through the designated public comment collection system accessible through the Commission's Draft Natural Gas Development Regulations Web page: *http://www.state.nj.us/drbc/notice_naturalgas-draftregs.htm. Printed comments* may be submitted through the U.S. Mail to Natural Gas Regulations c/o Commission Secretary, DRBC, P.O. Box 7360, West Trenton, NJ 08628–0360; by private mail carrier to Natural Gas Regulations c/o Commission Secretary, DRBC, 25 State Police Drive, West Trenton, NJ 08628–0360; or at any of the three public hearings. See Supplemental Information below for further information about the location of the public hearings and how to file comments electronically.

FOR FURTHER INFORMATION CONTACT: The full text of the Draft Natural Gas Development Regulations was posted on December 9, 2010 on the Commission's Web site: *http://www.state.nj.us/drbc/notice_naturalgas-draftregs.htm.* Hard copies of these materials may be obtained at cost by contacting Ms. Paula Schmitt at 609–883–9500, ext. 224.

SUPPLEMENTARY INFORMATION:

Comment Process: Interested parties wishing to comment on the proposed Article 7 are encouraged to visit the Commission's Draft Natural Gas Development Regulations webpage: *http://www.state.nj.us/drbc/notice_naturalgas-draftregs.htm.* This Web page provides instructions on how to submit comments, a copy of the draft regulations, supporting documents and information about the public hearings and informational sessions, and access to the public comment collection system. The Commission will only accept comments received through the electronic comment collection system accessible through its Web page, during the public hearing or at the addresses listed above. Comment received through any other method, including email, fax and telephone, will not be considered or included in the record.

Public Hearings: Three public hearings will be held. The hearings are tentatively scheduled for February 17, 2010 near the Commission office and February 22, 2011 in Wayne County, Pennsylvania and Sullivan County, New York. The exact times, locations, directions, and other details about these meetings will be posted on the Commission's Web page as they become available: *http://www.state.nj.us/drbc/notice_naturalgas-draftregs.htm.*

Purpose, Authority and Scope: The Commission is proposing a new Article 7 of DRBC's Water Quality Regulations to protect the water resources of the Basin during the construction and operation of natural gas development projects. This Article applies to all natural gas development projects involving siting, construction or use of production, exploratory or other wells in the Basin regardless of the target geologic formation, and to water withdrawals, well pad and related activities and wastewater disposal activities comprising part of, associated with or serving such projects. The provisions of this Article rely on the state oil and gas regulatory programs of Pennsylvania and New York where separate administration by the Commission would result in unnecessary duplication. The Article supersedes the Executive Director's Determinations issued on May 19, 2009, June 14, 2010 and July 23, 2010.

This Article implements the statutory authority that the Basin states of Delaware, New Jersey, New York and Pennsylvania and the federal government granted to the Commission in the Delaware River Basin Compact and supplements the Commission's Comprehensive Plan with respect to natural gas development projects within the Basin. Commission regulations are one mechanism by which the Basin states and Federal government work together to manage water resources in an integrated manner for the benefit of all citizens of the Basin.

Strategic Regulatory Framework: This Article's regulatory framework is divided into sections addressing water sources for natural gas development, well pad siting, and wastewater disposal. The Commission primarily relies on the oil and gas programs and the experienced agency staff of the state in which the natural gas well is located to manage well construction and operation.

Water Sources for Uses Related to Natural Gas Well Development: Existing Commission regulations establish a program for regulating water withdrawals. These Commission requirements serve multiple water resources objectives including, among others, preserving river flows to protect in-stream living resources and downstream withdrawers, and ensuring adequate assimilative capacity for approved discharges. The Commission has in other regulations established thresholds for project review based on the thirty-day average volume of water withdrawals. Water withdrawals for natural gas development including high volume hydraulic fracturing may have substantial water quality impacts due to their high intermittent daily withdrawal volume. Consequently, this Article requires that water used for natural gas development projects must come from water sources that have been approved by the Commission for use for natural gas development. The requirements for approval are designed to protect minimum stream flows, provide a

record of water transfers and otherwise ensure that water resources are not adversely affected. A streamlined approval process is provided that encourages the use of existing Commission-approved water sources to minimize the need to construct and operate new water sources. This Article permits water sources located within the physical boundaries of an approved Natural Gas Development Plan ("NGDP") to be approved for uses within the NGDP. This Article also permits flowback and production waters, treated wastewater and mine drainage waters to be reused for natural gas development under specified conditions.

Natural Gas Development Plan ("NGDP") and Well Pad Siting Requirements: The severity of the risks to water resources from well pad construction and operation depends in large part on where the well pads are placed. Article 7 seeks to minimize impacts to water resources from natural gas development by establishing NGDP and well pad siting and planning requirements, including:

- Mandatory preparation of NGDP by sponsors of natural gas well pad projects who have total lease holdings in the Delaware River Basin of over 3,200 acres or intend to construct more than five natural gas well pads designed for any type of natural gas well.
- Identification, through the NGDP, of the project sponsor's foreseeable natural gas development in a defined geographic area. The NGDP requirement is designed to foster protection of water resources through broad scale lease area planning rather than limited site-by-site decision making, thereby encouraging development only in areas most suitable for it and minimizing impact to sensitive water resource features. These plans identify geographic and hydrological constraints to natural gas development and identify measures to minimize those impacts.
- Restrictions regarding siting in flood hazard areas, on steep slopes, and areas that serve as critical habitat for federal or state designated threatened and endangered (T&E) species.
- Minimum setbacks from water bodies, wetlands, surface water supply intakes and water supply reservoirs at distances specified in the regulations, and from occupied homes, public buildings, public roads, public water supply wells, and domestic water supply wells as provided by regulations of the state in which the well pad is located.
- A requirement for pre- and post-project monitoring of surface and groundwater near well pads involving high volume hydraulically fractured wells, including a characterization of the hydrology, water chemistry and biological resources of surface waters and the water chemistry of ground waters.
- Requiring the monitoring, tracking, and reporting of water usage and wastewater treatment and disposal. All wastewaters must be transported to an approved treatment and disposal facilities.

Well Construction and Operation Procedures: The Commission principally relies on the states' implementation of state laws, regulations and programs concerning construction and operation of natural gas wells, well pads, and appurtenant structures to satisfy the requirements of the Compact and the Commission's Comprehensive Plan. In this Article, the Commission is separately requiring that all non-domestic wastewater be transferred to appropriate tanks for temporary storage on the well pad site or to a centralized wastewater storage facility and that fluids and drill cuttings from horizontal wellbores in the target formation be beneficially reused or disposed of at an appropriate waste facility.

Wastewater Generated from Natural Gas Activities: Wastewater produced at natural gas well sites contains salts and other chemicals that present water treatment challenges. This Article provides that any wastewater treatment facility within the Basin may accept non-domestic wastewater from a natural gas development project only if the facility first obtains approval from the Commission in the form of a docket or modification of an existing docket.

To obtain authorization, a project sponsor must submit a treatability study to demonstrate that acceptance of the non-domestic wastewater will not interfere with the facility's operations, and provide information to show that the facility's discharge will neither (a) cause primary and secondary Safe Drinking Water Act standards to be exceeded where surface water may be used as a public water supply, nor (b) violate zone-specific stream quality objectives and effluent limitations. This Article 7 includes a comprehensive tracking system designed to promote the proper disposal of wastewater from natural gas development projects.

Approval by Rule ("ABR") Procedures: Existing procedures for obtaining a Commission decision on a project application generally take 6–9 months. This Article 7 provides for a streamlined process for natural gas development projects that demonstrate that they satisfy certain criteria. It provides Commission approval for these projects under an "approval by rule" process involving public notice, application to and approval by the Executive Director in a process that may take less than 30 days Eligible projects include (a) Bulk water sales for uses related to natural gas by holders of valid Commission approvals that can provide water within their current allocations; (b) well pad projects that conform to a Commission-approved Natural Gas Development Plan; (c) well pad projects that conform to specified restrictions and setback requirements; and (d) water supply projects involving the reuse of recovered flowback and production fluids as make-up water for hydraulically fracturing natural gas wells. In addition, projects that do not involve fracturing or that consist of well pads constructed exclusively for the development and operation of exploratory natural gas wells and that are expected to use no more than 80,000 gallons or equivalent of hydraulic fracturing fluids ("low volume hydraulically fractured wells") are eligible for an ABR if they comply with applicable state programs and Commission setbacks and requirements. Approval by rule is not available for projects located in National Park Management Areas or in the watersheds of the New York City Reservoirs.

Financial Assurance Requirements: Financial assurance for the plugging, abandonment and restoration of natural gas wells and the remediation of any pollution from natural gas development activities is required in the amount of $125,000 per natural gas well. After well installation and hydraulic fracturing are complete, the Executive Director may approve a reduction in the amount of the financial assurance for individual wells if there is no evidence of harm to the water resources of the Basin and the project sponsor obtains a separate "excess" insurance policy or other financial assurance instrument.

Dated: December 23, 2010.

John F. Calkin,

Attorney, Delaware River Basin Commission.

[FR Doc. 2010–32981 Filed 1–3–11; 8:45 am]

BILLING CODE 6360–01–P

POSTAL REGULATORY COMMISSION

39 CFR Part 3050

[Docket No. RM2011–6; Order No. 626]

Periodic Reporting

AGENCY: Postal Regulatory Commission.

ACTION: Notice of proposed rulemaking; availability of rulemaking petition.

SUMMARY: The Commission is establishing a docket to consider a proposed change in certain analytical methods used in periodic reporting. The proposed change has two parts. One part would update the mail processing portion of the Parcel Select/Parcel Return Service cost models. The other part would modify the Parcel Select/Parcel Return Service transportation cost model. This action responds to a Postal Service rulemaking petition. Establishing this docket will allow the Commission to consider the Postal Service's proposal and comments from the public.

DATES: *Comments are due:* February 3, 2011.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Commenters who cannot submit their views electronically should contact the person identified in **FOR FURTHER INFORMATION CONTACT** by telephone for advice on alternatives to electronic filing.

FOR FURTHER INFORMATION CONTACT: Stephen L. Sharfman, General Counsel, at *stephen.sharfman@prc.gov* or 202–789–6820.

SUPPLEMENTARY INFORMATION: On December 22, 2010, the Postal Service filed a petition pursuant to 39 CFR 3050.11 asking the Commission to initiate an informal rulemaking proceeding to consider changes in the analytical methods approved for use in periodic reporting.[1] The Petition submits two distinct sets of proposals for approval. It proposes to use both sets in the Postal Service's FY 2010 Annual Compliance Report.

Proposal Thirteen is a set of proposals to update the mail processing portion of the Parcel Select/Parcel Return Service cost models.[2] Petition at 1. The Postal Service states that much of the input data and cost methodology that it proposes to use in the new Parcel Select/Parcel Return Service cost model are the same as that relied upon in its Standard Mail parcel/non-flat machinable (NFM) processing cost model that was filed as Proposal Seven on September 8, 2010. Proposal Thirteen at 1. These new data will change the productivity figures and arrival/dispatch profiles used in the model.[3] More detailed descriptions of proposed changes to the Parcel Select/Parcel Return Service mail processing cost model are provided under seal as USPS–RM2011–6/NP1. The Postal Service says that the impact of Proposal Thirteen would be to decrease the mail processing unit cost estimates for price categories that require more processing steps, and increase the cost estimates for the DDU and RDU categories. *Id.* at 3.

Proposal Fourteen is a set of proposals to modify the Parcel Select/Parcel Return Service transportation cost model.[4] *Id.* at 1. It proposes to modify that model to (1) present transportation cost estimates only for the current price categories; (2) use PostalOne! data to estimate the cost of the transportation legs for non-dropshipped price categories; (3) incorporate the official revenue, pieces, and weight volumes into the model; (4) use the method relied upon to distribute Parcel Select transportation costs to distribute Parcel Return Service transportation costs; and (5) use a new method to estimate the return network distribution center cubic foot miles by zone. *Id.* at 1–2. The Postal Service states that it cannot estimate the impact of Proposal Fourteen since it would use data that was not available in 2009. *Id.* at 2.

The Petition, including the attachments, is available for review on the Commission's Web site, *http://www.prc.gov.*

Pursuant to 39 U.S.C. 505, John P. Klingenberg is designated as Public Representative to represent the interests of the general public in this proceeding. Comments are due no later than February 3, 2011.

It is ordered:

1. The Petition of the United States Postal Service Requesting Initiation of a Proceeding to Consider Proposed Changes in Analytic Principles (Proposals Thirteen–Fourteen), filed December 22, 2010, is granted.

2. The Commission establishes Docket No. RM2011–6 to consider the matters raised by the Postal Service's Petition.

3. Interested persons may submit comments on Proposals Thirteen and Fourteen no later than February 3, 2011.

4. The Commission will determine the need for reply comments after review of the initial comments.

5. John P. Klingenberg is appointed to serve as the Public Representative to represent the interests of the general public in this proceeding.

6. The Secretary shall arrange for publication of this notice in the **Federal Register**.

By the Commission.

Shoshana M. Grove,

Secretary.

[FR Doc. 2010–33173 Filed 1–3–11; 8:45 am]

BILLING CODE 7710–FW–P

[1] Petition of the United States Postal Service Requesting Initiation of a Proceeding to Consider Proposed Changes in Analytic Principles (Proposals Thirteen–Fourteen), December 22, 2010 (Petition).

[2] Proposal Thirteen is described in an attachment to the Petition (Proposal Thirteen).

[3] Proposal Thirteen proposes to populate the Parcel Select/Parcel Return model with much of the data that was collected to develop the Standard Mail/non-flat machinable (NFM) mail processing cost model. It also proposes to use Parcel Select arrival profile data that were collected during FY 2009. *Id.* at 2.

[4] Proposal Fourteen is described in an attachment to the Petition (Proposal Fourteen).

POSTAL REGULATORY COMMISSION

39 CFR Part 3050

[Docket No. RM2011–5; Order No. 625]

Periodic Reporting

AGENCY: Postal Regulatory Commission.

ACTION: Notice of proposed rulemaking; availability of rulemaking petition.

SUMMARY: The Commission is establishing a docket to consider a proposed change in certain analytical methods used in periodic reporting. This action responds to a Postal Service rulemaking petition. Establishing this docket will allow the Commission to consider the Postal Service's proposal and comments from the public.

DATES: *Comments are due:* January 28, 2011.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Commenters who cannot submit their views electronically should contact the person identified in **FOR FURTHER INFORMATION CONTACT** by telephone for advice on alternatives to electronic filing.

FOR FURTHER INFORMATION CONTACT: Stephen L. Sharfman, General Counsel, at *stephen.sharfman@prc.gov* or 202–789–6820.

SUPPLEMENTARY INFORMATION: *Regulatory History,* 75 FR 58449 (Sept. 24, 2010).

On December 20, 2010, the Postal Service filed a petition pursuant to 39 CFR 3050.11 asking the Commission to initiate an informal rulemaking proceeding to consider changes in the analytical methods approved for use in periodic reporting.[1] Four separate proposals, labeled Proposals Nine through Twelve, are included in the Petition.

Proposal Nine proposes to update the input data to the mail processing cost model for First-Class Mail and Standard Mail presort letters in several respects, and to change the method by which the cost of sorting bundles of letters is

[1] Petition of the United States Postal Service Requesting Initiation of a Proceeding to Consider Proposed Changes in Analytic Principles (Proposals Nine–Twelve), December 20, 2010 (Petition).

estimated. The Postal Service proposes to rely primarily on data from the manual density table to estimate the number of handlings of letter bundles. It comments that any additional changes to the cost methodology and structure of the presort letter cost models should be addressed in Docket No. RM2010–13. *Id.* at 2.

Proposal Ten concerns Inbound International Mail. For FY 2010, it proposes to change the assignment of In-Office Cost System (IOCS)-based clerk and mail handler labor costs to country groups Canada, Industrialized Countries, and Developing Countries, so that normal downstream Cost and Revenue Analysis (CRA) and International Cost and Revenue Analysis (ICRA) processes can automatically distribute costs to those groups consistent with the way that clerk and mail handler costs are distributed to other products. (The standard distribution method reflects cost pools, container types, and shape distinctions—not just direct IOCS tallies).

Proposal Eleven concerns International Money Transfers (IMTS). The Postal Service proposes to change the method for reporting IMTS separately for Inbound and Outbound products using information gathered from Point-of-Sale (POS), IOCS, and Chapter 9 in USPS–FY09–NPS. This, it says, will create two new line items in the ICRA report: IMTS-Outbound and IMTS-Inbound, but would not affect the sum currently reported in the IMTS line in that report.

Proposal Twelve would affect the Media/Library Mail Processing Cost Model, the Bound Printed Matter Transportation Cost Model, and the Bulk Parcel Return Service Cost Model. In the 2009 ACD, the Commission expressed concern that use of the Intra- and Inter-BMC volume split for single-piece Parcel Post in the above-referenced cost models is no longer appropriate because that distinction no longer exists for single-piece Parcel Post. The Postal Service proposes to use the percent of total single-piece Parcel Post volume comprised of volume for Zones 1, 2, and 3 as the new proxy in the above-referenced models.

The Petition includes attachments that discuss the background, rationale, and impact of Proposals Nine through Twelve. The Petition, including the attachments, is available for review on the Commission's Web site, *http://www.prc.gov.* Comments on Proposals Nine through Twelve are due no later than January 28, 2011.

Pursuant to 39 U.S.C. 505, John P. Klingenberg is appointed as Public Representative to represent the interests of the general public in this proceeding.

It is ordered:

1. The Petition of the United States Postal Service Requesting Initiation of a Proceeding to Consider Proposed Changes in Analytic Principles (Proposals Nine–Twelve), filed December 20, 2010, is granted.
2. The Commission establishes Docket No. RM2011–5 to consider the matters raised by the Postal Service's Petition.
3. Interested person may submit comments on Proposals Nine through Twelve no later than January 28, 2011.
4. The Commission will determine the need for reply comments after review of the initial comments.
5. John P. Klingenberg is appointed to serve as the Public Representative to represent the interests of the general public in this proceeding.
6. The Secretary shall arrange for publication of this notice in the **Federal Register**.

By the Commission.

Shoshana M. Grove,

Secretary.

[FR Doc. 2010–33170 Filed 1–3–11; 8:45 am]

BILLING CODE 7710–FW–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2010–0907; FRL–9247–2]

Revisions to the California State Implementation Plan, San Joaquin Valley Air Pollution Control District (SJVUAPCD)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing a limited approval and limited disapproval of revisions to the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) portion of the California State Implementation Plan (SIP). These revisions concern volatile organic compound (VOC) emissions from crude oil production operations and refineries. We are proposing action on local rules that regulate these emission sources under the Clean Air Act as amended in 1990 (CAA or the Act). We are taking comments on this proposal and plan to follow with a final action.

DATES: Any comments must arrive by February 3, 2011.

ADDRESSES: Submit comments, identified by docket number EPA–R09–OAR–2010–0907, by one of the following methods:

1. *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the on-line instructions.
2. *E-mail: steckel.andrew@epa.gov.*
3. *Mail or Deliver:* Andrew Steckel (Air-4), U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

Instructions: All comments 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 Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Information that you consider CBI or otherwise protected should be clearly identified as such and should not be submitted through *http://www.regulations.gov* or e-mail. *http://www.regulations.gov* is an "anonymous access" system, and EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send e-mail directly to EPA, your e-mail address will be automatically captured and included as part of the public comment. 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.

Docket: The index to the docket for this action is available electronically at *http://www.regulations.gov* and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (*e.g.,* copyrighted material), and some may not be publicly available in either location (*e.g.,* CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Joanne Wells, EPA Region IX, (415) 947–4118, *wells.joanne@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, "we," "us" and "our" refer to EPA.

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I. The State's Submittal

A. What rules did the State submit?

Table 1 lists the rules addressed by this proposal with the date that they were amended by the local air agency and submitted by the California Air Resources Board (CARB).

TABLE 1—SUBMITTED RULES

Local agency	Rule No.	Rule title	Amended	Submitted
SJVUAPCD	4402	Crude Oil Production Sumps	12/17/92	08/24/07
SJVUAPCD	4625	Wastewater Separators	12/17/92	08/24/07

On September 17, 2007, the submittal for San Joaquin Valley Unified Air Pollution Control District Rules 4402 and 4625 was found to meet the completeness criteria in 40 CFR part 51 Appendix V, which must be met before formal EPA review.

B. Are there other versions of this rule?

On December 13, 1994 (59 FR 64132), EPA approved into the SIP a previous version of Rule 4402, SJVUAPCD Rule 465.2. On May 13, 1993 (58 FR 28354), EPA approved into the SIP a previous version of Rule 4625, SJVUAPCD Rule 463.4. CARB has not submitted any subsequent versions of these rules for our consideration besides those submitted on August 24, 2007.

C. What is the purpose of the submitted rules and rule revisions?

VOCs help produce ground-level ozone and smog, which harm human health and the environment. Section 110(a) of the CAA requires States to submit regulations that control VOC emissions. These rules were developed as part of the local district's program to control VOCs.

The purpose of the rules and the rule revisions are as follows:

- Rule 4402, Crude Oil Production Sumps, is designed to limit VOC emissions from crude oil production sumps. The rule is renumbered and the format updated. The rule purpose is added and the definition of VOC deleted. The exemptions for sumps at petroleum refineries, pits and ponds have been moved from Section I (Applicability) to Section 4.0 (Exemptions).
- Rule 4625, Wastewater Separators, is designed to limit VOC emissions from oil-water separators by requiring covers and use of vapor loss control devices. The rule is renumbered and the format updated. The rule purpose is added and the definition of VOC deleted. Paragraph 4.3 was added, which allows an exemption from the BACT and offset requirements of Rule 2201 for existing facilities where an incineration device has been added for the sole purpose of complying with the requirements of this rule.

EPA's technical support document (TSD) for each rule has more information about these rules and the rule revisions.

II. EPA's Evaluation and Action

A. How is EPA evaluating the rule?

Generally, SIP rules must be enforceable (see section 110(a) of the Act), must require Reasonably Available Control Technology (RACT) for each category of sources covered by a Control Techniques Guidelines (CTG) document as well as each major source in nonattainment areas (*see* sections 182(a)(2) and (b)(2)), and must not relax existing requirements (*see* sections 110(l) and 193). The SJVUAPCD regulates an extreme ozone nonattainment area (*see* 40 CFR part 81), so Rules 4402 and 4625 must fulfill RACT.

Guidance and policy documents that we use to evaluate enforceability and RACT requirements consistently include the following:

1. "Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations," EPA, May 25, 1988 (the Bluebook).
2. "Guidance Document for Correcting Common VOC & Other Rule Deficiencies," EPA Region 9, August 21, 2001 (the Little Bluebook).
3. Portions of the proposed post-1987 ozone and carbon monoxide policy that concern RACT, 52 FR 45044 (November 24, 1987).
4. "Requirements for Preparation, Adoption, and Submittal of Implementation Plans", U.S. EPA, 40 CFR part 51.
5. "RACT Qs & As-Reasonably Available Control Technology (RACT): Questions and Answers", EPA, _William T. Harnett, May 18, 2006. *http://www.epa.gov/ttn/oarpg/t1/memoranda/ractqanda.pdf.*
6. "Clean Water Act Analytical Methods", U.S. EPA. *http://www.epa.gov/waterscience/methods/method/oil/oilfaq.html.*
7. "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods (SW–846)", U.S. EPA. *http://www.epa.gov/epawaste/hazard/testmethods/sw846/online/index.htm.*
8. "Control of Refinery Vacuum Producing Systems, Water Separators and Process Units", EPA–450/2–77–025, October 1977.
9. "Standards of Performance for VOC Emissions from Petroleum Refinery Wastewater Systems", 40 CFR part 60 subpart QQQ, November 23, 1988 (53 FR 47623).
10. "National Emission Standards for Oil-Water Separators and Organic-Water Separators", 40 CFR part 63 subpart VV, July 1, 1996 (61 FR 34195).

B. Do these rules meet the evaluation criteria?

Both submitted Rules 4402 and 4625 clarify and marginally improve the SIP with revisions that are largely administrative. These rules are generally consistent with the relevant policy and guidance regarding enforceability and SIP relaxations. Rule provisions which do not meet the evaluation criteria are summarized below for each rule and discussed further in the TSD.

C. What are the rule deficiencies?

These provisions conflict with section 110 and part D of the Act and prevent full approval of the SIP revision. Rule 4402, Crude Oil Production Sumps:

1. SJVUAPCD should strengthen these requirements to help implement RACT or demonstrate why such improvements are not appropriate in light of analogous requirements in neighboring districts.

a. Section 5.1.2 allows a 1 inch gap and does not require seals for rigid floating covers. In contrast, SCAQMD Rule 1176(e)(2)(B)(vi) and SLOCAPCD Rule 419 D.2.e. require rigid floating covers to have seals, the gap cannot exceed ⅛″ for a cumulative length of 95% of the perimeter, and no single gap may exceed ½ inch.

b. Section 5.2.5 requires fixed covers to be equipped with a pressure/vacuum valve set to within ten percent of maximum safe working pressure. In

contrast, SCAQMD Rule 1176(2)(A)(ii) and (6)(A) and SBCAPCD Rule 344 D.2.b.2 require that fixed covers be equipped with a 95% efficient Air Pollution Control (APC) device.

c. Rule 4402 does not require periodic inspection of covers and APC equipment to ensure proper operation. In contrast, SCAQMD Rule 1176(f)(C) requires periodic leak inspection and APC testing.

d. Rule 4402 has exemptions that are more broad than those found in other districts rules. SJVUAPCD should analyze whether these exemptions continue to be appropriate. This analysis should consider more current cost data than used in the 2009 RACT Analysis, and should consider alternative disposal methods (*e.g.,* underground injection, tanks, or additional pretreatment) in addition to sump and pond covers. The following exemptions are of particular concern:

• Uncontrolled VOC emissions from exempted 2nd and 3rd stage sumps. Section 4.1.1 exempts operations less than 6,000 barrels per day with sumps less than 1,000 sf and section 4.1.3 exempts operations less than 300 barrels per day with sumps less than 5,000 sf from substantive requirements. No other neighboring districts allow exemptions for small producers except for SBCAPCD Rule 344. The exemption in Santa Barbara's rule is more restrictive than the exemptions found in Rule 4402.

• Section 4.1.7 exempts ponds of "clean produced water" with less than 35 mg/l VOC from Rule 4402 requirements. In contrast, SCAQMD Rule 1176(i)(5)(J), VCAPCD Rule 71.4 C.1.c and SLOCAPCD Rule 419 C.4 exempt wastewater sumps only where the VOC/ROC content does not exceed 5 mg/l at the inlet. Of particular concern are VOC emissions from the ponds that initially receive the oily wastewater from oil production facilities. Alternatives including additional pretreatment to lower the VOC content and other disposal methods such as underground injection should be evaluated.

e. Rule 4402 does not limit the time that oil or oily water can be kept in an emergency pit. In contrast, SLOCAPCD Rule 419 C.2 requires clean-up to begin within 24 hours and finish within 15 days.

f. Rule 4402 allows 1st stage sumps. In contrast, SBCAPCD Rule 344 and VCAPCD Rule 71.4 do not allow the operation of 1st stage sumps.

g. Provisions should be added in Rule 4402 or Rule 4623 (Storage of Organic Liquids) that ensure that tanks used to replace the 1st stage crude oil sumps have adequate VOC controls.

2. The following revisions are needed to improve rule clarity and enforceability consistent with CAA section 110(a).

a. Please remove the language at the end of Section 5.3 that states "If replacement tank exclusively serves identical function of sump replaced, permitting of such tank shall not be considered an emission change for the purposes of Rule 2201 (New and Modified Source Review Rule)". Any exemptions to NSR requirements should be evaluated in context of SJVUAPCD's NSR program (*e.g.,* Rule 2020) and incorporated within the NSR program only if appropriate. Such exemptions should not be in source-specific prohibitory rules like Rule 4402.

b. Revise section 6.2 Test Methods to remove and/or replace inappropriate or outdated test methods such as 6.2.1 ARB Method 432, which is designed for paints and coatings and not oily wastewater. We also recommend adding EPA Test Method 21 in section 6.2 for determining leaks.

c. Update the definition of clean product water (Section 3.1) replacing outdated EPA Test Methods 4.13.2, 418.2 and 8240 that used CFC–113 as the extraction solvent. The new test methods using non-CFC extraction solvents are EPA Method 1664A and EPA Method 8260.

d. Please revise section 6.1 (Recordkeeping) to:

• Add requirement for facilities to keep records of all inspections for leaks and testing of APC devices (for example, see SCAQMD Rule 1176 (g) (1)).

• Add requirement to document use of emergency pits, including when use started, clean-up started and clean-up finished.

• Require documentation justifying any exemptions claimed under section 4, including 4.1.7, which exempts pits and ponds.

• Add requirements to verify the sump surface area and the annual production rates for both the small producers and very small producers in section 6.1.1.

• Add requirement to keep all records for at least two, and preferably five years.

Rule 4625, Wastewater Separators:

The following revisions are needed to improve rule clarity, enforceability, and to strengthen requirements to help implement RACT.

1. The December 1992 amendment added exemption 4.3, which reads "For existing facilities, if an incineration device is added or modified for the sole purpose of complying with the requirements of this rule, such a device shall be exempt from the Best Available Control Technology and the Offset requirements of Rule 2201 (New and Modified Stationary Source Review Rule)". This exemption should be removed from Rule 4625. Any exemptions to NSR requirements should be evaluated in context of SJVUAPCD's NSR program (*e.g.,* Rule 2020) and incorporated within the NSR program only if appropriate. Such exemptions should not be in source-specific prohibitory rules like Rule 4625.

2. Although Rule 4625 includes similar requirements to the 1977 CTG, SJVUAPCD has not adequately demonstrated that Rule 4625 currently implements RACT because RACT can change over time as control technology improves and/or becomes more available. More stringent requirements exist in the NSPS (1988), NESHAP (1995), BAAQMD Rule 8–8 (1993) and SCAQMD 1176 (1996). These regulations have requirements for stricter VOC controls (*see, e.g.,* 95% requirement in SCAQMD Rule 1176, section (e)(2)(A)(ii) and (e)(6)), additional design requirements for controlling fugitive emissions or breathing losses (see, e.g., BAAQMD Regulation 8 Rule 8, section 302.4), and additional requirements for inspections and maintenance (see, *e.g.,* BAAQMD Regulation 8 Rule 8, section 302.4 and 302.6).

3. The exemption for air flotation units precludes regulation of potentially significant VOC sources (section 4.2). Even though these sources are currently regulated via District permit conditions, SJVUAPCD should subject them to SIP requirements as part of Rule 4625 or demonstrate why that is not necessary. There is no specific allowance in the CTG or other guidance documents for exempting air flotation units from regulation and no other California air district rules include such an exemption.

4. To improve enforceability, SJVUAPCD should revise section 6.0 Test Methods to remove inappropriate or outdated test methods such as 6.1.2 ARB Method 432 for paints and coatings, and 6.1.3 which refers to an obsolete document superseded by EPA Method 204 for determining capture efficiency (40 CFR part 51). We recommend including EPA Test Method 21 (measurements of leaks) as referenced in SJVUAPCD Rule 4455, Section 6.4 Test Methods, or SCAQMD Rule 1176, Section (h).

5. The SJVUAPCD 2009 RACT SIP Demonstration mentions that the requirements in SJVUAPCD Rule 4455, "Components at Petroleum Refineries,

Gas Liquids Processing Facilities and Chemical Plants", apply to oil-water separators. SJVUAPCD should include those requirements directly in Rule 4625 or by reference to improve enforceability, or demonstrate that this is not appropriate.

6. To ensure ongoing compliance and strengthen enforceability, SJVUACPD should add to the rule requirements for inspections of covers, access hatches and other openings and emissions control equipment, along with recordkeeping requirements for inspections and testing or demonstrate that this is not appropriate. For example, please see SCAQMD Rule 1176, section (f) and (g).

7. SJVUAPCD should delete or justify exemption 4.1 for wastewater separators exceeding a set value for a sump surface area to the rate of oil vapor loss ratio. The only other rule where we found such exemption is SCAQMD Rule 464 for Wastewater Separators; last amended December 7, 1990. This exemption is not found in the newer SCAQMD Rule 1176, "VOC Emissions from Wastewater Systems", amended September 13, 1996, which also addresses wastewater separators and which largely supersedes Rule 464.

D. EPA recommendations to further improve these rules.

The TSD for each of these rules describes additional rule revisions that we recommend for the next time the local agency modifies these rules.

E. Proposed Action and Public Comment

As authorized in sections 110(k)(3) and 301(a) of the Act, EPA is proposing a limited approval of the submitted rules to improve the SIP. If finalized, this action would incorporate the submitted rules into the SIP, including those provisions identified as deficient. This approval is limited because EPA is simultaneously proposing a limited disapproval of the rule under section 110(k)(3). If this disapproval is finalized, sanctions will be imposed under section 179 of the Act unless EPA approves subsequent SIP revisions that correct the rule deficiencies within 18 months of the disapproval. These sanctions would be imposed according to 40 CFR 52.31. A final disapproval would also trigger the 2-year clock for the federal implementation plan (FIP) requirement under section 110(c). Note that the submitted rules have been adopted by the SJVUAPCD, and EPA's final limited disapproval would not prevent the local agency from enforcing them.

We will accept comments from the public on the proposed limited approval and limited disapproval for the next 30 days.

III. Statutory and Executive Order Reviews

A. Executive Order 12866, Regulatory Planning and Review

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866, entitled "Regulatory Planning and Review."

B. Paperwork Reduction Act

This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* Burden is defined at 5 CFR 1320.3(b).

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions.

This rule will not have a significant impact on a substantial number of small entities because SIP approvals or disapprovals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve or disapprove requirements that the State is already imposing. Therefore, because the proposed Federal SIP limited approval/limited disapproval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities.

Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. EPA,* 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a) (2).

D. Unfunded Mandates Reform Act

Under sections 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to the private sector, of $100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the limited approval/limited disapproval action proposed does not include a Federal mandate that may result in estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action proposes to approve and disapprove pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

E. Executive Order 13132, Federalism

Federalism (64 FR 43255, August 10, 1999) revokes and replaces Executive Orders 12612 (Federalism) and 12875 (Enhancing the Intergovernmental Partnership). Executive Order 13132 requires EPA to develop an accountable process to ensure "meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications." "Policies that have federalism implications" is defined in the Executive Order to include regulations that 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." Under Executive Order 13132, EPA may not issue a regulation that has federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, or EPA consults with State and local officials early in the process of developing the proposed regulation. EPA also may not issue a regulation that has federalism implications and that preempts State law unless the Agency consults with State and local officials early in the process of developing the proposed regulation.

This rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and

responsibilities among the various levels of government, as specified in Executive Order 13132, because it merely proposes to approve or disapprove a State rule implementing a federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. Thus, the requirements of section 6 of the Executive Order do not apply to this rule.

F. Executive Order 13175, Coordination With Indian Tribal Governments

Executive Order 13175, entitled "Consultation and Coordination with Indian Tribal Governments" (65 FR 67249, November 9, 2000), requires EPA to develop an accountable process to ensure "meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications." This proposed rule does not have tribal implications, as specified in Executive Order 13175. It will not have substantial direct effects on tribal governments, 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. Thus, Executive Order 13175 does not apply to this rule.

EPA specifically solicits additional comment on this proposed rule from tribal officials.

G. Executive Order 13045, Protection of Children From Environmental Health Risks and Safety Risks

EPA interprets Executive Order 13045 (62 FR 19885, April 23, 1997) as applying only to those regulatory actions that concern health or safety risks, such that the analysis required under section 5–501 of the Executive Order has the potential to influence the regulation. This rule is not subject to Executive Order 13045, because it approves a state rule implementing a Federal standard.

H. Executive Order 13211, Actions That Significantly Affect Energy Supply, Distribution, or Use

This rule is not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001) because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act

Section 12 of the National Technology Transfer and Advancement Act (NTTAA) of 1995 requires Federal agencies to evaluate existing technical standards when developing a new regulation. To comply with NTTAA, EPA must consider and use "voluntary consensus standards" (VCS) if available and applicable when developing programs and policies unless doing so would be inconsistent with applicable law or otherwise impractical.

The EPA believes that VCS are inapplicable to this action. Today's action does not require the public to perform activities conducive to the use of VCS.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Population

Executive Order 12898 (59 FR 7629 (Feb. 16, 1994)) establishes Federal executive policy on environmental justice. Its main provision directs federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States.

EPA lacks the discretionary authority to address environmental justice in this rulemaking.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Authority: 2 U.S.C. 7401 *et seq.*

Dated: December 14, 2010.

Jared Blumenfeld,

Regional Administrator, Region IX.

[FR Doc. 2010–33194 Filed 1–3–11; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 152

[EPA–HQ–OPP–2009–0456; FRL–8858–2]

RIN 2070–AJ58

Pesticides; Satisfaction of Data Requirements; Procedures To Ensure Protection of Data Submitters' Rights; Extension of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; extension of comment period.

SUMMARY: EPA issued a proposed rule in the **Federal Register** of November 5, 2010, concerning the revision of its regulations which govern procedures for the satisfaction of data requirements under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). EPA received two requests to extend the comment period for this proposed rule. This document extends the comment period for 30 days, from January 4, 2011 to February 3, 2011.

DATES: Comments, identified by docket identification (ID) number EPA–HQ–OPP–2009–0456, must be received on or before February 3, 2011.

ADDRESSES: Follow the detailed instructions as provided under **ADDRESSES** in the **Federal Register** document of November 5, 2010.

FOR FURTHER INFORMATION CONTACT: Cameo G. Smoot, Field and External Affairs Division, Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 305–5454; fax number: (703) 305–5884; e-mail address: *smoot.cameo@epa.gov.*

SUPPLEMENTARY INFORMATION: This document extends the public comment period established in the **Federal Register** of November 5, 2010 (75 FR 68297) (FRL–8424–8). In that document, EPA proposed to review its regulations which govern procedures for the satisfaction of data requirements under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). EPA is hereby extending the comment period, which was set to end on January 4, 2011, to February 3, 2011.

To submit comments, or access the docket, please follow the detailed instructions as provided under **ADDRESSES** in the November 5, 2010 **Federal Register** document. If you have questions, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

List of Subjects in 40 CFR Part 152

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

Dated: December 27, 2010.

Marylouise M. Uhlig,

Acting Assistant Administrator for the Office of Chemical Safety and Pollution Prevention.

[FR Doc. 2010–33201 Filed 1–3–11; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 239 and 258

[EPA–EPA–R10–RCRA–2010–0953; FRL–9247–5]

Alaska: Adequacy of Alaska's Municipal Solid Waste Landfill Permit Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA Region 10 proposes to approve Alaska's modification of its approved Municipal Solid Waste Landfill (MSWLF) permit program. On March 22, 2004, EPA issued final regulations allowing Research, Development, and Demonstration (RD&D) permits to be issued to certain MSWLFs by approved states. On September 7, 2010 Alaska submitted an application to EPA Region 10 seeking Federal approval of its RD&D requirements.

DATES: Comments on this proposed action must be received in writing on or before February 3, 2011.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R10–RCRA–2010–0953, by one of the following methods:

- *http://www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *E-mail: calabro.domenic@epa.gov.*
- *Fax:* (206) 553–6640, to the attention of Domenic Calabro
- *Mail:* Send written comments to Domenic Calabro, Office of Air, Waste, and Toxics, U.S. EPA, Region 10, 1200 Sixth Avenue, Suite 900, Mailstop: AWT–122, Seattle, WA 98101.
- *Hand Delivery or Courier:* Deliver your comments to: Domenic Calabro, Office of Air, Waste, and Toxics, U.S. EPA, Region 10, 1200 Sixth Avenue, Suite 900, Mailstop: AWT–122, Seattle, WA 98101. Such deliveries are only accepted during the Office's normal hours of operation.

For detailed instructions on how to submit comments, please see the direct final rule which is located in the Rules section of this **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Domenic Calabro at (206) 553–6640 or by e-mail at *calabro.domenic@epa.gov.*

SUPPLEMENTARY INFORMATION: In the Rules section of this **Federal Register**, EPA is approving Alaska's Research, Development, and Demonstration (RD&D) permit program through a direct final rule without prior proposal because the Agency views this as a noncontroversial action and anticipates no adverse comments to this action. Unless we get written adverse comments which oppose this approval during the comment period, the direct final rule will become effective on the date it establishes, and we will not take further action on this proposal. If EPA receives written adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. For additional information, see the direct final rule which is located in the Rules section of this **Federal Register**.

Dated: December 22, 2010.

Dennis J. McLerran,

Regional Administrator, EPA Region 10.

[FR Doc. 2010–33195 Filed 1–3–11; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Part 195

[Docket ID PHMSA–2010–0229]

RIN 2137–AE66

Pipeline Safety: Safety of On-Shore Hazardous Liquid Pipelines

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Notice of proposed rulemaking; Extension of comment period.

SUMMARY: On October 18, 2010, (75 FR 63774), PHMSA published in the **Federal Register** an Advance Notice of Proposed Rulemaking (ANPRM) titled: "Safety of On-Shore Hazardous Liquid Pipelines" seeking comments on the need for changes to the regulations covering hazardous liquid onshore pipelines. PHMSA has received requests to extend the comment period in order to have more time to evaluate the ANPRM. PHMSA has concurred in part with these requests and has extended the comment period from January 18, 2011, to February 18, 2011.

DATES: The closing date for filing comments is extended from January 18, 2011, until February 18, 2011.

ADDRESSES: Comments should reference Docket No. PHMSA–2010–0229 and may be submitted in the following ways:

- *E-Gov Web Site: http://www.Regulations.gov.* This site allows the public to enter comments on any **Federal Register** notice issued by any agency.
- *Fax:* 1–202–493–2251.
- *Mail:* DOT Docket Management System: U.S. DOT, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590–0001.

Hand Delivery: DOT Docket Management System; West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590–0001 between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Instructions: You should identify the Docket No. PHMSA–2010–0229 at the beginning of your comments. If you submit your comments by mail, submit two copies. To receive confirmation that PHMSA received your comments, include a self-addressed stamped postcard. Internet users may submit comments at *http://www.regulations.gov.*

Note: Comments are posted without changes or edits to *http://www.regulations.gov*, including any personal information provided. There is a privacy statement published on *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: For further information contact Mike Israni at 202–366–4566 or by e-mail at *mike.israni@dot.gov.*

SUPPLEMENTARY INFORMATION: On October 18, 2010, (75 FR 63774), PHMSA published an ANPRM seeking comments on the need for changes to the regulations covering hazardous liquid onshore pipelines. In particular, PHMSA is interested in knowing whether it should extend regulation to certain pipelines currently exempt from regulation; whether other areas along a pipeline should be identified for extra protection or be included as additional high consequences areas (HCAs) for Integrity Management (IM) protection; whether to establish and/or adopt standards and procedures for minimum leak detection requirements for all pipelines; whether to require the installation of emergency flow restricting devices (EFRDs) in certain areas; whether revised valve spacing requirements are needed on new construction or existing pipelines; whether repair timeframes should be specified for pipeline segments in areas outside the HCAs that are assessed as part of IM; and whether to establish and/or adopt standards and procedures for improving the methods of preventing, detecting, assessing and remediating stress corrosion cracking in

hazardous liquid pipeline systems. On November 15, 2010, the American Petroleum Institute and the Association of Oil Pipe Lines requested PHMSA to extend the ANPRM comment period deadline a minimum of 60 days to give their members sufficient time to respond to this ANPRM. Likewise, on November 29, 2010, Texas Oil and Gas Association requested extension of the comment period a minimum of 60 days. PHMSA has concurred, in part, with these requests and has extended the comment period from January 18, 2011, to February 18, 2011. This extension will provide sufficient time for submission of comments concerning this ANPRM.

Issued in Washington, DC, on December 23, 2010.

Linda Daugherty,

Deputy Associate Administrator for Policy and Programs.

[FR Doc. 2010–33234 Filed 1–3–11; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS–R7–ES–2010–0061; MO 92210–0–0008]

Endangered and Threatened Wildlife and Plants; 90-Day Finding on a Petition To List the Red Knot Subspecies Calidris canutus roselaari as Endangered

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of 90-day petition finding.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce a 90-day finding on a petition to list the *roselaari* subspecies of red knot (*Calidris canutus roselaari)* as endangered under the Endangered Species Act of 1973, as amended (Act). Based on our review, we find that the petition does not present substantial information indicating that listing this subspecies may be warranted. Therefore, we are not initiating a status review in response to this petition. However, we ask the public to submit to us any new information that becomes available concerning the status of, or threats to, *C. c. roselaari* or its habitat at any time.

DATES: The finding announced in this document was made on January 4, 2011.

ADDRESSES: This finding is available on the Internet at *http://www.regulations.gov* at Docket Number FWS–R7–ES–2010–0061. Supporting documentation we used in preparing this finding is available for public inspection, by appointment, during normal business hours at the U.S. Fish and Wildlife Service, Fairbanks Fish and Wildlife Field Office, 101 12th Avenue, Room 110, Fairbanks, AK 99701. Please submit any new information, materials, comments, or questions concerning this finding to the above street address.

FOR FURTHER INFORMATION CONTACT: Ted Swem, Branch Chief, Endangered Species Program of the Fairbanks Fish and Wildlife Field Office (*see* **ADDRESSES**); by telephone (907–456–0441); or by facsimile to (907–456–0208). If you use a telecommunications device for the deaf (TDD), please call the Federal Information Relay Service (FIRS) at 800–877–8339.

SUPPLEMENTARY INFORMATION:

Background

Section 4(b)(3)(A) of the Act (16 U.S.C. 1531 *et seq.*) requires that we make a finding on whether a petition to list, delist, or reclassify a species presents "substantial scientific or commercial information" indicating that the petitioned action may be warranted. We base this finding on information provided in the petition, supporting information submitted with the petition, and information otherwise available in our files. To the maximum extent practicable, we make this finding within 90 days of our receipt of the petition, and publish our notice of the finding promptly in the **Federal Register**.

Our standard for "substantial scientific or commercial information" is the "amount of information that would lead a reasonable person to believe that the measure proposed in the petition may be warranted" (50 CFR 424.14(b)). If we find that "substantial scientific or commercial information" was presented, we are required to promptly conduct a species status review, which we summarize in a subsequent finding due within 12 months.

Petition History and Previous Federal Action

On February 27, 2008, we received a petition, dated February 27, 2008, from Defenders of Wildlife, American Littoral Society, American Bird Conservancy, Delaware Audubon, Delaware Nature Society, Delaware Riverkeeper Network, National Audubon Society, New Jersey Audubon Society, and Citizens Campaign for the Environment, requesting that the Department of the Interior (Department) use its emergency authorities under section 4(b)(7) of the Act to list the red knot *C. c. rufa* subspecies as an endangered species. The petitioners also seek to have the Department list as endangered "a broader taxon comprising both the *rufa* subspecies and the *roselaari* subspecies." The petition further calls for a "national listing based on similarity of appearance" under section 4(e) of the Act. The petition contains the requisite identification information for the petitioners, as required at 50 CFR 424.14(a).

We previously made a "warranted but precluded" determination (in response to one petition received on August 9, 2004, and two others received on August 5, 2005), on September 12, 2006, for the *C. c. rufa* subspecies and added this subspecies to our list of candidate species with a listing priority number of 6 (71 FR 53758–53759). "Warranted but precluded" means we have sufficient information on biological vulnerability and threats to support a proposal to list as endangered or threatened, but that preparation and publication of a listing proposal is precluded by higher priority listing actions. In a May 1, 2008, letter responding to the current petition, we stated that while we had previously made a determination that listing *C. c. rufa* was "warranted but precluded" and added the subspecies to our candidate list, we were re-evaluating—as part of our annual candidate review process—whether listing remained "warranted but precluded" and whether to utilize the emergency listing provisions of the Act. We also stated in our May 1, 2008, letter that, due to court orders and judicially approved settlement agreements for other listing and critical habitat determinations under the Act that required nearly all of our listing and critical habitat funding for fiscal year 2008, we would not be able to further address the petition's request to list *C. c. roselaari* at that time but would complete the action when workload and funding allowed. Subsequently, in the 2008 Candidate Notice of Review for *C. c. rufa,* the Service took into consideration the information supplied by the petitioners and changed the listing priority number from 6 to 3 for this subspecies because threats were determined to be imminent (73 FR 75178–75179, December 10, 2008). Because we determined that it was not necessary, the Service did not emergency list *C. c. rufa,* as set forth in the October 29, 2009, Species Assessment and Listing Priority Assignment Form for *Calidris canutus rufa* (Service 2009). In the 2009 Candidate Notice of Review for *C. c.*

rufa, the Service retained a listing priority number of 3 for this subspecies (74 FR 57825–57826, November 9, 2009).

Accordingly, as we addressed the petitioners' request for an emergency listing of the *rufa* subspecies in the October 29, 2009, Species Assessment and Listing Priority Assignment Form, this finding addresses only whether the petition presents substantial scientific or commercial information that the following petitioned actions may be warranted: (1) Listing the *C. c. roselaari* as endangered or threatened, (2) listing "a broader taxon comprising both the *rufa* subspecies and the *roselaari* subspecies" as endangered or threatened, and (3) a "national listing based on similarity of appearance" under section 4(e) of the Act. We base our determinations on information set forth in the petition, information in the Service's files, and other readily available information.

Species Information

The red knot (*Calidris canutus*) is a medium-sized (23 to 28 centimeters, or 9 to 11 inches, in length), Arctic-breeding shorebird within the genus *Calidris.* The breeding plumage of the red knot is distinctive; the face, breast, and upper belly are a rich rufous-red, and the lower belly and under tail-coverts are light-colored with dark flecks. Upperparts are dark brown with white and rufous feather edges; outer primary feathers are dark brown to black (Davis 1983, p. 372; Harrington 2001, p. 2). Females are similar to males in appearance, but rufous colors are typically less intense in females, with more buff or light gray coloration on dorsal parts (Niles *et al.* 2007, p. 14). Subtle subspecies differences in breeding plumage have been described. Non-breeding plumage, dusky gray above and whitish below, is similar between sexes and among subspecies (Harrington 2001, p. 2). Juveniles resemble non-breeding adults, except that the feathers of the scapulars and wing coverts of juveniles are edged with white and have narrow, dark subterminal bands, giving the upperparts a scalloped appearance (Davis 1983, p. 372); whereas the feathers of adults are more uniform. The black bill is long, straight, and slightly tapered, and the legs and feet are dark green or black (Davis 1983, p. 373). Adult body mass varies seasonally, with highest mean mass occurring during spring (205 grams (g); 7.2 ounces (oz)) and fall (172 g; 6 oz) migration, and lowest values occurring during early winter (125 g; 4.4 oz) (Harrington 2001, p. 12).

Six subspecies of red knots (*C. c. canutus, C. c. piersma, C. c. rogersi, C. c. rufa, C. c. roselaari,* and *C. c. islandica*) are currently recognized worldwide based on small differences in body dimensions and breeding plumage characteristics, and discrete breeding areas and migration routes (Piersma and Baker 2000, p. 109; Niles *et al.* 2007, p. 3). In all subspecies, sexual dimorphism occurs in plumage coloration (Tomkovich 1992, p. 18), as well as both bill length and body weight, with females having longer bills and higher body weights on average than males (Niles *et al.* 2007, p. 7).

Four genetically distinct groups of red knots were recently identified through genetic analysis; they are comprised of *C. c. canutus, C. c. piersma, C. c. rogersi,* and a North American group containing *C. c. rufa, C. c. roselaari* and *C. c. islandica* (Buehler and Baker 2005, p. 502). *C. c. islandica* breeds in the Canadian high Arctic and Greenland, and winters in western Europe. The other two subspecies in the North American group occur within the United States: *C. c. rufa,* currently a candidate species for listing, and *C. c. roselaari,* the focus of this 90-day finding.

C. c. roselaari and *C. c. rufa* are paler by comparison (with *C. c. rufa* considered the palest) to the other subspecies and have a much longer average bill-length (Harrington 2001, p. 4; Niles *et al.* 2007, p. 7). *C. c. roselaari* is longer-winged than the other subspecies, but bill-length overlaps extensively (Harrington 2001, p. 5). In breeding plumage, *C. c. roselaari's* dorsal coloration is described as similar to that of *C. c. canutus,* but darker with slightly more variegated pattern. Ventral coloration is considered more similar to that of *C. c. rufa* than to that of *C. c. rogersi,* especially with respect to amount of white plumage on vent and lower belly (Harrington 2001, p. 5). However, as recently as 2007, red knot researchers acknowledged that "no one has adequately compared morphological variation in *C. c. rufa* and *C. c. roselaari* populations" (Niles *et al.* 2007, p. 7). In 2006, individual *C. c. roselaari* caught and measured at a wintering site in Guerrero Negro, Baja, Mexico, had longer bill-lengths than males belonging to wintering populations known or thought to be *C. c. rufa,* suggesting *C. c. roselaari* are larger than *C. c. rufa* (Niles *et al.* 2008, p. 3).

Based on genetics, the red knot is thought to have recently survived a genetic bottleneck (resulting in reduced genetic variability), with subspecies groups estimated to have diverged very recently. The three subspecies comprising the North American group, including *C. c. roselaari,* are estimated to have diverged within the last 5,500 years (Buehler and Baker 2005, p. 505). We accept the characterization of *C. c. roselaari* as a subspecies because each currently recognized subspecies is believed to occupy separate breeding areas, in addition to having morphological and behavioral character differences. The Service and partners are currently investigating red knot genetics to better assess population structure of *C. c. roselaari* and *rufa* subspecies; results are expected within the next few years.

More is known about the range and biology of *C. c. rufa,* than about *C. c. roselaari. C. c. roselaari* breeds in Alaska and on Wrangel Island, Russia (Tomkovich 1992, p. 22); whereas *C. c. rufa* breeds in the central Canadian Arctic (Harrington 2001, p. 4). *C. c. roselaari* is the only red knot subspecies known to nest in the United States. Its breeding range in northwest and northern Alaska is not well known, but includes the Seward Peninsula and inland areas north of Kotzebue, including the DeLong Mountains of the Brooks Range (Childs 1969, p. 33; Kessel 1989, pp. 161–162; Kessel and Gibson 1978, p. 39; Harrington 2001, p. 3).

C. c. rufa migrates primarily along the Atlantic coast of North America, with most wintering sites along the coasts of South America and fewer wintering sites along the Atlantic and Gulf coasts of the southeastern United States (Harrington 2001, p. 4; Morrison *et al.* 2006, pp. 76–77). Although red knots are known to use the Texas and Florida coasts, other extensive marsh areas of Gulf coast States have not been surveyed. There are sporadic reports of red knots in these areas, but the level of use is not known (A. Scherer, U.S. Fish and Wildlife Service, pers. comm. 2010). There has been taxonomic uncertainty regarding *C. canutus* wintering in the southeastern United States because *C. canutus* that winter in Florida, Georgia, and South Carolina have a different molt schedule and do not migrate to southern South America. These birds have been referred to in the past as either *C. c. roselaari* or *C. c. rufa* (Niles *et al.* 2007, pp. 9–10). However, in the attachment to the petition, Niles *et al.* (2008, p. 1) identify recent information that indicates *C. c. roselaari* is largely or wholly confined to the Pacific coast of the Americas during migration and in winter, and Niles *et al.* (2008, p. 1) conclude that red knot populations found along the western Atlantic Ocean coast (wintering in Florida, Brazil, and Tierra del Fuego) are *C. c. rufa.* The conclusion is based

on banding records confirming that red knots found on the Pacific coast of North America breed in Alaska and Wrangel Island, Russia, and morphological measurements of wintering red knots captured in Baja, Mexico, indicating these birds were larger than red knots at other wintering sites where it was previously unclear if the birds were *C. c. roselaari* or *C. c. rufa* (Niles *et al.* 2008, p. 3).

Currently, *C. c. roselaari* primarily use a few stopover sites during their northward migration to breeding areas in northern Alaska and Wrangel Island, Russia. The most important stopover sites are Grays Harbor and Willapa Bay in Washington, and Yukon-Kuskokwim Delta and Copper River Delta in Alaska (Isleib 1979, p. 128; Gill and Handel 1990, p. 712; Page *et al.* 1999, p. 467). Smaller numbers have been documented during migration in the Yakutat Forelands, Alaska, and the San Francisco Bay, California, and during both migration and wintering along the southern coast of California (Andres and Browne 1998, p. 328; Page *et al.* 1999, p. 468; Stenzel *et al.* 2002, p. 75). The subspecies primarily bypasses Oregon and British Columbia (McGie 2003, p. 232; Buchanan 2007, p. 65). Use of stopover sites during fall migration is unclear, as the migration is protracted and large concentrations are not reported in fall at sites used during spring (Harrington 2001, p. 7). Red knots are known to undertake long flights during migration that may span thousands of miles (Harrington 2001, p. 1); thus during fall migration they may bypass sites used in spring. Important wintering aggregations of *C. c. roselaari* have been documented in Western Mexico at Guerrero Negro, Baja California Sur (Carmona *et al.* 2008, p. 10), and along the Pacific Northwest coast of Mexico in the Gulf of California at Ensenada Pabellones and Bahia Santa Maria, Sinaloa (Engilis *et al.* 1998, p. 338). *C. c. roselaari* probably also winters farther south than Mexico (Niles *et al.* 2007, p. 20), but important sites have not been identified. We lack information on the historical range of *C. c. roselaari.*

Different habitats are used by red knots for breeding and migration/wintering. During migration stopovers and in wintering areas, red knots are primarily found in coastal habitats, particularly in areas with extensive sandy intertidal flats or near tidal inlets or mouths of bays and estuaries (Harrington 2001, pp. 8–9). Prey items for *C. c. roselaari* include bivalves and other benthic invertebrates (Harrington 2001, p. 9).

On the breeding grounds in Alaska, *C. c. roselaari* are widely dispersed inland near the Arctic coast (Harrington 2001, pp. 5, 8). Nesting has been documented in upland habitat, particularly on limestone mounds on windswept slopes, 42 to 48 kilometers (20 to 30 miles) inland (Kessel 1989, p. 162; Harrington 2001, p. 8). The red knot's diet on the breeding grounds consists primarily of terrestrial invertebrates, but early in the breeding season they may consume a substantial amount of plant material, such as grass shoots and seeds (Kessel 1989, pp. 162–163; Harrington 2001, p. 11). Red knots lay one clutch (usually 4 eggs) per season. No information is available on hatching success or chick survival rates. Male parents brood and defend their young, which leave the nest within 24 hours of hatching (Harrington 2001, p. 20; Niles *et al.* 2007, pp. 28, 31–32). While the oldest wild red knot recorded worldwide was estimated to be 25 years old, few red knots are assumed to live more than 7 years (Niles *et al.* 2007, p. 33).

The historical and current population sizes of *C. c. roselaari* are uncertain, and the trend is unknown. Supporting documentation submitted with the petition acknowledges that all attempts to assess the population size of *C. c. roselaari* have been confounded by uncertainty as to which passage (migrating) or wintering population belongs to which subspecies (Niles *et al.* 2008, p. 2). Although *C. c. roselaari* is now considered to be largely or wholly confined to the Pacific coast of the Americas during migration and in winter (Niles *et al.* 2008, p. 1), limited data exist from the sites along the Pacific coast of North America that are known to be used by this subspecies; in addition, the complete extent of wintering locations and the numbers breeding in Alaska are unknown. Population estimates have ranged from 150,000 (Brown *et al.* 2001, p. 53; Morrison *et al.* 2001, p. 34) to 20,000 (Morrison *et al.* 2006, p. 75) with inclusion of red knot populations found along the western Atlantic Ocean coast (now considered to be *C. c. rufa*), to less than 10,000 when including only the Pacific coast of the North America population (Niles *et al.* 2008, p. 6).

The longest-running data set comes from counts on the central Yukon-Kuskokwim Delta at three field sites where *C. c. roselaari* are commonly observed during spring migration. While a peak daily count of 110,000 red knots was observed in 1980 at Tutakoke River (Gill and Handel 1990, p. 712), peak daily count has not exceeded 6,380 (Service, unpublished data) in all other years before and after 1980 (24 of 31 years with peak count data from 1978–2007). There is no evidence of a long-term decline based on the one anomalous count in 1980. Overall, observed peak numbers have varied substantially among years (range 25—6,380 without 1980 count); the observed variation is unexplained, and no trend is detectable. The reported counts are conducted on a small portion of coastal Yukon-Kuskokwim Delta. More extensive mudflats occur outside of the study area; thus, while unknown, it is possible *C. c. roselaari* also occupies these areas to varying degrees during spring migration, which could account for the observed variation in numbers among years. We consider the numbers reported from counts on the Yukon-Kuskokwim Delta to represent minimum numbers passing through the entire delta, with recent observations indicating a minimum, but not absolute number, of less than 10,000 individuals. On the Copper River Delta, Alaska, count-based estimates increased from 10,000 in the 1960s to 40,000–50,000 in the early 1970s, to as high as 100,000 in late 1970s (Isleib 1979, p. 128). None of the data collected at either the Yukon-Kuskokwim or Copper River Deltas included systematic or replicate counts, evaluation of accuracy, or assessment of turnover rates, which would be needed to determine actual abundance from the counts. We also do not know whether or not birds stopping at the Copper River Delta also stop at the Yukon-Kuskokwim Delta or migrate directly to the breeding grounds and therefore represent additional individuals. Supporting documentation submitted with the petition (Niles *et al.* 2008, p. 6) claims that *C. c. roselaari* might have declined from greater than 100,000 (in period 1975–1980) to less than 10,000, if the large numbers reported in Alaska in 1975–1980 were all individuals of this subspecies. However, it has been suggested (Morrison *et al.* 2006, p. 76) and noted in the supporting documentation to the petition (Niles *et al.* 2008, p. 5), that some of the birds seen during the high-count years might have been due to an unusual arrival of *C. c. rogersi,* which breed in eastern Siberia and resemble *C. c. roselaari* in appearance (Morrison *et al.* 2006, p. 34). Alternatively, inter-annual variation in movements and migration routes through Alaska may have caused large variation in the proportion of *C. c. roselaari* that are subject to counting among years. Thus, these exceptionally large counts are difficult to interpret, and cannot with reliability be ascribed

to *C. c. roselaari,* or used to infer trends in abundance of *C. c. roselaari.*

Data from sites outside Alaska are fragmentary and difficult to interpret, particularly given that counts at some sites have fluctuated among years, presumably due to changing environmental conditions. The petition (p. 4) states that the current *C. c. roselaari* population totals fewer than 10,000 individuals with uncertainty regarding the extent of the subspecies' decline. While it is possible that the population size is less than 10,000, observations have not been collected in a long enough time-series at any of these sites to determine population trend at particular sites or to accurately estimate overall population size. The Service is currently collaborating with shorebird researchers to estimate the abundance of the stopover population of *C. c. roselaari* in important Pacific Flyway stopover areas in Washington (Grays Harbor and Willapa Bay) as a means of determining if a reliable estimate of the population size of this subspecies can be developed (Brad Andres, Service, pers. comm. 2010).

C. c. roselaari is currently listed as a Bird of Conservation Concern by the U.S. Fish and Wildlife Service, Division of Migratory Bird Management (USFWS 2008, p. 66), which deems it a priority species for conservation actions. This list is based on an assessment score from three bird conservation plans: Partners in Flight North American Landbird Conservation Plan, United States Shorebird Conservation Plan, and North American Waterbird Conservation Plan (USFWS 2008, p. 2). While this list provides no regulatory protection, its purpose is to provide a conservation benefit by drawing attention to the subspecies' needs.

Evaluation of Information for This Finding

Request To List C. c. roselaari

In making this 90-day finding, we first evaluated whether information regarding the threats to *C. c. roselaari,* as presented in the petition and other information available in our files, is substantial, thereby indicating that the petitioned action of listing the *roselaari* subspecies may be warranted. Section 4 of the Act (16 U.S.C. 1533) and its implementing regulations at 50 CFR part 424 set forth the procedures for adding a species to, or removing a species from, the Federal Lists of Endangered and Threatened Wildlife and Plants. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in section 4(a)(1) of the Act:

(A) The present or threatened destruction, modification, or curtailment of its habitat or range;

(B) Overutilization for commercial, recreational, scientific, or educational purposes;

(C) Disease or predation;

(D) The inadequacy of existing regulatory mechanisms; or

(E) Other natural or manmade factors affecting its continued existence.

In considering what factors might constitute threats to a species, we must look beyond the exposure of the species to the factor to evaluate whether the species may respond to the factor in a way that causes actual or likely impacts to the species. If there is exposure to a factor and the species responds negatively, the factor may be a threat and we attempt to determine how significant a threat it is. The threat may be significant if it drives, or contributes to, the risk of extinction of the species such that the situation may warrant listing the species as endangered or threatened as those terms are defined in the Act. The identification of factors that could impact a species negatively may not be sufficient to compel a finding that substantial information has been presented suggesting that listing may be warranted. The information should contain evidence or the reasonable extrapolation that these factors may be operative threats that act on the species to the point that the species may meet the definition of threatened or endangered under the Act. We found no information to suggest that threats may be acting on, or are likely to act on, *C. c. roselaari* such that the subspecies may become in danger of extinction now or in the foreseeable future.

In making this 90-day finding, we evaluated whether there is substantial information regarding the threats to *C. c. roselaari* presented in the petition and other information available in our files indicating that the petitioned action of listing *C. c. roselaari* may be warranted. Our evaluation of this information is presented below.

A. The Present or Threatened Destruction, Modification, or Curtailment of Its Habitat or Range

Supporting documentation submitted with the petition asserts that, as a small population, *C. c. roselaari* is particularly vulnerable to habitat loss (Niles *et al.* 2008, p. 11), but that documentation does not support this statement with any evidence that this factor is impacting or is likely to impact this subspecies.

The primary factor threatening *C. c. rufa* is destruction and modification of its habitat, particularly the modification of habitat in Delaware Bay through harvesting of horseshoe crabs (74 FR 57825, November 9, 2009). During spring migration, one of the key stopover sites for *C. c. rufa* is Delaware Bay, where they forage on horseshoe crab (*Limulus polyphemus*) eggs to replenish resources needed to complete their migration (Harrington 2001, p. 11). As the *C. c. roselaari* is now considered to be confined to the Pacific coast, this subspecies is presumably not subjected to threats associated with habitat loss in Delaware Bay or at other sites used by *C. c. rufa* along the Atlantic coast.

Because the extent of *C. c. roselaari*'s historical and current range is unknown, it is challenging to assess the extent of historical habitat loss that has occurred and its impact on this subspecies. We believe, however, that little habitat loss has occurred on the breeding grounds or key migration sites used by *C. c. roselaari* in Alaska, due to the areas' remoteness. But wetland loss has occurred throughout the United States due to development (Dahl 2006, p. 15). We, therefore, assume some direct loss of habitat due to development has occurred at migration stopover sites for *C. c. roselaari* along the Pacific coast of the United States. We have no evidence in our files, however, on the extent of this loss or information suggesting that this habitat loss has resulted in a decline of this subspecies.

Wetland habitat loss has also occurred along the Pacific coast of the United States due to the spread of invasive plant species, including wetland habitat loss at key migration stopover sites used by *C. c. roselaari.* In particular, nonnative cordgrass (*Spartina*) species are aggressive weeds that disrupt ecosystems of native saltwater estuaries by outcompeting native vegetation and converting mudflats into monotypic *Spartina* meadows that accumulate sediment (Phillips *et al.* 2008, p. 5). This results in decreased plant diversity, elevated intertidal areas, and displacement of invertebrates, all of which reduce useable foraging and roosting habitat for shorebirds (Phillips *et al.* 2008, p. 5).

During the 1990s, the spread of *Spartina* completely covered some key spring stopover sites for *C. c. roselaari* in Willapa Bay and portions of Grays Harbor, Washington (Buchanan 2003, pp. 47–48; Chappell 2005, p. 153; Buchanan 2006, p. 65). Eradication efforts have been under way in Washington, as well as in other locations along the Pacific coast, including San Francisco Bay, California. Since 2004, the Service has cooperated

with Washington and other groups in a Statewide effort to eradicate *Spartina* from the State's marine waters. This effort has been extremely successful, with an 85 percent reduction in the number of solid acres of *Spartina* Statewide by 2007 (Phillips *et al.* 2008, p. 1).

Spartina was considered to have been largely removed from important red knot habitat in Willapa Bay by 2006 (Buchanan 2006, p. 65). Control of *Spartina* meadows has resulted in increased use by shorebirds. Over time, this increased use occurs as the meadows return to pre-invasion natural mudflats with invertebrate prey for shorebirds (Phillips *et al.* 2008, pp. 9–10). *Spartina* eradication efforts continue, followed by maintenance efforts within 3 to 5 years. Various eradication and control efforts have been underway for other invasive wetland plant species, such as the common reed (*Phragmites australis*). Other wetland restoration efforts include Service awards of 2010 National Coastal Wetland Conservation grants to Washington to acquire, restore, or enhance coastal wetlands, including acquisition and protection of wetland habitat in Grays Harbor and Willapa Bay. Thus, we determine that efforts to manage habitat loss in coastal migratory routes along the West Coast have likely ameliorated potential impacts, and the petition has not presented substantial information indicating that habitat loss may have affected the abundance or status of *C. c. roselaari.*

Future sea-level rise and shoreline erosion may reduce the availability of intertidal habitat used by *C. c. roselaari* during migration or wintering. If habitat is limited, this could affect the subspecies' ability to build up adequate nutrient and energy stores to complete their long migrations (Meltofte *et al.* 2007, p. 36). The actual rates of sea-level rise are hard to predict with any reliability. However, sea-level rise is predicted to increase, and sea levels will likely rise globally by at least 0.18–0.59 meters (0.6—1.9 feet) by the end of this century (IPCC 2007, p. 8). Site-specific rates will differ from the global mean; thus, the persistence of coastal and wetland environments for *C. c. roselaari* will depend on the degree to which sedimentation keeps pace with sea level rise, as well as local geomorphologic and other anthropogenic factors that affect wetlands at key migration and wintering sites.

Galbraith *et al.* (2002, pp. 177–178) examined several different scenarios of future sea-level rise and projected the amount of intertidal habitat loss at key shorebird sites in the United States, including Willapa Bay and San Francisco Bay. Willapa Bay is predicted to lose a relatively small amount (8 percent) of its shorebird intertidal feeding habitats by 2050 but a larger amount (18 percent) by 2100. San Francisco Bay is predicted to lose 12 percent of its intertidal feeding habitats in the northern bay and 24 percent in the southern bay by 2050, and 39 percent in the northern bay and 70 percent in the southern bay by 2100 under the 50-percent probability scenario (Galbraith *et al.* 2002, pp. 177–178). Such modeling efforts indicate that loss of intertidal habitat is expected to occur as sea levels rise at some sites currently used by *C. c. roselaari.* In other areas along *C. c. roselaari's* migration route that currently are, or could be, used by the subspecies, however, there may be a net gain of intertidal flats as coastline migrates inland. The Service is currently participating in multiple efforts to model impacts of future sea-level rise along the Pacific coast. When completed, these models may allow us to predict changes in habitat for *C. c. roselaari,* but at present we lack sufficient information to evaluate all sites used by the subspecies during migration and wintering to determine the scope and scale of potential habitat loss due to sea-level rise. We determine that at this time there is inadequate information to support the petitioners' contention that sea-level rise may pose a population-level threat to *C. c. roselaari.*

While there appears to be ongoing and threatened habitat destruction and modification in areas used by migrating red knots along the Pacific coast in the United States and possibly in wintering habitats in Mexico and other unknown locations, the information presented or readily available does not suggest a population-level impact to *C. c. roselaari* from habitat loss in these areas. In summary, we find that the information provided in the petition, as well as other information in our files, does not present "substantial scientific or commercial information" indicating that the petitioned action of listing the *roselaari* subspecies may be warranted due to the present or threatened destruction, modification, or curtailment of its habitat or range.

B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

The petition does not claim that overutilization of *C. c. roselaari* for commercial, recreational, scientific, or educational purposes is taking place or will take place, and does not provide any evidence that this factor may be impacting or will likely impact the subspecies. In the second half of the 19th and first quarter of 20th centuries, red knots were heavily hunted for both market and sport (Harrington 2001, p. 22). Hunting of red knots is no longer allowed in the United States. Based on band recoveries, red knots are hunted in some regions of South America. Take has been documented in Guianas and Barbados (Harrington 2001, p. 22), areas likely occupied by *C. c. rufa.* The level of hunting and impact to *C. c. roselaari* is unknown. The available information does not suggest that hunting poses, or is likely to pose, a significant threat to the subspecies. In summary, we find that the information provided in the petition, as well as other information in our files, does not present substantial scientific or commercial information indicating that the petitioned action of listing the *roselaari* subspecies may be warranted due to overutilization for commercial, recreational, scientific, or education purposes.

C. Disease or Predation

The petition does not claim or provide any evidence that disease or predation of *C. c. roselaari* is a factor impacting or that will impact the subspecies. Although there is some information in our files that disease has been a cause of mortality for individuals of *C. c. rufa,* the Service has determined that disease and predation do not appear to pose threats to the persistence of *C. c. rufa* (USFWS 2009, pp. 23–24). We do not have any specific information regarding disease for *C. c. roselaari.* We have no information that predation rates have risen in recent years or been significantly affected by anthropogenic factors. On the breeding grounds, microtine rodent (lemming and vole) cycles affect shorebird nest predator cycles, resulting in year-to-year fluctuations in productivity (Niles *et al.* 2007, p. 161). The available evidence does not indicate that predation during the breeding season is having, or is likely to have, a long-term or significant impact on red knots (USFWS 2009, p. 23). In summary, we find that the information provided in the petition, as well as other information in our files, does not present "substantial scientific or commercial information" indicating that the petitioned action of listing the *roselaari* subspecies may be warranted due to disease or predation.

D. The Inadequacy of Existing Regulatory Mechanisms

The petition does not claim that inadequacy of existing regulatory mechanisms for *C. c. roselaari* is taking

place or is likely to take place, and does not provide any evidence that the lack of existing regulatory mechanisms is impacting or is likely to impact the subspecies.

The petition does claim that existing regulatory mechanisms are inadequate to conserve foraging habitat on Delaware Bay for red knots foraging on horseshoe crabs at this key spring migration stopover site (Petition, p. 3). The Service has identified the inadequacy of existing regulatory mechanisms related to habitat destruction and modification, particularly in Delaware Bay, as a significant threat to *C. c. rufa* (USFWS 2009, p. 34). However, as *C. c. roselaari* is believed to be largely or wholly confined to the Pacific coast of the Americas during migration and in winter (Niles *et al.* 2008, p. 1), there is no evidence that this subspecies passes through Delaware Bay. Therefore, *C. c. roselaari* is presumably not affected by changes to habitat caused by inadequate regulatory mechanisms at Delaware Bay.

The Migratory Bird Treaty Act (16 U.S.C. 703–712) (MBTA) is the only current Federal protection provided for *C. c. roselaari.* The MBTA prohibits "take" of individuals but, other than for nesting sites, provides no authority for protection of habitat or food resources. Niles *et al.* (1997, p. 165) report human disturbance as a major threat to *C. c. rufa* throughout its migratory range in the United States. The MBTA does not afford red knots protection from human disturbance on migratory and wintering areas. We believe that human disturbance to *C. c. roselaari* on their breeding grounds is minimal, due to the remoteness of these areas in Alaska and on Wrangel Island, Russia. We also believe limited human disturbance occurs at migration sites in Alaska, again due to the remote nature of these sites. Human disturbance, such as recreational use of beaches, including foraging and roosting sites, likely occurs on migratory areas along the Pacific coast of the United States and in wintering areas in Mexico and in other unknown locations, but we lack information in our files on the extent of disturbance and, if it is occurring, on the level of impact to the subspecies.

In April 2007, the Committee on the Status of Endangered Wildlife in Canada determined that the *C. c. roselaari* type was threatened (COSEWIC 2007, p. 42). As a result, it is now protected under Canada's Federal Species at Risk Act (SARA). The designated unit (referred to as "*C. c. roselaari* type") is defined to include "the subspecies *roselaari* and two other populations that winter in Florida and northern Brazil and that seem to share characteristics of *roselaari*" (COSEWIC 2007, p. 43). These two populations wintering in Florida and northern Brazil are now considered to be *C. c. rufa* (Niles *et al.* 2008, p. 1), and the declines and threats identified for listing these two populations are confined to *C. c. rufa.* The SARA covers migratory birds in Canada on private, provincial, territorial, and Federal lands. Under SARA, projects that require an environmental assessment must consider the project's effects on listed wildlife species, including recommendations for measures to avoid or reduce adverse effects and plans to monitor the impacts of the project. Destruction of critical habitat of endangered and threatened species found on Federal lands is prohibited. The SARA has permit issuance criteria that include minimizing impacts of the proposed activity and avoiding jeopardy to the species.

In summary, we find that the information provided in the petition, as well as other information in our files, does not present "substantial scientific or commercial information" indicating that the petitioned action of listing the *C. c. roselaari* subspecies may be warranted due to inadequacy of existing regulatory mechanisms.

E. Other Natural or Manmade Factors Affecting Its Continued Existence

The petition and its supporting documentation claim that new evidence suggests that *C. c. roselaari* is vulnerable to sudden and imminent extinction due to the inability of a suggested small population size to withstand catastrophic, population-altering events and harmful genetic mutation (Niles *et al.* 2008, p. 11; Petition, pp. 4–5). However, the petition materials do not support this statement with any evidence that this factor is currently impacting or is likely to impact this subspecies in the foreseeable future. Small populations are generally at greater risk of extinction from stochastic processes than are large populations. However, a given population size will not carry with it the same risk for all species, and the fact that a species has low numbers does not necessarily indicate that it may be in danger of extinction in the foreseeable future. Although there is uncertainty about the population size of *C. c. roselaari,* a population with possibly fewer than 10,000 individuals, we do not have information in our files on vulnerability of the subspecies to stochastic events in the foreseeable future, nor did the petitioners provide any information regarding this. Consequently, in the absence of information identifying threats to the species and linking those threats to the rarity of the species, the Service does not consider rarity alone to be a threat.

The petition also asserts that the 2006 and 2007 Candidate Notices of Review for *C. c. rufa* failed to discuss impacts of climate change to shorebirds or account for the potential destruction of habitat due to sea-level rise and other factors. The petition also asserts that the Service must consider these factors in its analysis (Petition, p. 4). However, the petition does not claim or provide any evidence that climate change is currently impacting, or is likely to impact, *C. c. roselaari* (Petition, pp. 4–5) in the foreseeable future. Sea-level rise is addressed above under Factor A.

Besides sea-level rise, climate change could impact red knots as a consequence of the alteration of weather patterns, resulting in changes to habitat and environmental conditions, such as drying (and therefore potential loss) of breeding or intertidal habitat or alteration in prey availability. As an arctic nesting shorebird, *C. c. roselaari* is adapted to highly variable annual conditions on the breeding grounds (Meltofte *et al.* 2007, p. 11). In the short term, climatic amelioration could benefit Arctic shorebirds because earlier snowmelt and warmer summers increase both survival and productivity, for example by providing more food resources for adults and chicks on breeding grounds (Meltofte *et al.* 2007, p. 7). In the long term, habitat changes to both breeding and non-breeding areas could affect the subspecies negatively, but it is currently unknown to what extent shorebirds are able to adapt to rapidly changing climatic conditions (Meltofte *et al.* 2007, p. 34). In Alaska, *C. c. roselaari* currently nests in upland tundra habitat, which is drier than the Arctic coastal plain; thus, new habitat could become available on the Arctic coastal plain for this subspecies as habitat is lost in montane habitats. Weather variations are a natural occurrence and normally are not considered to be a threat to the persistence of a species unless the number of individuals is reduced to a very low level and the individuals are concentrated in an area that is subject to weather conditions that are likely to result in mortality or poor productivity or both (USFWS 2009, p. 30). While we expect climate change to continue into the future, and there could be a number of different types of effects on *C. c. roselaari* from climate change, the available information does not suggest that impacts from climate change are likely to result in population-level effects negatively impacting the subspecies. The petition does not

present substantial information, nor do we have substantial information in our files, to suggest that climate change may threaten *C. c. roselaari* in the foreseeable future.

In summary, we find that the information provided in the petition, as well as other information in our files, does not present "substantial scientific or commercial information" indicating that the petitioned action of listing the *roselaari* subspecies may be warranted due to other natural or manmade factors affecting its continued existence.

Request To List a Broader Taxon Comprising Both the *rufa* and *roselaari* Subspecies

We next evaluated whether the petition presents substantial information that the petitioned action of listing a broader taxon comprising both the *rufa* and *roselaari* subspecies may be warranted. However, the only taxonomic unit broader than a "subspecies" is a "species," and the petition does not seek to have the red knot species, which consists of six subspecies, listed. As there is no broader taxonomic unit consisting of the *C. c. rufa* and *roselaari* subspecies together, the Service concludes that the petitioned action of listing a broader taxon comprising both the *C. c. rufa* and *roselaari* subspecies does not involve a listable entity under the Act. Accordingly, based on the information set forth in the petition, information in the Service's files, and other readily available information, the petition does not present substantial scientific or commercial information that the petitioned action of listing a broader taxon comprising the *rufa* and *roselaari* subspecies may be warranted.

Request for National Listing Based on Similarity of Appearance

The petitioner also seeks a "national listing based on similarity of appearance" under section 4(e) of the Act, "[g]iven the potential overlap of *rufa* and *roselaari* populations within the southeastern United States." As a result, we have evaluated whether the petition presents substantial information that "a national listing" based on the similarity of appearance between the *C. c. rufa* and *C. c. roselaari* subspecies may be warranted.

Under section 4(e) of the Act, a species not otherwise qualifying as endangered or threatened may be listed based on its close resemblance to a listed species if certain circumstances exist. Specifically, section 4(e) of the Act states, "The Secretary may, by regulation of commerce or taking, and to the extent that he deems advisable, treat any species as an endangered species or threatened species even though it is not listed pursuant to section 4 of the Act if he finds that—

(A) Such species so closely resembles in appearance, at the point in question, a species which has been listed pursuant to such section that enforcement personnel would have substantial difficulty in attempting to differentiate between the listed and unlisted species;

(B) The effect of this substantial difficulty is an additional threat to an endangered or threatened species; and

(C) Such treatment of an unlisted species will substantially facilitate the enforcement and further the policy of this Act."

In short, a threshold requirement for listing a species under section 4(e) of the Act is that the species must closely resemble in appearance "a species which has been listed" such that enforcement personnel would have substantial difficulty in differentiating the listed and unlisted species. In this instance, however, neither *C. c. rufa* or *C. c. roselaari* are listed under the Act. Therefore, the petition does not present a basis for concluding that a resemblance between the two subspecies would create difficulty for enforcement personnel in attempting to differentiate between a listed and unlisted entity. More importantly, however, we are aware of no evidence, and none was provided by the petitioners, that commerce or taking of *C. c. rufa* (which, as a candidate species, may be listed in the near future) poses a threat to the subspecies, and that confusion with *C. c. roselaari* on the part of enforcement personnel contributes to this threat. All subspecies of red knots are protected by the MBTA and cannot legally be hunted, imported into, or exported from the United States. Accordingly, we find that the petition does not present substantial information that listing either *C. c. rufa* or *C. c. roselaari* based on their similarity of appearance to each other under section 4(e) of the Act may be warranted.

Finding

In summary, the petition does not present substantial information that the petitioned actions may be warranted. Specifically, the petition does not present substantial information that listing *C. c. roselaari* as endangered may be warranted because no specific information was provided on threats. The petition (p. 4) asserts that the Service should consider listing *C. c. roselaari* because its population "is small (probably less than 10,000) and therefore vulnerable." However, uncertainty currently exists regarding the population size and trend of this subspecies. In addition, in the absence of information identifying threats to the subspecies and linking those threats to the rarity of the species, the Service does not consider rarity alone to be a threat.

On the basis of our determination under section 4(b)(3)(A) of the Act, we conclude that the petition does not present "substantial scientific or commercial information" to indicate that listing *C. c. roselaari* under the Act may be warranted. Although we will not review the status of the species at this time, we encourage interested parties to continue to gather data that will assist with the conservation of *C. c. roselaari.* The Service is continuing to monitor the subspecies, and studies are ongoing. If new information on the status or distribution of *C. c. roselaari* is revealed at the conclusion of current studies, we will evaluate the new information. If you wish to provide information regarding *C. c. roselaari,* you may submit your information or materials to the Field Supervisor, Fairbanks Fish and Wildlife Field Office (*see* **ADDRESSES**), at any time.

In addition, we find that the petition does not present substantial information that the petitioned action of listing "a broader taxon comprising both the *rufa* subspecies and the *roselaari* subspecies" may be warranted because the petitioned action does not involve a listable entity. Moreover, we find that the petition does not present substantial information that a "national listing based on similarity of appearance" under section 4(e) of the Act may be warranted because there is no listed species and, thus, no need for enforcement personnel to differentiate between a listed and unlisted entity. Additionally, the petition does not present substantial information that commerce or taking of *C. c. rufa* (which as a candidate species, may be listed in the near future) poses a threat to the subspecies, and that confusion with *C. c. roselaari* on the part of enforcement personnel contributes to this threat. All subspecies of red knots are protected by the MBTA and cannot legally be hunted, imported into, or exported from the United States. Accordingly, we find that the petition does not present substantial information that listing either *C. c. rufa* or *C. c. roselaari* based on their similarity of appearance to each other under section 4(e) of the Act may be warranted.

References Cited

A complete list of references cited is available on the Internet at *http://*

www.regulations.gov and upon request from the Fairbanks Fish and Wildlife Field Office (*see* **ADDRESSES**).

Authors

The primary authors of this notice are the staff members of the Fairbanks Fish and Wildlife Field Office (*see* **ADDRESSES**).

Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: December 8, 2010.

Rowan W. Gould,

Acting Director, U.S. Fish and Wildlife Service.

[FR Doc. 2010–33187 Filed 1–3–11; 8:45 am]

BILLING CODE 4310–55–P

Notices

Federal Register

Vol. 76, No. 2

Tuesday, January 4, 2011

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

Agricultural Marketing Service

[Doc. No. AMS–FV–10–0097]

Notice of Funds Availability (NOFA) Inviting Applications for the Specialty Crop Block Grant Program-Farm Bill (SCBGP–FB)

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice.

SUMMARY: The Agricultural Marketing Service (AMS) announces the availability of approximately $55 million in grant funds, less USDA administrative costs, for fiscal year (FY) 2011 to solely enhance the competitiveness of specialty crops. SCBGP–FB funds are authorized by the Food, Conservation, and Energy Act of 2008 (the Farm Bill). State departments of agriculture are encouraged to develop their grant applications promptly. State departments of agriculture interested in obtaining grant program funds are invited to submit applications to USDA. State departments of agriculture, meaning agencies, commissions, or departments of a State government responsible for agriculture within the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the U.S. Virgin Islands, and the Commonwealth of the Northern Mariana Islands are eligible to apply.

DATES: Applications must be received by July 13, 2011.

FOR FURTHER INFORMATION CONTACT: Trista Etzig, Phone: (202) 690–4942, e-mail: *trista.etzig@usda.gov* or your State department of agriculture listed on the SCBGP and SCBGP–FB Web site at *http://www.ams.usda.gov/fv/*.

SUPPLEMENTARY INFORMATION: SCBGP–FB is authorized under section 101 of the Specialty Crops Competitiveness Act of 2004 (7 U.S.C. 1621 note) and amended under section 10109 of the Food, Conservation, and Energy Act of 2008, Public Law 110–246 (the Farm Bill). SCBGP–FB is currently implemented under 7 CFR part 1291 (published March 27, 2009; 74 FR 13313).

The SCBGP–FB assists State departments of agriculture in solely enhancing the competitiveness of U.S. specialty crops. Specialty crops are defined as fruits and vegetables, dried fruit, tree nuts, horticulture, nursery crops (including floriculture).

AMS encourages states to develop projects solely to enhance the competitiveness of specialty crops pertaining to the following issues affecting the specialty crop industry: Increasing child and adult nutrition knowledge and consumption of specialty crops; improving efficiency and reducing costs of distribution systems; assisting all entities in the specialty crop distribution chain in developing "Good Agricultural Practices", "Good Handling Practices", "Good Manufacturing Practices", and in cost-share arrangements for funding audits of such systems for small farmers, packers and processors; investing in specialty crop research, including research to focus on conservation and environmental outcomes; enhancing food safety; developing new and improved seed varieties and specialty crops; pest and disease control; and development of organic and sustainable production practices.

States may wish to consider submitting grants that increase the competitiveness of specialty crop farmers, including Native American and disadvantaged farmers. Increasing competitiveness may include developing local and regional food systems, and improving food access in underserved communities.

Projects that support biobased products and bioenergy and energy programs, including biofuels and other alternative uses for agricultural and forestry commodities (development of biobased products) should see the USDA energy Web site at: *http://www.energymatrix.usda.gov/* for information on how to submit those projects for consideration to the energy programs supported by USDA. Also, agricultural cooperatives, producer networks, producer associations, local governments, nonprofit corporations, public health corporations, economic development corporations, regional farmers' market authorities and Tribal governments that are interested in submitting projects that support farmers' markets that do not solely enhance the competitiveness of eligible specialty crops should visit the Farmers' Market Promotion Program (FMPP) Web site at: *http://www.ams.usda.gov/fmpp* for information on how to submit those projects for consideration to FMPP.

Each interested State department of agriculture must submit an application for SCBGP–FB grant funds anytime between January 4, 2011 and on or before July 13, 2011, through *http://www.grants.gov*. AMS will work with each State department of agriculture and provide assistance as necessary.

Other organizations interested in participating in this program should contact their local State department of agriculture. State departments of agriculture specifically named under the authorizing legislation should assume the lead role in SCBGP–FB projects, and use cooperative or contractual linkages with other agencies, universities, institutions, and producer, industry or community-based organizations as appropriate.

Additional details about the SCBGP–FB application process for all applicants are available at the SCBGP–FB Web site: *http://www.ams.usda.gov/fv/*.

To be eligible for a grant, each State department of agriculture's application shall be clear and succinct and include the following documentation satisfactory to AMS:

(a) One SF–424 "Application for Federal Assistance".

(b) SF–424A "Budget Information—Non-Construction Programs" showing the budget for each project.

(c) One SF–424B "Assurances—Non-Construction Program"

(d) Completed applications must also include one State plan to show how grant funds will be utilized to solely enhance the competitiveness of specialty crops. The State plan shall include the following:

(1) Cover page and granting processes. Include the point of contact and lead agency for administering the plan. Include the steps taken to conduct outreach to specialty crop stakeholders to receive and consider public comment to identify state funding priorities needs, including any focus on multi-

state projects in enhancing the competitiveness of specialty crops. Provide the identified funding priority areas. Describe the methods used to identify socially disadvantaged and beginning farmers and reach out to these groups about the Specialty Crop Block Grant Program (SCBGP). Identify by project title if an award was made to either a socially disadvantaged farmer or a beginning farmer. If steps were not taken to conduct outreach to socially disadvantaged and beginning farmers, provide a justification for why not. Provide a description of the affirmative steps taken to conduct a competitive grant process. Describe the methods used to solicit proposals that met identified specialty crop funding priority needs. Include the number of grant proposals that were received. Describe how members on the review panel were selected to ensure they were free from conflicts of interest and consisted of a community of experts in given field, who were qualified and able to perform impartial reviews. Identify what fields the review panel members were from. State if the review results of the peer review panel were given to the grant applicants ensuring the confidentiality of the review panel members. If a competitive grant process was not used, provide a justification why not. Provide a description of the State department of agriculture oversight including how and when administration of grant funds will be performed to ensure proper and efficient administration for each project.

(2) Project title, partner organization name, abstract. Include the title of the project, the partner organization's name that plans to oversee the project, and an abstract of 200 or fewer words for each project.

(3) Project purpose. For each project, clearly state the purpose of the project. Describe the specific issue, problem, interest, or need to be addressed. Explain why the project is important and timely and the objectives of the project. If the project has the potential to enhance the competiveness of non-specialty crops, explain how all funding will be used to solely enhance the competiveness of eligible specialty crops as defined in 7 CFR 1291.2(n). If a project builds on a previous SCBGP or SCBGP–FB project, indicate clearly how the new project compliments previous work. For each project, indicate if the project will be or has been submitted to or funded by another Federal or State grant program.

(4) Potential impact. Discuss the intended beneficiaries of each project, the number of people or operations affected, how the beneficiaries are impacted by the project, and/or potential economic impact if such data are available and relevant to the project.

(5) Expected Measurable Outcomes. For each project, describe at least one distinct, quantifiable, and measurable outcome-oriented objective that directly and meaningfully supports the project's purpose. The measurable outcome-oriented objective must define an event or condition that is external to the project and that is of direct importance to the intended beneficiaries and/or the public. Outcome measures may be long term that exceed the grant period. Describe how performance toward meeting outcomes will be monitored. For each project, include a performance-monitoring plan to describe the process of collecting and analyzing data to meet the outcome-oriented objectives.

(6) Work Plan. For each project, explain briefly the activities that will be performed to accomplish the objectives of the project. Be clear about who will do the work and when each activity will be accomplished.

(7) Budget Narrative. Provide in sufficient detail information about the budget categories listed on SF–424A for each project to demonstrate that grant funds are being expended on eligible grant activities that meet the purpose of the program. Indirect costs for this grant period should not exceed 10 percent of any proposed budget. Provide a justification if administrative costs are higher than 10 percent.

(8) Project Oversight. Describe who will oversee the project activities and how and when oversight will be performed to ensure proper and efficient administration for each project.

(9) Project Commitment. Describe briefly who supports the project and how all grant partners commit to and work toward the goals and outcomes of each proposed project(s).

(10) Multi-state Projects. If the project is a multi-state project, describe how the states are going to collaborate effectively with related projects with one state assuming the coordinating role. Indicate the percent of the budget covered by each state.

Each State department of agriculture that submits an application that is reviewed and approved by AMS is to receive an estimated base grant of approximately $180,641.84 to solely enhance the competitiveness of specialty crops. In addition, AMS will allocate the remainder of the grant funds based on the proportion of the value of specialty crop production in the state in relation to the national value of specialty crop production using the latest available (2009 National Agricultural Statistics Service (NASS) cash receipt data for the 50 States and the Commonwealth of Puerto Rico, 2007 Census of Agriculture cash receipts for Guam, the U.S. Virgin Islands, and the Commonwealth of the Northern Mariana Islands, and 2002 Census of Agriculture cash receipts for American Samoa) specialty crop production data in all states whose applications are accepted.

The amount of the base grant plus value of production available to each State department of agriculture is estimated to be:

(1) Alabama	$436,445.27
(2) Alaska	196,012.59
(3) American Samoa	217,248.32
(4) Arizona	1,165,007.20
(5) Arkansas	253,975.67
(6) California	18,555,141.57
(7) Colorado	708,202.26
(8) Connecticut	427,804.09
(9) Delaware	241,404.22
(10) District of Columbia	180,641.84
(11) Florida	4,356,879.16
(12) Georgia	1,128,030.40
(13) Guam	182,517.28
(14) Hawaii	390,148.26
(15) Idaho	1,009,969.35
(16) Illinois	646,616.10
(17) Indiana	406,379.74
(18) Iowa	275,420.04
(19) Kansas	272,909.44
(20) Kentucky	262,881.70
(21) Louisiana	339,673.85
(22) Maine	396,814.69
(23) Maryland	418,057.35
(24) Massachusetts	449,166.08
(25) Michigan	1,344,036.96
(26) Minnesota	734,570.04
(27) Mississippi	268,205.45
(28) Missouri	352,120.57
(29) Montana	295,460.91
(30) Nebraska	344,633.44
(31) Nevada	264,288.27
(32) New Hampshire	248,992.97
(33) New Jersey	787,690.55
(34) New Mexico	456,218.99
(35) New York	1,053,738.07
(36) North Carolina	1,199,444.91
(37) North Dakota	638,376.03
(38) Northern Mariana Islands	182,066.13
(39) Ohio	699,327.80
(40) Oklahoma	379,047.29
(41) Oregon	1,713,260.58
(42) Pennsylvania	1,037,071.60
(43) Puerto Rico	373,756.64
(44) Rhode Island	220,272.43
(45) South Carolina	508,114.61
(46) South Dakota	208,224.50
(47) Tennessee	518,708.23
(48) Texas	1,727,351.78
(49) Utah	310,363.56
(50) Vermont	229,597.27
(51) Virgin Islands	181,819.76
(52) Virginia	519,296.42
(53) Washington	3,090,179.37
(54) West Virginia	213,703.00
(55) Wisconsin	971,231.83
(56) Wyoming	204,035.56

Funds not obligated will be allocated pro rata to the remaining States which applied during the specified grant application period to be solely

expended on projects previously approved in their State plan. AMS will notify the States as to the procedures for applying for the reallocated funds.

AMS requires applicants to submit SCBGP–FB applications electronically through the central Federal grants Web site, *http://www.grants.gov* instead of mailing hard copy documents. Original signatures are not needed on the SF–424 and SF–424B when applying through *http://www.grants.gov* and applicants are not required to submit any paper documents to AMS. Applicants are strongly urged to familiarize themselves with the Federal grants Web site and begin the application process well before the application deadline. For information on how to apply electronically, please consult *http://www.grants.gov/applicants/get_registered.jsp.* AMS will send an email confirmation when applications are received by the AMS office.

SCBGP–FB is listed in the "Catalog of Federal Domestic Assistance" under number 10.170 and subject agencies must adhere to Title VI of the Civil Rights Act of 1964, which bars discrimination in all federally assisted programs.

Authority: 7 U.S.C. 1621 note.

Dated: December 22, 2010.

David R. Shipman,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2010–33136 Filed 1–3–11; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Doc. No. AMS–LS–10–0103]

Sorghum Promotion, Research, and Information Program: Referendum

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of Opportunity to Participate in the Sorghum Promotion, Research, and Information Referendum.

SUMMARY: The Agricultural Marketing Service (AMS) is announcing that a referendum will be conducted among eligible sorghum producers and importers on the Sorghum Promotion, Research, and Information Order (Order), as authorized under the Commodity Promotion, Research, and Information Act of 1996 (Act).

DATES: Sorghum producers and importers will vote in the referendum during a 4-week period beginning on February 1, 2011, and ending February 28, 2011. To be eligible to participate in the referendum, producers and importers must certify that they or the entity they are authorized to represent are subject to the assessment and were engaged in the production or importation of sorghum between July 1, 2008, and December 31, 2010. An eligible person shall be entitled to cast only one vote in the referendum.

Form LS–379, Sorghum Promotion and Research Order Referendum Ballot, may be obtained by mail, fax, or in person from the Farm Service Agency (FSA) county offices from February 1, 2011, to February 28, 2011. Form LS–379 may also be obtained via the Internet at *http://www.ams.usda.gov/lsmarketingprograms* during the same time period. Sorghum producers should return completed forms and supporting documentation to the appropriate county FSA office by fax or in person no later than close of business February 28, 2011; or if returned by mail, must be postmarked by midnight February 28, 2011, and received in the county FSA office by close of business on March 7, 2011. Sorghum importers should return completed forms and supporting documentation to: Craig Shackelford, Marketing Programs Branch, Livestock and Seed Program, AMS, USDA, Room 2628–S, STOP 0251, 1400 Independence Avenue, SW., Washington, DC 20250–0251; Telephone: (202) 720–1115; Fax: (202) 720–1125; *craig.shackelford@ams.usda.gov* no later than close of business February 28, 2011; or if returned by mail, must be postmarked by midnight February 28, 2011, and received in the AMS office by close of business on March 7, 2011.

FOR FURTHER INFORMATION CONTACT: Kenneth R. Payne, Chief, Marketing Programs Branch, Livestock and Seed Program, AMS, USDA, Room 2628–S, STOP 0251, 1400 Independence Avenue, SW., Washington, DC 20250–0251; Telephone 202/720–1115; Fax 202/720–1125; or email to *Kenneth.Payne@ams.usda.gov* or Rick Pinkston, Field Operations Staff, FSA, USDA, at Telephone (202) 720–1857, Fax (202) 720–1096, or by email at *Rick.Pinkston@wdc.usda.gov*.

SUPPLEMENTARY INFORMATION: Pursuant to the Act (7 U.S.C. 7411–7425), it is hereby directed that a referendum be conducted to ascertain whether continuance of the Order is favored by those persons who have been engaged in the production or importation of sorghum from July 1, 2008, through December 31, 2010.

The representative period for establishing voter eligibility for the referendum shall be the period from July 1, 2008, through December 31, 2010. Persons who were engaged in the production or importation of sorghum who provide documentation, such as a sales receipt or remittance form, showing that they were engaged in the production or importation of sorghum from July 1, 2008, through December 31, 2010, are eligible to vote. Importers may provide U.S. Customs and Border Protection Service form 7501.

Eligible voters will be provided the opportunity to vote at the county FSA office where FSA maintains and processes the eligible voter's administrative farm records. For the eligible voter not participating in FSA programs, the opportunity to vote will be provided at the FSA office serving the county where the person owns or rents land. Eligible importers will be provided the opportunity to vote through the U.S. Department of Agriculture's (USDA) AMS office located in Washington, DC. Participation in the referendum is not mandatory.

On November 18, 2010, USDA published in the **Federal Register** (75 FR 70573), a final rule that sets forth procedures that will be used in conducting the referendum. The final rule includes definitions, provisions for supervising the referendum process, eligibility, procedures for obtaining and completing the form LS–379, required documentation showing that the person was engaged in the production or importation of sorghum from July 1, 2008, through December 31, 2010, where the referendum will be conducted, counting and reporting results, and disposition of the forms and records. Since the referendum will be conducted primarily at the county FSA offices, FSA employees will assist AMS by determining eligibility, counting requests, and reporting results.

Pursuant to the Act, USDA is conducting the required referendum from February 1, 2011, through February 28, 2011. Form LS–379 may be requested in person, by mail, or by facsimile from February 1, 2011, through February 28, 2011.

Form LS–379 may also be obtained via the Internet at: *http://www.ams.usda.gov/lsmarketingprograms* during the same 4-week period. Eligible voters would vote at the FSA office where FSA maintains and processes the person's, corporation's, or other entity's administrative farm records. For the person, corporation, or other entity eligible to vote that does not participate in FSA programs, the opportunity to vote would be provided at the FSA office serving the county where the person, corporation, or other entity owns or rents land.

Voters can determine the location of county FSA offices by contacting (1) The nearest FSA office, (2) the State FSA office, or (3) through an online search of FSA's Web site at: *http://www.fsa.usda.gov/pas/default.asp.* From the options available on this Web site select "State Offices," click on your State, select "County Offices," and click on the map to select a county.

Form LS–379 and supporting documentation may be returned in person, by mail, or facsimile to the appropriate county FSA office. Form LS–379 and accompanying documentation returned in person or by facsimile, must be received in the appropriate FSA office prior to the close of business on February 28, 2011. Form LS–379 and accompanying documentation returned by mail must be postmarked no later than midnight of February 28, 2011, and received in the county FSA office by close of business on March 7, 2011.

In accordance with Paperwork Reduction Act (44 U.S.C. Chapter 35), the information collection requirements have been approved under OMB number 0581–0093.

Authority: 7 U.S.C. 7411–7425.

Dated: December 15, 2010.

Robert C. Keeney,

Acting Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2010–33135 Filed 1–3–11; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2010–0125]

Secretary's Advisory Committee on Animal Health; Meeting

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of public meeting.

SUMMARY: This is a notice to inform the public of the first meeting of the Secretary's Advisory Committee on Animal Health. The meeting is being organized by the Animal and Plant Health Inspection Service.

DATES: The meeting will be held January 20 and 21, 2011, from 9 a.m. to 5 p.m. each day.

ADDRESSES: The meeting will be held in the Jamie L. Whitten Building, 1400 Independence Avenue, SW., Washington, DC 20250, in rooms 104–A and 107–A.

FOR FURTHER INFORMATION CONTACT: Mr. Michael R. Doerrer, Chief Operating Officer, Veterinary Services, APHIS, USDA, 4700 River Road Unit 37, Riverdale, MD 20737; (301) 734–5034; e-mail: *SACAH.Management@aphis.usda.gov.*

SUPPLEMENTARY INFORMATION: The Secretary's Advisory Committee on Animal Health (the Committee) advises the Secretary of Agriculture on means to prevent, conduct surveillance on, monitor, control, or eradicate animal diseases of national importance. In doing so, the Committee will consider public health, conservation of natural resources, and the stability of livestock economies.

Tentative topics for discussion at the upcoming meeting include:

- Animal disease traceability.
- Aquaculture and animal health.
- Emergency response and management.
- Trade and emerging global animal health issues.
- The U.S. Department of Agriculture's role in public health initiatives.
- National disease management programs.
- Veterinary Services reorganization efforts.

Additional details on the agenda and meeting can be found on the Committee's Web site at *http://www.aphis.usda.gov/animal_health/acah/.*

The meeting will be open to the public and attendees should plan to arrive between 8 a.m. and 9 a.m. Picture identification is required to gain access to the Whitten Building. The Animal and Plant Health Inspection Service (APHIS), which is organizing the meeting, asks that those planning to attend the meeting let APHIS know by sending an email through an access portal on the Committee's Web site or directly to *SACAH.Management@aphis.usda.gov.* Please provide your name and organizational affiliation (if any), state which meeting date or dates you plan to attend, and indicate whether you wish to present an oral statement during the meeting.

Attendees will have the opportunity to present oral statements or questions on meeting topics at specific times during the meeting. Written statements on meeting topics may also be filed at the meeting. Additionally, statements may be filed with the Committee before or after the meeting by sending them via email to *SACAH.Management@aphis.usda.gov.*

This notice of meeting is given pursuant to section 10 of the Federal Advisory Committee Act (5 U.S.C. App. 2).

Done in Washington, DC, December 28, 2010.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2010–33206 Filed 1–3–11; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Forest Service

Sisters Ranger District; Deschutes National Forest; Oregon; Popper Vegetation Management Project

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The USDA, Forest Service, will prepare an Environmental Impact Statement (EIS) on a proposed action to manage forest fuels and forest stand densities, including areas within a designated wildland urban interface, on the Sisters Ranger District, Deschutes National Forest. In addition, the proposal would decommission and close Forest Roads. The proposed action would be located on National Forest System lands south of the city of Sisters, Oregon; east of the Three Sisters Wilderness; north of the boundary with the BendFort Rock Ranger District; and west of the 33,000 acre Cascade Timberlands property which is being considered as a future Community Forest. The legal location is Townships 16 and 17 south and Range 9 east, Willamette Meridian. The project area is managed under the Northwest Forest Plan: Matrix (12,813 acres); Late Successional Reserve (3,078 acres); and Administratively Withdrawn (1,301 acres). The project area also contains 1,336 acres of Riparian Reserves. The alternatives will include the proposed action, no action, and additional alternatives that respond to issues generated during the scoping process. The agency will give notice of the full environmental analysis and the decision making process so interested and affected people may participate and contribute to the final decision.

DATES: Comments concerning the scope of analysis should be received by 30 days following the date that this notice appears in the **Federal Register**.

ADDRESSES: Send written comments to Michael Keown, Team Leader, Sisters Ranger District, Pine Street and Highway 20, POB 249, Sisters, Oregon 97759, or submit to *comments-pacificnorthwest-deschutes-sisters@fs.fed.us.* Please put "Popper Vegetation Management Project" in the

subject line of your e-mail. You will have another opportunity for comment when the alternatives have been developed and the Environmental Impact Statement is made available.

FOR FURTHER INFORMATION CONTACT: Michael Keown, Team Leader, Sisters Ranger District, Pine Street and Highway 20, POB 249, Sisters, Oregon 97759, phone (541) 549–7700.

Responsible Official: The responsible offical will be John Allen, Deschutes National Forest Supervisor, 1001 SW Emkay, Bend, Oregon 97701.

SUPPLEMENTARY INFORMATION:

Purpose and Need: The need for this site specific proposal is to reduce fuels loadings and forest vegetation density to lessen the risk that ongoing disturbance agents such as wildfire, insects, and disease would lead to a large scale threat to public firefighter, nearby communities and private property, and loss of key ecosystem components such as special habitats, scenic views, and large trees. The purpose of the project is to reduce the threat of large scale wildfire to people, property, and important ecosystem components; improve forest health; contribute wood products and restoration work to the local and regional economy; and reintroduce fire in fire dependent ecosystems in the Popper project area.

Proposed Action: The Forest Service proposed action would include combinations of thinning forest stands, mowing brush, and controlled burning of forest fuels on about 12,390 acres of the 17,194-acre project area, including about 4,277 acres in a designated wildland-urban interface. About 2,259 acres of thinning would occur within existing tree plantations to create more structurally diverse forests; about 1,418 acres of the lodgepole pine plant community would be managed to maintain ongoing public firewood cutting; about 2,480 acres would be thinned from below to maintain fire climax ponderosa pine; about 1,344 acres would be thinned and group openings created to restore and maintain ponderosa pine in the mixed conifer plant community; about 583 acres would be thinned, mowed, and burned to control dwarf mistletoe in ponderosa pine stands; about 3,201 acres of Inventoried Roadless Area (IRA) would be prescribed burned to provide a mosaic of age classes and stand structures within large areas of homogeneous stand structure (no roads will be built and no timber will be sold in Inventoried Roadless Areas); about 235 acres of Riparian Reserves would be thinned and burned to maintain and restore riparian function; and about 521 acres would be prescribed burned only to manage in-growth of trees, reduce forest fuels, and reintroduce fire back into the ecosystem. About 4,648 acres in the Popper project area would not be treated to provide a spatial array of acres across the area to provide dispersal and foraging habitat for various wildlife species and other ecological processes. These no treatment areas include nesting, roosting, and foraging habitat for the northern spotted owl; areas of topography greater than 35% slope; and sensitive habitats among others.

Comment. Public comments about this proposal are requested in order to assist in identifying issues, determine how to best manage the resources, and to focus the analysis. Comments received to this notice, including names and addresses of those who comment, will be considered part of the public record on this proposed action and will be available for public inspection. Comments submitted anonymously will be accepted and considered; however, those who submit anonymous comments will not have standing to appeal the subsequent decision under 36 CFR part 215. Additionally, pursuant to 7 CFR 1.27(d), any person may request the agency to withhold a submission from the public record by showing how the Freedom of Information Act (FOIA) permits such confidentiality. Persons requesting such confidentiality should be aware that, under FOIA, confidentiality may be granted in only very limited circumstances, such as to protect trade secrets. The Forest Service will inform the requester of the agency's decision regarding the request for confidentiality, and where the request is denied the agency will return the submission and notify the requester that the comments may be resubmitted with or without name and address within a specified number of days.

A draft EIS will be filed with the Environmental Protection Agency (EPA) and available for public review by Fall 2011. The EPA will publish a Notice of Availability (NOA) of the draft EIS in the **Federal Register**. The final EIS is scheduled to be available Spring 2012.

The comment period on the draft EIS will be 45 days from the date the EPA publishes the notice of availability in the **Federal Register**.

The Forest Service believes, at this early stage, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of a draft EIS must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions [*Vermont Yankee Nuclear Power Corp.* v. *NRDC,* 435 U.S. 519, 553 (1978)]. Also, environmental objections that could be raised at the draft EIS stage but that are not raised until after completion of the final EIS may be waived or dismissed by the courts [*City of Angoon* v. *Harris,* 490 F. Supp. 1334, 1338 (E.D. Wis. 1980)]. Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45-day comment period so that comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final EIS.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft EIS should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft EIS of the merits of the alternatives formulated and discussed in the statement. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

In the final EIS, the Forest Service is required to respond to comments received during the comment period for the draft EIS. The Forest Service is the lead agency and the responsible official is the Forest Supervisor, Deschutes National Forest. The responsible official will decide where, and whether or not to treat forest stands to achieve the purpose and need for the project. The responsible official will also decide how to mitigate impacts of these actions and will determine when and how monitoring of effects will take place.

The Popper Vegetation Management Project decision and the reasons for the decision will be documented in the Record of Decision. That decision will be subject to Forest Service Appeal Regulations (35 CFR part 215).

Dated: December 27, 2010.

Robert Flores,

Acting District Ranger, Sisters Ranger District.

[FR Doc. 2010–33090 Filed 1–3–11; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

Cancellation of Lewiston Grain Inspection Service, Inc. Designation; Opportunity for Designation in the Lewiston, ID Area

AGENCY: Grain Inspection, Packers and Stockyards Administration, USDA.

ACTION: Notice.

SUMMARY: Lewiston Grain Inspection Service, Inc. (Lewiston) is designated to provide official inspection services through September 30, 2012, under the United States Grain Standards Act, as amended (USGSA). Lewiston informed the Grain Inspection, Packers and Stockyards Administration (GIPSA) that it would cease providing official inspection services effective December 31, 2010. Accordingly, GIPSA is announcing that Lewiston's designation terminates effective December 31, 2010. GIPSA is also asking persons or governmental agencies interested in providing official services in the area presently served by Lewiston to submit an application for designation.

DATES: Applications must be received by February 3, 2011.

ADDRESSES: Submit applications concerning this notice using any of the following methods:

- *Applying for Designation on the Internet:* Use FGISonline (*https://fgis.gipsa.usda.gov/default_home_FGIS.aspx*) and then click on the Delegations/Designations and Export Registrations (DDR) link. You will need to obtain an FGISonline customer number and USDA eAuthentication username and password prior to applying.
- *Hand Delivery/Courier Address:* Karen W. Guagliardo, Review Branch Chief, Compliance Division, GIPSA, USDA, Room 1647–S, 1400 Independence Avenue, SW., Washington, DC 20250.
- *Mail:* Karen W. Guagliardo, Review Branch Chief, Compliance Division, GIPSA, USDA, STOP 3604, 1400 Independence Avenue, SW., Washington, DC 20250–3604.
- *Fax:* Karen W. Guagliardo, 202–690–2755.
- *E-mail:* *Karen.W.Guagliardo@usda.gov.*

Read Applications: All applications will be available for public inspection at the office above during regular business hours (7 CFR 1.27(c)).

FOR FURTHER INFORMATION CONTACT: Karen W. Guagliardo, 202–720–8262 or *Karen.W.Guagliardo@usda.gov.*

SUPPLEMENTARY INFORMATION: Section 7(f)(1) of the United States Grain Standards Act (USGSA) (7 U.S.C. 71–87k) authorizes GIPSA's Administrator to designate a qualified applicant to provide official services in a specified area after determining that the applicant is better able than any other applicant to provide such official services. Under section 7(g)(1) of the USGSA, designations of official agencies are effective for 3 years unless terminated by the Secretary, but may be renewed according to the criteria and procedures prescribed in section 7(f) of the Act.

Areas Open for Designation

Pursuant to Section 7(f)(2) of the Act, the following geographic areas in the States of Idaho and Oregon are assigned to this official agency:

- The northern half of the State of Idaho down to the northern boundaries of Adams, Valley, and Lemhi Counties.
- The entire State of Oregon, except those export port locations within the State that are serviced by GIPSA.

Opportunity for Designation

Interested persons or governmental agencies may apply for designation to provide official services in the geographic areas specified above under the provisions of section 7(f) of the USGSA and 7 CFR 800.196(d). To apply for designation or for more information, contact Karen W. Guagliardo at the address listed above or visit GIPSA's Web site at *http://www.gipsa.usda.gov.*

We consider applications, comments, and other available information when determining which applicant will be designated.

Authority: 7 U.S.C. 71–87k.

J. Dudley Butler,

Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. 2010–33140 Filed 1–3–11; 8:45 am]

BILLING CODE 3410–KD–P

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

Opportunity for Designation in the State of Georgia and State of Montana Areas; Request for Comments on the Official Agencies Servicing These Areas

AGENCY: Grain Inspection, Packers and Stockyards Administration, USDA.

ACTION: Notice.

SUMMARY: The designations of the official agencies listed below will end on June 30, 2011. We are asking persons or governmental agencies interested in providing official services in the areas presently served by these agencies to submit an application for designation. In addition, we are asking for comments on the quality of services provided by the following designated agencies: The Georgia Department of Agriculture (Georgia) and the Montana Department of Agriculture (Montana).

DATES: Applications and comments must be received by February 3, 2011.

ADDRESSES: Submit applications and comments concerning this notice using any of the following methods:

- *Applying for Designation on the Internet:* Use FGISonline (*https://fgis.gipsa.usda.gov/default_home_FGIS.aspx*) and then click on the Delegations/Designations and Export Registrations (DDR) link. You must obtain an FGISonline customer number and USDA eAuthentication username and password prior to applying.
- *Submit Comments Using the Internet:* Go to Regulations.gov (*http://www.regulations.gov*). Instructions for submitting and reading comments are detailed on the site.
- *Hand Delivery/Courier Address:* Karen W. Guagliardo, Review Branch Chief, Compliance Division, GIPSA, USDA, Room 1647–S, 1400 Independence Avenue, SW., Washington, DC 20250.
- *Mail:* Karen W. Guagliardo, Review Branch Chief, Compliance Division, GIPSA, USDA, STOP 3604, 1400 Independence Avenue, SW., Washington, DC 20250–3604.
- *Fax:* Karen W. Guagliardo, 202–690–2755.

Read Applications and Comments: All applications and comments will be available for public inspection at the office above during regular business hours (7 CFR 1.27(c)).

FOR FURTHER INFORMATION CONTACT: Karen W. Guagliardo, 202–720–8262 or *Karen.W.Guagliardo@usda.gov.*

SUPPLEMENTARY INFORMATION: Section 7(f)(1) of the United States Grain Standards Act (USGSA) (7 U.S.C. 71–87k) authorizes GIPSA's Administrator to designate a qualified applicant to provide official services in a specified area after determining that the applicant is better able than any other applicant to provide such official services. Under section 7(g)(1) of the USGSA, designations of official agencies are effective for 3 years unless terminated by the Secretary, but may be renewed according to the criteria and procedures prescribed in section 7(f) of the USGSA.

Areas Open for Designation

Georgia

Pursuant to Section 7(f)(2) of the Act, the entire State of Georgia, except those export port locations within the State, which are serviced by GIPSA, is assigned to this official agency.

Montana

Pursuant to Section 7(f)(2) of the Act, the entire State of Montana is assigned to this official agency.

Opportunity for Designation

Interested persons or governmental agencies may apply for designation to provide official services in the geographic areas specified above under the provisions of section 7(f) of the USGSA and 7 CFR 800.196(d). Designation in the specified geographic areas is for the period beginning July 1, 2011, and ending June 30, 2014. To apply for designation or for more information, contact Karen W. Guagliardo at the address listed above or visit GIPSA's Web site at *http://www.gipsa.usda.gov.*

Request for Comments

We are publishing this notice to provide interested persons the opportunity to comment on the quality of services provided by the Georgia and Montana official agencies. In the designation process, we are particularly interested in receiving comments citing reasons and pertinent data supporting or objecting to the designation of the applicants. Submit all comments to Karen W. Guagliardo at the above address or at *http://www.regulations.gov.*

We consider applications, comments, and other available information when determining which applicant will be designated.

Authority: 7 U.S.C. 71–87k.

J. Dudley Butler,

Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. 2010–33139 Filed 1–3–11; 8:45 am]

BILLING CODE 3410–KD–P

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

Designation of Minot Grain Inspection, Inc. To Provide Official Class X Weighing Services

AGENCY: Grain Inspection, Packers and Stockyards Administration, USDA.

ACTION: Notice.

SUMMARY: GIPSA is announcing the designation of Minot Grain Inspection, Inc. to provide official Class X weighing services under the United States Grain Standards Act, as amended (USGSA).

DATES: *Effective Date:* January 4, 2011.

ADDRESSES: Karen W. Guagliardo, Branch Chief, Review Branch, Compliance Division, GIPSA, USDA, STOP 3604, Room 1647–S, 1400 Independence Avenue, SW., Washington, DC 20250–3604.

FOR FURTHER INFORMATION CONTACT: Karen W. Guagliardo, 202–720–8262 or *Karen.W.Guagliardo@usda.gov.*

SUPPLEMENTARY INFORMATION: GIPSA reviewed this action and determined it not to be a rule or regulation as defined in Executive Order 12866 and Departmental Regulation 1512–1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

In the June 1, 2009, **Federal Register** (74 FR 26188), GIPSA announced the designation of Minot to provide official inspection services under the Act, effective July 1, 2009, and terminating June 30, 2012. Subsequently, Minot requested GIPSA amend their designation to include official weighing services. Section 7A(c)(2) of the Act authorizes GIPSA's Administrator to designate authority to perform official weighing to an agency providing official inspection services within a specified geographic area, if such agency is qualified under section 7(f)(1)(A) of the Act.

GIPSA evaluated all available information regarding the designation criteria in section 7(f)(1)(A) of the Act, and determined that Minot is qualified to provide official weighing services in their currently assigned geographic area. Minot's present designation is amended to include Class X weighing within their assigned geographic area, as specified in the June 1, 2009, **Federal Register** (74 FR 26188), effective January 4, 2011, and terminating June 30, 2012.

Under section 7(g)(1) of the USGSA, designations of official agencies are effective for no longer than 3 years unless terminated by the Secretary; however, designations may be renewed according to the criteria and procedures prescribed in section 7(f) of the Act.

Authority: 7 U.S.C. 71–87k.

J. Dudley Butler,

Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. 2010–33141 Filed 1–3–11; 8:45 am]

BILLING CODE 3410–KD–P

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

Designation for the Columbus, OH; Dallas, TX; and Decatur, IN Areas

AGENCY: Grain Inspection, Packers and Stockyards Administration, USDA.

ACTION: Notice.

SUMMARY: GIPSA is announcing the designation of the following organizations to provide official services under the United States Grain Standards Act, as amended (USGSA): Columbus Grain Inspection, Inc. (Columbus); Gulf Country Grain Inspection Service, Inc. (Gulf Country); and Northeast Indiana Grain Inspection, Inc. (Northeast Indiana).

DATES: *Effective Date:* January 1, 2011.

ADDRESSES: Karen W. Guagliardo, Branch Chief, Review Branch, Compliance Division, GIPSA, USDA, STOP 3604, Room 1647–S, 1400 Independence Avenue, SW., Washington, DC 20250–3604.

FOR FURTHER INFORMATION CONTACT: Karen W. Guagliardo, 202–720–8262 or *Karen.W.Guagliardo@usda.gov.*

Read Applications: All applications and comments will be available for public inspection at the office above during regular business hours (7 CFR 1.27(c)).

SUPPLEMENTARY INFORMATION: In the May 25, 2010, **Federal Register** (75 FR 29310), GIPSA requested applications for designation to provide official services in the geographic areas presently serviced by the agencies named above. Applications were due by July 1, 2010.

Columbus, Gulf Country and Northeast Indiana were the sole applicants for designations to provide official services in these areas. As a result, GIPSA did not ask for additional comments.

GIPSA evaluated all available information regarding the designation criteria in section 7(f)(l) of the USGSA (7 U.S.C. 79(f)) and determined that Columbus, Gulf Country and Northeast Indiana are qualified to provide official services in the geographic areas specified in the May 25, 2010, **Federal Register** for which they applied. These designation actions to provide official services in the specified areas are effective January 1, 2011. The designation for Columbus and Northeast Indiana will terminate on December 31, 2013; Gulf Country's designation will terminate on December 31, 2011.

Interested persons may obtain official services by calling the telephone numbers listed below:

Official agency	Headquarters location and telephone	Designation start	Designation end
Columbus	Circleville, OH (740–474–3519) Additional Location: Bucyrus, OH.	1/1/2011	12/31/2013
Gulf Country	Dallas, TX (214–500–5212)	1/1/2011	12/31/2011
Northeast Indiana	Decatur, IN (260–341–7497)	1/1/2011	12/31/2013

Section 7(f)(1) of the USGSA authorizes GIPSA's Administrator to designate a qualified applicant to provide official services in a specified area after determining that the applicant is better able than any other applicant to provide such official services (7 U.S.C. 79 (f)(1)).

Under section 7(g)(1) of the USGSA, designations of official agencies are effective for no longer than 3 years unless terminated by the Secretary; however, designations may be renewed according to the criteria and procedures prescribed in section 7(f) of the Act.

Authority: 7 U.S.C. 71–87k.

J. Dudley Butler,

Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. 2010–33144 Filed 1–3–11; 8:45 am]

BILLING CODE 3410–KD–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Vermont Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that briefing and planning meetings of the Vermont Advisory Committee to the Commission will convene at 10 a.m. on Monday, January 3, 2011, at the State House, Room 11, 115 State Street, Montpelier, Vermont 05633. The purpose of the briefing meeting is for the committee to hear presentations from public officials and community groups on the status of recommendations made by the Advisory Committee in its August 2009 racial profiling report. After the briefing meeting, the Committee will hold its planning meeting to plan future activities.

Members of the public are entitled to submit written comments; the comments must be received in the regional office by February 3, 2011. The address is the Eastern Regional Office, 624 9th Street, NW., Suite 740, Washington, DC 20425. Persons wishing to e-mail their comments, or who desire additional information should contact the Eastern Regional Office at 202–376–7533 or by e-mail to: *ero@usccr.gov.*

Hearing-impaired persons who will attend the meetings and require the services of a sign language interpreter should contact the Regional Office at least ten (10) working days before the scheduled date of the meetings.

Records generated from these meetings may be inspected and reproduced at the Eastern Regional Office, as they become available, both before and after the meetings. Persons interested in the work of this advisory committee are advised to go to the Commission's Web site, *http://www.usccr.gov,* or to contact the Eastern Regional Office at the above e-mail or street address.

The meetings will be conducted pursuant to the provisions of the rules and regulations of the Commission and FACA.

Dated in Washington, DC on December 29, 2010.

Peter Minarik,

Acting Chief, Regional Programs Coordination Unit.

[FR Doc. 2010–33176 Filed 1–3–11; 8:45 am]

BILLING CODE 6335–01–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Maine Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that orientation and planning meetings of the Maine Advisory Committee to the Commission will convene at 10 a.m. on Tuesday, January 4, 2011, at the Avesta Conference Room, Immigrant Legal Advocacy Project, 309 Cumberland Avenue, Suite 201, Portland, ME 04112. The purpose of the orientation meeting is to provide ethics training and to describe the rules of operation for SAC activities to the Committee members. The purpose of the planning meeting is to review recent Commission and regional activities, discuss current civil rights issues in the State and to plan future activities.

Members of the public are entitled to submit written comments; the comments must be received in the regional office by February 4, 2011. The address is the Eastern Regional Office, 624 9th Street, NW., Suite 740, Washington, DC 20425. Persons wishing to e-mail their comments, or who desire additional information should contact the Eastern Regional Office at 202–376–7533 or by e-mail to: *ero@usccr.gov.*

Hearing-impaired persons who will attend the meetings and require the services of a sign language interpreter should contact the Regional Office at least ten (10) working days before the scheduled date of the meetings.

Records generated from these meetings may be inspected and reproduced at the Eastern Regional Office, as they become available, both before and after the meetings. Persons interested in the work of this advisory committee are advised to go to the Commission's Web site, *http://www.usccr.gov,* or to contact the Eastern Regional Office at the above e-mail or street address.

The meetings will be conducted pursuant to the provisions of the rules and regulations of the Commission and FACA.

Peter Minarik,

Acting Chief, Regional Programs Coordination Unit.

[FR Doc. 2010–33177 Filed 1–3–11; 8:45 am]

BILLING CODE 6335–01–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Colorado Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that a planning meeting of the Colorado Advisory Committee to the Commission will be held at Denver Place, 999–18th Street, Suite 215 Conference Room, Denver, CO 80202

and convene at 10 a.m. on Tuesday, January 25, 2011. The purpose of the meeting is for the committee to discuss recent Commission and regional activities, discuss current civil rights issues in the State and plan future activities. The Committee will also be briefed by a representative yet to be determined.

Members of the public are entitled to submit written comments; the comments must be received in the regional office by February 25, 2011. The address is Rocky Mountain Regional Office, 999—18th Street, Suite 1380S, Denver, CO 80202. Comments may be e-mailed to *ebohor@usccr.gov*. Records generated by this meeting may be inspected and reproduced at the Rocky Mountain Regional Office, as they become available, both before and after the meeting. Persons interested in the work of this advisory committee are advised to go to the Commission's Web site, *http://www.usccr.gov,* or to contact the Rocky Mountain Regional Office at the above e-mail or street address.

Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least ten (10) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission and FACA.

Dated in Washington, DC, on December 21, 2010.

Peter Minarik,

Acting Chief, Regional Programs Coordination Unit.

[FR Doc. 2010–33178 Filed 1–3–11; 8:45 am]

BILLING CODE 6335–01–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the New Mexico Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that a planning meeting of the New Mexico Advisory Committee to the Commission will be held at the Albuquerque Hispano Chamber of Commerce, Lockheed Martin Board Room, 1309 Fourth Street, SW., Albuquerque, NM 87102 and will convene at 2 p.m. on Tuesday, January 20, 2011. The purpose of the meeting is for the committee to participate in orientation and ethics training; discuss recent Commission and regional activities, discuss current civil rights issues in the State and plan future activities. The Committee will also be briefed by a representative yet to be determined.

Members of the public are entitled to submit written comments; the comments must be received in the regional office by February 20, 2011. The address is Rocky Mountain Regional Office, 999—18th Street, Suite 1380S, Denver, CO 80202. Comments may be e-mailed to *ebohor@usccr.gov*. Records generated by this meeting may be inspected and reproduced at the Rocky Mountain Regional Office, as they become available, both before and after the meeting. Persons interested in the work of this advisory committee are advised to go to the Commission's Web site, *http://www.usccr.gov,* or to contact the Rocky Mountain Regional Office at the above e-mail or street address.

Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least ten (10) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission and FACA.

Dated in Washington, DC, on December 21, 2010.

Peter Minarik,

Acting Chief, Regional Programs Coordination Unit.

[FR Doc. 2010–33179 Filed 1–3–11; 8:45 am]

BILLING CODE 6335–01–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Louisiana Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that a State Advisory Committee (SAC) meeting of the Louisiana Advisory Committee to the Commission will convene on Tuesday, January 25, 2011 at 2 p.m. and adjourn at approximately 5 p.m. (CST) at Jones, Walker, Waechter, Poitevent, Carrere & Denegre L.L.P., 201 St. Charles Avenue, 52nd Floor, Waechter Room, New Orleans, LA. The purpose of the meeting is to continue planning a future civil rights project.

Members of the public are entitled to submit written comments. The comments must be received in the regional office by February 8, 2011. The address is U.S. Commission on Civil Rights, 400 State Avenue, Suite 908, Kansas City, Kansas 66101. Persons wishing to e-mail their comments, or to present their comments verbally at the meeting, or who desire additional information should contact Farella E. Robinson, Regional Director, Central Regional Office, at (913) 551–1400 (or for hearing impaired TDD 913–551–1414) or by e-mail to *frobinson@usccr.gov.*

Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least ten (10) working days before the scheduled date of the meeting.

Records generated from this meeting may be inspected and reproduced at the Central Regional Office, as they become available, both before and after the meeting. Persons interested in the work of this advisory committee are advised to go to the Commission's Web site, *http://www.usccr.gov,* or to contact the Central Regional Office at the above e-mail or street address.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission and FACA.

Dated in Washington, DC, on December 27, 2010.

Peter Minarik,

Acting Chief, Regional Programs Coordination Unit.

[FR Doc. 2010–33197 Filed 1–3–11; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: U.S. Census Bureau.

Title: 2008 Panel of the Survey of Income & Program Participation, Wave 9 Topical Modules.

Form Number(s): SIPP–28905(L) Director's Letter; SIPP/CAPI Automated Instrument; SIPP28003 Reminder Card.

OMB Control Number: 0607–0944.

Type of Request: Revision of a currently approved collection.

Burden Hours: 143,303.

Number of Respondents: 94,500.

Average Hours per Response: 30 minutes.

Needs and Uses: The U.S. Census Bureau requests authorization from the Office of Management and Budget

(OMB) to conduct the Wave 9 interview for the 2008 Panel of the Survey of Income and Program Participation (SIPP). The core SIPP and reinterview instruments were cleared under Authorization No. 0607–0944.

The SIPP represents a source of information for a wide variety of topics and allows information for separate topics to be integrated to form a single and unified database so that the interaction between tax, transfer, and other government and private policies can be examined. Government domestic policy formulators depend heavily upon the SIPP information concerning the distribution of income received directly as money or indirectly as in-kind benefits and the effect of tax and transfer programs on this distribution. They also need improved and expanded data on the income and general economic and financial situation of the U.S. population. The SIPP has provided these kinds of data on a continuing basis since 1983, permitting levels of economic well-being and changes in these levels to be measured over time.

The survey is molded around a central "core" of labor force and income questions that remain fixed throughout the life of a panel. The core is supplemented with questions designed to answer specific needs, such as estimating eligibility for government programs, examining pension and health care coverage, and analyzing individual net worth. These supplemental questions are included with the core and are referred to as "topical modules."

The topical modules for the 2008 Panel Wave 9 are as follows: Adult Well Being; and Informal Care Giving. Wave 9 interviews will be conducted from May 1, 2011 through August 31, 2011.

The SIPP is designed as a continuing series of national panels of interviewed households that are introduced every few years, with each panel having durations of approximately 3 to 6 years. The 2008 Panel is scheduled for approximately 6 years and includes seventeen waves which began September 1, 2008. All household members 15 years old or over are interviewed using regular proxy-respondent rules. They are interviewed a total of thirteen times (thirteen waves), at 4-month intervals, making the SIPP a longitudinal survey. Sample people (all household members present at the time of the first interview) who move within the country and reasonably close to a SIPP primary sampling unit (PSU) will be followed and interviewed at their new address. Individuals 15 years old or over who enter the household after Wave 1 will be interviewed; however, if these people move, they are not followed unless they happen to move along with a Wave 1 sample individual.

The OMB has established an Interagency Advisory Committee to provide guidance for the content and procedures for the SIPP. Interagency subcommittees were set up to recommend specific areas of inquiries for supplemental questions.

The Census Bureau developed the 2008 Panel Wave 9 topical modules through consultation with the SIPP OMB Interagency Subcommittee. The questions for the topical modules address major policy and program concerns as stated by this subcommittee and the SIPP Interagency Advisory Committee.

Data provided by the SIPP are being used by economic policymakers, the Congress, state and local governments, and federal agencies that administer social welfare or transfer payment programs, such as the Department of Health and Human Services and the Department of Agriculture.

Affected Public: Individuals or households.

Frequency: Every 4 months.

Respondent's Obligation: Voluntary.

Legal Authority: Title 13 U.S.C., 182.

OMB Desk Officer: Brian Harris-Kojetin, (202) 395–7314.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482–0266, Department of Commerce, Room 6616, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dhynek@doc.gov*).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to Brian Harris-Kojetin, OMB Desk Officer either by fax (202–395–7245) or e-mail (*bharrisk@omb.eop.gov*).

Dated: December 29, 2010.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2010–33175 Filed 1–3–11; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

U.S. Census Bureau

Proposed Information Collection; Comment Request; 2012 Economic Census Covering the Utilities, Transportation and Warehousing, Finance and Insurance, and Real Estate and Rental and Leasing Sectors

AGENCY: U.S. Census Bureau, Department of Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: To ensure consideration, written comments must be submitted on or before March 7, 2011.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dHynek@doc.gov)*.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Steven Roman, U.S. Census Bureau, SSSD, HQ–8K049, 4600 Silver Hill Road, Washington, DC 20233–0001 (301–763–2824 or via the Internet at *fcb@census.gov*).

SUPPLEMENTARY INFORMATION:

I. Abstract

The economic census, conducted under authority of Title 13, United States code (U.S.C.), is the primary source of facts about the structure and functioning of the Nation's economy. Economic statistics serve as part of the framework for the national accounts and provide essential information for government, business, and the general public. Economic data are the Census Bureau's primary program commitment during nondecennial census years. The 2012 Economic Census covering Utilities, Transportation and Warehousing, Finance and Insurance, and Real Estate and Rental and Leasing sectors (as defined by the North American Industry Classification System (NAICS)) will measure the economic activity of more than 1.2 million establishments. However,

approximately 12% of establishments will not be required to file separate reports because they will be included in consolidated company reports; for explanation see selection procedure for establishments of multi-establishment firms below. The information collected will produce basic statistics by kind of business on the number of establishments, revenue, payroll, and employment. It will also yield a variety of subject statistics, including revenue by product line, and other industry-specific measures. Primary strategies for reducing burden in Census Bureau economic data collections are to increase reporting through standardized questionnaires and broader electronic data collection methods.

II. Method of Collection

Mail Selection Procedures

Establishments in the Utilities, Transportation and Warehousing, Finance and Insurance, and Real Estate and Rental and Leasing sectors of the economic census will be selected from the Census Bureau's Business Register for a mail canvass. To be eligible for selection, an establishment will be required to satisfy the following conditions: (i) It must be classified in one of the Utilities, Transportation and Warehousing, Finance and Insurance, and Real Estate and Rental and Leasing sectors, (ii) it must be an active operating establishment of a multi-establishment firm (*i.e.,* a firm that operates at more than one physical location), or it must be a single-establishment firm with payroll (*i.e.,* a firm operating at only one physical location); and (iii) it must be located in one of the 50 states or the District of Columbia. Mail selection procedure will distinguish the following groups of establishments:

1. Establishments of Multi-Establishment Firms

Selection procedures will assign all eligible establishments of multi-establishment firms to the mail component of the potential respondent universe, except for those in selected industries in utilities, finance and insurance. In these selected industries, where revenue and certain other operating data are not easily attributable to individual establishments, division- or firm-level organizations are asked to report kind of business, payroll, and employment for several establishments, and other required data at a more aggregate level on a consolidated report form.

We estimate that the 2012 Economic Census mail canvasses for the Utilities, Transportation and Warehousing, Finance and Insurance, and Real Estate and Rental and Leasing sectors will include approximately 340,100 establishment and consolidated reports of multi-establishment firms.

2. Single-Establishment Firms With Payroll

As an initial step in the selection process, we will conduct a study of the potential respondent universe. This study will produce a set of industry-specific payroll cutoffs that we will use to distinguish large versus small single-establishment firms within each industry or kind of business. This payroll size distinction will affect selection as follows:

a. Large Single-Establishment Firms

All single-establishment firms having annualized payroll (from Federal administrative records) that equals or exceeds the cutoff for their industry will be included in the mail component of the potential respondent universe. We estimate that the 2012 Economic Census mail canvasses for the Utilities, Transportation and Warehousing, Finance and Insurance, and Real Estate and Rental and Leasing sectors will include approximately 307,600 large single-establishment firms.

b. Small Single-Establishment Firms

A sample of single-establishment firms having annualized payroll below the cutoff for their industry will be included in the mail component of the potential respondent universe. Sampling strata and corresponding probabilities of selection will be determined by a study of the potential respondent universe conducted shortly before the mail selection operations begin. We estimate that the 2012 Economic Census mail canvasses for the Utilities, Transportation and Warehousing, Finance and Insurance, and Real Estate and Rental and Leasing sectors will include approximately 62,400 small single-establishment firms selected in this sample.

All remaining single-establishment firms with payroll will be represented in the census by data from Federal Administrative records. Generally, we will not include these small employers in the census mail canvasses. However, administrative records sometimes have fundamental industry classification deficiencies that make them unsuitable for use in producing detailed industry statistics by geographic area. When we find such a deficiency, we will mail the firm a census classification form. We estimate that the 2012 Economic Census mail canvasses for the Utilities, Transportation and Warehousing, Finance and Insurance, and Real Estate and Rental and Leasing sectors will include approximately 219,800 small single-establishment firms that receive these forms.

III. Data

OMB Control Number: 0607–0931.

Form Number: The 31 standard forms, five classification forms, and three ownership or control fliers used to collect information from businesses in these sectors of the Economic Census are tailored to specific business practices and are too numerous to list separately in this notice.

Type of Review: Regular submission.

Affected Public: State or local governments, business, or other for profit or non-profit institutions or organizations.

Estimated Number of Respondents: 931,100

Estimated Time per Response: 0.982 hours

Estimated Total Annual Burden Hours: 914,000

Estimated Total Annual Cost: $26,515,140

Respondent's Obligation: Mandatory.

Legal Authority: Title 13 U.S.C. 131 and 224.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: December 28, 2010.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2010–33172 Filed 1–3–11; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Information Systems Technical Advisory Committee; Notice of Partially Closed Meeting

The Information Systems Technical Advisory Committee (ISTAC) will meet on January 26 and 27, 2011, 9 a.m., at the Space and Naval Warfare Systems Center (SPAWAR), Building 33, Cloud Room, 53560 Hull Street, San Diego, California 92152. The Committee advises the Office of the Assistant Secretary for Export Administration on technical questions that affect the level of export controls applicable to information systems equipment and technology.

Wednesday, January 26

Open Session

1. Welcome and Introductions
2. Working Groups Reports
3. Intel Technology Roadmap
4. EDA Overview and Relation to Category 3
5. Godson Microprocessor Project
6. Autonomous Vehicle Project
7. Cloud Computing, Technology and Security Issues

Thursday, January 27

Closed Session

8. Discussion of matters determined to be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 §§ 10(a)(1) and 10(a)(3).

The open session will be accessible via teleconference to 20 participants on a first come, first serve basis. To join the conference, submit inquiries to Ms. Yvette Springer at *Yspringer@bis.doc.gov,* no later than January 19, 2011.

A limited number of seats will be available for the public session. Reservations are not accepted. To the extent time permits, members of the public may present oral statements to the Committee. The public may submit written statements at any time before or after the meeting. However, to facilitate distribution of public presentation materials to Committee members, the Committee suggests that public presentation materials or comments be forwarded before the meeting to Ms. Springer.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on December 14, 2010, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. app. 2 § (10)(d))), that the portion of the meeting concerning trade secrets and commercial or financial information deemed privileged or confidential as described in 5 U.S.C. 552b(c)(4) and the portion of the meeting concerning matters the disclosure of which would be likely to frustrate significantly implementation of an agency action as described in 5 U.S.C. 552b(c)(9)(B) shall be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 §§ 10(a)(1) and 10(a)(3). The remaining portions of the meeting will be open to the public.

For more information, call Yvette Springer at (202) 482–2813.

Dated: December 29, 2010.

Yvette Springer,

Committee Liaison Officer.

[FR Doc. 2010–33220 Filed 1–3–11; 8:45 am]

BILLING CODE 3510–JT–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Sensors and Instrumentation Technical Advisory Committee; Notice of Partially Closed Meeting

The Sensors and Instrumentation Technical Advisory Committee (SITAC) will meet on January 25, 2011, 9:30 a.m., in the Herbert C. Hoover Building, Room 3884, 14th Street between Constitution and Pennsylvania Avenues, NW., Washington, DC. The Committee advises the Office of the Assistant Secretary for Export Administration on technical questions that affect the level of export controls applicable to sensors and instrumentation equipment and technology.

Agenda:

Public Session:

1. Welcome and Introductions.
2. Remarks from the Bureau of Industry and Security Management.
3. Industry Presentations.
4. New Business.

Closed Session:

5. Discussion of matters determined to be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 §§ 10(a)(1) and 10(a)(3).

The open session will be accessible via teleconference to 20 participants on a first come, first serve basis. To join the conference, submit inquiries to Ms. Yvette Springer at *Yspringer@bis.doc.gov* no later than January 18, 2011.

A limited number of seats will be available during the public session of the meeting. Reservations are not accepted. To the extent that time permits, members of the public may present oral statements to the Committee. The public may submit written statements at any time before or after the meeting. However, to facilitate distribution of public presentation materials to the Committee members, the Committee suggests that the materials be forwarded before the meeting to Ms. Springer.

The Assistant Secretary for Administration, with the concurrence of the General Counsel, formally determined on December 14, 2010 pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. app. 2 § 10(d)), that the portion of this meeting dealing with pre-decisional changes to the Commerce Control List and U.S. export control policies shall be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 §§ 10(a)(1) and 10(a)(3). The remaining portions of the meeting will be open to the public.

For more information contact Yvette Springer on (202) 482–2813.

Dated: December 29, 2010.

Yvette Springer,

Committee Liaison Officer.

[FR Doc. 2010–33222 Filed 1–3–11; 8:45 am]

BILLING CODE 3510–JT–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–967]

Aluminum Extrusions From the People's Republic of China: Notice of Amended Preliminary Determination of Sales at Less Than Fair Value

AGENCY: Import Administration, International Trade Administration, Department of Commerce

DATES: *Effective Date:* January 4, 2011.

SUMMARY: The Department of Commerce ("Department") has determined that it made certain significant ministerial errors in the preliminary determination of sales at less than fair value in the antidumping duty investigation of aluminum extrusions from the People's Republic of China ("PRC") as described below in the **SUPPLEMENTARY INFORMATION** section of this notice. The Department has corrected these errors and has re-calculated the antidumping duty margins for a mandatory respondent and for exporters eligible for a separate rate as shown below in the "Amended Preliminary Determination" section of this notice.

FOR FURTHER INFORMATION CONTACT: Paul Stolz or Eugene Degnan, Import

Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–4474, or 482–0414, respectively.

SUPPLEMENTARY INFORMATION:

On November 12, 2010, the Department published its affirmative preliminary determination in this proceeding that aluminum extrusions from the PRC are being, or are likely to be, sold in the United States at less than fair value, as provided by section 773 of the Tariff Act of 1930, as amended (the "Act"). *See Aluminum Extrusions From the People's Republic of China: Notice of Preliminary Determination of Sales at Less Than Fair Value, and Preliminary Determination of Targeted Dumping,* 75 FR 69403 (November 12, 2010) ("*Preliminary Determination*").

On November 15, 2010, and November 16, 2010, the Guang Ya Aluminium Industries Co., Ltd., Foshan Guangcheng Aluminium Co., Ltd., Kong Ah International Company Limited, and Guang Ya Aluminium Industries (Hong Kong) Limited, (collectively, "Guang Ya Group") and Zhaoqing New Zhongya Aluminum Co., Ltd., Zhongya Shaped Aluminium (HK) Holding Limited, and Karlton Aluminum Company Ltd. (collectively "New Zhongya") submitted timely ministerial error allegations with respect to the Department's *Preliminary Determination.* Therefore, in accordance to section 351.224(e) of the Department's regulations, we have made changes, as discussed below, to the *Preliminary Determination.*

Period of Investigation

The period of investigation ("POI") is July 1, 2009, through December 31, 2009. This period corresponds to the two most recent fiscal quarters prior to the month of the filing of the petition, which was March 2009. *See* 19 CFR 351.204(b)(1).

Scope of Investigation

The merchandise covered by this investigation is aluminum extrusions which are shapes and forms, produced by an extrusion process, made from aluminum alloys having metallic elements corresponding to the alloy series designations published by The Aluminum Association commencing with the numbers 1, 3, and 6 (or proprietary equivalents or other certifying body equivalents). Specifically, the subject merchandise made from aluminum alloy with an Aluminum Association series designation commencing with the number 1 contains not less than 99 percent aluminum by weight. The subject merchandise made from aluminum alloy with an Aluminum Association series designation commencing with the number 3 contains manganese as the major alloying element, with manganese accounting for not more than 3.0 percent of total materials by weight. The subject merchandise made from an aluminum alloy with an Aluminum Association series designation commencing with the number 6 contains magnesium and silicon as the major alloying elements, with magnesium accounting for at least 0.1 percent but not more than 2.0 percent of total materials by weight, and silicon accounting for at least 0.1 percent but not more than 3.0 percent of total materials by weight. The subject aluminum extrusions are properly identified by a four-digit alloy series without either a decimal point or leading letter. Illustrative examples from among the approximately 160 registered alloys that may characterize the subject merchandise are as follows: 1350, 3003, and 6060.

Aluminum extrusions are produced and imported in a wide variety of shapes and forms, including, but not limited to, hollow profiles, other solid profiles, pipes, tubes, bars, and rods. Aluminum extrusions that are drawn subsequent to extrusion ("drawn aluminum") are also included in the scope.

Aluminum extrusions are produced and imported with a variety of finishes (both coatings and surface treatments), and types of fabrication. The types of coatings and treatments applied to subject aluminum extrusions include, but are not limited to, extrusions that are mill finished (*i.e.,* without any coating or further finishing), brushed, buffed, polished, anodized (including bright-dip anodized), liquid painted, or powder coated. Aluminum extrusions may also be fabricated, *i.e.,* prepared for assembly. Such operations would include, but are not limited to, extrusions that are cut-to-length, machined, drilled, punched, notched, bent, stretched, knurled, swedged, mitered, chamfered, threaded, and spun. The subject merchandise includes aluminum extrusions that are finished (coated, painted, etc.), fabricated, or any combination thereof.

Subject aluminum extrusions may be described at the time of importation as parts for final finished products that are assembled after importation, including, but not limited to, window frames, door frames, solar panels, curtain walls, or furniture. Such parts that otherwise meet the definition of aluminum extrusions are included in the scope. The scope includes aluminum extrusions that are attached (*e.g.,* by welding or fasteners) to form subassemblies, *i.e.,* partially assembled merchandise.

Subject extrusions may be identified with reference to their end use, such as heat sinks, door thresholds, or carpet trim. Such goods are subject merchandise if they otherwise meet the scope definition, regardless of whether they are finished products and ready for use at the time of importation.

The following aluminum extrusion products are excluded: Aluminum extrusions made from aluminum alloy with an Aluminum Association series designation commencing with the number 2 and containing in excess of 1.5 percent copper by weight; aluminum extrusions made from aluminum alloy with an Aluminum Association series designation commencing with the number 5 and containing in excess of 1.0 percent magnesium by weight; and aluminum extrusions made from aluminum alloy with an Aluminum Association series designation commencing with the number 7 and containing in excess of 2.0 percent zinc by weight.

The scope also excludes finished merchandise containing aluminum extrusions as parts that are fully and permanently assembled and completed at the time of entry, such as finished windows with glass, doors, picture frames, and solar panels. The scope also excludes finished goods containing aluminum extrusions that are entered unassembled in a "kit." A kit is understood to mean a packaged combination of parts that contains, at the time of importation, all of the necessary parts to fully assemble a final finished good.

The scope also excludes aluminum alloy sheet or plates produced by other than the extrusion process, such as aluminum products produced by a method of casting. Cast aluminum products are properly identified by four digits with a decimal point between the third and fourth digit. A letter may also precede the four digits. The following Aluminum Association designations are representative of aluminum alloys for casting: 208.0, 295.0, 308.0, 355.0, C355.0, 356.0, A356.0, A357.0, 360.0, 366.0, 380.0, A380.0, 413.0, 443.0, 514.0, 518.1, and 712.0. The scope also excludes pure, unwrought aluminum in any form.

The scope also excludes collapsible tubular containers composed of metallic elements corresponding to alloy code 1080A as designated by the Aluminum Association where the tubular container (excluding the nozzle) meets each of the

following dimensional characteristics: (1) Length of 37 mm or 62 mm, (2) outer diameter of 11.0 mm or 12.7 mm, and (3) wall thickness not exceeding 0.13 mm.

Imports of the subject merchandise are provided for under the following categories of the Harmonized Tariff Schedule of the United States ("HTS"): 7604.21.0000, 7604.29.1000, 7604.29.3010, 7604.29.3050, 7604.29.5030, 7604.29.5060, 7608.20.0030, and 7608.20.0090. The subject merchandise entered as parts of other aluminum products may be classifiable under the following additional Chapter 76 subheadings: 7610.10, 7610.90, 7615.19, 7615.20, and 7616.99 as well as under other HTS chapters. While HTS subheadings are provided for convenience and customs purposes, the written description of the scope in this proceeding is dispositive.

Significant Ministerial Error

Ministerial errors are defined in section 735(e) of the Act as "errors in addition, subtraction, or other arithmetic function, clerical errors resulting from inaccurate copying, duplication, or the like, and any other type of unintentional error which the administering authority considers ministerial." Section 351.224(e) of the Department's regulations provides that the Department "will analyze any comments received and, if appropriate, correct any significant ministerial error by amending the preliminary determination * * *." *See* 19 CFR 361.224(e). A significant ministerial error is defined as a ministerial error, the correction of which, either singly or in combination with other errors, would result in (1) a change of at least five absolute percentage points in, but not less than 25 percent of, the weighted-average dumping margin calculated in the original (erroneous) preliminary determination, or (2) a difference between a weighted-average dumping margin of zero (or *de minimis*) and a weighted-average dumping margin of greater than *de minimis* or vice versa. *See* 19 CFR 351.224(g).

In accordance with 19 CFR 351.224(e) and (g)(1), the Department is amending the preliminary determination of sales at less than fair value in the antidumping duty investigation of aluminum extrusions from the PRC to reflect the correction of significant ministerial errors it made in the margin calculations regarding the mandatory respondent in this investigation Guang Ya Group, New Zhongya, and Xinya Aluminum & Stainless Steel Product Co., Ltd. ("Xinya") [1] (collectively "Guang Ya Group/New Zhongya/Xinya").

Ministerial-Error Allegation

The Guang Ya Group

The Guang Ya Group argues that the Department erred by inadvertently applying an incorrect ratio for the Guang Ya Group's U.S. indirect selling expense in the SAS margin calculation program by coding the decimal point in the wrong place. The Department agrees, and finds that this error qualifies as a ministerial error in accordance with section 735(e) of the Act. Moreover, the Department determines that correcting this error would result in a change of at least five absolute percentage points in, but not less than 25 percent of, the weighted-average dumping margin calculated in the original (erroneous) preliminary determination, and thus has corrected the error.

New Zhongya

New Zhongya argues that the Department committed a ministerial error by failing to correct respondent's database reporting errors relating to (1) certain movement expenses, and (2) the "packing-paper" consumption factor of production.

With respect to New Zhongya's assertion that the Department committed a ministerial error by failing to correct certain incorrectly reported movement expenses, the Department disagrees.

While the Department corrected several database reporting errors committed by New Zhongya and the Guang Ya Group for purposes of the Preliminary Determination,[2] the Department was not able to identify all of their errors, nor should it be expected to. It is the responsibility of respondents to provide complete and accurate information and data to the Department; however, in this case, the errors in question are reporting errors made by the respondent, not ministerial errors made by the Department. Accordingly, the Department finds that New Zhongya and the Guang Ya Group's database reporting errors relating to certain movement expenses do not constitute ministerial errors by the Department pursuant to section 735(e) of the Act, and thus has not corrected respondents' reporting errors for this amended preliminary determination.

With respect to New Zhongya's assertion that the Department committed a ministerial error by failing to correct Guang Ya Group/New Zhongya's database reporting error for the "packing-paper" consumption factor of production ("FOP"), the Department also disagrees. Specifically, Guang Ya Group/New Zhongya erred in reporting its consumption of "packing-paper" in the consolidated FOP databases by inadvertently failing to convert the reporting basis from kilograms per metric ton to kilograms per kilogram, but indicating in the database that it had made this conversion which resulted in applying inconsistent units of measure for the consumption of the "packing-paper" input. While Guang Ya Group/New Zhongya neglected to convert the units of measure relating to "packing-paper," it did correctly convert, and report, the units of measure for other factors of production when consolidating their FOP databases. Therefore, the Department finds that this constitutes a reporting error by respondent, not a ministerial error by the Department pursuant to section 735(e) of the Act, and thus has not corrected respondents' reporting error for this amended preliminary determination.

Additional Ministerial Error

Additionally, in reviewing the antidumping duty margin calculations in light of the ministerial error allegations raised by parties in this investigation, the Department has identified an error committed by the Department regarding the calculation of the surrogate value for labor that constitutes a ministerial error pursuant to section 735(e) of the Act.

In applying the procedures discussed in the Factors of Production memorandum issued concurrently with the *Preliminary Determination,* the Department erred in identifying the significant producers of comparable merchandise. The Department committed a ministerial error when downloading the Global Trade Atlas ("GTA") export data by inadvertently (1) selecting data from years 2008 through 2010, and (2) limiting the data to exports from January to August, which resulted in an incomplete and inapplicable dataset because the export list (*e.g.,* 2010) post-dates the instant POI. In identifying whether a country is a significant producer of comparable

[1] This entity is also known as New Asia Aluminum & Stainless Steel Product Co., Ltd.

[2] *See* October 27, 2010, memorandum from Paul Stolz, Senior International Trade Compliance Analyst, to Eugene Degnan, Program Manager, regarding the Preliminary Determination Analysis Memorandum for Guang Ya Aluminium Industries Co., Ltd., Foshan Guangcheng Aluminium Co., Ltd., Kong Ah International Company Limited, and Guang Ya Aluminium Industries (Hong Kong) Limited, (collectively, "GYG") and (2) Zhaoqing New Zhongya Aluminum Co., Ltd., Zhongya Shaped Aluminium (HK) Holding Limited (collectively "NZ") and (3) Xinya Aluminum & Stainless Steel Product Co., Ltd. ("Xinya").

merchandise, it is the Department's practice to rely on annualized GTA export data based on the three years leading up to the end of the relevant POI, (in this case that should be 2007 through 2009).

Therefore, for this amended preliminary determination, the Department has corrected the ministerial error and recalculated the surrogate labor rate. For the revised labor rate calculation, *see* Investigation of Certain Aluminum Extrusions from the People's Republic of China: Petition Rate recalculation, at Attachment I. For further discussion of the ministerial error allegations and the Department's positions, *see* the "Ministerial Error Memorandum, Aluminum Extrusions from the People's Republic of China, Preliminary Determination of Sales at Less Than Fair Value," dated December 21, 2010; *see also* Appendix I for a list of the ministerial error allegations.

Recalculated Initiation Margins

As a result of correcting the ministerial errors discussed above, the Department has revised the overall antidumping duty rate for the mandatory respondent to a rate that falls below the initiation margins. While the Department normally does not recalculate the petition rates, the initiation margins were calculated using the Department's regression analysis as a basis for the labor surrogate value, and the regulation regarding that analysis was invalidated by the Court of Appeals for the Federal Circuit in *Dorbest IV*.[3] Therefore, in light of the Federal Circuit decision, the Department has adjusted the Petition rates using the revised surrogate value for labor discussed above, resulting in adjusted Petition rates ranging from 32.44 to 33.18 percent.[4]

Corroboration

As a result of correcting the ministerial errors discussed above, and the subsequent revision of the antidumping duty rate for the mandatory respondent to a rate below the adjusted initiation margin, the Department has determined to use the highest adjusted petition rate when applying adverse facts available ("AFA").[5] Section 776(c) of the Act provides that, when the Department relies on secondary information rather than on information obtained in the course of an investigation as FA, it must, to the extent practicable, corroborate that information from independent sources reasonably at its disposal. Secondary information is described as "information derived from the petition that gave rise to the investigation or review, the final determination concerning the subject merchandise, or any previous review under section 751 concerning the merchandise subject to this investigation."[6] To "corroborate" means that the Department will satisfy itself that the secondary information to be used has probative value. Independent sources used to corroborate may include, for example, published price lists, official import statistics and customs data, and information obtained from interested parties during the particular investigation. To corroborate secondary information, the Department will, to the extent practicable, examine the reliability and relevance of the information used.[7]

To corroborate the AFA margin that we have selected, we compared this margin to the transaction-specific margins we found for the cooperating mandatory respondents. We found that the margin of 33.18 percent has probative value because it is in the range of the transaction-specific margins that we found for Guang Ya Group/New Zhongya/Xinya during the period of investigation. *See* Amended Preliminary Determination Analysis Memorandum dated concurrently with this notice. Accordingly, we find this rate is reliable and relevant, considering the record information, and thus, has probative value. *See* Amended Preliminary Determination Analysis Memorandum dated concurrently with this notice.

Given that numerous PRC-wide entities did not respond to the Department's requests for information in this investigation, the Department concludes that the updated petition rate of 33.18 percent, as total AFA for the PRC-wide entity, is sufficiently adverse to prevent these respondents from benefitting from their lack of cooperation. *See SAA* at 870. Accordingly, we find that the rate of 33.18 percent is corroborated to the extent practicable within the meaning of section 776(c) of the Act.

Consequently, we are applying 33.18 percent as the single antidumping rate to the PRC-wide entity. The PRC-wide rate applies to all entries of the merchandise under investigation except for entries from Guang Ya Group/New Zhongya/Xinya and the separate rate applicants, listed below, receiving a separate rate.

Amended Preliminary Determination

We are publishing this amended preliminary determination pursuant to 19 CFR 351.224(e). As a result of this amended preliminary determination, we have revised the antidumping rate for Guang Ya Group/New Zhongya/Xinya. In addition, we have revised the separate rate based on Guang Ya Group/New Zhongya/Xinya's revised dumping margin. Because Guang Ya Group/New Zhongya/Xinya's revised dumping margin is lower than the Petition rate, we have also revised the PRC-wide entity rate. The margin for the companies granted separate-rate status must also be revised because the margin for those companies was derived from the Guang Ya Group/New Zhongya/Xinya margin.

As a result of our correction of significant ministerial errors in the *Preliminary Determination,* we have determined that the following weighted-average dumping margins apply:

[3] *See Dorbest Ltd.* v. *United States,* 604 F.3d 1363, 1372 (CAFC 2010) ("Dorbest IV").

[4] *See Id. See also* December 21, 2010, Ministerial Error Memorandum, Aluminum Extrusions from the People's Republic of China, Preliminary Determination of Sales at Less Than Fair Value, at Issue 4; and December 21, 2010, Memorandum to the File, regarding Investigation of Certain Aluminum Extrusions from the People's Republic of China: Petition Rate recalculation.

[5] *See* December 10, 2010, Memorandum to the File, regarding Investigation of Certain Aluminum Extrusions from the People's Republic of China: Petition Rate recalculation.

[6] *See* "*Statement of Administrative Action*" accompanying the URAA, H.R. Rep. No. 103–316, vol. 1, at 870 (1994) ("SAA").

[7] *See Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From Japan, and Tapered Roller Bearings, Four Inches or Less in Outside Diameter, and Components Thereof, From Japan; Preliminary Results of Antidumping Duty Administrative Reviews and Partial Termination of Administrative Reviews,* 61 FR 57391, 57392 (November 6, 1996), and unchanged in *Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From Japan; and Tapered Roller Bearings, Four Inches or Less in Outside Diameter, and Components Thereof, From Japan; Final Results of Antidumping Duty Administrative Reviews and Termination in Part,* 62 FR 11825 (March 13, 1997).

Exporter	Producer	Weighted-average margin
Guang Ya Aluminium Industries Co., Ltd; Foshan Guangcheng Aluminium Co., Ltd; Kong Ah International Company Limited; Guang Ya Aluminium Industries (Hong Kong) Limited; Zhaoqing New Zhongya Aluminum Co., Ltd; Zhongya Shaped Aluminium (HK) Holding Limited; Karlton Aluminum Company Ltd; Xinya Aluminum & Stainless Steel Product Co., Ltd (A.K.A. New Asia Aluminum & Stainless Steel Product Co., Ltd).	Guang Ya Aluminium Industries Co., Ltd; Foshan Guangcheng Aluminium Co., Ltd; Kong Ah International Company Limited; Guang Ya Aluminium Industries (Hong Kong) Limited; Zhaoqing New Zhongya Aluminum Co., Ltd; Zhongya Shaped Aluminium (HK) Holding Limited; Karlton Aluminum Company Ltd; Xinya Aluminum & Stainless Steel Product Co., Ltd (A.K.A. New Asia Aluminum & Stainless Steel Product Co., Ltd).	32.04
Alnan Aluminium Co., Ltd	Alnan Aluminium Co., Ltd	32.04
Changshu Changsheng Aluminium Products Co., Ltd	Changshu Changsheng Aluminium Products Co., Ltd	32.04
China Square Industrial Limited	Zhaoqing China Square Industry Limited	32.04
Cosco (J.M) Aluminium Co., Ltd	Cosco (J.M) Aluminium Co., Ltd; Jiangmen Qunxing Hardware Diecasting Co., Ltd.	32.04
First Union Property Limited	Top-Wok Metal Co., Ltd	32.04
Foshan Jinlan Non-ferrous Metal Product Co.; Ltd	Foshan Jinlan Aluminium Co.; Ltd	32.04
Foshan Sanshui Fenglu Aluminium Co., Ltd	Foshan Sanshui Fenglu Aluminium Co., Ltd	32.04
Guangdong Hao Mei Aluminium Co., Ltd	Guangdong Hao Mei Aluminium Co., Ltd	32.04
Guangdong Weiye Aluminium Factory Co., Ltd	Guangdong Weiye Aluminium Factory Co., Ltd	32.04
Guangdong Xingfa Aluminium Co., Ltd	Guangdong Xingfa Aluminium Co., Ltd	32.04
Hanwood Enterprises Limited	Pingguo Aluminium Company Limited	32.04
Honsense Development Company	Kanal Precision Aluminium Product Co., Ltd	32.04
Innovative Aluminium (Hong Kong) Limited	Taishan Golden Gain Aluminium Products Limited	32.04
Jiangyin Trust International Inc	Jiangyin Xinhong Doors and Windows Co., Ltd	32.04
JMA (HK) Company Limited	Guangdong Jianmei Aluminum Profile Company Limited; Foshan JMA Aluminium Company Limited.	32.04
Kam Kiu Aluminium Products Sdn Bhd	Tai Shan City Kam Kiu Aluminium Extrusion Co., Ltd	32.04
Longkou Donghai Trade Co., Ltd	Shandong Nanshan Aluminum Co., Ltd	32.04
Ningbo Yili Import and Export Co., Ltd	Zhejiang Anji Xinxiang Aluminum Co., Ltd	32.04
North China Aluminum Co., Ltd	North China Aluminum Co., Ltd	32.04
PanAsia Aluminium (China) Limited	PanAsia Aluminium (China) Limited	32.04
Pingguo Asia Aluminum Co., Ltd	Pingguo Asia Aluminum Co., Ltd	32.04
Popular Plastics Co., Ltd	Hoi Tat Plastic Mould & Metal Factory	32.04
Press Metal International Ltd	Press Metal International Ltd	32.04
Shenyang Yuanda Aluminium Industry Engineering Co. Ltd	Zhaoqing Asia Aluminum Factory Company Limited; Guang Ya Aluminum Industries Co., Ltd.	32.04
Tai-Ao Aluminium (Taishan) Co., Ltd	Tai-Ao Aluminium (Taishan) Co., Ltd	32.04
Tianjin Ruixin Electric Heat Transmission Technology Co., Ltd	Tianjin Ruixin Electric Heat Transmission Technology Co., Ltd	32.04
USA Worldwide Door Components (Pinghu) Co., Ltd; Worldwide Door Components (Pinghu) Co.	USA Worldwide Door Components (Pinghu) Co., Ltd	32.04
Zhejiang Yongkang Listar Aluminium Industry Co., Ltd	Zhejiang Yongkang Listar Aluminium Industry Co., Ltd	32.04
Zhongshan Gold Mountain Aluminium Factory Ltd	Zhongshan Gold Mountain Aluminium Factory Ltd	32.04
PRC-wide Entity		33.18

The collection of bonds or cash deposits and suspension of liquidation will be revised accordingly and parties will be notified of this determination, in accordance with section 733(d) and (f) of the Act.

International Trade Commission Notification

In accordance with section 733(f) of the Act, we have notified the International Trade Commission ("ITC") of our amended preliminary determination. If our final determination is affirmative, the ITC will determine before the later of 120 days after the date of the preliminary determination or 45 days after our final determination whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports, or sales (or the likelihood of sales) for importation, of the subject merchandise.

This determination is issued and published in accordance with sections 733(f) and 777(i)(1) of the Act and 19 CFR 351.224(e).

Dated: December 21, 2010.

Christian Marsh,

Acting Deputy Assistant Secretary for Import Administration.

Appendix I

Issue 1: Whether the Department used an incorrect indirect selling expense ratio in the SAS programming (Guang Ya Group)

Issue 2: Whether the Department should correct errors made by New Zhongya with respect to its reported USINSURU and INSURU expenses

Issue 3: Whether the Department used the correct surrogate value for packing paper (PAPER1)

Issue 4: Recalculation of the surrogate value for labor

[FR Doc. 2010–32867 Filed 1–3–11; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–427–801]

Ball Bearings and Parts Thereof From France: Partial Rescission of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: In response to requests from interested parties, the Department of Commerce (the Department) initiated an administrative review of the antidumping duty order on ball bearings

and parts thereof from France. The period of review is May 1, 2009, through April 30, 2010. The Department is rescinding this review in part.

DATES: *Effective Date:* January 4, 2011.

FOR FURTHER INFORMATION CONTACT: Dustin Ross or Richard Rimlinger, AD/CVD Operations, Office 5, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–0747 or (202) 482–4477, respectively.

SUPPLEMENTARY INFORMATION:

Background

On June 30, 2010, based on requests from interested parties, we initiated an administrative review of the antidumping duty order on ball bearings and parts thereof from France in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.221(c)(1)(i). *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part,* 75 FR 37759 (June 30, 2010).

Rescission of Review in Part

In accordance with 19 CFR 351.213(d)(1), the Department will rescind an administrative review in part "if a party that requested a review withdraws the request within 90 days of the date of the publication of notice of initiation of the requested review." Subsequent to the initiation of this review, we received a timely withdrawal of the request for review we had received from the petitioner for Turbomeca S.A.

Because there are no other requests for review of Turbomeca S.A., we are rescinding the review with respect to Turbomeca S.A. in accordance with 19 CFR 351.213(d)(1). We will instruct U.S. Customs and Border Protection (CBP) to liquidate entries not still subject to the ongoing review at the rate required at the time of entry. *See* 19 CFR 351.212(c)(1).

The Department intends to issue appropriate assessment instructions to CBP 15 days after publication of this notice.

Notification

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

This notice is published in accordance with section 777(i)(1) of the Act and 19 CFR 351.213(d)(4).

Dated: December 21, 2010.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2010–33227 Filed 1–3–11; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Billfish Tagging Report Card

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before March 7, 2011.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dHynek@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to James Wraith, (858) 546–7087 or *james.wraith@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for a renewal of a currently approved information collection. The National Oceanic and Atmospheric Administration's Southwest Fisheries Science Center operates a billfish tagging program. Tagging supplies are provided to volunteer anglers. When anglers catch and release a tagged fish they submit a brief report on the fish and the location of the tagging. The information obtained is used in conjunction with tag returns to determine billfish migration patterns, mortality rates, and similar information useful in the management of the billfish fisheries. This program is authorized under 16 U.S.C. 760(e), Study of migratory game fish; waters; research; purpose.

II. Method of Collection

Information is submitted by mail, via a paper form the size of a postcard.

II. Data

OMB Control Number: 0648–0009.

Form Number: NOAA Form 88–162.

Type of Review: Regular submission (renewal of a currently approved collection).

Affected Public: Individuals or households.

Estimated Number of Respondents: 1,000.

Estimated Time per Response: 5 minutes.

Estimated Total Annual Burden Hours: 83.

Estimated Total Annual Cost to Public: $0.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: December 28, 2010.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2010–33166 Filed 1–3–11; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Reporting Requirements for the Ocean Salmon Fishery Off the Coasts of Washington, Oregon, and California

AGENCY: National Oceanic and Atmospheric Administration (NOAA), DOC.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before March 7, 2011.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dHynek@doc.gov).*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Peggy Busby, (206) 526–4323 or *Peggy.Busby@noaa.gov*.

SUPPLEMENTARY INFORMATION:

I. Abstract

Based on the management regime specified each year, designated regulatory areas in the commercial ocean salmon fishery off the coasts of Washington, Oregon, and California may be managed by numerical quotas. To accurately assess catches relative to quota attainment during the fishing season, catch data by regulatory area must be collected in a timely manner. The requirements to land salmon within specific time frames and in specific areas may be implemented in the preseason regulations to aid in timely and accurate catch accounting for a regulatory area. State landing systems normally gather the data at the time of landing. If unsafe weather conditions or mechanical problems prevent compliance with landing requirements, fishermen need an alternative to allow for a safe response. Fishermen would be exempt from landing requirements if the appropriate notifications are made to provide the name of the vessel, the port where delivery will be made, the approximate amount of salmon (by species) on board, and the estimated time of arrival.

II. Method of Collection

Notifications are made via at-sea radio or cellular phone transmissions.

III. Data

OMB Control Number: 0648–0433.
Form Number: None.
Type of Review: Regular submission.
Affected Public: Business or other for-profit organizations.
Estimated Number of Respondents: 40.
Estimated Time Per Response: 15 minutes.
Estimated Total Annual Burden Hours: 10.
Estimated Total Annual Cost to Public: $0.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: December 28, 2010.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2010–33165 Filed 1–3–11; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XA122

Marine Mammals; File No. 14330

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; receipt of application for permit amendment.

SUMMARY: Notice is hereby given that the Aleut Community of St. Paul Island, Tribal Government, Ecosystem Conservation Office, St. Paul Island, AK, has applied for an amendment to Scientific Research Permit No. 14330.

DATES: Written, telefaxed, or e-mail comments must be received on or before February 3, 2011.

ADDRESSES: The application and related documents are available for review by selecting "Records Open for Public Comment" from the *Features* box on the Applications and Permits for Protected Species home page, *https://apps.nmfs.noaa.gov,* and then selecting File No. 14330 from the list of available applications.

These documents are also available upon written request or by appointment in the following office(s):

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 713–2289; fax (301) 713–0376; and

Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802–1668; phone (907) 586–7221; fax (907) 586–7249.

Written comments on this application should be submitted to the Chief, Permits, Conservation and Education Division, at the address listed above. Comments may also be submitted by facsimile to (301) 713–0376, or by e-mail to *NMFS.Pr1Comments@noaa.gov.* Please include the File No. in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request to the Chief, Permits, Conservation and Education Division at the address listed above. The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT: Tammy Adams or Amy Sloan, (301) 713–2289.

SUPPLEMENTARY INFORMATION: The subject amendment to Permit No. 14330 is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226).

Permit No. 14330, issued on August 17, 2009 (74 FR 44822), authorizes the permit holder to conduct activities to fulfill their Biosampling, Disentanglement, and Island Sentinel program responsibilities as established under the co-management agreement

between NMFS and the Aleut Communities. The permit authorizes incidental disturbance of northern fur seals (*Callorhinus ursinus*) on St. Paul Island, Alaska, during (1) disentanglement events, (2) the collection of biological samples from dead stranded and subsistence hunted marine mammals, and (3) haulout and rookery observations, monitoring, and remote camera maintenance. Samples may be exported to researchers studying the decline of northern fur seals. Steller sea lions (*Eumetopias jubatus*) and harbor seals (*Phoca vitulina*) may be disturbed during the course of these activities. The permit also authorizes research-related mortality of northern fur seals.

The permit holder is requesting the permit be amended to include authorization for harassment of additional Steller sea lions and harbor seals on St. Paul, St. George, Otter, and Walrus Islands, and Sea Lion Rock, all of the Pribilof Island group in the Bering Sea. The request is to annually harass the following during collection of scat samples to be used for characterizing the diet of marine mammals in the region: 100 adult female Steller sea lions, 500 adult male Steller sea lions, 1400 juvenile male Steller sea lions, 100 male and female Steller sea lion pups, 100 adult female harbor seals, 100 adult male harbor seals, 100 male and female juvenile harbor seals, and 100 male and female harbor seal pups. The amendment would be valid for the duration of the permit, which expires on August 31, 2014.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activities proposed are consistent with the Preferred Alternative in the Final Programmatic Environmental Impact Statement (PEIS) for Steller Sea Lion and Northern Fur Seal Research (NMFS 2007), and that issuance of the permit amendment would not have a significant adverse impact on the human environment.

As established under the Preferred Alternative, NMFS proposes to authorize annual cumulative research-related mortality (under this permit in combination with any others for research on Steller sea lions) of up to 15 percent of the Potential Biological Removal levels for each stock. These annual allowances would include observed and unobserved mortalities, and be calculated based on the nature of the research. The numbers of research-related mortalities permitted for this amendment may be higher or lower than those requested by the applicant, based on NMFS calculations using the methods outlined in the PEIS.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: December 28, 2010.

P. Michael Payne,

Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2010–33225 Filed 1–3–11; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XA093

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Polar Bear Captures

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; proposed incidental harassment authorization; request for comments.

SUMMARY: NMFS has received an application from the U.S. Fish and Wildlife Service (USFWS) for an Incidental Harassment Authorization (IHA) to take marine mammals, by harassment, incidental to a capture-recapture program of polar bears in the U.S. Chukchi Sea. Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to issue an IHA to the USFWS to take, by Level B harassment only, two species of marine mammals during the specified activity.

DATES: Comments and information must be received no later than February 3, 2011.

ADDRESSES: Comments on the application should be addressed to Michael Payne, Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East West Highway, Silver Spring, MD 20910. The mailbox address for providing e-mail comments is *ITP.Nachman@noaa.gov.* NMFS is not responsible for e-mail comments sent to addresses other than the one provided here. Comments sent via e-mail, including all attachments, must not exceed a 10 megabyte file size.

Instructions: All comments received are a part of the public record and will generally be posted to *http://www.nmfs.noaa.gov/pr/permits/incidental.htm* without change. All Personal Identifying Information (for example, name, address, *etc.*) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information.

A copy of the application used in this document may be obtained by writing to the address specified above, telephoning the contact listed below (*see* **FOR FURTHER INFORMATION CONTACT**), or visiting the Internet at: *http://www.nmfs.noaa.gov/pr/permits/incidental.htm.* Documents cited in this notice may also be viewed, by appointment, during regular business hours, at the aforementioned address.

FOR FURTHER INFORMATION CONTACT: Candace Nachman, Office of Protected Resources, NMFS, (301) 713–2289, ext 156.

SUPPLEMENTARY INFORMATION:

Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth. NMFS has defined "negligible impact" in 50 CFR 216.103 as "* * * an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival."

Section 101(a)(5)(D) of the MMPA established an expedited process by which citizens of the U.S. can apply for an authorization to incidentally take small numbers of marine mammals by harassment. Section 101(a)(5)(D)

establishes a 45-day time limit for NMFS review of an application followed by a 30-day public notice and comment period on any proposed authorizations for the incidental harassment of marine mammals. Within 45-days of the close of the comment period, NMFS must either issue or deny the authorization.

Except with respect to certain activities not pertinent here, the MMPA defines "harassment" as:

> any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild ["Level A harassment"]; or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering ["Level B harassment"].

Summary of Request

NMFS received an application on November 4, 2010, from the USFWS for the taking, by harassment, of marine mammals incidental to a capture-recapture program of polar bears in the U.S. Chukchi Sea. NMFS reviewed the USFWS' application and identified a number of issues requiring further clarification. After addressing comments from NMFS, the USFWS modified its application and submitted a revised application on November 16, 2010. The November 16, 2010, application is the one available for public comment (*see* **ADDRESSES**) and considered by NMFS for this proposed IHA.

In response to the need for information on the Chukchi-Bering Seas polar bear population, the USFWS initiated a capture-based research program starting in 2008 on the sea ice off the Chukchi Sea coastline. Captures occur on the sea ice up to 100 mi (161 km) offshore of the Alaskan coastline between Shishmaref and Cape Lisburne (see Figure 1 in the USFWS' application). Take of ice seals may occur when the helicopter flies over the seals hauled out on the ice. The USFWS has requested to take ringed and bearded seals by Level B harassment only.

Description of the Specified Activity

In 2008, the USFWS started a capture-recapture program of polar bears in the Chukchi-Bering Seas to begin to obtain information on bear health, body condition, movement patterns, habitat use, and demography. This work was initiated in response to the need for information to inform management (particularly the setting of harvest quotas) under the U.S.-Russia treaty that was implemented in 2008, identify appropriate mitigation for oil and gas exploration activities in the Chukchi Sea lease sale area, and the need to better monitor this population due to the listing of polar bears as "threatened" under the Endangered Species Act (ESA). To date there has never been an estimate of the size or status (*e.g.* increasing, decreasing, or stable) of this population, and minimal research has been conducted to understand the population's status or response to declining sea ice habitat. Estimates of human-caused removal for this polar bear population are high (100–200/yr in Russia and 30/yr in the U.S.), and sea ice loss has occurred at one of the highest rates in the circumpolar arctic. There is concern over the current status of this population due to these threats.

Each spring, the USFWS conducts a 6–8 week period of polar bear captures on the sea ice off the U.S. Chukchi Sea coastline. A fixed wing and a Bell 206 Long-ranger helicopter are flown 300 ft (91.4 m) above the sea ice to track and locate polar bears for capture. The flyover area to locate polar bears includes ice seal habitat, and ice seals are frequently encountered hauled out on the sea ice at breathing holes or cracks. To capture polar bears, the aircraft flies immediately over the target bear for several minutes to administer a dart. Capture locations are carefully chosen for the safety of the bear and never include areas where ice seals occur. However, during flights to locate bears for capture at least some of the ice seals that are encountered exhibit behavioral responses. Responses can include looking up at the aircraft and/or entering the crack or breathing hole at which they are hauled out. Encounters may be with the same individuals repeatedly or may represent different individuals. With the exception of habitats near the USFWS' base location on the coast, flights rarely occur repeatedly over the same areas. The USFWS monitor the prior week's tracklogs to ensure that they continue to search new habitat each day, which likely results in few individuals being disturbed repeatedly during the course of the proposed activities.

Polar bear capture operations will occur daily, as weather permits, between mid-March and the first week of May 2011. The period of validity of the proposed IHA will be until the end of May 2011 (to allow for some flexibility in case of bad weather or other unforeseen delays). During a typical capture season over the past 3 years, this has resulted in 28–30 flight days and less than 200 flight hours per season. Captures occur on the sea ice up to 100 mi (161 km) offshore of the Alaskan coastline between Shishmaref and Cape Lisburne. Figure 1 in the USFWS' application depicts the flight paths for the 2009 and 2010 seasons. These overflights at altitudes of approximately 300 ft (91.4 m) over sea ice where seals are hauled out may result in the Level B harassment of ringed and bearded seals.

Description of Marine Mammals in the Area of the Specified Activity

The Chukchi Sea supports a diverse assemblage of marine mammals, including: Bowhead, gray, beluga, killer, minke, humpback, and fin whales; harbor porpoise; ringed, ribbon, spotted, and bearded seals; narwhals; polar bears; and walruses. However, during the time period of the USFWS' proposed activity, none of the cetacean species are anticipated to be in the proposed project area. Additionally, ribbon and spotted seals are not anticipated to be found in the proposed project area. These species tend to range further south in the Bering Sea and Bristol Bay during the March to May timeframe proposed for activity by the USFWS. During the last 3 years of flights for this polar bear capture program, the USFWS has not seen any ribbon or spotted seals. Because these two species and the cetacean species mentioned here are not found in the Chukchi Sea during this time of year, they are not considered further in this proposed IHA notice. The polar bear and walrus are managed by the USFWS and are not considered further in this proposed IHA notice.

Ringed and bearded seals are the two species likely to be encountered during the proposed activity. On December 10, 2010, NMFS published a notice of proposed threatened status for subspecies of the ringed seal (75 FR 77476) and a notice of proposed threatened and not warranted status for subspecies and distinct population segments of the bearded seal (75 FR 77496) in the **Federal Register.** Neither species is considered depleted under the MMPA.

Ringed seals are circumpolar and are found in all seasonally ice covered seas of the Northern Hemisphere, as well as in certain freshwater lakes. The ringed seal has been divided into several subspecies. The one most likely to occur in the proposed project area is the Arctic subspecies (*Phoca hispida hispida*). They range throughout the Arctic Basin and southward into adjacent seas, including the southern Bering Sea. Throughout most of its range, Arctic ringed seals do not come ashore but rather use sea ice as a substrate for resting, pupping, and molting. Pups normally are born in subnivean lairs (snow caves) on the sea

ice in late winter to early spring. Subnivean lairs provide refuge from air temperatures too low for survival of ringed seal pups. Lairs also conceal ringed seals from predators, an advantage especially important to the small pups that start life with minimal tolerance for immersion in cold water. When forced to flee into the water to avoid predators, the pups that survive depend on the subnivean lairs to subsequently warm themselves. Ringed seal movements during the subnivean period typically are quite limited, especially where ice cover is extensive. In much of the Arctic, pupping occurs in late March through April, but the timing varies with latitude. Ringed seals in the Bering and Chukchi seas typically molt from mid-May to early July. Although a reliable minimum population estimate is not currently available for the Alaska stock of ringed seals because current reliable estimates of abundance are not available, Allen and Angliss (2010) note a population of approximately 249,000 individuals when the results from Frost *et al.* (2002) and Bengtson *et al.* (2005) are combined.

Bearded seals have a circumpolar distribution south of 85° N. latitude, extending south into the southern Bering Sea in the Pacific and into Hudson Bay and southern Labrador in the Atlantic. Bearded seals also occur in the Sea of Okhotsk south to the northern Sea of Japan. Two subspecies of bearded seals are recognized: *Erignathus barbatus nauticus* inhabiting the Pacific sector, and *Erignathus barbatus barbatus* often described as inhabiting the Atlantic sector (Rice, 1998). Throughout most of their range, adult bearded seals are seldom found on land. Bearded seals are closely associated with sea ice, particularly during the critical life history periods related to reproduction and molting, and they can be found in a broad range of different ice types. The whelping season for bearded seals in the Bering and Chukchi Seas appears to occur between March and May with a peak in April. There is currently no reliable minimum population estimate of the Alaska stock of bearded seals because current reliable estimates of abundance are not available (Allen and Angliss, 2010). However, estimates from the 1970s and 1980s of the Bering-Chukchi population of bearded seals range from 250,000 to 300,000 (Popov, 1976 cited in Allen and Angliss, 2010; Burns, 1981 cited in Allen and Angliss, 2010).

Information on the status, distribution, seasonal distribution, and abundance of ringed and bearded seals can be found in the NMFS Stock Assessment Reports (SARs) and the recently completed status reviews of the ringed and bearded seals. The 2009 and 2010 Draft Alaska SARs are available on the Internet at: *http://www.nmfs.noaa.gov/pr/pdfs/sars/ak2009.pdf* and *http://www.nmfs.noaa.gov/pr/pdfs/sars/ak2010_draft.pdf,* respectively. The ringed seal status review report by Kelly *et al.* (2010) can be found on the Internet at: *http://alaskafisheries.noaa.gov/protectedresources/seals/ice/ringed/statusreview10.pdf*. The bearded seal status review report by Cameron *et al.* (2010) can be found on the Internet at: *http://alaskafisheries.noaa.gov/protectedresources/seals/ice/bearded/statusreview10.pdf*.

Potential Effects of the Specified Activity on Marine Mammals

Potential effects to marine mammals could involve both acoustic and non-acoustic effects. It is uncertain if the seals react to the sound of the helicopter or to its physical presence flying overhead. Pinnipeds are able to hear both in-water and in-air sounds. However, they have significantly different hearing capabilities in the two media. For this proposed activity, only in-air hearing capabilities will be potentially impacted. The functional hearing range for pinnipeds in-air is 75 Hz to 30 kHz (Southall *et al.,* 2007). Richardson *et al.* (1995) note that dominant tones in noise spectra from both helicopters and fixed-wing aircraft are generally below 500 Hz. Kastak and Schustermann (1995) state that the in-air hearing sensitivity is less than the in-water hearing sensitivity for pinnipeds. In-air hearing sensitivity deteriorates as frequency decreases below 2 kHz, and generally pinnipeds appear to be considerably less sensitive to airborne sounds below 10 kHz than humans. There is a dearth of information on acoustic effects of helicopter overflights on pinniped hearing and communication (Richardson *et al.,* 1995) and to NMFS' knowledge, there has been no specific documentation of temporary threshold shift (TTS), let alone permanent threshold shift (PTS), in free-ranging pinnipeds exposed to helicopter operations during realistic field conditions.

Typical reactions of hauled out pinnipeds to aircraft that have been observed include looking up at the aircraft, moving on the ice or land, entering a breathing hole or crack in the ice, or entering the water. Both ringed and bearded seals hauled out on the ice have been observed diving into the water when approached by a low-flying aircraft or helicopter (Burns and Harbo, 1972, cited in Richardson *et al.,* 1995; Burns and Frost, 1979, cited in Richardson *et al.,* 1995). Several of these reactions have been observed by USFWS scientists that have participated in this proposed study in past years. Richardson *et al.* (1995) note that responses can vary based on differences in aircraft type, altitude, and flight pattern. Additionally, a study conducted by Born *et al.* (1999) found that wind chill was also a factor in level of response of ringed seals hauled out on ice, as well as time of day and relative wind direction.

Born *et al.* (1999) determined that 49% of ringed seals escaped (i.e., left the ice) as a response to a helicopter flying at 492 ft (150 m) altitude. Seals entered the water when the helicopter was 4,101 ft (1,250 m) away if the seal was in front of the helicopter and at 1,640 ft (500 m) away if the seal was to the side of the helicopter. The authors noted that more seals reacted to helicopters than to fixed-wing aircraft. The study concluded that the risk of scaring ringed seals by small-type helicopters could be substantially reduced if they do not approach closer than 4,921 ft (1,500 m).

In 2000, Blackwell *et al.* (2004) conducted a study to measure impacts of pipe-driving sounds on ringed seals at Northstar Island, an oil production island in the Beaufort Sea. During that study, the authors found that after 55 hours of observation, the 23 ringed seals that were observed exhibited little or no reaction to any industrial noise except an approaching Bell 212 helicopter. [It should be noted that a Bell 212 helicopter is larger and considerably noisier than the Bell 206 helicopter proposed for use during the USFWS' project.] Twelve of the 23 seals were observed during helicopter overflights. Of those 12 individuals, one showed no reaction to the helicopter. Of the remaining 11 individual ringed seals, 10 increased their vigilance and looked at the helicopter, and one departed its basking site. That one individual entered the water when the helicopter circled over its hauled out position at a distance of approximately 328 ft (100 m; Blackwell *et al.,* 2004).

Based on the available data and studies described here, any ringed or bearded seals found in the vicinity of the proposed project are only anticipated to have short-term behavioral reactions to the helicopter flying overhead. Those animals that do dive into a breathing hole or crack in the ice are anticipated to return to the ice shortly after the helicopter leaves the area, as the aircraft generally stays within the same area less than seconds.

Hearing impairment (*i.e.,* TTS or PTS) of pinnipeds hauled out on the ice is not anticipated as a result of the USFWS' proposed activity because pinnipeds will likely either dive into breathing holes or the water through cracks in the ice before the helicopter would be close enough to cause such an effect. The potential effects to marine mammals described in this section of the document do not take into consideration the proposed monitoring and mitigation measures described later in this document, which should further reduce effects (*see* the "Proposed Mitigation" and "Proposed Monitoring and Reporting" sections).

Anticipated Effects on Habitat

The USFWS' proposed activity is not anticipated to have any temporary or permanent effects on the habitat of ringed and bearded seals. The aircraft lands on various areas on the sea ice a few times per day when bears are captured. This makes no modification to the habitat, and landings are always well away from any ice seals in the area. The proposed activity is not expected to result in any physical damage to marine mammal habitat or to prey species upon which they depend. Additionally, while some seals may cease hauling out on the ice and enter a breathing hole or crack in the ice at the time the helicopter flies overhead, it is anticipated that the individuals will return to hauling out on the ice shortly after the aircraft passes. Overall, the proposed activity is not expected to cause significant impacts on habitats used by the marine mammal species in the proposed project area or on the food sources that they utilize.

Proposed Mitigation

In order to issue an incidental take authorization (ITA) under Sections 101(a)(5)(A) and (D) of the MMPA, NMFS must, where applicable, set forth the permissible methods of taking pursuant to such activity, and other means of effecting the least practicable impact on such species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stock for taking for certain subsistence uses (where relevant).

The following mitigation measures are proposed to be included in the IHA (if issued). Protocols for flights will include maintaining a 1 mi (1.61 km) radius when flying over areas where seals are concentrated in groups of 5 or more, such as cracks or areas of thin ice with multiple breathing holes, except when needed to do so for safety reasons. USFWS will not land on ice within 0.5 mi (0.8 km) of a hauled out seal. USFWS will also fly at altitudes higher than 300 ft (91.4 m) when closer to shore, unless personnel safety prohibits flying at this lower altitude, as polar bears are less likely to be found within 30 mi (48 km) of the coast. This will reduce impacts to seals hauled out on ice closer to shore but at the same time will not jeopardize the objectives of the proposed project.

NMFS has carefully evaluated the applicant's proposed mitigation measures and considered a range of other measures in the context of ensuring that NMFS prescribes the means of effecting the least practicable impact on the affected marine mammal species and stocks and their habitat. Our evaluation of potential measures included consideration of the following factors in relation to one another:

- The manner in which, and the degree to which, the successful implementation of the measure is expected to minimize adverse impacts to marine mammals;
- The proven or likely efficacy of the specific measure to minimize adverse impacts as planned; and
- The practicability of the measure for applicant implementation.

Based on our evaluation of the applicant's proposed measures, as well as other measures considered by NMFS, NMFS has preliminarily determined that the proposed mitigation measures provide the means of effecting the least practicable impact on marine mammal species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance. Proposed measures to ensure availability of such species or stock for taking for certain subsistence uses is discussed later in this document (*see* "Impact on Availability of Affected Species or Stock for Taking for Subsistence Uses" section).

Proposed Monitoring and Reporting

In order to issue an ITA for an activity, Section 101(a)(5)(D) of the MMPA states that NMFS must, where applicable, set forth "requirements pertaining to the monitoring and reporting of such taking." The MMPA implementing regulations at 50 CFR 216.104 (a)(13) indicate that requests for ITAs must include the suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge of the species and of the level of taking or impacts on populations of marine mammals that are expected to be present in the proposed action area.

The USFWS will have two biologists and one pilot onboard the helicopter during each flight. During the course of the capture efforts, USFWS will devote a staff member to monitoring the number of seals encountered and species continuously throughout the flights, with the exception of when they are following polar bear tracks or have initiated a polar bear capture. In addition, USFWS will conduct dedicated monitoring over 1 hour time periods daily and record age group (when possible, but at a minimum pups vs. adult females; adult male bearded seals can be identified) and the type of reaction (*i.e.,* tracking helicopter, moving on ice, entering water, *etc.*). The other biologist and the pilot will continue searching for polar bears to capture. These flights will continue to occur at 300 ft (91.4 m) altitude. Surveys will occur on days that vary in weather conditions since the number of seals encountered greatly depends on weather, including temperature, cloud cover, and wind speed.

USFWS will submit a report to NMFS within 90 days of completing the activity. The report will include a description of the activities that were conducted, the methods and results of the ice seal monitoring, marine mammal sightings, estimates of the number of seals encountered, and seal reactions to the activity.

Estimated Take by Incidental Harassment

Except with respect to certain activities not pertinent here, the MMPA defines "harassment" as: Any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild [Level A harassment]; or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering [Level B harassment]. Only take by Level B behavioral harassment is anticipated to occur as a result of the USFWS' proposed polar bear capture-recapture program. Anticipated take of marine mammals is associated with either the sound or presence of the helicopter overhead (or both). No injury or mortality is anticipated, and no takes by injury or mortality are proposed to be authorized.

Based on results of the last 3 years of conducting the polar bear capture-recapture program, the USFWS estimates that they may have had as many as 1,000 encounters with ringed seals and 200 encounters with bearded seals annually. The USFWS estimates that the number of seals that may be taken by harassment is 500 ringed seals

and 100 bearded seals. This is based on their estimate of the number of seals encountered during previous work over the past 3 years and the research of Born *et al.* (1999) in which approximately 50% of all seals responded to helicopters at a similar altitude. It is possible that the same seal can be taken by harassment multiple times during the course of the 6–8 weeks needed to complete the proposed activity. Age and sex of the seals are not always known, but likely include all sex and age classes. Female ringed and bearded seals give birth on the sea ice between mid-March and May (the timeframe for this proposed activity).

NMFS proposes to authorize the take of 500 ringed seals and 100 bearded seals during the course of the proposed activity. This is based on the approximate number of individual animals that may be in the proposed activity area and the study by Born *et al.* (1999), which found that about half of the observed ringed seals escaped (*i.e.,* left the ice) as a response to a helicopter flying at 492 ft (150 m) altitude. The take estimates presented in this section of the document do not take into consideration the mitigation and monitoring measures described earlier in this document that are proposed for inclusion in the IHA (if issued).

Negligible Impact and Small Numbers Analysis and Preliminary Determination

NMFS has defined "negligible impact" in 50 CFR 216.103 as " * * * an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival." In making a negligible impact determination, NMFS considers a variety of factors, including but not limited to: (1) The number of anticipated mortalities; (2) the number and nature of anticipated injuries; (3) the number, nature, intensity, and duration of Level B harassment; and (4) the context in which the takes occur.

No injuries or mortalities are anticipated to occur as a result of the USFWS' proposed polar bear capture-recapture program. Takes will be limited to Level B behavioral harassment over a 6–8 week period from mid-March to early May. As stated previously, NMFS estimates that 1,000 ringed seal and 200 bearded seal takes may occur as a result of the proposed activity. It is possible that some individual animals may be taken more than once during the course of the activity. However, with the exception of habitats near the USFWS' base location on the coast, flights rarely occur repeatedly over the same areas. The USFWS monitors the prior week's tracklogs to ensure that they continue to search new habitat each day, which likely results in few individuals being disturbed repeatedly during the course of their activities.

The ringed seal breeding and pupping seasons occur during the same time as the proposed action. Mating occurs primarily under the ice in late April and early May. Females give birth to a single pup in a subnivian lair on the landfast or pack ice from mid-March to mid-April. The bearded seal breeding season typically occurs from about mid-March to mid-June. Mating occurs in the water. In the Chukchi Sea and Bering Strait (the location of this proposed action), the bearded seal pupping season typically occurs in late April, but it can occur anytime between mid-March and early May. Since mating occurs either under the ice or in the water, typical reactions of seals to helicopter overflights (*e.g.,* leaving the ice, entering lairs) while hauled out on the ice would not occur. The animals would already be off of the exposed ice.

The USFWS' proposed activity is not expected to have significant, negative effects on pupping in the area. Ringed seals nurse their pups in the subnivian lairs. Therefore, the mother/pup pairs would not be out on the ice when the helicopter flies overhead during nursing. Bearded seals nurse their pups on the ice. However, detailed studies on bearded seal mothers show they forage extensively, diving shallowly (< 33 ft, 10 m) and spend only about 10% of their time hauled out with pups and the remainder nearby at the surface or diving (Holsvik, 1998; Krafft *et al.,* 2000). Despite the relative independence of mothers and pups, their bond is described as strong, with females being unusually tolerant of threats in order to remain or reunite with pups (Krylov *et al.,* 1964; Burns and Frost, 1979; Hammill *et al.,* 1994; Lydersen *et al.,* 1994). Therefore, it is not expected that the USFWS' proposed activities will have major impacts during the ringed or bearded seals' pupping seasons.

Many animals perform vital functions, such as feeding, resting, traveling, and socializing, on a diel cycle (24-hr cycle). Behavioral reactions to noise exposure (such as disruption of critical life functions, displacement, or avoidance of important habitat) are more likely to be significant if they last more than one diel cycle or recur on subsequent days (Southall *et al.,* 2007). Consequently, a behavioral response lasting less than one day and not recurring on subsequent days is not considered particularly severe unless it could directly affect reproduction or survival (Southall *et al.,* 2007). While it is possible that flights could occur on consecutive days, the flight schedule is weather dependent. Additionally, even if flights do occur on consecutive days, it is unlikely that the flight paths will be identical on consecutive days. Therefore, it is unlikely that hauled out seals will be exposed to the overflights on consecutive days. Moreover, since the helicopters only remain overhead for a few seconds at any one location, impacts lasting minutes to even hours are not expected.

On December 10, 2010, ringed and bearded seals were proposed for listing as threatened under the ESA (75 FR 77476; 75 FR 77496). Neither species is designated as depleted under the MMPA.

Although a reliable minimum population estimate is not currently available for the Alaska stock of ringed seals, the 2009 NMFS SAR notes a population of approximately 249,000 individuals (Allen and Angliss, 2010). There is no reliable minimum population estimate of the Alaska stock of bearded seals at this time. However, estimates from the 1970s and 1980s of the Bering-Chukchi population of bearded seals range from 250,000 to 300,000 (Popov, 1976 cited in Allen and Angliss, 2010; Burns, 1981 cited in Allen and Angliss, 2010). The take estimates represent 0.2% of the Alaska stock of 249,000 ringed seals and 0.04% of the Alaska stock of 250,000 bearded seals. These estimates represent the percentage of each species or stock that could be taken by Level B harassment if each animal is taken only once.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the mitigation and monitoring measures, NMFS preliminarily finds that the helicopter flights during the USFWS' polar bear capture-recapture program will result in the incidental take of small numbers of marine mammals, by Level B behavioral harassment only, and that the total taking from the USFWS' proposed activities will have a negligible impact on the affected species or stocks.

Impact on Availability of Affected Species or Stock for Taking for Subsistence Uses

Relevant Subsistence Uses

The disturbance and potential displacement of marine mammals by

sounds from the USFWS' proposed activities are the principal concerns related to subsistence use of the area. Subsistence remains the basis for Alaska Native culture and community. Marine mammals are legally hunted in Alaskan waters by coastal Alaska Natives. In rural Alaska, subsistence activities are often central to many aspects of human existence, including patterns of family life, artistic expression, and community religious and celebratory activities. Additionally, the animals taken for subsistence provide a significant portion of the food that will last the community throughout the year. The main species that are hunted include bowhead and beluga whales, ringed, spotted, and bearded seals, walruses, and polar bears. [As mentioned previously in this document, both the walrus and the polar bear are under the USFWS' jurisdiction.] The importance of each of these species varies among the communities and is largely based on availability.

The subsistence communities in the Chukchi Sea that have the potential to be impacted by the USFWS' proposed action include Point Hope and Kivalina. During the spring months that the USFWS' capture work is proposed to be conducted both of these communities hunt bowhead whales and ice seals. Hunting for both bowhead whales and ice seals typically occurs within 15 mi (24 km) or less of the community, according to local residents. At Point Hope, hunters have informed the USFWS that they hunt only to the west and south of Point Hope.

Potential Impacts to Subsistence Uses

NMFS has defined "unmitigable adverse impact" in 50 CFR 216.103 as:

* * * an impact resulting from the specified activity: (1) That is likely to reduce the availability of the species to a level insufficient for a harvest to meet subsistence needs by: (i) Causing the marine mammals to abandon or avoid hunting areas; (ii) Directly displacing subsistence users; or (iii) Placing physical barriers between the marine mammals and the subsistence hunters; and (2) That cannot be sufficiently mitigated by other measures to increase the availability of marine mammals to allow subsistence needs to be met.

Noise and general activity during the USFWS' proposed polar bear program have the potential to impact marine mammals hunted by Native Alaskans. The helicopter overflights have the potential to disturb hauled out pinnipeds by causing them to vacate the area, which could potentially make the animals unavailable to subsistence hunters if the animals do not return to the area.

Plan of Cooperation (POC)

Regulations at 50 CFR 216.104(a)(12) require IHA applicants for activities that take place in Arctic waters to provide a POC or information that identifies what measures have been taken and/or will be taken to minimize adverse effects on the availability of marine mammals for subsistence purposes. Over the past 3 years, as part of this work, the USFWS regularly consults extensively with local communities to identify temporal and spatial no fly zones. These no fly zones occur in areas of subsistence activities. In consultation with local residents, the USFWS has determined that flying to the north and northwest of Point Hope would not interfere with subsistence activities. Therefore, the USFWS will restrict flights to avoid the areas 15 mi (24 km) to the south and west of Point Hope and within a 15 mi (24 km) radius of Kivalina. The majority of the USFWS' polar bear work occurs greater than 30 mi (48 km) offshore, which also minimizes the potential for flights to affect availability of ice seals to local hunters. The USFWS holds two meetings in Point Hope each year (the community in closest proximity to much of the work). For 2011, the USFWS has agreed with local whaling captains and community leaders to have regular, weekly communications to identify no fly zones and ensure that flight paths do not intersect areas of subsistence activity. The USFWS also regularly communicates with the community of Kivalina, although polar bears tend not to be concentrated in close proximity to this community, thus flight paths tend to occur well away from subsistence use areas.

Unmitigable Adverse Impact Analysis and Preliminary Determination

NMFS has preliminarily determined that the USFWS' polar bear capture-recapture program will not have an unmitigable adverse impact on the availability of species or stocks for taking for subsistence uses. This preliminary determination is supported by the information contained in this document and the POC contained in the USFWS' application (see **ADDRESSES**). The USFWS has agreed to certain no fly zones prior to beginning their activities. Additionally, the USFWS will meet regularly with subsistence use leaders in both Point Hope and Kivalina to redefine the no fly zones throughout the season, if necessary. There will be no impacts to beluga hunting, as this project occurs well before the summer beluga hunts in the Chukchi Sea. Lastly, the majority of the USFWS' flight tracks will occur much further offshore than the typical sites for subsistence sealing during the mid-March to early May time period.

Based on the measures contained in the USFWS' POC, the proposed mitigation and monitoring measures (described earlier in this document), and the project design itself, NMFS has determined preliminarily that there will not be an unmitigable adverse impact on subsistence uses of marine mammals from the USFWS' proposed polar bear capture-recapture program.

Endangered Species Act (ESA)

The Arctic subspecies of ringed seal and the Beringia distinct population segment of bearded seals are currently proposed for listing under the ESA. Pursuant to section 7(a)(4) of the ESA, NMFS' Permits, Conservation and Education Division will work with NMFS' Endangered Species Division to determine if a conference is necessary for these proposed species.

National Environmental Policy Act (NEPA)

NMFS is currently conducting an analysis, pursuant to NEPA, to determine whether or not this proposed activity may have a significant effect on the human environment. This analysis will be completed prior to the issuance or denial of this proposed IHA.

Proposed Authorization

As a result of these preliminary determinations, NMFS proposes to authorize the take of marine mammals incidental to helicopter flights during the USFWS' polar bear capture-recapture program in the U.S. Chukchi Sea, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated.

Dated: December 28, 2010.

P. Michael Payne,

Acting Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2010–33226 Filed 1–3–11; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Notice of Advisory Committee Meeting Date Change

AGENCY: Missile Defense Agency (MDA), DoD.

ACTION: Notice.

SUMMARY: On Tuesday, December 28, 2010 (75 FR 81589) the Department of Defense announced meeting date changes to the closed meetings of the

Missile Defense Advisory Committee. Due to administrative matters, these meetings have been rescheduled from January 6–7, 2011 to January 19–20, 2011. There are no other changes to the notice announced on Tuesday, December 14, 2010 (75 FR 77848).

FOR FURTHER INFORMATION CONTACT: Mr. David Bagnati, Designated Federal Officer at *MDAC@mda.mil,* phone/voice mail 703–695–6438, or mail at 7100 Defense Pentagon, Washington, DC 20301–7100.

Dated: December 29, 2010.

Morgan F. Park,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2010–33168 Filed 1–3–11; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Intent To Prepare a Supplemental Environmental Impact Statement (SEIS) for PacRim Coal's Proposed Chuitna Coal Project

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Notice of Intent.

SUMMARY: The Alaska District, U.S. Army Corps of Engineers (USACE) intends to prepare an SEIS to identify and analyze the potential impacts associated with the proposed Chuitna Coal Project. It is anticipated that the Environmental Protection Agency (EPA), the Native Village of Tyonek (NVT), the U.S. Fish and Wildlife Service (USFWS), and the Alaska Department of Natural Resources (ADNR) will participate as cooperating agencies in the SEIS development process. The USACE will be evaluating a permit application for work under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act. The SEIS will be used as a basis for the Corps' permit decision and to ensure compliance with the National Environmental Policy Act (NEPA). The SEIS will also address issues related to the Alaska Surface Coal Mining Control and Reclamation Act (ASCMCRA) permit, which governs all aspects of the mining operation and infrastructure.

FOR FURTHER INFORMATION CONTACT: Questions about the proposed action and the DSEIS can be answered by: Ms. Serena Sweet, Regulatory Division, telephone: (907) 753–2819, toll free in AK: (800) 478–2712, fax: (907) 753–5567, e-mail: *serena.e.sweet@usace.army.mil,* or mail: U.S. Army Corps of Engineers, CEPOA–RD, Post Office Box 6898, Elmendorf AFB, Alaska 99506–0898.

SUPPLEMENTARY INFORMATION:

1. The Chuitna Coal Project (Project) is located in the Beluga Coal Field, approximately 10 miles northwest of the Native Village of Tyonek and 45 miles west of Anchorage, Alaska. The Project is based on the development of a +1 billion metric ton, ultra low sulfur sub-bituminous coal resource located within the Chuitna Coal Lease Area. The proposed Project includes a surface coal mine, the Ladd Landing coal export terminal and other associated support facilities (including: Shop/office/warehouse facility, fuel storage facility and fueling station, ready line for parking and fueling of rolling stock, electrical substation, truck dump with stilling shed and coal crusher, 35,000 to 40,000-ton covered surge bin, overland conveyor loading station, roads, and a power distribution system). The project proponent, PacRim Coal, LP, targets a coal production rate of approximately 12 million tons per year (facilities are designed for up to 18–20 million tons per year), and a 25-year mine life based on current estimated coal reserves.

2. A previous project design was evaluated in an EIS and permitted by most of the applicable State and Federal regulatory programs in the early 1990s; however, this project did not proceed to development. Since 2006, EPA has been lead federal agency for the development of an SEIS for the Project and the USACE, ADNR, USFWS and NVT participated as cooperating agencies (71 FR 33446). On October 31, 2010, the EPA's authority to issue and enforce mining permits in Alaska for wastewater discharges issued under the Clean Water Act National Pollutant Discharge Elimination System program was transferred to the Alaska Department of Environmental Conservation. Consequently, the EPA recently discontinued their role as lead federal agency for the Chuitna SEIS.

3. Alternatives: The alternatives to be evaluated include the "no-action" alternative, wastewater discharge alternatives and alternative discharge locations. In addition, the SEIS will evaluate mine access road and conveyor alignment alternatives, and coal export terminal alternatives. Additional alternatives may be developed.

4. Scoping for the proposed project was completed by EPA in 2006. Based on the comments received during this scoping period, PacRim Coal, LP has made revisions to the proposed Project. In accordance with NEPA, the Corps has reviewed the revised project description and determined that because these revisions are the result of the original scoping process and remain within the original scope of review, additional scoping processes will not be conducted at this time.

5. Estimated Date of DSEIS Release: December 2011.

Dated: December 28, 2010.

Serena E. Sweet,

Project Manager, Alaska District U.S. Army Corps of Engineers.

[FR Doc. 2010–33214 Filed 1–3–11; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Notice of NEPA Public Scoping Meeting Information for the Great Lakes and Mississippi River Interbasin Study ("GLMRIS")

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice.

SUMMARY: In a November 16, 2010, **Federal Register** Notice (75 FR 69983), the U.S. Army Corps of Engineers (USACE), Chicago District announced in a notice of intent that it will prepare a feasibility report and an environmental impact statement (EIS) for GLMRIS, and it will host a public scoping meeting in Chicago, Illinois, on December 15, 2010. In a December 8, 2010, **Federal Register** Notice (75 FR 76447), USACE announced the metropolitan locations where USACE would be hosting nine (9) additional public scoping meetings for GLMRIS. The December 8, 2010, notice did not include specific meeting details. This notice announces the venues, dates and times of these nine (9) public scoping meetings and also announces USACE's intent to host two (2) additional public scoping meetings in Milwaukee, Wisconsin and New Orleans, Louisiana.

USACE, in consultation with other federal agencies, Native American tribes, state agencies, local governments and non-governmental organizations, is conducting a feasibility study of the options and technologies that could be applied to prevent aquatic nuisance species (ANS) transfer between the Great Lakes and Mississippi River basins through aquatic pathways.

DATES: Until March 31, 2011, USACE will be accepting public comments on the scope of GLMRIS. Please refer to the "*Scoping and Public Involvement*" section below for instructions on how to submit public comments, the dates of

the upcoming public scoping meetings and other meeting information.

FOR FURTHER INFORMATION CONTACT: For further information and/or questions about GLMRIS, please contact USACE, Chicago District, Project Manager, Mr. David Wethington, *by mail:* USACE, Chicago District, 111 N. Canal, Suite 600, Chicago, IL 60606, or *by e-mail: david.m.wethington@usace.army.mil.*

For media inquiries, please contact the USACE, Chicago District, Public Affairs Officer, Ms. Lynne Whelan, *by mail:* USACE, Chicago District, 111 N. Canal, Suite 600, Chicago, IL 60606, *by phone:* (312) 846–5330 or *by e-mail: lynne.e.whelan@usace.army.mil.*

SUPPLEMENTARY INFORMATION:

1. *Background.* USACE, in consultation with other federal agencies, Native American tribes, state agencies, local governments and non-governmental organizations, is conducting GLMRIS. For GLMRIS, USACE will explore options and technologies, collectively known as ANS controls, that could be applied to prevent ANS transfer between the basins through aquatic pathways. Potential ANS controls may include, but are not limited to, hydrologic separation of the basins, waterway modifications, selective barriers, etc.

USACE will conduct a comprehensive analysis of ANS controls and will analyze the effects an ANS control or combination of ANS controls may have on current uses of: (1) The Chicago Area Waterway System (CAWS), the only known continuous aquatic pathway between the Great Lakes and Mississippi River basins; and (2) other aquatic pathways between these basins. For the CAWS, current waterway uses include, but are not limited to: Flood risk management; commercial and recreational navigation; recreation; water supply; hydropower; and conveyance of effluent from wastewater treatment plants and other industries. Additionally, this study will identify mitigation measures or alternative facilities necessary to offset and address impacted waterway uses and current significant natural resources.

USACE will conduct GLMRIS in accordance with NEPA and with the *Economic and Environmental Principles and Guidelines for Water and Related Land Resource Implementation Studies,* Water Resources Council, March 10, 1983.

2. *Scoping and Public Involvement.* USACE will accept comments related to GLMRIS until March 31, 2011. Note, USACE will only consider comments that disclose the first name, last name and zip code of the commenter.

All forms of comments received during the scoping period will be weighted equally. Using input obtained during the scoping period, USACE will refine the scope of GLMRIS to focus on significant issues, as well as eliminate issues that are not significant from further detailed study.

Comments may be submitted in the following ways:

- *GLMRIS project Web site:* Use the Web comment function found at *http://www.glmris.anl.gov;*
- *NEPA Scoping Meeting:* USACE is hosting scoping meetings and asks those who want to make oral comments to register on the GLMRIS project Web site at *http://www.glmris.anl.gov.* Those registering to make oral comments through the project Web site may be given a preference over those that register to make oral comments at the meeting. The on-line registration for each individual meeting will close one (1) day prior to that meeting date. Each individual wishing to make oral comments shall be given three (3) minutes, and a stenographer will document oral comments;
- *Mail:* Mail written comments to GLMRIS Scoping, 111 N. Canal, Suite 600, Chicago, IL 60606. Comments must be postmarked by March 31, 2011; and
- *Hand Delivery:* Comments may be hand delivered to the Chicago District, USACE office located at 111 N. Canal St., Suite 600, Chicago, IL 60606 between 8 a.m. and 4:30 p.m. Comments must be received by March 31, 2011.

At the scoping meetings, USACE will provide informational materials about the study's authorities and USACE study process. The meetings will begin with a presentation regarding the study followed by an oral comment period. During each meeting, USACE will also collect written comments on comment cards and computer terminals.

In addition to the meeting held on December 15, 2010, in Chicago, Illinois, USACE will host NEPA public scoping meetings from 2 p.m. to 8 p.m. at the following locations:

1. *Tuesday, January 11, 2011:* Buffalo Conference Center, 2 Fountain Plaza, Buffalo, NY.

2. *Thursday, January 13, 2011:* Great Lakes Science Center, 601 Erieside Avenue, Cleveland, OH.

3. *Thursday, January 20, 2011:* McNamara Alumni Center, University of Minnesota, 200 Oak Street, S.E., #35, Minneapolis, MN.

4. *Tuesday, January 25, 2011:* Northeast Wisconsin Technical College, 2740 West Mason Street, Green Bay, WI.

5. *Thursday, January 27, 2011:* The Hagerty Conference Center, NMC Great Lakes Campus, 715 E. Front Street, Traverse City, MI.

6. *Tuesday, February 1, 2011:* Tangeman University Center, University of Cincinnati, 2766 UC Main Street, Cincinnati, OH. For driving directions to the parking garage, please use "W. Corry St. at Jefferson Ave., Cincinnati, OH 45221" as your destination address. Continue west on W. Corry St. until you reach the CCM parking garage.

7. *Thursday, February 3, 2011:* Ann Arbor Marriott-Ypsilanti at Eagle Crest, 1275 South Huron Street, Ypsilanti, MI.

8. *Tuesday, February 8, 2011:* National Great Rivers Museum (Adjacent to Melvin Price Locks and Dam), #2 Locks and Dam Way, Alton, IL.

9. *Thursday, February 10, 2011:* Vicksburg Convention Center, 1600 Mulberry Street, Vicksburg, MS.

Please see the GLMRIS project Web site at *http://www.glmris.anl.gov* for driving directions, if you wish to register to make an oral comment at one of these meetings, and for more information regarding the meeting including a meeting agenda.

In addition to the above-listed locations, USACE is also planning to host NEPA public scoping meetings in Milwaukee, Wisconsin and New Orleans, Louisiana. Specific meeting places and dates will be announced in a subsequent **Federal Register** notice, the GLMRIS project Web site, electronic media and news releases.

Comments received during the scoping period will be posted on the GLMRIS project Web site and will become a part of the EIS. You may indicate that you do not wish to have your name or other personal information made available on the Web site. However, USACE cannot guarantee that information withheld from the Web site will be maintained as confidential. Requests for disclosure of collected information will be handled through the Freedom of Information Act. Comments and information, including the identity of the submitter, may be disclosed, reproduced, and distributed. Submissions should not include any information that the submitter seeks to preserve as confidential.

If you require assistance under the Americans with Disabilities Act, please contact Ms. Lynne Whelan via e-mail at *lynne.e.whelan@usace.army.mil* or phone at (312) 846–5330 at least seven (7) working days prior to the meeting to request arrangements.

3. *Significant Issues.* Issues associated with the proposed study are likely to include, but will not be limited to: Significant natural resources such as ecosystems and threatened and

endangered species, commercial and recreational fisheries; current recreational uses of the lakes and waterways; ANS effects on water users; effects of potential ANS controls on current waterway uses such as flood risk management, commercial and recreational navigation, recreation, water supply, hydropower and conveyance of effluent from wastewater treatment plants and other industries; and statutory and legal responsibilities relative to the lakes and waterways.

4. *Availability of the Draft Environmental Impact Statement.* The date that the draft EIS will be made available is contingent upon sufficient allocation of funding for the study. Draft EIS availability will be announced to the public in the **Federal Register** in compliance with 40 CFR 1506.9 and 1506.10.

5. *Authority.* This action is being undertaken pursuant to the Water Resources and Development Act of 2007, Section 3061, Public Law 110–114, 121 STAT. 1121, and the National Environmental Policy Act of 1969, 42 U.S.C. 4321, *et seq.,* as amended.

Dated: December 28, 2010.

Susanne J. Davis,

Chicago District, Corps of Engineers.

[FR Doc. 2010–33215 Filed 1–3–11; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Comment request.

SUMMARY: The Department of Education (the Department), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the reporting burden on the public and helps the public understand the Department's information collection requirements and provide the requested data in the desired format. The Acting Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before March 7, 2011.

ADDRESSES: Comments regarding burden and/or the collection activity requirements should be electronically mailed to *ICDocketMgr@ed.gov* or mailed to U.S. Department of Education, 400 Maryland Avenue, SW., LBJ, Washington, DC 20202–4537. Please note that written comments received in response to this notice will be considered public records.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35) requires that Federal agencies provide interested parties an early opportunity to comment on information collection requests. The Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management, publishes this notice containing proposed information collection requests at the beginning of the Departmental review of the information collection. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: December 28, 2010.

James Hyler,

Acting Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management.

Office of Postsecondary Education

Type of Review: Extension.

Title of Collection: Teacher Quality Enhancement Grants Program (TQE) Scholarship Contract and Teaching Verification Forms on Scholarship Recipients.

OMB Control Number: 1840–0753.

Agency Form Number(s): N/A.

Frequency of Responses: On Occasion; Semi-Annually; Annually.

Affected Public: Individuals or households; Not-for-profit institutions; State, Local, or Tribal Government, State Educational Agencies or Local Educational Agencies.

Total Estimated Number of Annual Responses: 285.

Total Estimated Number of Annual Burden Hours: 426.

Abstract: Students receiving scholarships under section 204 of the Higher Education Act of 1965, as amended, Public Law 105–244, incur a service obligation to teach in a high-need school in a high-need Local Educational Agency. This information collection consists of a contract to be executed when funds are awarded, subsequent addenda for students receiving funds beyond one semester/quarter/term, and a separate teaching verification form to be used by students and high-need school districts, to document the students' compliance with the contract's conditions.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov,* by selecting the "Browse Pending Collections" link and by clicking on link number 4465. When you access the information collection, click on "Download Attachments" to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., LBJ, Washington, DC 20202–4537. Requests may also be electronically mailed to *ICDocketMgr@ed.gov* or faxed to 202–401–0920. Please specify the complete title of the information collection and OMB Control Number when making your request.

Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 2010–33185 Filed 1–3–11; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Comment Request.

SUMMARY: The Department of Education (the Department), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the reporting burden on the public and helps the public understand the Department's information collection requirements and provide the requested data in the desired format. The Acting Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before March 7, 2011.

ADDRESSES: Comments regarding burden and/or the collection activity requirements should be electronically mailed to *ICDocketMgr@ed.gov* or mailed to U.S. Department of Education, 400 Maryland Avenue, SW., LBJ, Washington, DC 20202–4537. Please note that written comments received in response to this notice will be considered public records.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that Federal agencies provide interested parties an early opportunity to comment on information collection requests. The Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management, publishes this notice containing proposed information collection requests at the beginning of the Departmental review of the information collection. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: December 28, 2010.

James Hyler,

Acting Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management.

Institute of Education Sciences

Type of Review: New .

Title of Collection: A Study of Implementation and Outcomes in Upward Bound and Other TRIO Programs.

OMB Control Number: Pending.

Agency Form Number(s): N/A.

Frequency of Responses: Once.

Affected Public: Individuals or households; Not-for-profit institutions; State, Local, or Tribal Government, State Educational Agencies or Local Educational Agencies.

Total Estimated Number of Annual Responses: 140.

Total Estimated Number of Annual Burden Hours: 19,440.

Abstract: The Study of Implementation and Outcomes in Upward Bound and Other TRIO Programs will examine the feasibility of a promising practices study of Upward Bound that uses a rigorous quasi-experimental design. The design and feasibility report will develop a set of design options for conducting a study of Upward Bound and examine their applicability to studies of other TRIO programs. If a rigorous evaluation design proves feasible, the Dept. of Education will conduct a study of the relationship between promising Upward Bound implementation strategies and student outcomes. This submission includes the justification and plan for the data collection of information and statistical methods for the design and feasibility study. It also provides an overview of the design and feasibility study.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov,* by selecting the "Browse Pending Collections" link and by clicking on link number 4471. When you access the information collection, click on "Download Attachments" to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW, LBJ, Washington, DC 20202–4537. Requests may also be electronically mailed to ICDocketMgr@ed.gov or faxed to 202–401–0920. Please specify the complete title of the information collection and OMB Control Number when making your request.

Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 2010–33186 Filed 1–3–11; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Office of Special Education and Rehabilitative Services; Overview Information; National Institute on Disability and Rehabilitation Research (NIDRR)—Disability and Rehabilitation Research Projects and Centers Program—Disability and Rehabilitation Research Projects (DRRPs)—National Data and Statistical Center for the Traumatic Brain Injury (TBI) Model Systems; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2011

Catalog of Federal Domestic Assistance (CFDA) Number: 84.133A–5.

Dates:

Applications Available: January 4, 2011.

Date of Pre-Application Meeting: January 25, 2011.

Deadline for Transmittal of Applications: March 7, 2011.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The purpose of the DRRP program is to improve the effectiveness of services authorized under the Rehabilitation Act of 1973, as amended, by developing methods, procedures, and rehabilitation technologies that advance a wide range of independent living and employment outcomes for individuals with disabilities, especially individuals with the most severe disabilities. DRRPs carry out one or more of the following types of activities, as specified and defined in 34 CFR 350.13 through 350.19: Research, training, demonstration, development, dissemination, utilization, and technical assistance.

An applicant for assistance under this program must demonstrate in its application how it will address, in whole or in part, the needs of individuals with disabilities from minority backgrounds (34 CFR 350.40(a)). The approaches an applicant may take to meet this requirement are found in 34 CFR 350.40(b).

Additional information on the DRRP program can be found at: *http://www.ed.gov/rschstat/research/pubs/res-program.html#DRRP.*

Priorities: These priorities are from the notice of final priorities for DRRPs, published in the **Federal Register** on April 28, 2006 (71 FR 25472).

Absolute Priorities: For FY 2011, these are absolute priorities. Under 34 CFR 75.105(c)(3) we consider only applications that meet these priorities. These priorities are:

General Disability and Rehabilitation Research Projects (DRRP) Requirements

To meet this priority, the Disability and Rehabilitation Research Projects (DRRP) must—

(a) Coordinate on research projects of mutual interest with relevant NIDRR-funded projects, as identified through consultation with the NIDRR project officer;

(b) Involve individuals with disabilities in planning and implementing the DRRP's research, training, and dissemination activities, and in evaluating its work; and

(c) Identify anticipated outcomes (*i.e.,* advances in knowledge or changes and improvements in policy, practice, behavior, and system capacity) that are linked to the applicant's stated grant objectives.

National Data and Statistical Center for the Traumatic Brain Injury (TBI) Model Systems

The Assistant Secretary for Special Education and Rehabilitative Services establishes a priority for the funding of a National TBI Model Systems Data Center that advances medical rehabilitation by increasing the rigor and efficiency of scientific efforts to longitudinally assess the experience of individuals with TBI. To meet this priority, the National TBI Model Systems Data Center's research and technical assistance must be designed to contribute to the following outcomes:

(a) Maintenance of a national longitudinal database for data submitted by each of the TBI Model Systems Centers (TBI Model Systems Database). This database must provide for confidentiality, quality control, and data-retrieval capabilities, using cost-effective and user-friendly technology.

(b) High-quality, reliable data in the TBI Model Systems Database. The National TBI Model Systems Data Center must contribute to this outcome by providing training and technical assistance to TBI Model Systems Centers on subject retention and data collection procedures, data entry methods, and appropriate use of study instruments, and by monitoring the quality of the data submitted by the TBI Model Systems Centers.

(c) High-quality data collected from database participants of all racial/ethnic backgrounds. The National TBI Model Systems Data Center must contribute to this outcome by providing knowledge, training, and technical assistance to the TBI Model Systems Centers on culturally appropriate methods of longitudinal data collection and participant retention.

(d) Rigorous research conducted by TBI Model Systems Centers and all investigators who are analyzing data from the TBI Model Systems Database. The National TBI Model Systems Data Center must contribute to this outcome by making statistical and other methodological consultation available for research projects that use the TBI Model Systems Database, as well as center-specific and collaborative projects of the TBI Model Systems Program.

(e) Enhanced continuity of the TBI Model Systems Database. The National TBI Model Systems Data Center must contribute to this outcome by establishing and implementing a mechanism for continued collection of follow-up data from individuals who were enrolled by TBI Model Systems Centers that no longer receive Model Systems Program funding. This mechanism must focus on continued collection of data from up to four TBI Model Systems Centers that were previously funded, but that have not received subsequent funding under the Model Systems Program.

(f) Improved quality and efficiency of the TBI Model Systems Database operations through collaboration with the National Spinal Cord Injury Model Systems Data Center, the National Burn Model Systems Data Center, and the Model Systems Knowledge Translation Center (MSKTC).

Program Authority: 29 U.S.C. 762(g) and 764(a).

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 80, 81, 82, 84, 85, 86, and 97. (b) The regulations for this program in 34 CFR part 350. (c) The notice of final priorities for the Disability and Rehabilitation Research Projects and Centers program, published in the **Federal Register** on April 28, 2006 (71 FR 25472).

Note: The regulations in 34 CFR part 86 apply to institutions of higher education (IHEs) only.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: The Administration has requested $111,919,000 for the NIDRR program for FY 2011, of which we intend to use an estimated $625,000 for the National Data and Statistical Center for the Traumatic Brain Injury (TBI) Model Systems. The actual level of funding, if any, depends on final congressional action. However, we are inviting applications to allow enough time to complete the grant process if Congress appropriates funds for this program.

Maximum Award: We will reject any application that proposes a budget exceeding $625,000 for a single budget period of 12 months. The Assistant Secretary for Special Education and Rehabilitative Services may change the maximum amount through a notice published in the **Federal Register**.

Estimated Number of Awards: 1.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 60 months.

III. Eligibility Information

1. *Eligible Applicants:* States; public or private agencies, including for-profit agencies; public or private organizations, including for-profit organizations; IHEs; and Indian tribes and tribal organizations.

2. *Cost Sharing or Matching:* Cost sharing is required by 34 CFR 350.62(a) and will be negotiated at the time of the grant award.

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://www.ed.gov/fund/grant/apply/grantapps/indes.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 package from ED Pubs, be sure to identify this competition as follows: CFDA number 84.133A–5.

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 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. We recommend that you limit Part III to the equivalent of no more than 125 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, including 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.

The recommended 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; or the one-page abstract, the resumes, the bibliography, or the letters of support. However, the page limit does apply to all of the application narrative section (Part III).

The application package will provide instructions for completing all components to be included in the application. Each application must include a cover sheet (Standard Form 424); budget requirements (ED Form 524) and narrative budget justification; other required forms; an abstract, Human Subjects narrative, Part III project narrative; resumes of staff; and other related materials, if applicable.

3. *Submission Dates and Times:*

Applications Available: January 4, 2011.

Date of Pre-Application Meeting: Interested parties are invited to participate in a pre-application meeting and to receive information and technical assistance through individual consultation with NIDRR staff. The pre-application meeting will be held on January 25, 2011. Interested parties may participate in this meeting by conference call with NIDRR staff from the Office of Special Education and Rehabilitative Services between 1:00 p.m. and 3:00 p.m., Washington, DC time. NIDRR staff also will be available from 3:30 p.m. to 4:30 p.m., Washington, DC time, on the same day, by telephone, to provide information and technical assistance through individual consultation. For further information or to make arrangements to participate in the meeting via conference call or for an individual consultation, contact Marlene Spencer, U.S. Department of Education, Potomac Center Plaza (PCP), room 5133, 550 12th Street, SW., Washington, DC 20202. Telephone: (202) 245–7532 or by e-mail: *Marlene.Spencer@ed.gov.*

Deadline for Transmittal of Applications: March 7, 2011.

Applications for grants under this competition must be submitted electronically using the Grants.gov Apply site (Grants.gov). 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 program is not subject to Executive Order 12372 and the regulations in 34 CFR part 79.

5. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section in this notice.

6. *Data Universal Numbering System Number, Taxpayer Identification Number, and Central Contractor Registry:* To do business with the Department of Education, you must—

a. Have a Data Universal Numbering System (DUNS) number and a Taxpayer Identification Number (TIN);

b. Register both your DUNS number and TIN with the Central Contractor Registry (CCR), the Government's primary registrant database;

c. Provide your DUNS number and TIN on your application; and

d. Maintain an active CCR registration with current information while your application is under review by the Department and, if you are awarded a grant, during the project period.

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.

In addition, if you are submitting your application via Grants.gov, you must (1) be designated by your organization as an Authorized Organization Representative (AOR); and (2) register yourself with Grants.gov as an AOR. Details on these steps are outlined in the Grants.gov 3–Step Registration Guide (*see http://www.grants.gov/section910/Grants.govRegistrationBrochure.pdf*).

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 DRRPs Program, CFDA number 84.133A–5, must be submitted electronically using the Governmentwide Grants.gov Apply site at www.Grants.gov. Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not e-mail an electronic copy of a grant application to us.

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.*

You may access the electronic grant application for the DRRPs Competition at *http://www.Grants.gov.* You must search for the downloadable application package for this competition by the CFDA number. Do not include the CFDA number's alpha suffix in your search (*e.g.,* search for 84.133, not 84.133A).

Please note the following:

- When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.
- Applications received by Grants.gov are date and time stamped. Your application must be fully uploaded and submitted and must be date and time stamped by the Grants.gov system no later than 4:30:00 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not accept your application if it is received—that is, date and time stamped by the Grants.gov system—after 4:30:00 p.m., Washington, DC time, on the application deadline date. We do not consider an application

that does not comply with the deadline requirements. When we retrieve your application from Grants.gov, we will notify you if we are rejecting your application because it was date and time stamped by the Grants.gov system after 4:30:00 p.m., Washington, DC time, on the application deadline date.

• The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through Grants.gov.

• You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for this competition to ensure that you submit your application in a timely manner to the Grants.gov system. You can also find the Education Submission Procedures pertaining to Grants.gov under News and Events on the Department's G5 system homepage at *http://www.G5.gov.*

• 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: 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 .PDF (Portable Document) format only. If you upload a file type other than a .PDF 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.

• After you electronically submit your application, you will receive from Grants.gov an automatic notification of receipt that contains a Grants.gov tracking number. (This notification indicates receipt by Grants.gov only, not receipt by the Department.) The Department then will retrieve your application from Grants.gov and send a second notification to you by e-mail. This second notification indicates that the Department has received your application and has assigned your application a PR/Award number (an ED-specified identifying number unique to your application).

• We may request that you provide us original signatures on forms at a later date.

Application Deadline Date Extension in Case of Technical Issues with the Grants.gov System: If you are experiencing problems submitting your application through Grants.gov, please contact the Grants.gov Support Desk, toll free, at 1–800–518–4726. You must obtain a Grants.gov Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the Grants.gov system, we will grant you an extension until 4:30:00 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically or by hand delivery. You also may mail your application by following the mailing instructions described elsewhere in this notice.

If you submit an application after 4:30:00 p.m., Washington, DC time, on the application deadline date, please contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice and provide an explanation of the technical problem you experienced with Grants.gov, along with the Grants.gov Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the Grants.gov system and that that problem affected your ability to submit your application by 4:30:00 p.m., Washington, DC time, on the application deadline date. The Department will contact you after a determination is made on whether your application will be accepted.

Note: The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the Grants.gov system. We will not grant you an extension if you failed to fully register to submit your application to Grants.gov before the application deadline date and time or if the technical problem you experienced is unrelated to the Grants.gov system.

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 the Grants.gov system because—

• You do not have access to the Internet; or

• You do not have the capacity to upload large documents to the Grants.gov system; 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 prevent 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: Lynn Medley, U.S. Department of Education, 400 Maryland Avenue, SW., room 5140 PCP, Washington, DC 20202–2700.

FAX: (202) 245–7323.

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 84.133A–5), 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 84.133A–5), 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 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 competition are from 34 CFR 75.210 of EDGAR and are listed in the application package.

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary also requires various assurances including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department of Education (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

3. *Special Conditions:* Under 34 CFR 74.14 and 80.12, the Secretary may impose special conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 34 CFR parts 74 or 80, as applicable; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

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:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) 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:* To evaluate the overall success of its research program, NIDRR assesses the quality of its funded projects through a review of grantee performance and products. Each year, NIDRR examines a portion of its grantees to determine:

- The number of accomplishments (*e.g.*, new or improved tools, methods, discoveries, standards, interventions, programs, or devices) developed or tested with NIDRR funding that have been judged by expert panels to be of high quality and to advance the field.
- The average number of publications per award based on NIDRR-funded research and development activities in refereed journals.
- The percentage of new NIDRR grants that assess the effectiveness of interventions, programs, and devices using rigorous methods.

NIDRR uses information submitted by grantees as part of their Annual Performance Reports (APRs) for these reviews.

Department of Education program performance reports, which include information on NIDRR programs, are available on the Department's Web site: *http://www.ed.gov/about/offices/list/opepd/sas/index.html.*

5. *Continuation Awards:* In making a continuation award, the Secretary may consider, under 34 CFR 75.253, the extent to which a grantee has made "substantial progress toward meeting the objectives in its approved application." This consideration includes the review of a grantee's progress in meeting the targets and projected outcomes in its approved application, and whether the grantee has expended funds in a manner that is consistent with its approved application and budget. In making a continuation grant, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

VII. Agency Contact

For Further Information Contact: Either Lynn Medley or Marlene Spencer as follows: Lynn Medley, U.S. Department of Education, 400 Maryland Avenue, SW., room 5140, PCP, Washington, DC 20202–2700. Telephone: (202) 245–7338 or by e-mail: *Lynn.Medley@ed.gov*. Marlene Spencer, U.S. Department of Education, 400 Maryland Avenue, SW., room 5133, PCP, Washington, DC 20202–2700. Telephone: (202) 245–7532 or by e-mail: *Marlene.Spencer@ed.gov.*

If you use a TDD call the Federal Relay Service (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) by contacting the Grants and Contracts Services Team, U.S. Department of Education, 400 Maryland Avenue, SW., room 5075, PCP, Washington, DC 20202–2550. Telephone: (202) 245–7363.

If you use a TDD call the FRS, toll-free, at 1–800–877–8339.

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: December 29, 2010.

Alexa Posny,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 2010–33203 Filed 1–3–11; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Office of Special Education and Rehabilitative Services; Overview Information; National Institute on Disability and Rehabilitation Research (NIDRR)—Disability and Rehabilitation Research Projects and Centers Program—Disability and Rehabilitation Research Projects (DRRPs)—National Data and Statistical Center for the Spinal Cord Injury (SCI) Model Systems; Notice Inviting Applications For New Awards For Fiscal Year (FY) 2011

Catalog of Federal Domestic Assistance (CFDA) Number: 84.133A–1.

DATES:

Applications Available: January 4, 2011.

Date of Pre-Application Meeting: January 25, 2011.

Deadline for Transmittal of Applications: March 7, 2011.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The purpose of the DRRP program is to improve the effectiveness of services authorized under the Rehabilitation Act of 1973, as amended, by developing methods, procedures, and rehabilitation technologies that advance a wide range of independent living and employment outcomes for individuals with disabilities, especially individuals with the most severe disabilities. DRRPs carry out one or more of the following types of activities, as specified and defined in 34 CFR 350.13 through 350.19: research, training, demonstration, development, dissemination, utilization, and technical assistance.

An applicant for assistance under this program must demonstrate in its application how it will address, in whole or in part, the needs of individuals with disabilities from minority backgrounds (34 CFR 350.40(a)). The approaches an applicant may take to meet this requirement are found in 34 CFR 350.40(b).

Additional information on the DRRP program can be found at: *http://www.ed.gov/rschstat/research/pubs/res-program.html#DRRP.*

Priorities: These priorities are from the notice of final priorities for DRRPs, published in the **Federal Register** on April 28, 2006 (71 FR 25472).

Absolute Priorities: For FY 2011, these are absolute priorities. Under 34 CFR 75.105(c)(3) we consider only applications that meet these priorities.

These priorities are:

General Disability and Rehabilitation Research Projects (DRRP) Requirements

To meet this priority, the Disability and Rehabilitation Research Projects (DRRP) must—

(a) Coordinate on research projects of mutual interest with relevant NIDRR-funded projects, as identified through consultation with the NIDRR project officer;

(b) Involve individuals with disabilities in planning and implementing the DRRP's research, training, and dissemination activities, and in evaluating its work; and

(c) Identify anticipated outcomes (*i.e.,* advances in knowledge or changes and improvements in policy, practice, behavior, and system capacity) that are linked to the applicant's stated grant objectives.

National Data and Statistical Center for the Spinal Cord Injury (SCI) Model Systems

The Assistant Secretary for Special Education and Rehabilitative Services establishes a priority for the funding of a National SCI Model Systems Data Center that advances medical rehabilitation knowledge by increasing the rigor and efficiency of scientific efforts to longitudinally assess the experience of individuals with SCI. To meet this priority, the National SCI Model Systems Data Center's research and technical assistance must be designed to contribute to the following outcomes:

(a) Maintenance of a national longitudinal database for data submitted by each of the SCI Model Systems Centers (SCI Model Systems Database). This database must provide for confidentiality, quality control, and data-retrieval capabilities, using cost-effective and user-friendly technology.

(b) High-quality, reliable data in the SCI Model Systems Database. The National SCI Model Systems Data Center must contribute to this outcome by providing training and technical assistance to SCI Model Systems Centers on subject retention and data collection procedures, data entry methods, and appropriate use of study instruments, and by monitoring the quality of the data submitted by the SCI Model Systems Centers.

(c) High-quality data collected from database participants of all racial/ethnic backgrounds. The National SCI Model Systems Data Center must contribute to this outcome by providing knowledge, training, and technical assistance to the SCI Model Systems Centers on culturally appropriate methods of longitudinal data collection and participant retention.

(d) Rigorous research conducted by SCI Model Systems Centers and all investigators who are analyzing data from the SCI Model Systems Database. The National SCI Model Systems Data Center must contribute to this outcome by making statistical and other methodological consultation available for research projects that use the SCI Model Systems Database, as well as center-specific and collaborative projects of the SCI Model Systems Program.

(e) Enhanced continuity of the SCI Model Systems Database. The National SCI Model Systems Data Center must contribute to this outcome by establishing and implementing a mechanism for continued collection of follow-up data from individuals who were enrolled by SCI Model Systems

Centers that no longer receive Model Systems Program funding. This mechanism must focus on continued collection of data from up to four SCI Model Systems Centers that were previously funded, but that have not received subsequent funding under the Model Systems Centers Program.

(f) Improved quality and efficiency of the SCI Model Systems Database operations through collaboration with the National Traumatic Brain Injury Model Systems Data Center, the National Burn Model Systems Data Center, and the Model Systems Knowledge Translation Center (MSKTC).

Program Authority: 29 U.S.C. 762(g) and 764(a).

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 80, 81, 82, 84, 85, 86, and 97. (b) The regulations for this program in 34 CFR part 350. (c) The notice of final priorities for the Disability and Rehabilitation Research Projects and Centers program, published in the **Federal Register** on April 28, 2006 (71 FR 25472).

Note: The regulations in 34 CFR part 86 apply to institutions of higher education (IHEs) only.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: The Administration has requested $111,919,000 for the NIDRR program for FY 2011, of which we intend to use an estimated $625,000 for the National Data and Statistical Center for the Spinal Cord Injury Model Systems. The actual level of funding, if any, depends on final congressional action. However, we are inviting applications to allow enough time to complete the grant process if Congress appropriates funds for this program.

Maximum Award: We will reject any application that proposes a budget exceeding $625,000 for a single budget period of 12 months. The Assistant Secretary for Special Education and Rehabilitative Services may change the maximum amount through a notice published in the **Federal Register**.

Estimated Number of Awards: 1.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 60 months.

III. Eligibility Information

1. *Eligible Applicants:* States; public or private agencies, including for-profit agencies; public or private organizations, including for-profit organizations; IHEs; and Indian tribes and tribal organizations.

2. *Cost Sharing or Matching:* Cost sharing is required by 34 CFR 350.62(a) and will be negotiated at the time of the grant award.

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://www.ed.gov/fund/grant/apply/grantapps/indes.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 package from ED Pubs, be sure to identify this competition as follows: CFDA number 84.133A–1.

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 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. We recommend that you limit Part III to the equivalent of no more than 125 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, including 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.

The recommended 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; or the one-page abstract, the resumes, the bibliography, or the letters of support. However, the page limit does apply to all of the application narrative section (Part III).

The application package will provide instructions for completing all components to be included in the application. Each application must include a cover sheet (Standard Form 424); budget requirements (ED Form 524) and narrative budget justification; other required forms; an abstract, Human Subjects narrative, Part III project narrative; resumes of staff; and other related materials, if applicable.

3. *Submission Dates and Times:*

Applications Available: January 4, 2011.

Date of Pre-Application Meeting: Interested parties are invited to participate in a pre-application meeting and to receive information and technical assistance through individual consultation with NIDRR staff. The pre-application meeting will be held on January 25, 2011. Interested parties may participate in this meeting by conference call with NIDRR staff from the Office of Special Education and Rehabilitative Services between 1:00 p.m. and 3:00 p.m., Washington, DC time. NIDRR staff also will be available from 3:30 p.m. to 4:30 p.m., Washington, DC time, on the same day, by telephone, to provide information and technical assistance through individual consultation. For further information or to make arrangements to participate in the meeting via conference call or for an individual consultation, contact Marlene Spencer, U.S. Department of Education, Potomac Center Plaza (PCP), room 5133, 550 12th Street, SW., Washington, DC 20202. Telephone: (202) 245–7532 or by e-mail: *Marlene.Spencer@ed.gov.*

Deadline for Transmittal of Applications: March 7, 2011.

Applications for grants under this competition must be submitted electronically using the Grants.gov Apply site (*Grants.gov*). 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 program is not subject to Executive Order 12372 and the regulations in 34 CFR part 79.

5. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section in this notice.

6. *Data Universal Numbering System Number, Taxpayer Identification Number, and Central Contractor Registry:* To do business with the Department of Education, you must—

a. Have a Data Universal Numbering System (DUNS) number and a Taxpayer Identification Number (TIN);

b. Register both your DUNS number and TIN with the Central Contractor Registry (CCR), the Government's primary registrant database;

c. Provide your DUNS number and TIN on your application; and

d. Maintain an active CCR registration with current information while your application is under review by the Department and, if you are awarded a grant, during the project period.

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.

In addition, if you are submitting your application via *Grants.gov,* you must (1) be designated by your organization as an Authorized Organization Representative (AOR); and (2) register yourself with *Grants.gov* as an AOR. Details on these steps are outlined in the *Grants.gov* 3-Step Registration Guide (see *http://www.grants.gov/section910/Grants.govRegistrationBrochure.pdf*).

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 DRRPs Program, CFDA number 84.133A–1, must be submitted electronically using the Government-wide Grants.gov apply site at *http://www.Grants.gov.* Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not e-mail an electronic copy of a grant application to us.

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.*

You may access the electronic grant application for the DRRPs Competition at *http://www.Grants.gov.* You must search for the downloadable application package for this competition by the CFDA number. Do not include the CFDA number's alpha suffix in your search (*e.g.,* search for 84.133, not 84.133A).

Please note the following:

- When you enter the *Grants.gov* site, you will find information about submitting an application electronically through the site, as well as the hours of operation.
- Applications received by *Grants.gov* are date and time stamped. Your application must be fully uploaded and submitted and must be date and time stamped by the Grants.gov system no later than 4:30 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not accept your application if it is received—that is, date and time stamped by the *Grants.gov* system—after 4:30:00 p.m., Washington, DC time, on the application deadline date. We do not consider an application that does not comply with the deadline requirements. When we retrieve your application from *Grants.gov,* we will notify you if we are rejecting your application because it was date and time stamped by the *Grants.gov* system after 4:30:00 p.m., Washington, DC time, on the application deadline date.
- The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through *Grants.gov.*
- You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for this competition to ensure that you submit your application in a timely manner to the *Grants.gov* system. You can also find the Education Submission Procedures pertaining to *Grants.gov* under News and Events on the Department's G5 system home page at *http://www.G5.gov.*
- 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: 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 .PDF (Portable Document) format only. If you upload a file type other than a .PDF 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.
- After you electronically submit your application, you will receive from *Grants.gov* an automatic notification of receipt that contains a *Grants.gov* tracking number. (This notification indicates receipt by *Grants.gov* only, not receipt by the Department.) The Department then will retrieve your application from *Grants.gov* and send a second notification to you by e-mail. This second notification indicates that

the Department has received your application and has assigned your application a PR/Award number (an ED-specified identifying number unique to your application).

• We may request that you provide us original signatures on forms at a later date.

Application Deadline Date Extension in Case of Technical Issues with the Grants.gov System: If you are experiencing problems submitting your application through *Grants.gov,* please contact the *Grants.gov* Support Desk, toll free, at 1–800–518–4726. You must obtain a *Grants.gov* Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the *Grants.gov* system, we will grant you an extension until 4:30:00 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically or by hand delivery. You also may mail your application by following the mailing instructions described elsewhere in this notice.

If you submit an application after 4:30:00 p.m., Washington, DC time, on the application deadline date, please contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice and provide an explanation of the technical problem you experienced with *Grants.gov,* along with the *Grants.gov* Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the *Grants.gov* system and that that problem affected your ability to submit your application by 4:30:00 p.m., Washington, DC time, on the application deadline date. The Department will contact you after a determination is made on whether your application will be accepted.

Note: The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the Grants.gov system. We will not grant you an extension if you failed to fully register to submit your application to Grants.gov before the application deadline date and time or if the technical problem you experienced is unrelated to the Grants.gov system.

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 the *Grants.gov* system because—

• You do not have access to the Internet; or

• You do not have the capacity to upload large documents to the *Grants.gov* system; 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 prevent 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: Lynn Medley, U.S. Department of Education, 400 Maryland Avenue, SW., room 5140 PCP, Washington, DC 20202–2700. *FAX:* (202) 245–7323.

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 84.133A–1), 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 84.133A–1), 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 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 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 competition are from 34 CFR 75.210 of EDGAR and are listed in the application package.

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary also requires various assurances including those applicable to Federal civil rights laws that prohibit discrimination in programs

or activities receiving Federal financial assistance from the Department of Education (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

3. *Special Conditions:* Under 34 CFR 74.14 and 80.12, the Secretary may impose special conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 34 CFR parts 74 or 80, as applicable; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

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:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) 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:* To evaluate the overall success of its research program, NIDRR assesses the quality of its funded projects through a review of grantee performance and products. Each year, NIDRR examines a portion of its grantees to determine:

- The number of accomplishments (*e.g.,* new or improved tools, methods, discoveries, standards, interventions, programs, or devices) developed or tested with NIDRR funding that have been judged by expert panels to be of high quality and to advance the field.
- The average number of publications per award based on NIDRR-funded research and development activities in refereed journals.
- The percentage of new NIDRR grants that assess the effectiveness of interventions, programs, and devices using rigorous methods.

NIDRR uses information submitted by grantees as part of their Annual Performance Reports (APRs) for these reviews.

Department of Education program performance reports, which include information on NIDRR programs, are available on the Department's Web site: *http://www.ed.gov/about/offices/list/opepd/sas/index.html.*

5. *Continuation Awards:* In making a continuation award, the Secretary may consider, under 34 CFR 75.253, the extent to which a grantee has made "substantial progress toward meeting the objectives in its approved application." This consideration includes the review of a grantee's progress in meeting the targets and projected outcomes in its approved application, and whether the grantee has expended funds in a manner that is consistent with its approved application and budget. In making a continuation grant, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

VII. Agency Contact

FOR FURTHER INFORMATION CONTACT: Either Lynn Medley or Marlene Spencer as follows: Lynn Medley, U.S. Department of Education, 400 Maryland Avenue, SW., Room 5140, PCP, Washington, DC 20202–2700. Telephone: (202) 245–7338 or by e-mail: *Lynn.Medley@ed.gov.* Marlene Spencer, U.S. Department of Education, 400 Maryland Avenue, SW., room 5133, PCP, Washington, DC 20202–2700. Telephone: (202) 245–7532 or by e-mail: *Marlene.Spencer@ed.gov.*

If you use a TDD call the Federal Relay Service (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) by contacting the Grants and Contracts Services Team, U.S. Department of Education, 400 Maryland Avenue, SW., Room 5075, PCP, Washington, DC 20202–2550. Telephone: (202) 245–7363.

If you use a TDD call the FRS, toll-free, at 1–800–877–8339.

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: December 29, 2010.

Alexa Posny,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 2010–33199 Filed 1–3–11; 8:45 am]

BILLING CODE 4000–01–U

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

December 28, 2010.

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP11–1646–000.

Applicants: Gulf South Pipeline Company, LP.

Description: Gulf South Pipeline Company, LP submits tariff filing per 154.204: Amend Gas Quality Provision to be effective 2/1/2011.

Filed Date: 12/22/2010.

Accession Number: 20101222–5187.

Comment Date: 5 p.m. Eastern Time on Monday, January 3, 2011.

Docket Numbers: RP11–1647–000.

Applicants: Gulf States Transmission LLC.

Description: Gulf States Transmission LLC submits tariff filing per 154.204: Gulf States Transmission LLC Name Change Tariff Filing to be effective 12/23/2010.

Filed Date: 12/23/2010.
Accession Number: 20101223–5133.
Comment Date: 5 p.m. Eastern Time on Tuesday, January 4, 2011.

Docket Numbers: RP11–1648–000.
Applicants: Midcontinent Express Pipeline LLC.
Description: Midcontinent Express Pipeline LLC submits tariff filing per 154.204: Tenaska Marketing Negotiated Rate Filing to be effective 1/1/2011.
Filed Date: 12/27/2010.
Accession Number: 20101227–5030.
Comment Date: 5 p.m. Eastern Time on Monday, January 10, 2011.

Docket Numbers: RP11–1649–000.
Applicants: Algonquin Gas Transmission, LLC.
Description: Algonquin Gas Transmission, LLC submits tariff filing per 154.204: AGT Modifications for Bobcat's Link Implementation Filing to be effective 3/1/2011.
Filed Date: 12/28/2010.
Accession Number: 20101228–5007.
Comment Date: 5 p.m. Eastern Time on Monday, January 10, 2011.

Docket Numbers: RP11–1650–000.
Applicants: Egan Hub Storage, LLC.
Description: Egan Hub Storage, LLC submits tariff filing per 154.204: Modifications for BGS LINK Implementation Filing to be effective 3/1/2011.
Filed Date: 12/28/2010.
Accession Number: 20101228–5008.
Comment Date: 5 p.m. Eastern Time on Monday, January 10, 2011.

Docket Numbers: RP11–1651–000.
Applicants: East Tennessee Natural Gas, LLC.
Description: East Tennessee Natural Gas, LLC submits tariff filing per 154.204: Modifications for BGS LINK Implementation Filing to be effective 3/1/2011.
Filed Date: 12/28/2010.
Accession Number: 20101228–5009.
Comment Date: 5 p.m. Eastern Time on Monday, January 10, 2011.

Docket Numbers: RP11–1652–000.
Applicants: Ozark Gas Transmission, L.L.C.
Description: Ozark Gas Transmission, L.L.C. submits tariff filing per 154.204: Modifications for Bobcat's LINK Implementation Filing to be effective 3/1/2011.
Filed Date: 12/28/2010.
Accession Number: 20101228–5010.
Comment Date: 5 p.m. Eastern Time on Monday, January 10, 2011.

Docket Numbers: RP11–1653–000.
Applicants: Saltville Gas Storage Company L.L.C.
Description: Saltville Gas Storage Company L.L.C. submits tariff filing per 154.204: Modifications for BGS LINK Implementation Filing to be effective 3/1/2011.
Filed Date: 12/28/2010.
Accession Number: 20101228–5011.
Comment Date: 5 p.m. Eastern Time on Monday, January 10, 2011.

Docket Numbers: RP11–1654–000.
Applicants: Texas Eastern Transmission, LP.
Description: Texas Eastern Transmission, LP submits tariff filing per 154.204: TETLP Filing for Bobcat's Link Implementation to be effective 3/1/2011.
Filed Date: 12/28/2010.
Accession Number: 20101228–5012.
Comment Date: 5 p.m. Eastern Time on Monday, January 10, 2011.

Docket Numbers: RP11–1655–000.
Applicants: Columbia Gas Transmission, LLC.
Description: Columbia Gas Transmission, LLC submits tariff filing per 154.204: Environmental Filing 2010 to be effective 2/1/2011.
Filed Date: 12/28/2010.
Accession Number: 20101228–5036.
Comment Date: 5 p.m. Eastern Time on Monday, January 10, 2011.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St., NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Nathaniel J. Davis, Sr.,
Deputy Secretary.

[FR Doc. 2010–33155 Filed 1–3–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

December 27, 2010.

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC11–33–000.
Applicants: Montauk Energy Holdings, LLC.
Description: Montauk Energy Holdings, LLC *et al.* submits application for authorization under Section 203 of the FPA request for expedited consideration and requesting authorization to transfer membership interest in Viridis Energy, LLC.
Filed Date: 12/23/2010.
Accession Number: 20101227–0201.
Comment Date: 5 p.m. Eastern Time on Thursday, January 13, 2011.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER97–4314–012; ER01–2783–009; ER05–20–004.
Applicants: Old Dominion Electric Cooperative, Inc., TEC Trading, Inc., New Dominion Energy Cooperative.
Description: Triennial Market Power Update and Workpapers of Old Dominion Electric Cooperative, *et al.*
Filed Date: 12/23/2010.
Accession Number: 20101223–5167.
Comment Date: 5 p.m. Eastern Time on Tuesday, February 22, 2011.

Docket Numbers: ER01–468–012; ER00–3621–013; ER02–23–016; ER04–249–009; ER05–34–009; ER04–318–009;

ER05–35–009; ER05–36–009; ER05–37–009; ER07–1306–008; ER08–1323–004; ER96–2869–017; ER97–30–010; ER97–3561–009; ER99–1695–018.

Applicants: Dominion Resources Services, Inc.; Dominion Energy Marketing, Inc.; Dominion Nuclear Connecticut, Inc.; Dominion Energy Kewaunee, Inc.; Dominion Energy Brayton Point, LLC; Dominion Energy Manchester Street, Inc.; Dominion Energy New England, Inc.; Dominion Energy Salem Harbor, LLC; Elwood Energy, LLC; Fairless Energy, LLC; NedPower Mt. Storm, LLC; Kincaid Generation, LLC; State Line Energy, LLC; Fowler Ridge wind Farm LLC; Virginia Electric and Power Company.

Description: Triennial Market Power Analyses of Dominion Resources Services, Inc., on behalf of Virginia Electric and Power Company and all affiliates with market-based rate authority.

Filed Date: 12/27/2010.

Accession Number: 20101227–5035.

Comment Date: 5 p.m. Eastern Time on Friday, February 25, 2011.

Docket Numbers: ER10–1246–001; ER10–1252–001; ER10–1253–001; ER10–1982–001.

Applicants: Orange & Rockland Utilities, Inc., Consolidated Edison Energy, Inc., Consolidated Edison Solutions, Inc., Consolidated Edison Company of New York.

Description: FERC Order 697 Triennial Market Power Filing of the Con Edison Companies.

Filed Date: 12/23/2010.

Accession Number: 20101223–5168.

Comment Date: 5 p.m. Eastern Time on Tuesday, February 22, 2011.

Docket Numbers: ER10–2010–001; ER10–1959–001; ER10–2007–001; ER10–2011–001; ER10–2012–001; ER10–2013–001; ER10–2014–001; ER10–2015–001; ER10–2017–001; ER10–2018–001; ER10–2021–001; ER10–2019–002; ER10–2024–001; ER10–3280–001.

Applicants: PPL Electric Utilities Corporation, PPL Great Works, LLC, PPL Maine, LLC, PPL Wallingford Energy LLC, PPL Holtwood LLC, Lower Mount Bethel Energy, LLC, PPL Martins Creek, LLC, PPL Brunner Island, LLC, PPL Montour, LLC, PPL Susquehanna, LLC, PPL New Jersey Solar, LLC, PPL New Jersey Biogas, LLC, PPL EnergyPlus, LLC, PPL University Park, LLC.

Description: Triennial Market-Based Rate Update for the Northeast Region.

Filed Date: 12/22/2010.

Accession Number: 20101222–5301.

Comment Date: 5 p.m. Eastern Time on Tuesday, February 22, 2011.

Docket Numbers: ER11–2318–000.

Applicants: California Independent System Operator Corporation.

Description: California Independent System Operator Corporation submits their Errata filing to Service Agreement 1774 *etc.*

Filed Date: 12/23/2010.

Accession Number: 20101223–5165.

Comment Date: 5 p.m. Eastern Time on Thursday, January 13, 2011.

Docket Numbers: ER11–2334–006.

Applicants: Midwest Independent Transmission System Operator, Inc.

Description: Midwest Independent Transmission System Operator, Inc. submits tariff filing per 35.17(b): (7) ATC Notice of Succession, to be effective 2/9/2011.

Filed Date: 12/23/2010.

Accession Number: 20101223–5028.

Comment Date: 5 p.m. Eastern Time on Thursday, January 13, 2011.

Docket Numbers: ER11–2345–001.

Applicants: Southwest Power Pool, Inc.

Description: Southwest Power Pool, Inc. submits tariff filing per 35.17(b): Amendment to Formula Update—KCPL, KCPL–GMO to be effective 1/1/2011.

Filed Date: 12/23/2010.

Accession Number: 20101223–5077.

Comment Date: 5 p.m. Eastern Time on Thursday, January 13, 2011.

Docket Numbers: ER11–2428–001.

Applicants: Southwest Power Pool, Inc.

Description: Southwest Power Pool, Inc. submits tariff filing per 35.17(b): Revisions to Clarify Losses Calculation Amendment to be effective 3/1/2011.

Filed Date: 12/27/2010.

Accession Number: 20101227–5029.

Comment Date: 5 p.m. Eastern Time on Tuesday, January 18, 2011.

Docket Numbers: ER11–2446–001.

Applicants: Blue Pilot Energy, LLC.

Description: Blue Pilot Energy, LLC submits tariff filing per 35.17(b): Blue Pilot Energy MBR Tariff Amendment to be effective 12/27/2010.

Filed Date: 12/23/2010.

Accession Number: 20101223–5132.

Comment Date: 5 p.m. Eastern Time on Thursday, January 13, 2011.

Docket Numbers: ER11–2504–000.

Applicants: GenOn Bowline, LLC.

Description: GenOn Bowline, LLC submits tariff filing per 35.13(a)(2)(iii): Notice of Succession to be effective 12/3/2010.

Filed Date: 12/23/2010.

Accession Number: 20101223–5061.

Comment Date: 5 p.m. Eastern Time on Thursday, January 13, 2011.

Docket Numbers: ER11–2505–000.

Applicants: GenOn Canal, LLC.

Description: GenOn Canal, LLC submits tariff filing per 35.13(a)(2)(iii): Notice of Succession to be effective 12/3/2010.

Filed Date: 12/23/2010.

Accession Number: 20101223–5063.

Comment Date: 5 p.m. Eastern Time on Thursday, January 13, 2011.

Docket Numbers: ER11–2506–000.

Applicants: GenOn Delta, LLC.

Description: GenOn Delta, LLC submits tariff filing per 35.13(a)(2)(iii): Notice of Succession to be effective 12/3/2010.

Filed Date: 12/23/2010.

Accession Number: 20101223–5064.

Comment Date: 5 p.m. Eastern Time on Thursday, January 13, 2011.

Docket Numbers: ER11–2507–000.

Applicants: Carthage Energy, LLC.

Description: Carthage Energy, LLC submits tariff filing per 35.37: Carthage Energy Revised Tariff (Dec 2010) to be effective 12/23/2010.

Filed Date: 12/23/2010.

Accession Number: 20101223–5065.

Comment Date: 5 p.m. Eastern Time on Thursday, January 13, 2011.

Docket Numbers: ER11–2508–000.

Applicants: GenOn Energy Management, LLC.

Description: GenOn Energy Management, LLC submits tariff filing per 35.13(a)(2)(iii): Notice of Succession, to be effective 12/3/2010.

Filed Date: 12/23/2010.

Accession Number: 20101223–5066.

Comment Date: 5 p.m. Eastern Time on Thursday, January 13, 2011.

Docket Numbers: ER11–2509–000.

Applicants: Energetix, Inc.

Description: Energetix, Inc. submits tariff filing per 35.37: Energetix Revised Tariff (Dec 2010), to be effective 12/23/2010.

Filed Date: 12/23/2010.

Accession Number: 20101223–5067.

Comment Date: 5 p.m. Eastern Time on Thursday, January 13, 2011.

Docket Numbers: ER11–2510–000.

Applicants: GenOn Kendall, LLC.

Description: GenOn Kendall, LLC submits tariff filing per 35.13(a)(2)(iii): Notice of Succession to be effective 12/3/2010.

Filed Date: 12/23/2010.

Accession Number: 20101223–5068.

Comment Date: 5 p.m. Eastern Time on Thursday, January 13, 2011.

Docket Numbers: ER11–2511–000.

Applicants: GenOn Potrero, LLC.

Description: GenOn Potrero, LLC submits tariff filing per 35.13(a)(2)(iii): MBR Notice of Succession to be effective 12/3/2010.

Filed Date: 12/23/2010.

Accession Number: 20101223–5069.

Comment Date: 5 p.m. Eastern Time on Thursday, January 13, 2011.

Docket Numbers: ER11–2512–000.
Applicants: Hartford Steam Company.
Description: Hartford Steam Company submits tariff filing per 35.37: Hartford Steam Revised Tariff (Dec 2010) to be effective 12/23/2010.
Filed Date: 12/23/2010.
Accession Number: 20101223–5070.
Comment Date: 5 p.m. Eastern Time on Thursday, January 13, 2011.

Docket Numbers: ER11–2513–000.
Applicants: Genon Power Midwest, LP.
Description: Genon Power Midwest, LP submits tariff filing per 35.13(a)(2)(iii): MBR Notice of Succession, to be effective 12/3/2010.
Filed Date: 12/23/2010.
Accession Number: 20101223–5071.
Comment Date: 5 p.m. Eastern Time on Thursday, January 13, 2011.

Docket Numbers: ER11–2514–000.
Applicants: PEI Power II, LLC.
Description: PEI Power II, LLC submits tariff filing per 35.37: PEI Power Revised Tariff (Dec 2010) to be effective 12/23/2010.
Filed Date: 12/23/2010.
Accession Number: 20101223–5072.
Comment Date: 5 p.m. Eastern Time on Thursday, January 13, 2011.

Docket Numbers: ER11–2515–000.
Applicants: GenOn REMA, LLC.
Description: GenOn REMA, LLC submits tariff filing per 35.13(a)(2)(iii): Notice of Succession to be effective 12/3/2010.
Filed Date: 12/23/2010.
Accession Number: 20101223–5073.
Comment Date: 5 p.m. Eastern Time on Thursday, January 13, 2011.

Docket Numbers: ER11–2516–000.
Applicants: NYSEG Solutions, Inc.
Description: NYSEG Solutions, Inc. submits tariff filing per 35.37: NYSEG Solutions Revised Tariff (Dec 2010) to be effective 12/23/2010.
Filed Date: 12/23/2010.
Accession Number: 20101223–5074.
Comment Date: 5 p.m. Eastern Time on Thursday, January 13, 2011.

Docket Numbers: ER11–2517–000.
Applicants: South Carolina Electric & Gas Transmission.
Description: South Carolina Electric & Gas Transmission submits tariff filing per 35: Attachment C—Compliance filing to be effective 12/23/2010.
Filed Date: 12/23/2010.
Accession Number: 20101223–5081.
Comment Date: 5 p.m. Eastern Time on Thursday, January 13, 2011.

Docket Numbers: ER11–2518–000.
Applicants: Tampa Electric Company.
Description: Tampa Electric Company submits tariff filing per 35.15: Cancellation of First Revised Service Agreement No. 5—FPC to be effective 2/28/2011.
Filed Date: 12/23/2010.
Accession Number: 20101223–5082.
Comment Date: 5 p.m. Eastern Time on Thursday, January 13, 2011.

Docket Numbers: ER11–2519–000.
Applicants: NorthWestern Corporation.
Description: NorthWestern Corporation submits tariff filing per 35: NorthWestern Corporation Montana and South Dakota OATT Revisions to be effective 9/29/2010.
Filed Date: 12/23/2010.
Accession Number: 20101223–5105.
Comment Date: 5 p.m. Eastern Time on Thursday, January 13, 2011.

Docket Numbers: ER11–2520–000.
Applicants: Pacific Northwest Generating Cooperative, Inc.
Description: Pacific Northwest Generating Cooperative, Inc. submits tariff filing per 35.37: Triennial Market Power Update to be effective 12/21/2010.
Filed Date: 12/23/2010.
Accession Number: 20101223–5113.
Comment Date: 5 p.m. Eastern Time on Thursday, January 13, 2011.

Docket Numbers: ER11–2521–000.
Applicants: The United Illuminating Company.
Description: The United Illuminating Company submits tariff filing per 35.1: United Illuminating Company's Union Avenue Interconnection Facilities Agreements to be effective 12/24/2010.
Filed Date: 12/23/2010.
Accession Number: 20101223–5116.
Comment Date: 5 p.m. Eastern Time on Thursday, January 13, 2011.

Docket Numbers: ER11–2521–000.
Applicants: The United Illuminating Company.
Description: The United Illuminating Company submits tariff filing per 35.1: United Illuminating Company's Union Avenue Interconnection Facilities Agreements to be effective 12/24/2010.
Filed Date: 12/23/2010.
Accession Number: 20101223–5117.
Comment Date: 5 p.m. Eastern Time on Thursday, January 13, 2011.

Docket Numbers: ER11–2522–000.
Applicants: Southwestern Public Service Company.
Description: Southwestern Public Service Company submits tariff filing per 35.13(a)(2)(iii): 2010_12_23_SPS GSEC-Wolfforth 616–SPS to be effective 12/24/2010.
Filed Date: 12/23/2010.
Accession Number: 20101223–5134.
Comment Date: 5 p.m. Eastern Time on Thursday, January 13, 2011.

Docket Numbers: ER11–2523–000.
Applicants: Colmac Energy, Inc.
Description: Colmac Energy, Inc. submits tariff filing per 35.1: Colmac Energy, Inc. Amendment Filing to be effective 12/23/2010.
Filed Date: 12/23/2010.
Accession Number: 20101223–5135.
Comment Date: 5 p.m. Eastern Time on Thursday, January 13, 2011.

Docket Numbers: ER11–2524–000.
Applicants: Avista Corporation.
Description: Avista Corporation submits tariff filing per 35: Compliance Filing FERC Order 676–E OATT Attach C and Sec 4.2, to be effective 4/1/2011.
Filed Date: 12/27/2010.
Accession Number: 20101227–5000.
Comment Date: 5 p.m. Eastern Time on Tuesday, January 18, 2011.

Docket Numbers: ER11–2525–000.
Applicants: Southwest Power Pool, Inc.
Description: Southwest Power Pool, Inc. submits tariff filing per 35.13(a)(2)(iii): Designated Balancing Authority for Self Provided Losses to be effective 1/1/2011.
Filed Date: 12/27/2010.
Accession Number: 20101227–5050.
Comment Date: 5 p.m. Eastern Time on Tuesday, January 18, 2011.

Docket Numbers: ER11–2526–000.
Applicants: Sagebrush, a California partnership.
Description: Sagebrush, a California partnership submits tariff filing per 35: Attachment C Compliance Filing to be effective 12/28/2010.
Filed Date: 12/27/2010.
Accession Number: 20101227–5054.
Comment Date: 5 p.m. Eastern Time on Tuesday, January 18, 2011.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

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FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

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Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2010–33159 Filed 1–3–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

December 21, 2010.

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP11–1631–000.
Applicants: Energy West Development, Inc.
Description: Energy West Development, Inc. submits tariff filing per 154.202: EWD New Baseline Tariff to be effective 12/21/2010.
Filed Date: 12/20/2010.
Accession Number: 20101220–5107.
Comment Date: 5 p.m. Eastern Time on Monday, January 3, 2011.

Docket Numbers: RP11–1632–000.
Applicants: Texas Eastern Transmission, LP.
Description: Texas Eastern Transmission, LP submits tariff filing per 154.204: NJ–NY Hourly Flow Filing to be effective 2/1/2011.
Filed Date: 12/20/2010.
Accession Number: 20101220–5114.
Comment Date: 5 p.m. Eastern Time on Monday, January 3, 2011.

Docket Numbers: RP11–1633–000.
Applicants: Energy West Development, Inc.
Description: Energy West Development, Inc. submits tariff filing per 154.602: EWD Cancellation of Tariff ID 6 to be effective 12/21/2010.
Filed Date: 12/20/2010.
Accession Number: 20101220–5118.
Comment Date: 5 p.m. Eastern Time on Monday, January 3, 2011.

Docket Numbers: RP11–1634–000.
Applicants: Kinder Morgan Interstate Gas Trans. LLC.
Description: Report/Form of Kinder Morgan Interstate Gas Transmission LLC.
Filed Date: 12/20/2010.
Accession Number: 20101220–5126.
Comment Date: 5 p.m. Eastern Time on Monday, January 3, 2011.

Docket Numbers: RP11–1635–000.
Applicants: Crossroads Pipeline Company.
Description: Crossroads Pipeline Company submits its Penalty Revenue Crediting Report for 2010.
Filed Date: 12/20/2010.
Accession Number: 20101220–5127.
Comment Date: 5 p.m. Eastern Time on Monday, January 3, 2011.

Docket Numbers: RP11–1636–000.
Applicants: Central Kentucky Transmission Company.
Description: Central Kentucky Transmission Company submits its Penalty Revenue Crediting Report for 2010.
Filed Date: 12/20/2010.
Accession Number: 20101220–5135.
Comment Date: 5 p.m. Eastern Time on Monday, January 3, 2011.

Docket Numbers: RP11–1637–000.
Applicants: Midcontinent Express Pipeline LLC.
Description: Midcontinent Express Pipeline LLC submits tariff filing per 154.204: Negotiated Rate Amendment Filing to be effective 12/18/2010.
Filed Date: 12/20/2010.
Accession Number: 20101220–5155.
Comment Date: 5 p.m. Eastern Time on Monday, January 3, 2011.

Docket Numbers: RP11–1638–000.
Applicants: Columbia Gas Transmission, LLC.
Description: Columbia Gas Transmission, LLC submits its Penalty Revenue Crediting Report for 2010.
Filed Date: 12/20/2010.
Accession Number: 20101220–5218.
Comment Date: 5 p.m. Eastern Time on Monday, January 3, 2011.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

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Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2010–33158 Filed 1–3–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

December 20, 2010.

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP11–1625–000.
Applicants: Pine Prairie Energy Center, LLC.
Description: Pine Prairie Energy Center, LLC submits tariff filing per 154.204: Tariff Modifications to Implement PPEC NYMEX Pooling and Imbalance Service to be effective 1/16/2011.
Filed Date: 12/17/2010.
Accession Number: 20101217–5120.
Comment Date: 5 p.m. Eastern Time on Wednesday, December 29, 2010.

Docket Numbers: RP11–1626–000.
Applicants: Kinder Morgan Illinois Pipeline LLC.
Description: Kinder Morgan Illinois Pipeline LLC submits fifteen paper copies of a required cost and revenue study in compliance with requirements of the July Order.
Filed Date: 12/17/2010.
Accession Number: 20101217–0202.
Comment Date: 5 p.m. Eastern Time on Wednesday, December 29, 2010.

Docket Numbers: RP11–1627–000.
Applicants: Gulf Crossing Pipeline Company LLC.
Description: Gulf Crossing Pipeline Company LLC submits tariff filing per 154.204: Correct Title IDs to be effective 2/1/2011.
Filed Date: 12/20/2010.
Accession Number: 20101220–5012.
Comment Date: 5 p.m. Eastern Time on Monday, January 3, 2011.

Docket Numbers: RP11–1628–000.
Applicants: Gulf South Pipeline Company, LP.
Description: Gulf South Pipeline Company, LP submits tariff filing per 154.204: Correct Tariff IDs to be effective 2/1/2011.
Filed Date: 12/20/2010.
Accession Number: 20101220–5024.
Comment Date: 5 p.m. Eastern Time on Monday, January 3, 2011.

Docket Numbers: RP11–1629–000.
Applicants: Texas Gas Transmission, LLC.
Description: Texas Gas Transmission, LLC submits tariff filing per 154.204: Correct Tariff IDs to be effective 2/1/2011.
Filed Date: 12/20/2010.
Accession Number: 20101220–5041.
Comment Date: 5 p.m. Eastern Time on Monday, January 3, 2011.

Docket Numbers: RP11–1630–000.
Applicants: Texas Eastern Transmission, LP.
Description: Texas Eastern Transmission, LP submits tariff filing per 154.204: Chesapeake Utilities Service Agreements to be effective 1/1/2011.
Filed Date: 12/20/2010.
Accession Number: 20101220–5044.
Comment Date: 5 p.m. Eastern Time on Monday, January 03, 2011.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

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Nathaniel J. Davis, Sr.,
Deputy Secretary.

[FR Doc. 2010–33157 Filed 1–3–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

December 22, 2010.

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP11–1639–000.
Applicants: Columbia Gulf Transmission Company.
Description: Columbia Gulf Transmission Company submits its Penalty Revenue Crediting Report for 2010.
Filed Date: 12/20/2010.
Accession Number: 20101220–5254.
Comment Date: 5 p.m. Eastern Time on Monday, January 3, 2011.

Docket Numbers: RP11–1640–000.
Applicants: Venice Gathering System, L.L.C.
Description: Venice Gathering System, L.L.C. submits tariff filing per 154.203: Record Change Baseline Compliance Filing to be effective 7/1/2010.
Filed Date: 12/21/2010.
Accession Number: 20101221–5055.
Comment Date: 5 p.m. Eastern Time on Monday, January 3, 2011.

Docket Numbers: RP11–1641–000.
Applicants: MoGas Pipeline LLC.
Description: MoGas Pipeline LLC submits tariff filing per 154.203: Compliance Filing—Missing Data Element to be effective 9/1/2010.
Filed Date: 12/21/2010.
Accession Number: 20101221–5068.
Comment Date: 5 p.m. Eastern Time on Monday, January 3, 2011.

Docket Numbers: RP11–1642–000.
Applicants: Midcontinent Express Pipeline LLC.
Description: Midcontinent Express Pipeline LLC submits tariff filing per 154.204: Tariff Clean Up Filing to be effective 2/1/2011.
Filed Date: 12/21/2010.
Accession Number: 20101221–5071.
Comment Date: 5 p.m. Eastern Time on Monday, January 3, 2011.

Docket Numbers: RP11–1643–000.
Applicants: Columbia Gas Transmission, LLC.
Description: Columbia Gas Transmission, LLC submits tariff filing per 154.203: Line 1278 Compliance Filing to be effective 11/1/2010.

Filed Date: 12/21/2010.
Accession Number: 20101221–5083.
Comment Date: 5 p.m. Eastern Time on Monday, January 3, 2011.

Docket Numbers: RP11–1644–000.
Applicants: Dominion Cove Point LNG, LP.
Description: Dominion Cove Point LNG, LP submits tariff filing per 154.204: DCP—Pier Reinforcement Project In-Service to be effective 1/21/2011.
Filed Date: 12/21/2010.
Accession Number: 20101221–5087.
Comment Date: 5 p.m. Eastern Time on Monday, January 3, 2011.

Docket Numbers: RP11–1645–000.
Applicants: Golden Pass Pipeline LLC.
Description: Golden Pass Pipeline LLC submits tariff filing per 154.203: Filed Agreements to be effective 2/1/2011.
Filed Date: 12/21/2010.
Accession Number: 20101221–5152.
Comment Date: 5 p.m. Eastern Time on Monday, January 3, 2011.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

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Nathaniel J. Davis, Sr.,
Deputy Secretary.

[FR Doc. 2010–33156 Filed 1–3–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

December 21, 2010.

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC11–22–001.
Applicants: Dynegy Inc., Dynegy Midwest Generation, Inc., Dynegy Power Marketing, Inc., Sithe/Independence Power Partners, L.P., Dynegy Moss Landing, LLC, Dynegy Morro Bay, LLC, CASCO BAY ENERGY CO LLC, Dynegy Oakland, LLC, Dynegy South Bay, LLC, Dynegy Kendall Energy, LLC, Dynegy Roseton, L.L.C., ONTELAUNEE POWER OPERATING CO, LLC, Dynegy Marketing and Trade, LLC, Dynegy Danskammer, L.L.C., Icahn Partners LP et al, High River Limited Partnership, ICAHN Partners Master Fund III LP, ICAHN Partners Master Fund II LP, ICAHn Partners Master Fund LP.
Description: Amendment to Application.
Filed Date: 12/21/2010.
Accession Number: 20101221–5139.
Comment Date: 5 p.m. Eastern Time on Tuesday, January 11, 2011.

Docket Numbers: EC11–31–000.
Applicants: Northeast Utilities Service Company, The Connecticut Light and Power Company.
Description: NUSCO's Section 203 Application for Authority to Transfer Jurisdictional Facilities on Behalf of The Connecticut Light and Power Company and the Connecticut Transmission Municipal Electric Energy Cooperative.
Filed Date: 12/17/2010.
Accession Number: 20101217–5176.
Comment Date: 5 p.m. Eastern Time on Friday, January 7, 2011.

Docket Numbers: EC11–32–000.
Applicants: Baja California Power, Inc, GMR Infrastructure (Malta) Limited, GMR Infrastructure (Netherlands) B.V., China Huaneng Group HK Ltd., Upper Horm Investments Ltd., Overseas International Inc. Limited
Description: Application of Baja California Power, Inc., et al.
Filed Date: 12/20/2010.
Accession Number: 20101220–5164.
Comment Date: 5 p.m. Eastern Time on Monday, January 10, 2011.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG11–37–000.
Applicants: Vermont Wind, LLC.
Description: Notice of Self-Certification of EWG Status of Vermont Wind, LLC.
Filed Date: 12/17/2010.
Accession Number: 20101217–5183.
Comment Date: 5 p.m. Eastern Time on Friday, January 7, 2011.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER06–1334–014.
Applicants: Spindle Hill Energy LLC.
Description: Triennial Report of Spindle Hill Energy LLC.
Filed Date: 12/20/2010.
Accession Number: 20101220–5210.
Comment Date: 5 p.m. Eastern Time on Friday, February 18, 2011.

Docket Numbers: ER08–1096–001; ER10–2163–001; ER10–2160–001; ER10–2161–001; ER10–2162–001.
Applicants: NAEA Energy Massachusetts, LLC, NAEA Ocean Peaking Power, LLC, NAEA Rock Springs, LLC, NAEA Lakewood Cogeneration, LP, NAEA Newington Energy, LLC.
Description: Triennial Market-Based Rate Update Filing for NAEA Energy Massachusetts, LLC; NAEA Lakewood. Cogeneration, LLC; NAEA Newington Energy, LLC; NAEA Ocean Peaking Power, LLC and NAEA Rock Springs, LLC.
Filed Date: 12/21/2010.
Accession Number: 20101221–5169.
Comment Date: 5 p.m. Eastern Time on Tuesday, February 22, 2011.

Docket Numbers: ER10–1790–001; ER10–1821–002; ER10–2598–001; ER11–2029–002.
Applicants: BP Energy Company, Rolling Thunder I Power Partners, LLC, Goshen Phase II LLC, Cedar Creek II, LLC.
Description: Updated Market Power Update of BP Energy Company, et al.

Filed Date: 12/20/2010.
Accession Number: 20101220–5255.
Comment Date: 5 p.m. Eastern Time on Friday, February 18, 2011.

Docket Numbers: ER10–2548–001.
Applicants: Interstate Power and Light Company.
Description: Interstate Power and Light Company submits tariff filing per 35: Compliance Filing for IPL, TVA and Pioneer Prairie Wind LBAOCA to be effective 9/8/2010.
Filed Date: 12/21/2010.
Accession Number: 20101221–5161.
Comment Date: 5 p.m. Eastern Time on Tuesday, January 11, 2011.

Docket Numbers: ER10–2869–000.
Applicants: Midwest Independent Transmission System Operator, Inc.
Description: Midwest Independent Transmission System Operator, Inc.'s Response to Deficiency Letter.
Filed Date: 12/20/2010.
Accession Number: 20101220–5246.
Comment Date: 5 p.m. Eastern Time on Monday, January 10, 2011.

Docket Numbers: ER11–67–002.
Applicants: Stephentown Regulation Services LLC.
Description: Stephentown Regulation Services LLC submits tariff filing per 35: Stephentown FERC Electric MBR Tariff to be effective 12/14/2010.
Filed Date: 12/21/2010.
Accession Number: 20101221–5093.
Comment Date: 5 p.m. Eastern Time on Tuesday, January 11, 2011.

Docket Numbers: ER11–1895–001.
Applicants: ISO New England Inc.
Description: ISO New England Inc., submits tariff filing per 35.17(a): Withdrawal of Compliance Filing in Docket ER11–1895–001 to be effective 10/1/2010.
Filed Date: 12/21/2010.
Accession Number: 20101221–5072.
Comment Date: 5 p.m. Eastern Time on Tuesday, January 11, 2011.

Docket Numbers: ER11–2416–000.
Applicants: Cedar Creek II, LLC.
Description: Cedar Creek II, LLC submits tariff filing per 35.13(a)(2)(iii) Cotenancy Agreement to be effective 12/21/2010.
Filed Date: 12/20/2010.
Accession Number: 20101220–5157.
Comment Date: 5 p.m. Eastern Time on Monday, January 10, 2011.

Docket Numbers: ER11–2417–000.
Applicants: Westar Energy, Inc.
Description: Westar Energy, Inc. submits tariff filing per 35.13(a)(2)(iii): Kansas Electric Power Cooperative, Inc., to be effective 1/1/2011.
Filed Date: 12/20/2010.
Accession Number: 20101220–5161.
Comment Date: 5 p.m. Eastern Time on Monday, January 10, 2011.

Docket Numbers: ER11–2418–000.
Applicants: PJM Interconnection, L.L.C., Delmarva Power & Light Company.
Description: PJM Interconnection, L.L.C., submits tariff filing per 35.13(a)(2)(iii): Interconnection & Mutual Operating Agmt No. 2710 for Delmarva and City of Lewes to be effective 2/18/2011.
Filed Date: 12/20/2010.
Accession Number: 20101220–5162.
Comment Date: 5 p.m. Eastern Time on Monday, January 10, 2011.

Docket Numbers: ER11–2420–000.
Applicants: Western Massachusetts Electric Company.
Description: Western Massachusetts Electric Company submits tariff filing per 35.13(a)(2)(iii): Interconnection Agreement Between WMECO and Covanta Springfield LLC to be effective 1/1/2011.
Filed Date: 12/21/2010.
Accession Number: 20101221–5006.
Comment Date: 5 p.m. Eastern Time on Tuesday, January 11, 2011.

Docket Numbers: ER11–2421–000.
Applicants: Public Service Company of New Hampshire.
Description: Public Service Company of New Hampshire submits tariff filing per 35.13(a)(2)(iii): Interconnection Agreement between PSNH and Pinetree Power to be effective 1/1/2011.
Filed Date: 12/21/2010.
Accession Number: 20101221–5008.
Comment Date: 5 p.m. Eastern Time on Tuesday, January 11, 2011.

Docket Numbers: ER11–2422–000.
Applicants: Manitowoc Public Utilities.
Description: Manitowoc Public Utilities' Application to Amend Rate Schedule FERC No 2.
Filed Date: 12/20/2010.
Accession Number: 20101220–5247.
Comment Date: 5 p.m. Eastern Time on Monday, January 10, 2011.

Docket Numbers: ER11–2424–000.
Applicants: Pinetree Power-Tamworth, Inc.
Description: Pinetree Power-Tamworth, Inc. submits tariff filing per 35.12: Pinetree Power—Tamworth, Inc.—Filing of Initial Tariff to be effective 1/1/2011.
Filed Date: 12/21/2010.
Accession Number: 20101221–5029.
Comment Date: 5 p.m. Eastern Time on Tuesday, January 11, 2011.

Docket Numbers: ER11–2425–000.
Applicants: Southwest Power Pool, Inc.
Description: Southwest Power Pool, Inc. submits tariff filing per 35.13(a)(2)(iii): Revisions to Attachment M and N—Losses Election, to be effective 2/19/2011.
Filed Date: 12/21/2010.
Accession Number: 20101221–5030.
Comment Date: 5 p.m. Eastern Time on Tuesday, January 11, 2011.

Docket Numbers: ER11–2426–000.
Applicants: Duke Energy Carolinas, LLC.
Description: Duke Energy Carolinas, LLC submits tariff filing per 35: Attachment C Compliance Filing (Dkt. No. RM09–18) to be effective 4/1/2011.
Filed Date: 12/21/2010.
Accession Number: 20101221–5031.
Comment Date: 5 p.m. Eastern Time on Tuesday, January 11, 2011.

Docket Numbers: ER11–2427–000.
Applicants: ISO New England Inc., New England Power Pool Participants Committee.
Description: ISO New England Inc. submits tariff filing per 35.13(a)(2)(iii): Rev. Rel. to the Peak Energy Rent Feature of the FCM, to be effective 12/22/2010.
Filed Date: 12/21/2010.
Accession Number: 20101221–5034.
Comment Date: 5 p.m. Eastern Time on Tuesday, January 11, 2011.

Docket Numbers: ER11–2428–000.
Applicants: Southwest Power Pool, Inc.
Description: Southwest Power Pool, Inc. submits tariff filing per 35.13(a)(2)(iii). Revisions to Clarify Losses Calculation to be effective 3/1/2011.
Filed Date: 12/21/2010.
Accession Number: 20101221–5044.
Comment Date: 5 p.m. Eastern Time on Tuesday, January 11, 2011.

Docket Numbers: ER11–2429–000.
Applicants: Fowler Ridge Wind Farm LLC.
Description: Fowler Ridge Wind Farm LLC submits tariff filing per 35: Compliance Filing—Price Reporting Status to be effective N/A.
Filed Date: 12/21/2010.
Accession Number: 20101221–5047.
Comment Date: 5 p.m. Eastern Time on Tuesday, January 11, 2011.

Docket Numbers: ER11–2430–000.
Applicants: San Diego Gas & Electric Company.
Description: San Diego Gas & Electric Company submits tariff filing per 35.13(a)(2)(ii): SDG&E TRBAA/TACBAA Update to Transmission Owner Filing to be effective 1/1/2011.
Filed Date: 12/21/2010.
Accession Number: 20101221–5053.
Comment Date: 5 p.m. Eastern Time on Tuesday, January 11, 2011.

Docket Numbers: ER11–2431–000.
Applicants: Duke Energy Ohio, Inc.
Description: Notice of Cancellation of Duke Energy Ohio's First Revised Rate Schedule No. 63.

Filed Date: 12/21/2010.
Accession Number: 20101221–5062.
Comment Date: 5 p.m. Eastern Time on Tuesday, January 11, 2011.

Docket Numbers: ER11–2432–000.
Applicants: Duke Energy Ohio, Inc.
Description: Notice of Cancellation of Duke Energy Ohio's First Revised Rate Schedule No. 62.
Filed Date: 12/21/2010.
Accession Number: 20101221–5063.
Comment Date: 5 p.m. Eastern Time on Tuesday, January 11, 2011.

Docket Numbers: ER11–2434–000.
Applicants: Wisconsin Electric Power Company.
Description: Wisconsin Electric Power Company submits tariff filing per 35.13(a)(2)(iii): FERC Rate Schedule 115 Amended Service Agreement Filing to be effective 12/21/2010.
Filed Date: 12/21/2010.
Accession Number: 20101221–5077.
Comment Date: 5 p.m. Eastern Time on Tuesday, January 11, 2011.

Docket Numbers: ER11–2435–000.
Applicants: Public Service Company of Colorado.
Description: Public Service Company of Colorado submits tariff filing per 35.13(a)(2)(iii): 2010_12_21_286–PSCo_PRPA_RCA to be effective 12/22/2010.
Filed Date: 12/21/2010.
Accession Number: 20101221–5078.
Comment Date: 5 p.m. Eastern Time on Tuesday, January 11, 2011.

Docket Numbers: ER11–2436–000.
Applicants: Oracle Energy Services, LLC.
Description: Oracle Energy Services, LLC submits tariff filing per 35.12: Oracle Energy Services, LLC Initial Market-Based Rate. Tariff and Baseline to be effective 12/21/2010.
Filed Date: 12/21/2010.
Accession Number: 20101221–5082.
Comment Date: 5 p.m. Eastern Time on Tuesday, January 11, 2011.

Docket Numbers: ER11–2437–000.
Applicants: ABN Energy, LLC.
Description: ABN Energy, LLC submits tariff filing per 35.12: Market-Based Rate Initial Tariff Baseline to be effective 2/27/2011.
Filed Date: 12/21/2010.
Accession Number: 20101221–5084.
Comment Date: 5 p.m. Eastern Time on Tuesday, January 11, 2011.

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Nathaniel J. Davis, Sr.,
Deputy Secretary.

[FR Doc. 2010–33154 Filed 1–3–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

December 21, 2010.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER11–2438–000.
Applicants: ASC Energy Services, Inc.
Description: ASC Energy Services, Inc. submits tariff filing per 35.12: Market-Based Rate Initial Tariff Baseline to be effective 2/28/2011.
Filed Date: 12/21/2010.
Accession Number: 20101221–5085.
Comment Date: 5 p.m. Eastern Time on Tuesday, January 11, 2011.

Docket Numbers: ER11–2439–000.
Applicants: PacifiCorp.
Description: PacifiCorp submits tariff filing per 35.13(a)(2)(iii): WAPA–Black Hills Windstar Boundary Metering Agreement to be effective 12/31/2010.
Filed Date: 12/21/2010.
Accession Number: 20101221–5086.
Comment Date: 5 p.m. Eastern Time on Tuesday, January 11, 2011.

Docket Numbers: ER11–2440–000.
Applicants: Cleco Power LLC.
Description: Cleco Power LLC submits tariff filing per 35: Attachment C Compliance Filing to be effective 4/1/2011.
Filed Date: 12/21/2010.
Accession Number: 20101221–5090.
Comment Date: 5 p.m. Eastern Time on Tuesday, January 11, 2011.

Docket Numbers: ER11–2441–000.
Applicants: Cleco Power LLC.
Description: Cleco Power LLC submits tariff filing per 35: 2010.12.21 Attachment I to be effective 1/1/2011.
Filed Date: 12/21/2010.
Accession Number: 20101221–5109.
Comment Date: 5 p.m. Eastern Time on Tuesday, January 11, 2011.

Docket Numbers: ER11–2442–000.
Applicants: Cleco Power LLC.
Description: Cleco Power LLC submits tariff filing per 35: 2010.12.21 Attachment E to be effective 1/1/2011.
Filed Date: 12/21/2010.
Accession Number: 20101221–5110.
Comment Date: 5 p.m. Eastern Time on Tuesday, January 11, 2011.

Docket Numbers: ER11–2443–000.
Applicants: Portland General Electric Company.
Description: Portland General Electric Company submits tariff filing per 35: Order No. 739 Compliance Filing to be effective 12/21/2010.
Filed Date: 12/21/2010.
Accession Number: 20101221–5111.
Comment Date: 5 p.m. Eastern Time on Tuesday, January 11, 2011.

Docket Numbers: ER11–2444–000.
Applicants: PJM Interconnection, L.L.C., Virginia Electric and Power Company.
Description: PJM Interconnection, L.L.C. submits tariff filing per 35.13(a)(2)(iii): Virginia Electric and Power's Notice of Assignment of WDSA No. 2658 to be effective 11/18/2010.
Filed Date: 12/21/2010.

Accession Number: 20101221–5112.
Comment Date: 5 p.m. Eastern Time on Tuesday, January 11, 2011.

Docket Numbers: ER11–2445–000.
Applicants: San Diego Gas & Electric Company.
Description: San Diego Gas & Electric Company submits tariff filing per 35.13(a)(2)(ii): SDG&E RS Update to Transmission Owner Filing to be effective 12/21/2010 under ER11–02445–000 Filing Type: 340.
Filed Date: 12/21/2010.
Accession Number: 20101221–5142.
Comment Date: 5 p.m. Eastern Time on Tuesday, January 11, 2011.

Docket Numbers: ER11–2446–000.
Applicants: Blue Pilot Energy, LLC.
Description: Blue Pilot Energy, LLC submits tariff filing per 35.12: Blue Pilot Energy MBR Tariff to be effective 12/27/2010.
Filed Date: 12/21/2010.
Accession Number: 20101221–5146.
Comment Date: 5 p.m. Eastern Time on Tuesday, January 11, 2011.

Docket Numbers: ER11–2447–000.
Applicants: Pacific Northwest Generating Cooperative, Inc.
Description: Pacific Northwest Generating Cooperative, Inc. submits tariff filing per 35.1: Baseline Tariff Filing to be effective 12/21/2010.
Filed Date: 12/21/2010.
Accession Number: 20101221–5147.
Comment Date: 5 p.m. Eastern Time on Tuesday, January 11, 2011.

Docket Numbers: ER11–2448–000.
Applicants: NorthWestern Corporation.
Description: NorthWestern Corporation submits tariff filing per 35: Single Tariff Sheet Designating Revised Colstrip Project Transmission Agreement to be effective 12/21/2010.
Filed Date: 12/21/2010.
Accession Number: 20101221–5148.
Comment Date: 5 p.m. Eastern Time on Tuesday, January 11, 2011.

Docket Numbers: ER11–2449–000.
Applicants: Connecticut Gas & Electric, Inc.
Description: Connecticut Gas & Electric, Inc. submits tariff filing per 35.12: Connecticut Gas & Electric, Inc. Application for Market-Based Rates to be effective 2/15/2011.
Filed Date: 12/21/2010.
Accession Number: 20101221–5155.
Comment Date: 5 p.m. Eastern Time on Tuesday, January 11, 2011.

Docket Numbers: ER11–2450–000.
Applicants: PJM Interconnection, L.L.C.
Description: PJM Interconnection, L.L.C. submits tariff filing per 35.13(a)(2)(iii): WMPA No. 2708, Queue W1–059, Maurice Soussa and JCPL to be effective 11/24/2010.
Filed Date: 12/21/2010.
Accession Number: 20101221–5164.
Comment Date: 5 p.m. Eastern Time on Tuesday, January 11, 2011.

Docket Numbers: ER11–2451–000.
Applicants: California Independent System Operator Corporation.
Description: California Independent System Operator Corporation submits tariff filing per 35.13(a)(2)(iii): 2010–12–21 CAISO Service Agreement 1828 LGIA with Palen Solar II to be effective 12/22/2010.
Filed Date: 12/21/2010.
Accession Number: 20101221–5167.
Comment Date: 5 p.m. Eastern Time on Tuesday, January 11, 2011.

Docket Numbers: ER11–2452–000.
Applicants: Alabama Power Company.
Description: Alabama Power Company submits tariff filing per 35: Attachment C and Attachment O Compliance Filing to be effective 4/1/2011.
Filed Date: 12/21/2010.
Accession Number: 20101221–5172.
Comment Date: 5 p.m. Eastern Time on Tuesday, January 11, 2011.

Docket Numbers: ER11–2454–000.
Applicants: New York Independent System Operator, Inc.
Description: New York Independent System Operator, Inc. submits tariff filing per 35.13(a)(2)(iii): Section 205 Enhanced Shortage Pricing to be effective 3/15/2011.
Filed Date: 12/21/2010.
Accession Number: 20101221–5178.
Comment Date: 5 p.m. Eastern Time on Tuesday, January 11, 2011.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES11–10–000.
Applicants: Northwestern Corporation.
Description: NorthWestern's Response to FERC Staff Informal Requests and Renewed Request for Expedited Action.
Filed Date: 12/21/2010.
Accession Number: 20101221–5065.
Comment Date: 5 p.m. Eastern Time on Thursday, December 30, 2010.

Docket Numbers: ES11–12–000.
Applicants: PJM Interconnection L.L.C.
Description: Application of PJM Interconnection L.L.C. for an Order Authorizing the Issuance of Securities.
Filed Date: 12/21/2010.
Accession Number: 20101221–5131.
Comment Date: 5 p.m. Eastern Time on Tuesday, January 11, 2011.

Take notice that the Commission received the following open access transmission tariff filings:

Docket Numbers: OA11–3–000.
Applicants: Cedar Creek II, LLC.
Description: Cedar Creek II, LLC submits its Application for waivers of FERC's Open Access Transmission Tariff, OASIS, and Standards of Conduct requirements applicable to transmission providers.
Filed Date: 12/20/2010.
Accession Number: 20101220–5256.
Comment Date: 5 p.m. Eastern Time on Monday, January 10, 2011.

Take notice that the Commission received the following public utility holding company filings:

Docket Numbers: PH11–9–000.
Applicants: SteelRiver Infrastructure Partners LP.
Description: Form 65–B of SteelRiver Infrastructure Partners LP.
Filed Date: 12/20/2010.
Accession Number: 20101220–5258.
Comment Date: 5 p.m. Eastern Time on Monday, January 10, 2011.

Take notice that the Commission received the following electric reliability filings:

Docket Numbers: RR10–13–000.
Applicants: North American Electric Reliability Corporation.
Description: Compliance Filing of the North American Electric Reliability Corporation in Response to October 21, 2010 Order on 2011 Business Plans and Budgets.
Filed Date: 12/17/2010.
Accession Number: 20101217–5194.
Comment Date: 5 p.m. Eastern Time on Friday, January 7, 2011.

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Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2010–33153 Filed 1–3–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings # 1

December 22, 2010.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER05–717–017.
Applicants: Spring Canyon Energy LLC.
Description: Triennial Report of Spring Canyon Energy LLC.
Filed Date: 12/20/2010.
Accession Number: 20101220–5238.
Comment Date: 5 p.m. Eastern Time on Tuesday, February 22, 2011.

Docket Numbers: ER10–3234–002.
Applicants: Eagle Power Authority, Inc.
Description: Eagle Power Authority, Inc. submits tariff filing per 35: Energy Cooperative Association of Pennsylvania Baseline Filing to be effective 12/22/2010.
Filed Date: 12/22/2010.
Accession Number: 20101222–5226.
Comment Date: 5 p.m. Eastern Time on Wednesday, January 12, 2011.

Docket Numbers: ER11–2087–002.
Applicants: FC Landfill Energy, LLC.
Description: FC Landfill Energy, LLC submits tariff filing per 35: Baseline Amendment to be effective 11/12/2010.
Filed Date: 12/22/2010.
Accession Number: 20101222–5208.
Comment Date: 5 p.m. Eastern Time on Wednesday, January 12, 2011.

Docket Numbers: ER11–2154–001.
Applicants: Twin Eagle Resource Management, LLC.
Description: Twin Eagle Resource Management, LLC submits tariff filing per 35.17(b): Amendment to MBR Application to be effective 1/1/2011.
Filed Date: 12/22/2010.
Accession Number: 20101222–5185.
Comment Date: 5 p.m. Eastern Time on Wednesday, January 12, 2011.

Docket Numbers: ER01–2217–010.
Applicants: Sunrise Power Company, LLC.
Description: Supplemental Information to Updated Market Power Analysis of Sunrise Power Company, LLC.
Filed Date: 12/21/2010.
Accession Number: 20101221–5073.
Comment Date: 5 p.m. Eastern Time on Tuesday, January 11, 2011.

Docket Numbers: ER11–2309–001.
Applicants: Southwest Power Pool, Inc.
Description: Southwest Power Pool, Inc. submits tariff filing per 35.17(b): Amendment to Formula Update—Midwest to be effective 9/1/2010.
Filed Date: 12/22/2010.
Accession Number: 20101222–5155.
Comment Date: 5 p.m. Eastern Time on Wednesday, January 12, 2011.

Docket Numbers: ER11–2317–001.
Applicants: Southwest Power Pool, Inc.
Description: Southwest Power Pool, Inc. submits tariff filing per 35.17(b): Amendment to Formula Update—OG&E, NPPD, ITC, SPS, Westar to be effective 1/1/2011.
Filed Date: 12/22/2010.
Accession Number: 20101222–5175.
Comment Date: 5 p.m. Eastern Time on Wednesday, January 12, 2011.

Docket Numbers: ER11–2433–000.
Applicants: WM Renewable Energy, L.L.C.
Description: Requests for Limited Waiver of ISO New England Inc. Forward Capacity Market Auction Qualification Rules, Shortened Notice Period, and Expedited Decision of WM Renewable Energy, L.L.C.
Filed Date: 12/21/2010.
Accession Number: 20101221–5069.
Comment Date: 5 p.m. Eastern Time on Monday, January 3, 2011.

Docket Numbers: ER11–2455–000.
Applicants: Southern California Edison Company.
Description: Southern California Edison Company submits tariff filing per 35.13(a)(2)(iii): LGIA Palen Solar Power Project SA No. 98 to be effective 12/22/2010.
Filed Date: 12/21/2010.
Accession Number: 20101221–5179.
Comment Date: 5 p.m. Eastern Time on Tuesday, January 11, 2011.

Docket Numbers: ER11–2456–000.
Applicants: University of Pennsylvania.
Description: University of Pennsylvania submits tariff filing per 35.1: Baseline Tariff Filing to be effective 12/22/2010.
Filed Date: 12/21/2010.
Accession Number: 20101221–5180.
Comment Date: 5 p.m. Eastern Time on Tuesday, January 11, 2011.

Docket Numbers: ER11–2457–000.
Applicants: ESPI New England, Inc.
Description: ESPI New England, Inc. submits tariff filing per 35.13(a)(2)(iii): Massachusetts Gas & Electric, Inc. Market Based Rate Tariff to be effective 11/23/2010.
Filed Date: 12/21/2010.
Accession Number: 20101221–5181.
Comment Date: 5 p.m. Eastern Time on Tuesday, January 11, 2011.

Docket Numbers: ER11–2458–000.
Applicants: Southern California Edison Company.
Description: Southern California Edison Company submits tariff filing per 35.13(a)(2)(iii): Settlement LGIA Brea Power II Project SA No. 235 to be effective 5/29/2010.
Filed Date: 12/21/2010.
Accession Number: 20101221–5182.
Comment Date: 5 p.m. Eastern Time on Tuesday, January 11, 2011.

Docket Numbers: ER11–2459–000.
Applicants: New York Independent System Operator, Inc.
Description: New York Independent System Operator, Inc. submits tariff filing per 35.13(a)(2)(iii): Bidding and Scheduling of Energy, Ancillary Svcs and Transmission Svc in NYCA to be effective 3/12/2011.
Filed Date: 12/21/2010.
Accession Number: 20101221–5183.
Comment Date: 5 p.m. Eastern Time on Tuesday, January 11, 2011.

Docket Numbers: ER11–2460–000.
Applicants: PJM Interconnection, L.L.C.
Description: PJM Interconnection, L.L.C. submits tariff filing per 35: Revisions to Tariff Sec 4 and

Attachment C Implementing NAESB/NERC Standards to be effective 4/1/2011.

Filed Date: 12/21/2010.

Accession Number: 20101221–5185.

Comment Date: 5 p.m. Eastern Time on Tuesday, January 11, 2011.

Docket Numbers: ER11–2461–000.

Applicants: Southern California Edison Company.

Description: Southern California Edison Company submits tariff filing per 35.13(a)(2)(iii): Settlement Generation Tie-Line Agreement Brea Power II RS 481 to be effective 6/3/2010.

Filed Date: 12/22/2010.

Accession Number: 20101222–5000.

Comment Date: 5 p.m. Eastern Time on Wednesday, January 12, 2011.

Docket Numbers: ER11–2462–000.

Applicants: Big Horn Wind Project LLC.

Description: Big Horn Wind Project LLC submits tariff filing per 35.37: Revisions to Market-Based Rate Tariff to be effective 12/23/2010.

Filed Date: 12/22/2010.

Accession Number: 20101222–5011.

Comment Date: 5 p.m. Eastern Time on Wednesday, January 12, 2011.

Docket Numbers: ER11–2463–000.

Applicants: Big Horn II Wind Project LLC.

Description: Big Horn II Wind Project LLC submits tariff filing per 35.37: Revisions to Market-Based Rate Tariff to be effective 12/23/2010.

Filed Date: 12/22/2010.

Accession Number: 20101222–5012.

Comment Date: 5 p.m. Eastern Time on Wednesday, January 12, 2011.

Docket Numbers: ER11–2464–000.

Applicants: Colorado Green Holdings LLC.

Description: Colorado Green Holdings LLC submits tariff filing per 35.37: Revisions to Market-Based Rate Tariff to be effective 12/23/2010.

Filed Date: 12/22/2010.

Accession Number: 20101222–5013.

Comment Date: 5 p.m. Eastern Time on Wednesday, January 12, 2011.

Docket Numbers: ER11–2465–000.

Applicants: Hay Canyon Wind LLC.

Description: Hay Canyon Wind LLC submits tariff filing per 35.37: Revisions to Market-Based Rate Tariff to be effective 12/23/2010.

Filed Date: 12/22/2010.

Accession Number: 20101222–5014.

Comment Date: 5 p.m. Eastern Time on Wednesday, January 12, 2011.

Docket Numbers: ER11–2466–000.

Applicants: Juniper Canyon Wind Power LLC.

Description: Juniper Canyon Wind Power LLC submits tariff filing per 35.37: Revisions to Market-Based Rate Tariff to be effective 12/23/2010.

Filed Date: 12/22/2010.

Accession Number: 20101222–5015.

Comment Date: 5 p.m. Eastern Time on Wednesday, January 12, 2011.

Docket Numbers: ER11–2467–000.

Applicants: Klamath Energy LLC.

Description: Klamath Energy LLC submits tariff filing per 35.37: Revisions to Market-Based Rate Tariff to be effective 12/23/2010.

Filed Date: 12/22/2010.

Accession Number: 20101222–5016.

Comment Date: 5 p.m. Eastern Time on Wednesday, January 12, 2011.

Docket Numbers: ER11–2468–000.

Applicants: Klamath Generation LLC.

Description: Klamath Generation LLC submits tariff filing per 35.37: Revisions to Market-Based Rate Tariff to be effective 12/23/2010.

Filed Date: 12/22/2010.

Accession Number: 20101222–5017.

Comment Date: 5 p.m. Eastern Time on Wednesday, January 12, 2011.

Docket Numbers: ER11–2469–000.

Applicants: Klondike Wind Power LLC.

Description: Klondike Wind Power LLC submits tariff filing per 35.37: Revisions to Market-Based Rate Tariff to be effective 12/23/2010.

Filed Date: 12/22/2010.

Accession Number: 20101222–5018.

Comment Date: 5 p.m. Eastern Time on Wednesday, January 12, 2011.

Docket Numbers: ER11–2470–000.

Applicants: Klondike Wind Power II LLC.

Description: Klondike Wind Power II LLC submits tariff filing per 35.37: Revisions to Market-Based Rate Tariff to be effective 12/23/2010.

Filed Date: 12/22/2010.

Accession Number: 20101222–5019.

Comment Date: 5 p.m. Eastern Time on Wednesday, January 12, 2011.

Docket Numbers: ER11–2471–000.

Applicants: Klondike Wind Power III LLC.

Description: Klondike Wind Power III LLC submits tariff filing per 35.37: Revisions to Market-Based Rate Tariff to be effective 12/23/2010.

Filed Date: 12/22/2010.

Accession Number: 20101222–5020.

Comment Date: 5 p.m. Eastern Time on Wednesday, January 12, 2011.

Docket Numbers: ER11–2472–000.

Applicants: Leaning Juniper Wind Power II LLC.

Description: Leaning Juniper Wind Power II LLC submits tariff filing per 35.37: Revisions to Market-Based Rate Tariff to be effective 12/23/2010.

Filed Date: 12/22/2010.

Accession Number: 20101222–5021.

Comment Date: 5 p.m. Eastern Time on Wednesday, January 12, 2011.

Docket Numbers: ER11–2473–000.

Applicants: Pebble Springs Wind LLC.

Description: Pebble Springs Wind LLC submits tariff filing per 35.37: Revisions to Market-Based Rate Tariff to be effective 12/23/2010.

Filed Date: 12/22/2010.

Accession Number: 20101222–5022.

Comment Date: 5 p.m. Eastern Time on Wednesday, January 12, 2011.

Docket Numbers: ER11–2474–000.

Applicants: Star Point Wind Project LLC.

Description: Star Point Wind Project LLC submits tariff filing per 35.37: Revisions to Market-Based Rate Tariff to be effective 12/23/2010.

Filed Date: 12/22/2010.

Accession Number: 20101222–5024.

Comment Date: 5 p.m. Eastern Time on Wednesday, January 12, 2011.

Docket Numbers: ER11–2475–000.

Applicants: Twin Buttes Wind LLC.

Description: Twin Buttes Wind LLC submits tariff filing per 35.37: Revisions to Market-Based Rate Tariff to be effective 12/23/2010.

Filed Date: 12/22/2010.

Accession Number: 20101222–5028.

Comment Date: 5 p.m. Eastern Time on Wednesday, January 12, 2011.

Docket Numbers: ER11–2476–000.

Applicants: PJM Interconnection, L.L.C.

Description: Notice of Cancellation of Original Service Agreement No. 2513 submitted on behalf of PJM Interconnection, L.L.C.

Filed Date: 12/21/2010.

Accession Number: 20101221–5223.

Comment Date: 5 p.m. Eastern Time on Tuesday, January 11, 2011.

Docket Numbers: ER11–2477–000.

Applicants: Southern Company Services, Inc., Gulf Power Company.

Description: Filing of Updated Depreciation Rates by Southern Company Services, Inc., on behalf of Gulf Power Company.

Filed Date: 12/21/2010.

Accession Number: 20101221–5225.

Comment Date: 5 p.m. Eastern Time on Tuesday, January 11, 2011.

Docket Numbers: ER11–2478–000.

Applicants: Buchanan Generation, LLC.

Description: Buchanan Generation, LLC submits tariff filing per 35: Order No. 697 Compliance to be effective 2/22/2011.

Filed Date: 12/22/2010.

Accession Number: 20101222–5055.

Comment Date: 5 p.m. Eastern Time on Wednesday, January 12, 2011.

Docket Numbers: ER11–2479–000.
Applicants: Allegheny Energy Supply Company, LLC.
Description: Allegheny Energy Supply Company, LLC submits tariff filing per 35: Order No. 697 Compliance Filing to be effective 2/22/2011.
Filed Date: 12/22/2010.
Accession Number: 20101222–5070.
Comment Date: 5 p.m. Eastern Time on Wednesday, January 12, 2011.

Docket Numbers: ER11–2480–000.
Applicants: Green Valley Hydro, LLC.
Description: Green Valley Hydro, LLC submits tariff filing per 35: Order No. 697 Compliance Filing to be effective 2/22/2011.
Filed Date: 12/22/2010.
Accession Number: 20101222–5079.
Comment Date: 5 p.m. Eastern Time on Wednesday, January 12, 2011.

Docket Numbers: ER11–2481–000.
Applicants: Monongahela Power Company.
Description: Monongahela Power Company submits tariff filing per 35: Order No. 697 Compliance Filing to be effective 2/22/2011.
Filed Date: 12/22/2010.
Accession Number: 20101222–5090.
Comment Date: 5 p.m. Eastern Time on Wednesday, January 12, 2011.

Docket Numbers: ER11–2482–000.
Applicants: Casselman Windpower LLC.
Description: Casselman Windpower LLC submits tariff filing per 35.37: Revisions to Market-Based Rate Tariff to be effective 12/23/2010.
Filed Date: 12/22/2010.
Accession Number: 20101222–5091.
Comment Date: 5 p.m. Eastern Time on Wednesday, January 12, 2011.

Docket Numbers: ER11–2483–000.
Applicants: Hardscrabble Wind Power LLC.
Description: Hardscrabble Wind Power LLC submits tariff filing per 35.37: Revisions to Market-Based Rate Tariff to be effective 12/23/2010.
Filed Date: 12/22/2010.
Accession Number: 20101222–5092.
Comment Date: 5 p.m. Eastern Time on Wednesday, January 12, 2011.

Docket Numbers: ER11–2484–000.
Applicants: Lempster Wind, LLC.
Description: Lempster Wind, LLC submits tariff filing per 35.37: Revisions to Market-Based Rate Tariff to be effective 12/23/2010.
Filed Date: 12/22/2010.
Accession Number: 20101222–5093.
Comment Date: 5 p.m. Eastern Time on Wednesday, January 12, 2011.

Docket Numbers: ER11–2485–000.
Applicants: Locust Ridge Wind Farm, LLC.
Description: Locust Ridge Wind Farm, LLC submits tariff filing per 35.37: Revisions to Market-Based Rate Tariff to be effective 12/23/2010.
Filed Date: 12/22/2010.
Accession Number: 20101222–5094.
Comment Date: 5 p.m. Eastern Time on Wednesday, January 12, 2011.

Docket Numbers: ER11–2486–000.
Applicants: Locust Ridge Wind Farm II, LLC.
Description: Locust Ridge Wind Farm II, LLC submits tariff filing per 35.37: Revisions to Market-Based Rate Tariff to be effective 12/23/2010.
Filed Date: 12/22/2010.
Accession Number: 20101222–5095.
Comment Date: 5 p.m. Eastern Time on Wednesday, January 12, 2011.

Docket Numbers: ER11–2487–000.
Applicants: Providence Heights Wind, LLC.
Description: Providence Heights Wind, LLC submits tariff filing per 35.37: Revisions to Market-Based Rate Tariff to be effective 12/23/2010.
Filed Date: 12/22/2010.
Accession Number: 20101222–5096.
Comment Date: 5 p.m. Eastern Time on Wednesday, January 12, 2011.

Docket Numbers: ER11–2488–000.
Applicants: Streator-Cayuga Ridge Wind Power LLC.
Description: Streator-Cayuga Ridge Wind Power LLC submits tariff filing per 35.37: Revisions to Market-Based Rate Tariff to be effective 12/23/2010.
Filed Date: 12/22/2010.
Accession Number: 20101222–5098.
Comment Date: 5 p.m. Eastern Time on Wednesday, January 12, 2011.

Docket Numbers: ER11–2489–000.
Applicants: Hatchet Ridge Wind, LLC.
Description: Hatchet Ridge Wind, LLC submits tariff filing per 35.1: Hatchet Ridge Wind, LLC Rate Schedule FERC No. 1 to be effective 2/22/2011.
Filed Date: 12/22/2010.
Accession Number: 20101222–5107.
Comment Date: 5 p.m. Eastern Time on Wednesday, January 12, 2011.

Docket Numbers: ER11–2490–000.
Applicants: Tampa Electric Company.
Description: Tampa Electric Company submits tariff filing per 35.13(a)(2)(iii): Rate Schedule No. 93 with Progress Energy Florida to be effective 1/1/2011.
Filed Date: 12/22/2010.
Accession Number: 20101222–5108.
Comment Date: 5 p.m. Eastern Time on Wednesday, January 12, 2011.

Docket Numbers: ER11–2491–000.
Applicants: PJM Interconnection, L.L.C.
Description: PJM Interconnection, L.L.C. submits tariff filing per 35.13(a)(2)(iii): Revisions to the PJM Tariff Attachment Q regarding Peak Market Activity to be effective 3/1/2011.
Filed Date: 12/22/2010.
Accession Number: 20101222–5126.
Comment Date: 5 p.m. Eastern Time on Wednesday, January 12, 2011.

Docket Numbers: ER11–2492–000.
Applicants: PJM Interconnection, L.L.C.
Description: PJM Interconnection, L.L.C. submits tariff filing per 35.13(a)(2)(iii): Revisions to PJM Tariff Attach Q FTR Undiversified Credit Proposal to be effective 3/1/2011.
Filed Date: 12/22/2010.
Accession Number: 20101222–5188.
Comment Date: 5 p.m. Eastern Time on Wednesday, January 12, 2011.

Docket Numbers: ER11–2493–000.
Applicants: Mountain Wind Power, LLC.
Description: Mountain Wind Power, LLC submits tariff filing per 35: Mountain Wind Power, LLC Category Seller Request to be effective 12/23/2010.
Filed Date: 12/22/2010.
Accession Number: 20101222–5199.
Comment Date: 5 p.m. Eastern Time on Wednesday, January 12, 2011.

Docket Numbers: ER11–2494–000.
Applicants: Mountain Wind Power II LLC.
Description: Mountain Wind Power II LLC submits tariff filing per 35: Mountain Wind Power II LLC Category Seller Request to be effective 12/23/2010.
Filed Date: 12/22/2010.
Accession Number: 20101222–5205.
Comment Date: 5 p.m. Eastern Time on Wednesday, January 12, 2011.

Docket Numbers: ER11–2495–000.
Applicants: PPL Renewable Energy, LLC.
Description: PPL Renewable Energy, LLC submits tariff filing per 35: PPL Renewable Energy, LLC Northeast Triennial Market Power Update to be effective 12/23/2010.
Filed Date: 12/22/2010.
Accession Number: 20101222–5211.
Comment Date: 5 p.m. Eastern Time on Wednesday, January 12, 2011.

Docket Numbers: ER11–2496–000.
Applicants: Midwest Independent Transmission System Operator, Inc.
Description: Midwest Independent Transmission System Operator, Inc. submits tariff filing per 35.13(a)(2)(iii): Midwest ISO–PJM JOA to be effective 9/17/2010.
Filed Date: 12/22/2010.
Accession Number: 20101222–5222.
Comment Date: 5 p.m. Eastern Time on Wednesday, January 12, 2011.

Docket Numbers: ER11–2497–000.

Applicants: Great American Power, LLC.

Description: Great American Power, LLC submits tariff filing per 35.12: Petition for Approval of Initial Market-Based Rate Tariff to be effective 1/1/2011.

Filed Date: 12/22/2010.

Accession Number: 20101222–5231.

Comment Date: 5 p.m. Eastern Time on Wednesday, January 12, 2011.

Docket Numbers: ER11–2498–000.

Applicants: PacifiCorp.

Description: PacifiCorp submits tariff filing per 35: OATT Revised Attachments C and Q to be effective 4/1/2011.

Filed Date: 12/22/2010.

Accession Number: 20101222–5235.

Comment Date: 5 p.m. Eastern Time on Wednesday, January 12, 2011.

Docket Numbers: ER11–2499–000.

Applicants: New York Independent System Operator, Inc.

Description: New York Independent System Operator, Inc. submits tariff filing per 35.13(a)(2)(iii): LGIA Among NYISO, National Grid and Atlantic Wind to be effective 12/13/2010.

Filed Date: 12/22/2010.

Accession Number: 20101222–5262.

Comment Date: 5 p.m. Eastern Time on Wednesday, January 12, 2011.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St., NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2010–33151 Filed 1–3–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

December 23, 2010.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG11–42–000.

Applicants: Iberdrola Renewables, Inc.

Description: Self-Certification of EG or FC of Iberdrola Renewables, Inc.

Filed Date: 12/23/2010.

Accession Number: 20101223–5015.

Comment Date: 5 p.m. Eastern Time on Thursday, January 13, 2011.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER01–48–021.

Applicants: Powerex Corp.

Description: Powerex Corp. Notice of Non-Material Change in Status.

Filed Date: 12/22/2010.

Accession Number: 20101222–5302.

Comment Date: 5 p.m. Eastern Time on Wednesday, January 12, 2011.

Docket Numbers: ER11–16–001.

Applicants: Midwest Independent Transmission System Operator, Inc.

Description: Report of Midwest Independent Transmission System Operator, Inc.

Filed Date: 12/22/2010.

Accession Number: 20101222–5304.

Comment Date: 5 p.m. Eastern Time on Wednesday, January 12, 2011.

Docket Numbers: ER11–2414–000.

Applicants: Tampa Electric Company.

Description: Tampa Electric Company submits a notice of cancellation of the "Operating Agreement with Respect to Interconnection with Reedy Creek Improvement District *etc*,"

Filed Date: 12/20/2010.

Accession Number: 20101220–0202.

Comment Date: 5 p.m. Eastern Time on Monday, January 10, 2011.

Docket Numbers: ER11–2500–000.

Applicants: NorthWestern Corporation.

Description: NorthWestern Corporation submits tariff filing per35.13(a)(2)(iii): NorthWestern Corp. Revised Rate Schedule FERC No. 244 to be effective 12/22/2010.

Filed Date: 12/22/2010.

Accession Number: 20101222–5265.

Comment Date: 5 p.m. Eastern Time on Wednesday, January 12, 2011.

Docket Numbers: ER11–2501–000.

Applicants: Rolling Thunder I Power Partners, LLC.

Description: Rolling Thunder I Power Partners, LLC submits tariff filing Per35.13(a)(2)(iii): MBR Tariff Filing of Rolling Thunder I Power Partners, LLC to be effective 11/21/2011.

Filed Date: 12/23/2010.

Accession Number: 20101223–5000.

Comment Date: 5 p.m. Eastern Time on Thursday, January 13, 2011.

Docket Numbers: ER11–2502–000.

Applicants: Public Service Company of Colorado.

Description: Public Service Company of Colorado submits tariff filing per 35: 2010–12–23_Order676_E–729_Compliance to be effective 4/1/2011.

Filed Date: 12/23/2010.

Accession Number: 20101223–5030.

Comment Date: 5 p.m. Eastern Time on Thursday, January 13, 2011.

Docket Numbers: ER11–2503–000.

Applicants: California Independent System Operator Corporation.

Description: California Independent System Operator Corporation submits tariff filing per 35: 2010–12–23 CAISO's Petition for Limited Waiver of ISO Tariff to be effective N/A.

Filed Date: 12/23/2010.

Accession Number: 20101223–5055.

Comment Date: 5 p.m. Eastern Time on Thursday, January 13, 2011.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES11–9–000.

Applicants: ITC Midwest LLC.

Description: Update to Exhibits of ITC Midwest LLC.

Filed Date: 12/22/2010.

Accession Number: 20101222–5269.

Comment Date: 5 p.m. Eastern Time on Monday, January 3, 2011.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

As it relates to any qualifying facility filings, the notices of self-certification [or self-recertification] listed above, do not institute a proceeding regarding qualifying facility status. A notice of self-certification [or self-recertification] simply provides notification that the entity making the filing has determined the facility named in the notice meets the applicable criteria to be a qualifying facility. Intervention and/or protest do not lie in dockets that are qualifying facility self-certifications or self-recertifications. Any person seeking to challenge such qualifying facility status may do so by filing a motion pursuant to 18 CFR 292.207(d)(iii). Intervention and protests may be filed in response to notices of qualifying facility dockets other than self-certifications and self-recertifications.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St., NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2010–33150 Filed 1–3–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER11–2398–000]

Pan American Energy, LLC ; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

December 22, 2010.

This is a supplemental notice in the above-referenced proceeding of Pan American Energy, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is January 11, 2011.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2010–33152 Filed 1–3–11; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2010–1003; FRL–9247–3]

Inquiry To Learn Whether Businesses Assert Business Confidentiality Claims

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; request for comment.

SUMMARY: The Environmental Protection Agency (EPA) receives from time to time Freedom of Information Act (FOIA) requests for documentation received or issued by EPA or data contained in EPA database systems pertaining to the export and import of Resource Conservation and Recovery Act (RCRA) hazardous waste from/to the United States, the export of cathode ray tubes (CRTs) and spent lead acid batteries (SLABs) from the United States, and the export and import of RCRA universal waste from/to the United States. These documents and data may identify or reference multiple parties, and describe transactions involving the movement of specified materials in which the parties propose to participate or have participated. The purpose of this notice is to inform "affected businesses" about the documents or data sought by these types of FOIA requests in order to provide the businesses with the opportunity to assert claims that any of the information sought that pertains to

them is entitled to treatment as confidential business information (CBI), and to send comments to EPA supporting their claims for such treatment. Certain businesses, however, do not meet the definition of "affected business," and are not covered by today's notice. They consist of any business that actually submitted to EPA any document at issue pursuant to applicable RCRA regulatory requirements and did not assert a CBI claim as to information that pertains to that business in connection with the document at the time of its submission; they have waived their right to do so at a later time. Nevertheless, other businesses identified or referenced in the documents that were submitted to EPA by the submitting business may have a right to assert a CBI claim concerning information that pertains to them and may do so in response to this notice.

DATES: Comments must be received on or before February 3, 2011. The period for submission of comments may be extended if, before the comments are due, you make a request for an extension of the comment period and it is approved by the EPA legal office. Except in extraordinary circumstances, the EPA legal office will not approve such an extension without the consent of any person whose request for release of the information under the FOIA is pending.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OECA–2010–1003, by one of the following methods:

- *http://www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *E-mail: kreisler.eva@epa.gov.*
- *Address:* Eva Kreisler, International Compliance Assurance Division, Office of Federal Activities, Office of Enforcement and Compliance Assurance, Environmental Protection Agency, Mailcode: 2254A, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

Instructions: Direct your comments to Docket ID No. EPA–HQ–OECA–2010–1003. 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. Instructions about how to submit comments claimed as CBI are given later in this notice. 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. Please include your name and other contact information with any disk or CD–ROM you submit by mail. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.*

Docket: All documents in the docket are listed in the *http://www.regulations.gov* index.

Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy at the HQ EPA Docket Center, EPA/DC, EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The 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 Public Reading Room is (202) 566–1744, and the telephone number for the docket for this notice is (202) 566–1752.

FOR FURTHER INFORMATION CONTACT: Eva Kreisler, International Compliance Assurance Division, Office of Federal Activities, Office of Enforcement and Compliance Assurance, Environmental Protection Agency, Mailcode: 2254A, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 564–8186; e-mail address: *kreisler.eva@epa.gov.*

SUPPLEMENTARY INFORMATION: Today's notice relates to any documents or data in the following areas: (1) Export of Resource Conservation and Recovery Act (RCRA) hazardous waste under 40 CFR part 262, subparts E and H; (2) import of RCRA hazardous waste under 40 CFR part 262, subparts F and H; (3) transit of RCRA hazardous waste under 40 CFR part 262, subpart H, through the United States and foreign countries; (4) export of cathode ray tubes under 40 CFR part 261, subpart E; (5) exports of non-crushed spent lead acid batteries with intact casings under 40 CFR part 266 subpart G; (6) export and import of RCRA universal waste under 40 CFR part 273, subparts B, C, D, and F; (7) submissions from transporters under 40 CFR part 263, or from treatment, storage or disposal facilities under 40 CFR parts 264 and 265, related to exports or imports of hazardous waste, including receiving facility notices under 40 CFR 264.12(a)(1) and 265.12(a)(1) and import consent documentation under 40 CFR 264.71(a)(3) and 265.71(a)(3).

I. General Information

EPA has previously published notices similar to this one in the **Federal Register**, the latest one being at 75 FR 4812, July 30, 2010, that address issues similar to those raised by today's notice. The Agency did not receive any comments on the previous notices. Since the publication of the July 30, 2010, notice, the Agency has continued to receive FOIA requests for documents and data contained in EPA's database related to hazardous waste exports and imports.

II. Issues Covered by This Notice

Specifically, EPA receives FOIA requests from time to time for documentation or data related to hazardous waste exports and imports that may identify or reference multiple parties, and that describe transactions involving the movement of specified materials in which the parties propose to participate or have participated. This notice informs "affected businesses," [1] which could include, among others, "transporters" [2] and "consignees," [3] of the requests for information in EPA database systems and/or contained in one or more of the following documents: (1) Documents related to the export of Resource Conservation and Recovery Act (RCRA) hazardous waste under 40 CFR part 262, subparts E and H,

[1] The term "affected business" is defined at 40 CFR 2.201(d), and is set forth in this notice, below.

[2] The term "transporter" is defined at 40 CFR 260.10.

[3] The term "consignee" is defined, for different purposes, at 40 CFR 262.51 and 262.81(c).

including but not limited to the "notification of intent to export," [4] "manifests," [5] "annual reports," [6] "EPA acknowledgements of consent," [7] "any subsequent communication withdrawing a prior consent or objection," [8] "responses that neither consent nor object," "exception reports," [9] "transit notifications," [10] and "renotifications;" [11] (2) documents related to the import of hazardous waste under 40 CFR part 262, subparts F and H, including but not limited to notifications of intent to import hazardous waste into the U.S. from foreign countries; (3) documents related to the transit of hazardous waste under 40 CFR part 262, subpart H, including notifications from U.S. exporters of intent to transit through foreign countries, or notifications from foreign countries of intent to transit through the U.S.; (4) documents related to the export of cathode ray tubes (CRTs) under 40 CFR part 261, subpart E, including but not limited to notifications of intent to export CRTs; (5) documents related to the export of non-crushed spent lead acid batteries (SLABs) with intact casings under 40 CFR part 266 subpart G, including but not limited to notifications of intent to export SLABs; (6) submissions from transporters under 40 CFR part 263, or from treatment, storage or disposal facilities under 40 CFR parts 264 and 265, related to exports or imports of hazardous waste, including receiving facility notices under 40 CFR 264.12(a)(1) and 265.12(a)(1) and import consent documentation under 40 CFR 264.71(a)(3) and 265.71(a)(3), and (7) documents related to the export and import of RCRA "universal waste" [12] under 40 CFR part 273, subparts B, C, D, and F.

Certain businesses, however, do not meet the definition of "affected business," and are not covered by today's notice. They consist of any business that actually submitted information responsive to a FOIA request, under the authority of 40 CFR parts 260 through 266 and 268, and did not assert a claim of business confidentiality covering any of that information at the time of submission. As set forth in the RCRA regulations at 40 CFR 260.2(b), "if no such [business confidentiality] claim accompanies the information when it is received by EPA, it may be made available to the public without further notice to the person submitting it." Thus, for purposes of this notice and as a general matter under 40 CFR 260.2(b), a business that submitted to EPA the documents at issue, pursuant to applicable regulatory requirements, and that failed to assert a claim as to information that pertains to it at the time of submission, cannot later make a confidentiality claim.[13] Nevertheless, other businesses identified or referenced in the same documents that were submitted to EPA by the submitting business may have a right to assert a CBI claim concerning information that pertains to them and may do so in response to this notice.

In addition, EPA may develop its own documents and organize into its database systems information that was originally contained in documents from submitting businesses relating to exports and imports of hazardous waste. If a submitting business fails to assert a CBI claim for the documents it submits to EPA at the time of submission, not only does it waive its right to claim CBI for those documents, but it also waives its right to claim CBI for information in EPA's documents or databases that is based on or derived from the documents that were originally submitted by that business.[14]

In accordance with 40 CFR 2.204(c) and (e), this notice inquires whether any affected business asserts a claim that any of the requested information constitutes CBI, and affords such business an opportunity to comment to EPA on the issue. This notice also informs affected businesses that, if a claim is made, EPA would determine under 40 CFR part 2, subpart B, whether any of the requested information is entitled to confidential treatment.

1. Affected Businesses

EPA's FOIA regulations at 40 CFR 2.204(c)(1) require an EPA office that is responsible for responding to a FOIA request for the release of business information ("EPA office") "to determine which businesses, if any, are affected businesses * * *." "Affected business" is defined at 40 CFR 2.201(d) as, "* * * with reference to an item of business information, a business which has asserted (and not waived or withdrawn) a business confidentiality claim covering the information, or a business which could be expected to make such a claim if it were aware that disclosure of the information to the public was proposed."

2. The Purposes of This Notice

This notice encompasses two distinct steps in the process of communication with affected businesses prior to EPA's making a final determination concerning the confidentiality of the information at issue: The preliminary inquiry and the notice of opportunity to comment.

a. Inquiry To Learn Whether Affected Businesses (Other Than Those Businesses That Previously Asserted a CBI Claim) Assert Claims Covering Any of the Requested Information

Section 2.204(c)(2)(i) provides, in relevant part:

If the examination conducted under paragraph (c)(1) of this section discloses the existence of any business which, although it has not asserted a claim, might be expected to assert a claim if it knew EPA proposed to disclose the information, the EPA office shall contact a responsible official of each such business to learn whether the business asserts a claim covering the information.

b. Notice of Opportunity To Submit Comments

Sections 2.204(d)(1)(i) and 2.204(e)(1) of Title 40 of the Code of Federal Regulations require that written notice be provided to businesses that have made claims of business confidentiality for any of the information at issue, stating that EPA is determining under 40 CFR part 2, subpart B, whether the information is entitled to confidential treatment, and affording each business an opportunity to comment as to the reasons why it believes that the information deserves confidential treatment.

3. The Use of Publication in the **Federal Register**

Section 2.204(e)(1) of Title 40 of the Code of Federal Regulations requires that this type of notice be furnished by

[4] The term "notification of intent to export" is described at 40 CFR 262.53.

[5] The term "manifest" is defined at 40 CFR 260.10.

[6] The term "annual reports" is described at 40 CFR 262.56.

[7] The term "EPA acknowledgement of consent" is defined at 40 CFR 262.51.

[8] The requirement to forward to the exporter "any subsequent communication withdrawing a prior consent or objection" is found at 42 U.S.C. 6938(e)

[9] The term "exception reports" is described at 40 CFR 262.55.

[10] The term "transit notifications" is described at 40 CFR 262.53(e).

[11] The term "renotifications" is described at 40 CFR 262.53(c).

[12] The term "universal waste" is defined at 40 CFR 273.9.

[13] However, businesses having submitted information to EPA relating to the export and import of RCRA universal waste are not subject to 40 CFR 260.2(b) since they submitted information in accordance with 40 CFR part 273, and not parts 260 through 266 and 268, as set forth in 40 CFR 260.2(b). They are therefore affected businesses that could make a claim of CBI at the time of submission or in response to this notice.

[14] With the exception, noted above, of the submission of information relating to the export and import of RCRA universal waste.

certified mail (return receipt requested), by personal delivery, or by other means which allows verification of the fact and date of receipt. EPA, however, has determined that in the present circumstances the use of a **Federal Register** notice is the only practical and efficient way to contact affected businesses and to furnish the notice of opportunity to submit comments. The Agency's decision to follow this course was made in recognition of the administrative difficulty and impracticality of directly contacting potentially thousands of individual businesses.

4. Submission of Your Response in the English Language

All responses to this notice must be in the English language.

5. The Effect of Failure To Respond to This Notice

In accordance with 40 CFR 2.204(e)(1) and 2.205(d)(1), EPA will construe your failure to furnish timely comments in response to this notice as a waiver of your business's claim(s) of confidentiality for any information in the types of documents identified in this notice.

6. What To Include in Your Comments

If you believe that any of the information contained in the types of documents which are described in this notice and which are currently, or may become, subject to FOIA requests, is entitled to confidential treatment, please specify which portions of the information you consider confidential. Information not specifically identified as subject to a confidentiality claim may be disclosed to the requestor without further notice to you.

For each item or class of information that you identify as being subject to your claim, please answer the following questions, giving as much detail as possible:

1. For what period of time do you request that the information be maintained as confidential, *e.g.,* until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.

2. Information submitted to EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question no. 1?

3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?

4. Is the information contained in any publicly available material such as the Internet, publicly available data bases, promotional publications, annual reports, or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?

5. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.

6. For each category of information claimed as confidential, explain with specificity why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?

7. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If the business asserts that the information is voluntarily submitted information, please explain whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.

8. Any other issue you deem relevant.

Please note that you bear the burden of substantiating your confidentiality claim. Conclusory allegations will be given little or no weight in the determination. If you wish to claim any of the information in your response as confidential, you must mark the response "CONFIDENTIAL" or with a similar designation, and must bracket all text so claimed. Information so designated will be disclosed by EPA only to the extent allowed by, and by means of, the procedures set forth in, 40 CFR part 2, subpart B. If you fail to claim the information as confidential, it may be made available to the requestor without further notice to you.

III. What should I consider as I prepare my comments for EPA?

1. Submitting CBI. Do not submit this information to EPA through *http://www.regulations.gov* or e-mail. Please submit this information by mail to the address identified in the **ADDRESSES** section of today's notice for inclusion in the non-public CBI docket. 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 as CBI and then identify electronically within the disk or CD ROM the specific information that is claimed as CBI. Information so marked will not be disclosed except in accordance with the procedures set forth in 40 CFR part 2, subpart B. In addition to the submission of 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.

2. Tips for Preparing Your Comments. When submitting comments, remember to:

- Identify the notice by docket number and other identifying information (subject heading, **Federal Register** date and page number).
- Explain your views as clearly as possible, avoiding the use of profanity or personal threats.
- Describe any assumptions and provide any technical information and/or data that you used.
- Provide specific examples to illustrate your concerns, and suggest alternatives.
- Make sure to submit your comments by the comment period deadline identified.

Dated: December 20, 2010.

Susan E. Bromm,

Director, Office of Federal Activities.

[FR Doc. 2010–33188 Filed 1–3–11; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2009–0879; FRL–8860–5]

Exposure Modeling Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: An Exposure Modeling Public Meeting (EMPM) will be held for one day on January 11, 2011. This notice announces the location and time for the meeting and sets forth the tentative agenda topics.

DATES: The meeting will be held on January 11, 2011 from 9 a.m. to 12:30 p.m. To request accommodation of a disability, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**, preferably prior to the meeting, to give EPA as much time as possible to process your request.

ADDRESSES: The meeting will be held at the Environmental Protection Agency, Office of Pesticide Programs (OPP), One Potomac Yard (South Building), 4th Floor South Conference Room (S–4370/80), 2777 S. Crystal Drive, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Chuck Peck, Environmental Fate and Effects Division (7507P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 347–8064; fax number: (703) 305–6309; e-mail address: *peck.charles@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 required to conduct testing of chemical substances under the Toxic Substances Control Act (TSCA), the Federal Food, Drug, and Cosmetic Act (FFDCA), or the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this 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. How can I get copies of this document and other related information?

EPA has established a docket for this action under docket ID number EPA–HQ–OPP–2009–0879. Publicly available docket materials are available either 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 hours of operation of this Docket Facility are from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket Facility telephone number is (703) 305–5805.

II. Background

On a biannual interval, an Exposure Modeling Public Meeting will be held for presentation and discussion of current issues in modeling pesticide fate, transport, and exposure of risk assessment in a regulatory context. Meeting dates and abstract requests are announced through the "empmlist" forum on the LYRIS list server at *https://lists.epa.gov/read/all_forums/.*

III. How can I request to participate in this meeting?

You may submit a request to participate in this meeting to the person listed under **FOR FURTHER INFORMATION CONTACT**. Do not submit any information in your request that is considered CBI. Requests to participate in the meeting, identified by docket ID number EPA–HQ–OPP–2009–0879, must be received 3 days after January 4, 2011.

IV. Tentative Topics for the Meeting

Tentative topics for the meeting will include presentations related to the spatial context of terrestrial exposure modeling. Specifically, presentations will include the following:

- Estimation of confidence intervals for metabolite degradation rates.
- Developments in terrestrial exposure modeling.
- Determining the fate and transport of pesticides in the Chesapeake Bay region.
- Habitat classification for ecological risk assessments using aerial photography and GIS data.
- Dermal contact, movement, and amphibian pesticide exposure.

List of Subjects

Environmental protection, modeling, monitoring, pesticides.

Dated: December 28, 2010.

Arthur-Jean Williams,

Acting Director, Environmental Fate and Effects Division, Office of Pesticide Programs.

[FR Doc. 2010–33202 Filed 1–3–11; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9247–4]

Public Water Supply Supervision Program; Program Revision for the State of Washington

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of tentative approval.

SUMMARY: Notice is hereby given that the State of Washington has revised its approved State Public Water Supply Supervision Primacy Program. Washington has adopted a definition for public water system that is analogous to EPA's definition of public water system, and has adopted regulations analogous to EPA's Consumer Confidence Report Rule, Interim Enhanced Surface Water Treatment Rule, Stage 1 Disinfectants and Disinfection Byproducts Rule, Lead and Copper Minor Revisions Rule, Public Notification Rule, Radionuclides Rule, Arsenic Rule, Filter Backwash Rule, Long Term 1 Enhanced Surface Water Treatment Rule, Variance and Exemptions Rule, Stage 2 Disinfectants and Disinfection Byproducts Rule, Long Term 2 Enhanced Surface Water Treatment Rule, and Ground Water Rule. EPA has determined that these revisions are no less stringent than the corresponding Federal regulations. Therefore, EPA intends to approve these State program revisions. By approving these rules, EPA does not intend to affect the rights of Federally recognized Indian Tribes within "Indian country" as defined by 18 U.S.C. 1151, nor does it intend to limit existing rights of the State of Washington.

DATES: All interested parties may request a public hearing. A request for a public hearing must be submitted by February 3, 2011 to the Regional Administrator at the EPA address shown below. Frivolous or insubstantial requests for a hearing may be denied by the Regional Administrator. However, if a substantial request for a public hearing is made by February 3, 2011, a public hearing will be held. If no timely and appropriate request for a hearing is received and the Regional Administrator does not elect to hold a hearing on his own motion, this determination shall become final and effective on February 3, 2011. Any request for a public hearing shall include the following information: (1) The name, address, and telephone number of the individual, organization, or other entity requesting a hearing; (2) a brief statement of the requesting person's interest in the Regional Administrator's determination and a brief statement of the information that the requesting person intends to submit at such hearing; (3) the signature of the individual making the request, or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

ADDRESSES: All documents relating to this determination are available for inspection between the hours of 9 a.m. and 4 p.m., Monday through Friday, at the Washington Department of Health-Office of Drinking Water, 243 Israel Road SE., 2nd floor, Tumwater, Washington 98501 and between the hours of 9 a.m.–12 p.m. and 1–4 p.m. at the EPA Region 10 Library, 1200 Sixth Avenue, Seattle, Washington 98101.

FOR FURTHER INFORMATION CONTACT: Wendy Marshall, EPA Region 10, Drinking Water Unit, by mail at the Seattle address given above, by telephone at (206) 553–1890, or by e-mail at *marshall.wendy@epa.gov.*

Authority: Section 1420 of the Safe Drinking Water Act, as amended (1996), and 40 CFR Part 142 of the National Primary Drinking Water Regulations.

Dated: December 22, 2010.

Dennis J. McLerran,

Regional Administrator, Region 10.

[FR Doc. 2010–33192 Filed 1–3–11; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Centers for Disease Control and Prevention (CDC)

Office of State, Tribal, Local and Territorial Support (OSTLTS)

In accordance with Presidential Executive Order No. 13175, November 6, 2000, and the Presidential Memorandum of November 5, 2009 and September 23, 2004, Consultation and Coordination with Indian Tribal Governments, CDC, OSTLTS announces the following meeting and Tribal Consultation Session:

Name: Tribal Consultation Advisory Committee (TCAC) Meeting and 6th Biannual Tribal Consultation Session

Times and Dates:

8:30 a.m.–5 p.m., February 1–2, 2011 (TCAC Meeting)

8:30 a.m.–5 p.m., February 3, 2011 (6th Biannual Tribal Consultation Session)

Place: CDC, 1600 Clifton Road, NE., Building 21, Atlanta, Georgia 30333.

Status: The TCAC meeting is open to the public. Attendance at the Tribal Consultation meeting is by special invitation to the American Indian/Alaska Native (AI/AN) Tribal Leaders from across the nation. Visitors must be processed in accordance with established federal policies and procedures. All visitors are required to present a valid form of picture identification issued by a state or federal government. The meeting room accommodates approximately 100 people.

Purpose: CDC released their Tribal Consultation Policy in October of 2005 with the primary purpose of providing guidance across the agency to work effectively with AI/AN tribes, communities, and organizations to enhance AI/AN access to CDC resources and programs. In November of 2006, an Agency Advisory Committee (CDC/Agency for Toxic Substances and Disease Registry Tribal Consultation Advisory Committee—TCAC) was established to provide a complementary venue wherein tribal representatives and CDC staff have the opportunity to exchange information about public health issues in Indian Country, identifying urgent public health needs in AI/AN communities, and discuss collaborative approaches to these issues and needs. Within the CDC Consultation Policy, it is stated that CDC will conduct government-to-government consultation with elected tribal officials or their designated representatives and also confer with AI/AN organizations and AI/AN urban and rural communities before taking actions and or making decisions that affect them. Consultation is designed to be an enhanced form of communication that emphasizes trust, respect, and shared responsibility. It is an open and free exchange of information and opinion among parties that leads to mutual understanding and comprehension. CDC believes that consultation is integral to a deliberative process that results in effective collaboration and informed decision making with the ultimate goal of reaching consensus on issues. Although formal responsibility for the agency's overall government-to-government consultation activities rests within the OSTLTS, leadership of other CDC Centers, Institutes and Offices shall actively participate in TCAC meetings and HHS-sponsored regional and national tribal consultation sessions as frequently as possible.

Matters to be Discussed: The TCAC will convene their advisory committee meeting with discussions and presentations by various CDC senior leaders on activities and areas identified by TCAC members and other tribal leaders as priority public health issues. The Biannual Tribal Consultation Session will engage CDC Senior leadership from the Office of the Director and various CDC Centers, Institutes and Offices. Opportunities will be provided during the consultation session for tribal testimony. Tribal Leaders are encouraged to submit written testimony by close of business on January 15, 2011, to the contact person listed below.

It may be necessary to limit the time of each presenter due to the availability of time.

The agenda is subject to change as priorities dictate.

Information on previous TCAC and Tribal Consultation meetings is available at web link *http://www.cdc.gov/ostlts/tribal_public_health/index.html.*

Contact Person for More Information: Kimberly Cantrell, Senior Tribal Liaison for Policy and Evaluation, OSTLTS, CDC, 4770 Buford Highway, MS E–19, Atlanta, Georgia 30341, telephone (404) 498–0411, e-mail: *KLW6@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 the Centers for Disease Control and Prevention, and the Agency for Toxic Substances and Disease Registry.

Dated: December 27, 2010.

Andre Tyler,

Acting Director, Management Analysis and Services Office Centers for Disease Control and Prevention.

[FR Doc. 2010–33126 Filed 1–3–11; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Minority HIV/AIDS Research Initiative (MARI) To Build Capacity in Black and Hispanic Communities and Among Black and Hispanic Researchers To Conduct HIV/AIDS Epidemiologic and Prevention Research, Funding Opportunity Announcement (FOA), PS11–003, 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 a.m.–5 p.m., March 14, 2011 (Closed)

8 a.m.–5 p.m., March 15, 2011 (Closed)

Place: Sheraton Gateway Hotel Atlanta Airport, 1900 Sullivan Road, Atlanta, Georgia 30337, Telephone: (770)997–1100.

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 Public Law 92–463.

Matters to be Discussed: The meeting will include the initial review, discussion, and evaluation of applications received in response to "Minority HIV/AIDS Research Initiative (MARI) to Build Capacity in Black and Hispanic Communities and Among Black and Hispanic Researchers to Conduct HIV/AIDS Epidemiologic and Prevention Research, FOA PS11–003, initial review."

Contact Person for More Information: Amy Yang, Ph.D., Scientific Review Officer, CDC, 1600 Clifton Road, NE., Mailstop E60, Atlanta, Georgia 30333, Telephone: (404) 498–2733. 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 the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: December 20, 2010.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2010–33124 Filed 1–3–11; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2009–N–0296]

Agency Information Collection Activities; Announcement of Office of Management and Budget Approval; Food Labeling Regulations

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a collection of information entitled "Food Labeling Regulations" has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT: Denver Presley, Jr., Office of Information Management, Food and Drug Administration, 1350 Piccard Dr., PI50–400B, Rockville, MD 20850, 301–796–3793.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of July 15, 2010 (75 FR 41207), the Agency announced that the proposed information collection had been submitted to OMB for review and clearance under 44 U.S.C. 3507. 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. OMB has now approved the information collection and has assigned OMB control number 0910–0381. The approval expires on December 31, 2013. A copy of the supporting statement for this information collection is available on the Internet at *http://www.reginfo.gov/public/do/PRAMain.*

Dated: December 27, 2010.

David Dorsey,

Acting Deputy Commissioner for Policy, Planning and Budget.

[FR Doc. 2010–33212 Filed 1–3–11; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2010–N–0374]

Agency Information Collection Activities; Announcement of Office of Management and Budget Approval; Petition To Request an Exemption From 100 Percent Identity Testing of Dietary Ingredients; Current Good Manufacturing Practice in Manufacturing, Packaging, Labeling, or Holding Operations for Dietary Supplements

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a collection of information entitled "Petition to Request an Exemption From 100 Percent Identity Testing of Dietary Ingredients; Current Good Manufacturing Practice in Manufacturing, Packaging, Labeling, or Holding Operations for Dietary Supplements" has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT: Denver Presley, Jr., Office of Information Management, Food and Drug Administration, 1350 Piccard Dr., PI50–400B, Rockville, MD 20850, 301–796–3793.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of September 30, 2010 (75 FR 60463), the Agency announced that the proposed information collection had been submitted to OMB for review and clearance under 44 U.S.C. 3507. 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. OMB has now approved the information collection and has assigned OMB control number 0910–0608. The approval expires on December 31, 2013. A copy of the supporting statement for this information collection is available on the Internet at *http://www.reginfo.gov/public/do/PRAMain.*

Dated: December 27, 2010.

David Dorsey,

Acting Deputy Commissioner for Policy, Planning and Budget.

[FR Doc. 2010–33209 Filed 1–3–11; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2010–N–0373]

Agency Information Collection Activities; Announcement of Office of Management and Budget Approval; Preparing a Claim of Categorical Exclusion or an Environmental Assessment for Submission to the Center for Food Safety and Applied Nutrition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a collection of information entitled "Preparing a Claim of Categorical Exclusion or an Environmental Assessment for Submission to the Center for Food Safety and Applied Nutrition" has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT: Denver Presley, Jr., Office of Information Management, Food and Drug Administration, 1350 Piccard Dr., PI50–400B, Rockville, MD 20850. 301–796–3793.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of September 28, 2010 (75 FR 59722), the Agency announced that the proposed information collection had been submitted to OMB for review and clearance under 44 U.S.C. 3507. 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. OMB has now approved the information collection and has assigned OMB control number 0910–0541. The approval expires on December 31, 2013. A copy of the supporting statement for this information collection is available on the Internet at *http://www.reginfo.gov/public/do/PRAMain.*

Dated: December 27, 2010.

David Dorsey,

Acting Deputy Commissioner for Policy, Planning and Budget.

[FR Doc. 2010–33210 Filed 1–3–11; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; 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 materials, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Neurological Disorders and Stroke Initial Review Group, NST–1 Subcommittee.

Date: January 31–February 1, 2011.

Time: 8 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites Hotel, 1250 22nd Street, NW., Washington, DC 20037.

Contact Person: Raul A. Saavedra, PhD, Scientific Review Officer, Scientific Review Branch, NINDS/NIH/DHHS, Neuroscience Center, 6001 Executive Blvd., Suite 3208, MSC 9529, Bethesda, MD 20892–9529. 301–496–9223. *saavedrr@ninds.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: December 27, 2010.

Anna P. Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–33230 Filed 1–3–11; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Research Resources; 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 Center for Research Resources Special Emphasis Panel.

Date: February 15, 2011.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Washington/Rockville, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Steven Birken, PhD, Scientific Review Officer, Office of Review, National Center For Research Resources, National Institutes of Health, 6701 Democracy Blvd., Dem. 1, Room 1078, MSC 4874, Bethesda, MD 20892–4874, 301–435–0815, *birkens@mail.nih.gov.*

Name of Committee: National Center for Research Resources Special Emphasis Panel; CTSA I.

Date: February 16–17, 2011.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Washington/Rockville, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Mohan Viswanathan, PhD, Deputy Director, Office of Review, National Center for Research Resources, National Institutes of Health, 6701 Democracy Blvd., Dem. 1, Room 1084, MSC 4874, Bethesda, MD 20892–4874, 301–435–0829, *mv10f@nih.gov.*

Name of Committee: National Center for Research Resources Special Emphasis Panel; CTSA II.

Date: February 22–23, 2011.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Rockville, 1750 Rockville Pike, Plaza I, Rockville, MD 20852.

Contact Person: Guo Zhang, PhD, Scientific Review Officer, National Center for Research Resources, or National Institutes of Health, 6701 Democracy Blvd., 1 Democracy Plaza, Room 1064, MSC 4874, Bethesda, MD 20892–4874, 301–435–0812, *zhanggu@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research; 93.371, Biomedical Technology; 93.389, Research Infrastructure, 93.306, 93.333; 93.702, ARRA Related Construction Awards, National Institutes of Health, HHS)

Dated: December 28, 2010.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–33236 Filed 1–3–11; 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 Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of meetings of the National Diabetes and Digestive and Kidney Diseases Advisory Council.

The meetings will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

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 Diabetes and Digestive and Kidney Diseases Advisory Council.

Date: February 16, 2011.

Open: 8:30 a.m. to 12 p.m.

Agenda: To present the Director's Report and other scientific presentations.

Place: National Institutes of Health, Building 31, 31 Center Drive, Conference Room 10, Bethesda, MD 20892.

Closed: 4:15 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Building 31, 31 Center Drive, Conference Room 10, Bethesda, MD 20892.

Contact Person: Brent B. Stanfield, PhD, Director, Division of Extramural Activities, National Institutes of Diabetes and Digestive and Kidney Diseases, 6707 Democracy Blvd. Room 715, Msc 5452, Bethesda, MD 20892, (301) 594–8843, *stanfibr@niddk.nih.gov.*

Name of Committee: National Diabetes and Digestive and Kidney Diseases Advisory Council; Digestive Diseases and Nutrition Subcommittee.

Date: February 16, 2011.

Open: 1 p.m. to 2:30 p.m.

Agenda: To review the Division's scientific and planning activities.

Place: National Institutes of Health, Building 31, 31 Center Drive, Conference Room 6, Bethesda, MD 20892.

Closed: 2:30 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications and/or proposals.

Place: National Institutes of Health, Building 31, 31 Center Drive, Conference Room 6, Bethesda, MD 20892.

Contact Person: Brent B. Stanfield, PhD, Director, Division of Extramural Activities, National Institutes of Diabetes and Digestive and Kidney Diseases, 6707 Democracy Blvd. Room 715, Msc 5452, Bethesda, MD 20892, (301) 594–8843, *stanfibr@niddk.nih.gov*.

Name of Committee: National Diabetes and Digestive and Kidney Diseases Advisory Council; Kidney, Urologic, and Hematologic Diseases Subcommittee.

Date: February 16, 2011.

Open: 1 p.m. to 2:30 p.m.

Agenda: To review the Division's scientific and planning activities.

Place: National Institutes of Health, Building 31, 31 Center Drive, Conference Room 7, Bethesda, MD 20892.

Closed: 2:30 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Building 31, 31 Center Drive, Conference Room 7, Bethesda, MD 20892.

Contact Person: Brent B. Stanfield, PhD, Director, Division of Extramural Activities, National Institutes of Diabetes and Digestive and Kidney Diseases, 6707 Democracy Blvd. Room 715, Msc 5452, Bethesda, MD 20892, (301) 594–8843, *stanfibr@niddk.nih.gov*.

Name of Committee: National Diabetes and Digestive and Kidney Diseases Advisory Council; Diabetes, Endocrinology, and Metabolic Diseases Subcommittee.

Date: February 16, 2011.

Open: 1 p.m. to 2:30 p.m.

Agenda: To review the Division's scientific and planning activities.

Place: National Institutes of Health, Building 31, 31 Center Drive, Conference Room 10, Bethesda, MD 20892.

Closed: 2:30 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Building 31, 31 Center Drive, Conference Room 10, Bethesda, MD 20892.

Contact Person: Brent B. Stanfield, PhD, Director, Division of Extramural Activities, National Institutes of Diabetes and Digestive and Kidney Diseases, 6707 Democracy Blvd. Room 715, Msc 5452, Bethesda, MD 20892, (301) 594–8843, *stanfibr@niddk.nih.gov*.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: *http://www.niddk.nih.gov/fund/divisions/DEA/Council/coundesc.htm.*, where an agenda and any additional information for the meeting will be posted when available.

(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: December 28, 2010

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–33240 Filed 1–3–11; 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; BTRC P41 Review.

Date: February 22–23, 2011.

Time: 6 p.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: The River Inn, 924 25th Street, NW., Washington, DC 20037.

Contact Person: Manana Sukhareva, Ph.D., Scientific Review Officer, National Institute of Biomedical Imaging and Bioengineering, National Institutes of Health, 6707 Democracy Boulevard, Suite 959, Bethesda, MD 20892, 301–451–3397, *sukharem@mail.nih.gov.*

Dated: December 28, 2010.

Anna P. Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–33237 Filed 1–3–11; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Research Resources; 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: Scientific and Technical Review Board on Biomedical and Behavioral Research Facilities.

Date: March 1–3, 2011.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Washington/Rockville, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Barbara J. Nelson, PhD, cientific Review Officer, National Center for Research Resources, OR, National Institutes of Health, 6701 Democracy Blvd., 1 Democracy Plaza, Room 1080, MSC 4874, Bethesda, MD 20892–4874. 301–435–0806.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research; 93.371, Biomedical Technology; 93.389, Research Infrastructure, 93.306, 93.333; 93.702, ARRA Related Construction Awards., National Institutes of Health, HHS)

Dated: December 28, 2010.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–33235 Filed 1–3–11; 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: Oncology 2—Translational Clinical Integrated Review Group; Radiation Therapeutics and Biology Study Section.
Date: January 24–25, 2011.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Bo Hong, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6194, MSC 7804, Bethesda, MD 20892, 301–996–6208, *hongb@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Cardiac Arrythmias.
Date: January 28, 2011.
Time: 2:30 p.m. to 4:30 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: Maqsood A. Wani, DVM, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2114, MSC 7814, Bethesda, MD 20892, 301–435–2270, *wanimaqs@csr.nih.gov*.

Name of Committee: Genes, Genomes, and Genetics Integrated Review Group; Molecular Genetics B Study Section.
Date: February 1–2, 2011.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Pier 5 Hotel, 711 Eastern Avenue, Baltimore, MD 21202.
Contact Person: Richard A Currie, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5128, MSC 7840, Bethesda, MD 20892, (301) 435–1219, *currieri@csr.nih.gov*.

Name of Committee: Cardiovascular and Respiratory Sciences Integrated Review Group; Lung Cellular, Molecular, and Immunobiology Study Section.
Date: February 1–2, 2011.
Time: 8 a.m. to 6 p.m.
Agenda: To review and evaluate grant applications.
Place: Admiral Fell Inn, 888 South Broadway, Baltimore, MD 21231.
Contact Person: George M Barnas, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2180, MSC 7818, Bethesda, MD 20892, 301–435–0696, *barnasg@csr.nih.gov*.

Name of Committee: Integrative, Functional and Cognitive Neuroscience Integrated Review Group; Somatosensory and Chemosensory Systems Study Section.
Date: February 1–2, 2011.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Sheraton Delfina Santa Monica Hotel, 530 West Pico Boulevard, Santa Monica, CA 90405.
Contact Person: M Catherine Bennett, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5182, MSC 7846, Bethesda, MD 20892, 301–435–1766, *bennettc3@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Pilot and Feasibility Studies in Digestive Diseases and Nutrition.
Date: February 1–2, 2011.
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: Peter J. Perrin, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2180, MSC 7818, Bethesda, MD 20892, (301) 435–0682, *perrinp@csr.nih.gov.*

Name of Committee: Population Sciences and Epidemiology Integrated Review Group; Behavioral Genetics and Epidemiology Study Section.
Date: February 2, 2011.
Time: 8 a.m. to 6 p.m.
Agenda: To review and evaluate grant applications.
Place: Sir Francis Drake Hotel, 450 Powell Street at Sutter, San Francisco, CA 94102.
Contact Person: Suzanne Ryan, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3139, MSC 7770, Bethesda, MD 20892, (301) 435–1712, *ryansj@csr.nih.gov.*

Name of Committee: Integrative, Functional and Cognitive Neuroscience Integrated Review Group; Cognitive Neuroscience Study Section.
Date: February 2, 2011.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Sheraton Delfina Santa Monica Hotel, 530 West Pico Boulevard, Santa Monica, CA 90405.
Contact Person: Kirk Thompson, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5184, MSC 7844, Bethesda, MD 20892, 301–435–1242, *kgt@mail.nih.gov.*

Name of Committee: Musculoskeletal, Oral and Skin Sciences Integrated Review Group; Arthritis, Connective Tissue and Skin Study Section.
Date: February 2–3, 2011.
Time: 8:30 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Bethesda North Marriott Hotel & Conference Center, 5701 Marinelli Road, Bethesda, MD 20852.
Contact Person: Aftab A Ansari, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4108, MSC 7814, Bethesda, MD 20892, (301) 594–6376, *ansaria@csr.nih.gov.*

Name of Committee: Surgical Sciences, Biomedical Imaging and Bioengineering Integrated Review Group; Surgery, Anesthesiology and Trauma Study Section.
Date: February 2–3, 2011.
Time: 1 p.m. to 2 p.m.
Agenda: To review and evaluate grant applications.
Place: Hilton Washington DC/Rockville Hotel, 1750 Rockville Pike, Rockville, MD 20852.
Contact Person: Weihua Luo, MD, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5114, MSC 7854, Bethesda, MD 20892, (301) 435–1170, *luow@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Collaborative: Behavioral Genetics and Epidemiology Linked Applications.
Date: February 2, 2011.
Time: 3 p.m. to 6 p.m.
Agenda: To review and evaluate grant applications.
Place: Sir Francis Drake Hotel, 450 Powell Street at Sutter, San Francisco, CA 94102.
Contact Person: Suzanne Ryan, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3139, MSC 7770, Bethesda, MD 20892, (301) 435–1712, *ryansj@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: December 28, 2010.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–33231 Filed 1–3–11; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the Vaccine Research Center Board of Scientific Counselors, NIAID.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and

evaluation of individual intramural programs and projects conducted by the NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Vaccine Research Center Board of Scientific Counselors, NIAID.

Date: January 27–28, 2011.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: National Institutes of Health, 40 Convent Drive, Bethesda, MD 20892.

Contact Person: Gary J Nabel, MD, PhD, Director, Vaccine Research Center, NIAID/NIH, 40 Convent Drive, Bldg 40, Room 4502, Bethesda, MD 20892, 401–496–1852, *gnabel@niaid.nih.gov*.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: December 28, 2010.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–33233 Filed 1–3–11; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Risk Prevention and Health Behavior.

Date: January 12, 2011.

Time: 2 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Stacey FitzSimmons, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3114, MSC 7808, Bethesda, MD 20892, 301–451–9956, *fitzsimmonss@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Healthcare Delivery and Methodologies.

Date: January 13, 2011.

Time: 11 a.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Tomas Drgon, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3152, MSC 7770, Bethesda, MD 20892, 301–435–1017, *tdrgon@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Special Topic: Tissue and Nanomaterials Technologies.

Date: January 19, 2011.

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: Malgorzata Klosek, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4188, MSC 7849, Bethesda, MD 20892, (301) 435–2211, *klosekm@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR–08–224: Systems Sciences.

Date: January 20, 2011.

Time: 11 a.m. to 2 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: Tomas Drgon, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3152, MSC 7770, Bethesda, MD 20892, 301–435–1017, *tdrgon@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Social Sciences and Population Studies.

Date: January 24, 2011.

Time: 3:30 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: Denise Wiesch, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3150, MSC 7770, Bethesda, MD 20892, (301) 435–0684, *wieschd@csr.nih.gov.*

Name of Committee: Oncology 1—Basic Translational Integrated Review Group; Tumor Progression and Metastasis Study Section.

Date: January 27–28, 2011.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Latham Hotel, 3000 M Street, NW., Washington, DC 20007.

Contact Person: Rolf Jakobi, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6187, MSC 7806, Bethesda, MD 20892, 301–495–1718, *jakobir@mail.nih.gov.*

Name of Committee: Biological Chemistry and Macromolecular Biophysics Integrated Review Group; Synthetic and Biological Chemistry B Study Section.

Date: February 1–2, 2011.

Time: 8:30 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: The Westin St. Francis, 335 Powell Street, San Francisco, CA 94102.

Contact Person: Kathryn M Koeller, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4166, MSC 7806, Bethesda, MD 20892, 301–435–2681, *koellerk@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: December 28, 2010.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–33232 Filed 1–3–11; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5376–C–122]

Notice of Submission of Proposed Information Collection to OMB; Notice of Proposed Information Collection for Public Comment Mortgage Record Change

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice of proposed information collection.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for emergency review and approval, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

The Mortgage Record Change information is used by FHA-approved mortgagees to comply with HUD requirements for reporting the sale of a mortgage between investors and/or the transfer of the mortgage servicing responsibility, as appropriate.

A thirty day **Federal Register** notice was published on Wednesday, December 15, 2010. However, the burden calculations were incorrect. Therefore, this notice is to alert the public of the correct burden hours for this information collection package.

DATES: *Comments Due Date:* February 3, 2011.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments must be received within thirty (30) days from the date of this Notice. Comments should refer to the proposal by name/or OMB approval number (2502–0422) and should be sent to: Ross A. Rutledge, HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; e-mail: *Ross.A.Rutledge@omb.eop.gov*; Fax: 202–395–3086.

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Departmental Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410; e-mail *Colette.Pollard@HUD.gov* telephone (202) 402–3400. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that the Department of Housing and Urban Development has submitted to OMB a request for approval of the Information collection described below. This notice is soliciting comments from members of the public and affecting agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Mortgage Record Change.

Description of the Need for the Information and Its Proposed Use: The Mortgage Record Change information is used by FHA-approved mortgagees to comply with HUD requirements for reporting the sale of a mortgage between investors and/or the transfer of the mortgage servicing responsibility, as appropriate.

OMB Control Number: 2502–0422.

Form Numbers: None.

Frequency of Submission: On occasion.

Reporting Burden: The number of burden hours is 250,000. The number of respondents is 6,500, the number of responses is 2,500,000, the frequency of response is on occasion, and the burden hour per response is 0.1.

Status: Extension without change of a currently approved collection.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C. chapter 35, as amended.

Dated: December 27, 2010.

Colette Pollard,

Departmental Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2010–33213 Filed 1–3–11; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5377–N–06]

Notice of Proposed Information Collection for Public Comment on the Housing Opportunities for Persons With AIDS (HOPWA) Program: Annual Performance Reporting Requirements and Competitive/Renewal Grant Budget Summary Forms

AGENCY: Office of the Assistant Secretary for Community Planning and Development, Office of HIV/AIDS Housing.

ACTION: Notice of proposed information collection.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* March 7, 2011.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name or OMB Control number and should be sent to: Collette Pollard, Paperwork Reduction Act Officer, Office of Chief Information Officer, Department of Housing and Urban Development, 451 7th Street, SW., Room 4178, Washington, DC 20410–5000; telephone (202) 402–3400 (this is not a toll-free number) or e-mail Ms. Pollard *Collette.Pollard@hud.gov* for a copy of the proposed forms, or other available information.

FOR FURTHER INFORMATION CONTACT: David Vos, Director, Office of HIV/AIDS Housing, U.S. Department of Housing and Urban Development, 451 7th Street, SW., Room 7212, Washington, DC 20410; telephone (202) 402–4620 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: The Department will submit the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended). This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of

information; (3) enhance the quality, utility, and clarity of the information to be collected; and (4) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: HOPWA Annual Performance Reporting Requirements and Competitive/Renewal Grant Budget Summary Forms.

Description of the need for the information and proposed use: These forms provide HUD with vital information to assess program evaluation and measure performance outcomes for the Housing Opportunities for Persons with AIDS (HOPWA) program. Competitive/Renewal grant recipients submit an Annual Progress Report (APR) and Formula grantees submit the Consolidated Annual Performance and Evaluation Report (CAPER). These annual reports provide HUD with information about program beneficiaries in addition to enabling HUD to assess the success of the HOPWA program through the three performance goals of housing stability, prevention of homelessness, and access to care and support. Information collected in the reports allows HUD to fulfill reporting requirements for internal reporting requirements, the Office of Management and Budget (OMB), and other entities.

OMB Control number: 2506–0133

Agency form number: HUD–40110–B HOPWA Competitive and Renewal of Permanent Supportive Housing Project Budget Summary; HUD–40110–C Annual Progress Report (APR); and HUD–40110–D Consolidated Annual Performance and Evaluation Report (CAPER).

Members of affected public: Formula and competitive grant recipients of the Housing Opportunities for Persons with AIDS (HOPWA) program.

Estimation of the total number of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: APR (96 respondents and total annual responses × 55 hours per response = 5,280 hours) + CAPER (124 respondents and total annual responses × 40 hours per response = 4,960 hours) + HOPWA Competitive & Renewal of Permanent Supportive Housing Project Budget Summary (35 respondents and total annual responses × 12 hours per response = 420 hours) + Recordkeeping (255 respondents and total annual responses × 60 hours per response = 15,300) + Grant amendments and extensions (20 respondents and total annual responses × 20 hours per response = 400 hours) + Uniform relocation act appeals process (2 respondents and total annual responses × 8 hours per response = 16 hours) + Environmental Review Recordkeeping (10 respondents and total annual responses × 24 hours per response = 240 hours) = 26,616 hours.

Status of the proposed information collection: Revision of currently approved paperwork collection requirements, OMB number 2506–0133.

Authority: Section 3506 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: November 1, 2010.

Jeanne Van Vlandren,

Acting General Deputy Assistant Secretary for Community Planning and Development.

[FR Doc. 2010–33216 Filed 1–3–11; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5376–C–123]

Notice of Submission of Proposed Information Collection to OMB; HUD Conditional Commitment/Direct Endorsement Statement of Appraised Value

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

The information is used by appraisers and/or underwriters upon their review of the appraisal report (USAR) to determine if a property meets FHA guidelines to be eligible for HUD mortgage insurance. Underwriters are required to sign and submit a copy of the completed form to HUD for endorsement as part of the case binder; to provide a copy to the homebuyer; and to maintain a copy for the mortgagee.

A thirty day **Federal Register** notice was published on Wednesday, December 15, 2010. However, the burden calculations were incorrect. Therefore, this notice is to alert the public of the correct burden hours for this information collection package.

DATES: *Comments Due Date: February 3, 2011.*

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB approval Number (2502–0494) and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806. E-mail: *OIRA_Submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; e-mail Colette Pollard at *Colette.Pollard@hud.gov* or telephone (202) 402–3400. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that the Department of Housing and Urban Development has submitted to OMB a request for approval of the Information collection described below. This notice is soliciting comments from members of the public and affecting agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This notice also lists the following information:

Title of Proposal: HUD Conditional Commitment/Direct Endorsement Statement of Appraised Value.

OMB Approval Number: 2502–0494.

Form Numbers: HUD–92800.5B.

Description of the Need for the Information and its Proposed Use

The information is used by appraisers and/or underwriters upon their review of the appraisal report (USAR) to determine if a property meets FHA guidelines to be eligible for HUD mortgage insurance. Underwriters are required to sign and submit a copy of the completed form to HUD for

endorsement as part of the case binder; to provide a copy to the homebuyer; and to maintain a copy for the mortgagee.

Frequency of Submission: On occasion.

Reporting Burden: The number of burden hours is 680. The number of respondents is 5,668, the number of responses is 5,668, the frequency of response is on occasion, and the burden hour per response is .12 hours.

Status: Revision of a currently approved collection.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: December 27, 2010.

Colette Pollard,

Departmental Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2010–33211 Filed 1–3–11; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5472–N–01]

Notice of Availability: Notice of Funding Availability (NOFA) for Fiscal Year 2010; Historically Black Colleges and Universities (HBCU) Program

AGENCY: Office of the Chief of the Human Capital Officer, HUD.

ACTION: Notice.

SUMMARY: HUD announces the availability on its Web site of the applicant information, submission deadlines, funding criteria, and other requirements for HUD's FY 2010 Historically Black Colleges and Universities (HBCU) program. The Notice of Funding Availability (NOFA) announces a second round of funding this Fiscal Year 2010. This NOFA is governed by the information and instructions found in HUD's Fiscal Year 2010 Notice of Funding Availability (NOFA) Policy Requirements and General Section that HUD issued on June 7, 2010. The purpose of the HBCU program is to assist historically black colleges and universities to expand their role and effectiveness in addressing community development needs in their localities, including neighborhood revitalization, housing, and economic development, principally for persons of low- and moderate-income.

The notice providing information regarding the application process, funding criteria and eligibility requirements can be found using the Department of Housing and Urban Development agency link on the Grants.gov/Find Web site at *http://www.grants.gov/search/agency.do.* A link to Grants.gov is also available on the HUD Web site at *http://www.hud.gov/offices/adm/grants/fundsavail.cfm.* The Catalogue of Federal Domestic Assistance (CFDA) number for this program is 14.520. Applications must be submitted electronically through *Grants.gov.*

FOR FURTHER INFORMATION CONTACT: Questions regarding specific program requirements should be directed to the agency contact identified in the program NOFA. Program staff will not be available to provide guidance on how to prepare the application. Questions regarding the 2010 General Section should be directed to the Office of Grants Management and Oversight at (202) 708–0667 or the NOFA Information Center at 800–HUD–8929 (toll free). Persons with hearing or speech impairments may access these numbers via TTY by calling the Federal Information Relay Service at 800–877–8339.

Dated: December 29, 2010.

Barbara S. Dorf,

Director, Office of Departmental Grants Management and Oversight, Office of the Chief Human Capital Officer.

[FR Doc. 2010–33204 Filed 1–3–11; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5415–N–35]

Notice of Availability: Notice of Funding Availability (NOFA) for HUD's Fiscal Year (FY) 2010 Rural Innovation Fund Program

AGENCY: Office of the Chief of the Human Capital Officer, HUD.

ACTION: Notice.

SUMMARY: HUD announces the availability on its Web site of the applicant information, submission deadlines, funding criteria, and other requirements for HUD's FY 2010 Rural Innovation Fund Program NOFA. Specifically, this NOFA announces the availability of approximately $25 million made available under the Consolidated Appropriations, 2010, in Rural Innovation grant funds, along with unobligated and unused funds remaining for the Rural Fund's predecessor program, the Rural Housing and Economic Development (RHED) program appropriated by the Department of Housing and Urban Development Appropriations Act, 2009, and prior appropriations Acts. In total, this NOFA announces the availability of approximately $25.75 million in funding. The purpose of this program NOFA is to fund local rural nonprofit organizations, community development corporations, federally recognized Indian tribes, state housing finance agencies (HFAs), and state economic development and community development agencies (including consortia of such entities) with demonstrated capacity to undertake comprehensive projects that address the problems of concentrated rural housing distress and community poverty.

The notice providing information regarding the application process, funding criteria and eligibility requirements can be found using the Department of Housing and Urban Development agency link on the *Grants.gov*/Find Web site at *http://www.grants.gov/search/agency.do.* A link to *Grants.gov* is also available on the HUD Web site at *http://www.hud.gov/offices/adm/grants/fundsavail.cfm.* The Catalogue of Federal Domestic Assistance (CFDA) number for this program is 14.263. Applications must be submitted electronically through *Grants.gov.*

FOR FURTHER INFORMATION CONTACT: Questions regarding specific program requirements should be directed to the agency contact identified in the program NOFA. Program staff will not be available to provide guidance on how to prepare the application. Questions regarding the 2010 General Section should be directed to the Office of Grants Management and Oversight at (202) 708–0667 or the NOFA Information Center at 800–HUD–8929 (toll free). Persons with hearing or speech impairments may access these numbers via TTY by calling the Federal Information Relay Service at 800–877–8339.

Dated: December 28, 2010.

Barbara S. Dorf,

Director, Office of Departmental Grants Management and Oversight, Office of the Chief of the Human Capital Officer.

[FR Doc. 2010–33218 Filed 1–3–11; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5415–N–30]

Notice of Availability: Notice of Funding Availability (NOFA) for Fiscal Year 2010; Technical Assistance and Capacity Building Under the Transformation Initiative; Request for Qualifications

AGENCY: Office of the Chief of the Human Capital Officer, HUD.

ACTION: Notice.

SUMMARY: HUD announces the availability on its Web site of the applicant information, submission deadlines, funding criteria, and other requirements for HUD's Fiscal Year 2010 Notice of Funding Availability (NOFA) for Technical Assistance and Capacity Building under the Transformation Initiative. The OneCPD Integrated Practitioner Assistance System (OneCPD) represents a fundamental change in the way HUD's traditional "program-specific" technical assistance has been structured and delivered over the years to state and local government grantees, and nonprofits. Beyond improving the effectiveness of current technical assistance efforts by adopting a "cross-program" approach, OneCPD is intended as a collaborative effort among HUD, our state and local partners and successful applicants focused on building the kind of grantee management systems and functional capacity necessary to successfully carry out comprehensive and sustainable "place-based" development and revitalization strategies.

The notice providing information regarding the application process, funding criteria and eligibility requirements can be found using the Department of Housing and Urban Development agency link on the Grants.gov/Find Web site at *http://www.grants.gov/search/agency.do.* A link to Grants.gov is also available on the HUD Web site at *http://www.hud.gov/offices/adm/grants/fundsavail.cfm.* The Catalogue of Federal Domestic Assistance (CFDA) number for this program is 14.259. Applications must be submitted electronically through Grants.gov.

FOR FURTHER INFORMATION CONTACT: Questions regarding specific program requirements should be directed to the agency contact identified in the program NOFA. Program staff will not be available to provide guidance on how to prepare the application. Questions regarding the 2010 General Section should be directed to the Office of Grants Management and Oversight at (202) 708–0667 or the NOFA Information Center at 800–HUD–8929 (toll free). Persons with hearing or speech impairments may access these numbers via TTY by calling the Federal Information Relay Service at 800–877–8339.

Dated: December 29, 2010.

Barbara S. Dorf,

Director, Office of Departmental Grants Management and Oversight, Office of the Chief Human Capital Officer.

[FR Doc. 2010–33205 Filed 1–3–11; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management, Regulation and Enforcement

Notice of Scoping Meetings on the Environmental Impact Statement (EIS) for the Proposed 2012–2017 Outer Continental Shelf (OCS) Oil and Gas Leasing Program

AGENCY: Bureau of Ocean Energy Management, Regulation and Enforcement (BOEMRE), Interior.

ACTION: Notice of scoping meetings and request for comments.

SUMMARY: BOEMRE (formerly Minerals Management Service) provided notice in the **Federal Register** on April 2, 2010, (75 FR 16828) of its intent to prepare a Programmatic EIS for the proposed OCS Oil and Gas Leasing Program for 2012–2017 and request for comments. The notice also announced that scoping meetings would be held during June and early July 2010 in coastal states bordering the Mid and South Atlantic; Western, Central, and a portion of the Eastern Gulf of Mexico; and at several locations in Alaska. Subsequently, on June 30, 2010, the Secretary of the Interior Ken Salazar announced that the scoping meetings were postponed until later in 2010 because of the need for BOEMRE to focus on reviewing and evaluating safety and environmental requirements of offshore drilling in response to the Deepwater Horizon incident and that a new public comment period would later be announced. On December 1, 2010, the Secretary announced an updated oil and gas leasing strategy for the OCS. Consistent with the Secretary's direction to proceed with caution and focus on leasing in areas with current active leases, the area in the Eastern Gulf of Mexico that remains under a congressional moratorium, and the Mid and South Atlantic planning areas are no longer under consideration for potential sales and development through 2017. Therefore, meetings will not be held in these areas. The Western Gulf of Mexico, Central Gulf of Mexico, and the Cook Inlet, Chukchi Sea, and Beaufort Sea areas offshore Alaska will continue to be considered for potential leasing in the 2012–2017 OCS Program.

Scoping Meetings

Pursuant to the regulations implementing the procedural provisions of the National Environmental Policy Act (42 U.S.C. 4321, *et seq.*), BOEMRE will hold public scoping meetings on the Draft Programmatic EIS for the proposed 2012–2017 5-Year OCS Oil and Gas Leasing Program (Programmatic EIS). (*See,* 40 CFR 1501.7). The dates and locations of the Programmatic EIS public scoping meetings are as follows:

- Houston, Texas, Tuesday, February 15, 2011, Houston Airport Marriott at George Bush Intercontinental, 18700 John F. Kennedy Boulevard, Houston, Texas, 1 p.m. (This scoping meeting will also accept comments on the lease sale EIS addressing Central and Western Gulf of Mexico sales included in the 2012–2017 OCS 5-Year Program.)
- New Orleans, Louisiana, Wednesday, February 16, 2011, New Orleans Airport Hilton, 901 Airline Drive, Kenner, Louisiana, 1 p.m. (This scoping meeting will also accept comments on the lease sale EIS addressing Central and Western Gulf of Mexico sales included in the 2012–2017 OCS 5-Year Program.)
- Mobile, Alabama, Thursday, February 17, 2011, Five Rivers—Alabama's Delta Resource Center, 30945 Five Rivers Boulevard, Spanish Fort, Alabama, 1 p.m. (This scoping meeting will also accept comments on the lease sale EIS addressing Central and Western Gulf of Mexico sales included in the 2012–2017 OCS 5-Year Program.)
- Kotzebue, Alaska, Monday, February 14, 2011, Kotzebue Middle/High School, 7 p.m.
- Point Hope, Alaska, Tuesday, February 15, 2011, Point Hope School Library, 7 p.m.
- Point Lay, Alaska, Wednesday, February 16, 2011, Point Lay Community Center, 7 p.m.
- Wainwright, Alaska, Thursday, February 17, 2011, Alak School Library, 7 p.m.
- Barrow, Alaska, Monday, February 21, 2011, Inupiat Heritage Center, 7 p.m.
- Nuiqsut, Alaska, Tuesday, February 22, 2011, Nuiqsut Community Center, 7 p.m.

• Kaktovik, Alaska, Wednesday, February 23, 2011, Kaktovik Community Center, 7 p.m.

• Washington, DC/Dulles, Virginia, Thursday, February 24, 2011, Washington, DC/Dulles Airport Marriott, 45020 Aviation Drive, Dulles, Virginia, 1 p.m.

• Anchorage, Alaska, Friday, February 25, 2011, BOEMRE Regional Offices, 3801 Centerpoint Drive, Conference Room, Anchorage, Alaska, 7 p.m.

Scoping Comments

The **Federal Register** notice published on April 2, 2010, (75 FR 16828) established a comment period that closed on June 30, 2010. The new comment period extends to March 31, 2011. All comments received during the public comment period that closed on June 30 and all comments received during the new public comment period will be considered by BOEMRE as part of the EIS scoping process. Interested parties may submit their written scoping comments on the Programmatic EIS until March 31, 2011, to Mr. J. F. Bennett, Chief, Branch of Environmental Assessment, Bureau of Ocean Energy Management, Regulation and Enforcement, 381 Elden Street, Mail Stop 4042, Herndon, Virginia 20170–4817, or online at *http://ocs5yeareis.anl.gov*.

BOEMRE cautions that, 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 may ask BOEMRE (prominently at the beginning of your submission) to withhold your personal identifying information from public review, BOEMRE cannot guarantee that it will be able to do so. BOEMRE will not consider anonymous comments, and BOEMRE will make available for inspection, in their entirety, all comments submitted by organizations or businesses or by individuals identifying themselves as representatives of organizations or businesses. Information concerning the Leasing Program and Programmatic EIS can be accessed at *http://www.boemre.gov/5-year/*.

For further information about preparation of the Programmatic EIS, please contact Mr. J. F. Bennett, Chief, Branch of Environmental Assessment, Bureau of Ocean Energy Management, Regulation and Enforcement, 381 Elden Street, Mail Stop 4042, Herndon, Virginia 20170–4817, (703) 787–1660.

Dated: December 10, 2010.

Michael R. Bromwich,

Director, Bureau of Ocean Energy Management, Regulation and Enforcement .

[FR Doc. 2010–33149 Filed 1–3–11; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Land Acquisitions; Cowlitz Indian Tribe of Washington

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of Final Agency Determination.

SUMMARY: The Assistant Secretary—Indian Affairs made a final agency determination to acquire approximately 151.87 acres of land into trust for the Cowlitz Tribe of Washington on December 17, 2010.

FOR FURTHER INFORMATION CONTACT: Paula L. Hart, Director, Office of Indian Gaming, Bureau of Indian Affairs, MS–3657 MIB, 1849 C Street, NW., Washington, DC 20240; Telephone (202) 219–4066.

SUPPLEMENTARY INFORMATION: This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 Departmental Manual 8.1 and is published to comply with the requirements of 25 CFR part 151.12(b) that notice be given to the public of the Secretary's decision to acquire land in trust at least 30 days prior to signatory acceptance of the land into trust. The purpose of the 30-day waiting period in 25 CFR 151.12(b) is to afford interested parties the opportunity to seek judicial review of final administrative decisions to take land in trust for Indian tribes and individual Indians before transfer of title to the property occurs.

On December 17, 2010, the Assistant Secretary—Indian Affairs decided to accept approximately 151.87 acres of land into trust for the Cowlitz Indian Tribe of Washington under the authority of the Indian Reorganization Act of 1934, 25 U.S.C. 465. The land is located in Clark County, Washington, and will be used for constructing and operating a gaming facility.

We have determined that the Cowlitz Indian Tribe's request meets the requirements of the Indian Gaming Regulatory Act. While the Act contains a prohibition of gaming on lands acquired after October 17, 1988 (25 U.S.C. 2179(a)), the Tribe's request qualifies under the Act for an exception to the prohibition (25 U.S.C. 2719(a)).

The 151.87 acre Cowlitz parcel located in Clark County, Washington is described as follows:

Parcel I

Beginning at the intersection of the West line of Primary State Highway No. 1 and the East line of the Southeast quarter of Section 5, Township 4 North, Range 1 East of the Willamette Meridian, Clark County, Washington; thence Northerly along said West line of Primary State Highway No. 1 a distance of 1307.5 feet to the Point of Beginning of this description; thence West 108.5 feet to an angle point thereon; thence Northerly along the fence 880.5 feet to the center line of a creek; thence Northerly along said creek 443 feet to the West line of Primary State Highway No. 1; thence Southerly along said West line of Highway to the Point of Beginning.

Except that portion conveyed to the State of Washington by Auditor's File Nos. G 450664 and G 147358.

Parcel II

That portion of the following described land lying West of the Westerly line of Interstate 5, formerly known as Pacific Highway, in Section 9, Township 4 North, Range 1 East of the Willamette Meridian, Clark County, Washington.

The North half of the Southwest quarter of the Northwest quarter of the South half of the Northwest quarter of the Northwest quarter of Section 9, Township 4 North, Range 1 East of the Willamette Meridian, Clark County, Washington.

Except any portion lying within NW. 31st Avenue.

Also except that portion thereof acquired by the State of Washington by deed recorded under Auditor's File Nos. G 140380 and D 95767.

Parcel III

Beginning at the Northwest corner of the Northeast quarter of the Northeast quarter of Section 8, Township 4, North, Range 1 East of the Willamette Meridian, Clark County, Washington; and running thence East 390 feet to the Point of Beginning; thence East 206 feet; thence South 206 feet; thence West 206 feet; and thence North to the Point of Beginning.

Except that portion lying within the right of way of NW. 319th Street.

Parcel IV

All that part of the Southeast quarter of Section 5, Township 4 North, Range 1 East of the Willamette Meridian, Clark

County, Washington, lying West of Primary State Road No. 1 (Pacific Highway).

Except the Henry Ungemach tract recorded in Volume 76 of Deeds, page 33, records of Clark County, Washington, described as follows:

Beginning at a point 19.91 chains North of the Southwest corner of said Southeast quarter; thence East 13.48 chains to creek; thence Northerly along creek to North line of said Southeast quarter at a point 6.66 chains West of the Northeast corner thereof; thence West to Northwest corner of said Southeast quarter; thence South 19.91 chains to the Point of Beginning.

Also except the John F. Anderson tract as conveyed by deed recorded under Auditor's File No. F 38759, records of Clark County, Washington, described as follows:

Beginning at the Northwest corner of the Southwest quarter of the Southeast quarter of Section 5, Township 4 North, Range 1 East of the Willamette Meridian, Clark County, Washington; and running thence East 514 feet; thence Southerly 340 feet; thence Northwesterly 487 feet to a point 196 feet due South of the Point of Beginning; thence North to the Point of Beginning.

Also except that tract described as follows:

Beginning at a point 26 rods and 9 feet West of the Southeast corner of Section 5, Township 4 North, Range 1 East of the Willamette Meridian, Clark County, Washington; and running thence West 20 rods to County Road; thence North 182 feet; thence East 20 rods; thence South 182 feet to the Point of Beginning.

Also except a certain reserved tract described as follows:

Beginning at the intersection of the West line of Primary State Highway No. 1 (Pacific Highway) and the East line of the Southeast quarter of said Section 5, Township 4 North, Range 1 East of the Willamette Meridian, Clark County, Washington; thence Northerly along said West line of Primary State Highway No. 1, a distance of 1,307.5 feet to the True Point of Beginning of this description; thence West 108.5 feet to an angle point therein; thence Northerly along fence 880.5 feet to center line of creek, thence Northeasterly along said creek 443 feet, more or less, to the West line of Primary State Highway No. 1; thence Southerly along said West line of highway to the True Point of Beginning.

Also except that portion thereof lying with Primary State Highway No. 1 (SR–5) as conveyed to the State of Washington by deed recorded under Auditor's File Nos. G 458085, G 143553 and D 94522.

Also except any portion lying within NW. 319th Sreet and Primary State Highway No. 1.

Parcel V

A portion of the Northwest quarter of the Northeast quarter of Section 8, Township 4 North, Range 1 East of the Willamette Meridian, Clark County, Washington, described as follows:

Beginning at the Northwest corner of the Northeast quarter of Section 8; thence South along the West line of the Northeast quarter of said Section 8, 1320 feet, more or less, to the Southwest corner of the Northwest quarter of said Northeast quarter; thence East along the South line to a point 830 feet West of the Southeast corner of the Northwest quarter of said Northeast quarter; thence North parallel with the East line of said Northeast quarter to a point 600 feet South of the North line of said Northeast quarter; thence East parallel with the North line of said Northeast quarter 370 feet; thence North parallel with the East line of said Northeast quarter 600 feet to the North line of said Section 8; thence West along the North line of said Section 8 to the Point of Beginning.

Except that portion lying within NW 319th Street.

Also except the following described tract:

A portion of the Northwest quarter of the Northeast quarter of Section 8, Township 4 North, Range 1 East of the Willamette Meridian, Clark County, Washington, described as follows:

Beginning at the Northwest corner of the Northeast quarter of said Section 8; thence South along the West line of the Northeast quarter of said Section 8, 1320 feet, more or less, to the Southwest corner of the Northwest quarter of said Northeast quarter; thence East along the South line to a point 830 feet West of the Southeast corner of the Northwest quarter of said Northeast quarter; thence North, parallel with the East line of said Northeast quarter to a point 600 feet South of the North line of said Northeast quarter; thence East, parallel with the North line of said Northeast quarter, 370 feet, said point being the True Point of Beginning of the tract herein described; thence West parallel with the North line of said Northeast quarter, a distance of 457 feet; thence North parallel with the West line of said Northeast quarter, a distance of 240 feet; thence East parallel with the West line of said Northeast quarter, a distance of 240 feet; thence East parallel with the North line of said Northeast quarter, a distance of 157.0 feet; thence North, parallel with the West line of said Northeast quarter, a distance of 360 feet, more or less, to the North line of said Northeast quarter; thence East, along said North line, a distance of 300 feet; thence South, parallel with the West line of said Northeast quarter, a distance of 600 feet, more or less, to the True Point of Beginning.

Parcel VI

A portion of the Northwest quarter of the Northeast quarter of Section 8, Township 4 North, Range 1 East of the Willamette Meridian, Clark County, Washington, described as follows:

Beginning at the Northwest corner of the Northeast quarter of said Section 8, thence South along the West line of the Northeast quarter of said Section 8, 1320 feet, more or less, to the Southwest corner of the Northwest quarter of said Northeast quarter; thence East along the South line to a point 830 feet West of the Southeast corner of the Northwest quarter of said Northeast quarter; thence North, parallel with the East line of said Northeast quarter to a point 600 feet South of the North line of said Northeast quarter; thence East, parallel with the North line of said Northeast quarter 370 feet to a point, said point being True Point of Beginning of the tract herein described; thence West, parallel with the North line of said Northeast quarter, a distance of 457 feet; thence North, parallel with the West line of said Northeast quarter, a distance of 240 feet; thence East, parallel with the North line of said Northeast quarter, a distance of 157.0 feet; thence North, parallel with the West line of said Northeast quarter, a distance of 360 feet, more or less, to the North line of said Northeast quarter; thence East, along said North line, a distance of 300 feet; thence South, parallel with the West line of said Northeast quarter, a distance of 600 feet, more or less, to the True Point of Beginning.

Parcel VII

The East 830 feet of the Northwest quarter of the Northeast quarter of Section 8, Township 4 North, Range 1 East of the Willamette Meridian, Clark County, Washington.

Except the West 370 feet to the North 600 feet thereof.

Also except that portion of the remainder thereof, lying within NW 319th Street.

Parcel VIII

The Northeast quarter of the Northeast quarter of Section 8, Township 4 North, Range 1 East of the Willamette Meridian, Clark County, Washington.

Except that portion of said premises, described as follows:

Beginning at a point 612 feet East of the Northwest corner of said Northeast

quarter of the Northeast quarter of said Section 8; thence South 191.0 feet; thence East 228.0 feet; thence North 191.0 feet; thence West 228.0 feet to the Point of Beginning.

Except that portion of said premises, described as follows:

Beginning at a point 390.0 feet East of the Northwest corner of said Northeast quarter of the Northeast quarter of said Section 8; thence East 206.00 feet; thence South 206.0 feet: thence West 206.0 feet; thence North 206.0 feet to the Point of Beginning.

Except that portion of said premises lying within Pekin Ferry County Road, and

Except that portion of said premises lying within County Road No. 25;

Except that portion conveyed to the State of Washington by deed recorded under Auditor's File Nos. G 143551 and G 499101.

Except that portion conveyed to the State of Washington for Interstate 5.

Except that portion conveyed to James Fisher and wife, by instrument recorded under Auditor's File No. G 699690, described as follows:

Beginning at the Southeast corner of the Northeast quarter of the Northeast quarter of Section 8, Township 4 North, Range 1 East of the Willamette Meridian, Clark County, Washington; thence North 200 feet; thence West 435 feet; thence South 200 feet to a point on the South line of the Northeast quarter of the Northeast quarter of said Section; thence East 435 feet to the Point of Beginning.

Parcel IX

That portion of the Northeast quarter of the Northeast quarter of Section 8, Township 4 North, Range 1 East of the Willamette Meridian, Clark County, Washington; described as follows:

Beginning at a point 612 feet East of the Northwest corner of the Northeast quarter of the Northeast quarter of Section 8, Township 4 North, Range 1 East of the Willamette Meridian, Clark County, Washington; thence South 191 feet; thence East 228 feet; thence North 191 feet; thence West 228 feet to the Point of Beginning.

Except County Roads.

Also except that portion thereof conveyed to the State of Washington by deed recorded under Auditor's File Nos. G 500929 and G 143551.

Dated: December 17, 2010.

Larry Echo Hawk,

Assistant Secretary—Indian Affairs.

[FR Doc. 2010–33145 Filed 1–3–11; 8:45 am]

BILLING CODE 4310–4N–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

DEPARTMENT OF ENERGY

Western Area Power Administration

[LLWY920000.51010000.ER0000–LVRWK09K1160; WYW177893; COC72929; UTU87238; NVN86732]

Notice of Intent To Prepare an Environmental Impact Statement for the TransWest Express 600 kV Direct Current Transmission Project in Wyoming, Colorado, Utah, and Nevada (DOE/EIS–0450), and Notice of Potential for Land Use Plan Amendments

AGENCY: Bureau of Land Management, Interior; Western Area Power Administration, Department of Energy.

ACTION: Notice of Intent.

SUMMARY: The Bureau of Land Management (BLM) Wyoming State Office, Cheyenne, Wyoming, intends to prepare an Environmental Impact Statement (EIS) analyzing the impacts of a right-of-way (ROW) application for the TransWest Express 600-kilovolt (kV) Direct Current Transmission Project (Project) and potential land use plan amendments. The Western Area Power Administration (Western) is a joint lead agency with the BLM for the EIS preparation. Western is a power-marketing agency within the Department of Energy (DOE) and is proposing to jointly own the Project with TransWest Express, LLC. TransWest Express, LLC is a wholly-owned subsidiary of the Anschutz Corporation. The EIS will be prepared in accordance with the National Environmental Policy Act of 1969, as amended (NEPA).

DATES: This notice initiates a 90-day public scoping period that will assist in the preparation of a Draft EIS. The scoping period will end on April 4, 2011, or 15 days after the date of the last public scoping meeting, whichever is later.

To provide the public an opportunity to review the proposal and project information, the BLM and Western expect to hold 22 open-house meetings at various locations in Wyoming, Colorado, Utah, and Nevada during the public scoping period. The exact dates, times, and locations for these meetings will be announced at least 15 days prior to the event through local media, newspapers, newsletters, and posting on the BLM Web site at *http://www.blm.gov/wy/st/en/info/NEPA/HighDesert/transwest.html.* To be considered in the Draft EIS, comments must be received prior to the close of the scoping period.

ADDRESSES: You may submit comments related to the Project by any of the following methods:

Mail: Bureau of Land Management, Wyoming State Office, TransWest Express Transmission Project, P.O. Box 20678, 5353 Yellowstone Road, Cheyenne, Wyoming 82003, Attention: Sharon Knowlton.

E-mail: TransWest_WYMail@blm.gov.

Web site: http://www.blm.gov/wy/st/en/info/NEPA/HighDesert/transwest.html.

FOR FURTHER INFORMATION CONTACT: Sharon Knowlton, BLM Project Manager; telephone (307) 775–6124; e-mail: *TransWest_WYMail@blm.gov;* mailing address: BLM, Wyoming State Office, P.O. Box 20678, Cheyenne, Wyoming 82003.

For information about Western's involvement, contact Liana Reilly, Western NEPA Document Manager; telephone (720) 962–7253; e-mail: *reilly@wapa.gov;* address: Western Area Power Administration, P.O. Box 281213, Lakewood, Colorado 80228–8213.

For general information on the DOE's NEPA review procedures or on the status of a NEPA review, contact Carol M. Borgstrom, Director of NEPA Policy and Compliance, GC–54, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, telephone (202) 586–4600 or toll free at (800) 472–2756.

SUPPLEMENTARY INFORMATION: Under Federal law, the BLM, the U.S. Forest Service (USFS), and the Bureau of Reclamation (Reclamation) are each responsible for responding to right-of-way (ROW) applications for lands within their respective jurisdictions. Some of the land that may be considered for this right-of-way is within the jurisdictions of the USFS and Reclamation. The USFS and Reclamation are cooperating agencies in the preparation of this EIS. This notice announces the beginning of a 90-day public scoping process for the EIS.

TransWest Express, LLC has filed a ROW application with the BLM, the USFS, and Reclamation proposing to construct, operate, maintain, and decommission the Project. The Project consists of an overhead transmission line extending approximately 725 miles from south-central Wyoming crossing Colorado and Utah, with a potential interconnection at the Intermountain Power Project near Delta, Utah, and terminating at the Marketplace Hub in southern Nevada. This Project would include two AC/DC converter stations,

about 200 acres in size at each terminating point, a fiber optic network communications system, and two ground electrode facilities, each about 600 acres in size. When completed, this Project would transmit about 3,000 megawatts of electricity per year generated primarily from renewable resources at planned facilities in Wyoming.

The requested right-of-way width on Federal lands is 250 feet. The proposal would predominantly use steel lattice towers 100 to 180 feet in height with average spans between towers of 900 to 1,500 feet. Temporary access roads up to 24-feet wide would be required. Temporary workspace would be needed during construction for batch plant sites, structure work areas and materials storage, conductor tensioning sites, and vehicles and equipment. Proposed routes cross Federal, State and private lands and include portions of designated utility corridors on Federal land and parallel portions of existing overhead and underground utilities and roadways, as well as portions of undisturbed areas.

Under Section 402 of the American Reinvestment and Recovery Act (Recovery Act), 42 U.S.C. 16421a, Public Law 111–5, 123 Stat. 141, Div A, Title IV, 402 (2009) (adding Section 301 to the Hoover Power Plant Act of 1984, Pub. L. 98–381, Title III, 301), Western may borrow funds from the United States Treasury to construct, finance, facilitate, plan, operate, maintain, and/or study construction of new or upgraded electric power transmission lines and related facilities with at least one terminus in Western's marketing area, that deliver or facilitate the delivery of power from renewable resources constructed or reasonably expected to be constructed after the date of enactment of the Recovery Act. Western is proposing to participate as a joint owner in the Project and as part of that proposal, Western is evaluating obtaining the ROWs necessary for those portions of the Project on private and State lands. Western may also apply for ROW grants over part of the Federal land and if this occurs, TransWest Express would concurrently modify its application to describe the remaining portions of the Federal land.

Actions that result in a change in the scope of resource uses, terms and conditions, and decisions of Federal agency land use plans may require amendment of those plans. Approval of this proposal may result in the amendment(s) of USFS Land Management Plans (LMPs) and BLM Resource Management Plans (RMPs). Because of the congestion in the Las Vegas, Nevada area an alternative may be considered that would require a National Park Service (NPS) Management Plan amendment to implement. As required by 43 CFR 1610.2(c), the BLM notifies the public of potential amendments to RMPs and, pursuant to 36 CFR 219.9, the USFS notifies the public of potential amendments to LMPs. Any authorizations and actions proposed for approval in the EIS will be evaluated to determine if they conform to the decisions in the referenced land use plans. If amendments are needed, the BLM and the USFS would integrate the land-use planning process as described in 43 CFR part 1610 and 36 CFR 219.8, respectively, with this EIS process as they proceed with NEPA compliance for the proposed Project. If the BLM or the USFS determine that plan amendments are necessary, compliance with NEPA for any land use plan amendments would occur simultaneously with the consideration of the Project.

The BLM plans that may be amended include the Colorado Canyons National Conservation Area RMP, the Rawlins RMP, the Rock Springs RMP, the Kemmerer RMP, the Grand Junction RMP, the Glenwood Springs RMP, the Little Snake RMP, the White River RMP, the Cedar-Beaver-Garfield-Antimony RMP, the House Range RMP, the Warm Springs RMP, the Kanab RMP, the Moab RMP, the Price RMP, the Richfield RMP, the St. George RMP, the Vernal RMP, Beaver Dam Wash Area of Critical Environmental Concern RMP, the Ely RMP, the Caliente RMP, and the Las Vegas RMP. The USFS Plans that may be amended include the Ashley National Forest Plan, the White River National Forest Revised Plan, the Dixie National Forest Plan, the Fishlake National Forest Plan, the Manti-La Sal National Forest Plan, the Uinta National Forest Plan, the Humboldt National Forest Plan, and the Toiyabe National Forest Plan. The NPS Plan that may be considered for amendment is the Lake Mead National Recreation Area Lake Management Plan. Only the BLM may amend a BLM RMP; only the USFS may amend a Forest Plan; and only the NPS may amend a National Park Service Plan. The NPS is not a formal cooperator in this EIS so any plan amendment process it may undertake would be considered separately.

A Programmatic EIS was prepared by the Department of the Interior and the Department of Energy for energy corridors in 11 western States and completed in January 2009. The Records of Decision for this EIS designated energy transmission corridors and provided guidance, best management practices, and mitigation measures to be used for any power lines proposed to be constructed within the corridors. The Project proposes to use the corridors identified in the ROD to the maximum extent possible. No BLM plan amendments will be needed if the right-of-way remains within designated corridors.

The BLM and Western are joint lead agencies for this EIS as defined at 40 CFR 1501.5. Agencies with jurisdiction by law or special expertise have been invited to participate as cooperating agencies in preparation of the EIS. The following agencies have agreed to participate as cooperating agencies: The USFS, Intermountain Region; the U.S. Army Corps of Engineers South Pacific Division; Reclamation, Lower Colorado Region; the U.S. Navy Region Southwest; the States of Wyoming, Colorado, Utah, and Nevada; Garfield, Mesa, Moffat, and Rio-Blanco counties in Colorado; Beaver, Duchesne, Emery, Juab, Millard, Piute, Sanpete, Uintah, Wasatch, and Washington counties in Utah; Lincoln and Clark counties in Nevada and the Little Snake River Conservation District, Medicine Bow Conservation District, Saratoga-Encampment-Rawlins Conservation District, and Sweetwater County Conservation District, Wyoming. The Paiute Indian Tribe of Utah, the Moapa Band of Paiute, and the Las Vegas Paiute Tribe are also cooperating agencies.

During the public scoping period, the BLM and Western will solicit public comments on behalf of all cooperating agencies regarding issues, concerns, and opportunities that should be considered in the analysis of the proposed action. Comments on issues and potential impacts, or suggestions for additional or different alternatives may be submitted to the addresses listed in the **ADDRESSES** section. Documents pertinent to the ROW application for the project may be examined at:

- BLM, Wyoming State Office, 5353 Yellowstone Road, Cheyenne, Wyoming 82009.
- BLM, Rawlins Field Office, 1300 N. Third Street, Rawlins, Wyoming 82301.
- BLM, Rock Springs Field Office, 280 Highway. 191 N., Rock Springs, Wyoming 82901.
- BLM, Little Snake Field Office, 455 Emerson Street, Craig, Colorado 81625.
- BLM, White River Field Office, 220 East Market Street, Meeker, Colorado 81641.
- BLM, Grand Junction Field Office, 2815 H Road, Grand Junction, Colorado 81506.
- BLM, Cedar City Field Office, 176 D.L. Sargent Drive, Cedar City, Utah 84721.

• BLM, Fillmore Field Office, 35 East, 500 North, Fillmore, Utah 84631.
• BLM, Kanab Field Office, 318 North, 100 East, Kanab, Utah 84741.
• BLM, Moab Field Office, 82 E. Dogwood, Moab, Utah 84532.
• BLM, Price Field Office, 125 South, 600 West, Price, Utah 84501.
• BLM, Richfield Field Office, 150 East, 900 North, Richfield, Utah 84701.
• BLM, St. George Field Office, 345 East Riverside Drive, Saint. George, Utah 84790.
• BLM, Salt Lake Field Office, 2370 South, 2300 West, Salt Lake City, Utah 84119.
• BLM, Vernal Field Office, 170 South, 500 East, Vernal, Utah 84078.
• BLM, Egan Field Office, 702 North Industrial Way, HC33, Ely, Nevada 89301.
• BLM, Caliente Field Office, U.S. Highway. 93, Building. #1, Caliente, Nevada 89008.
• BLM, Las Vegas Field Office, 4701 N. Torrey Pines Drive, Las Vegas, Nevada 89130.
• USFS (Lead Forest Office), Dixie National Forest Office, 1789 North Wedgewood Lane, Cedar City, Utah 84721.

Your entire comment—including your personal identifying information—may be made publicly available at any time. While you may 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.

The public scoping will help determine relevant issues that can influence the scope of the environmental analysis, alternatives, and the process for developing the EIS. The BLM and the USFS, other agencies, cooperators, and individuals have preliminarily identified the following issues that will be addressed in the EIS: Socioeconomic impacts; public health and safety; plant and animal species (including special and sensitive status species, desert tortoise and sage-grouse); cultural resources and historic sites; visual intrusions; lands with wilderness characteristics; national scenic and historic trails; wild and scenic rivers; and inventoried roadless areas on National Forests.

Public meetings will also be held during the scoping period. The BLM staff, Western staff, and Project proponents will be available at the public meetings to explain Project details and gather information from interested individuals or groups. The USFS and other cooperating agencies are expected to participate in the public meetings. The BLM, Western, and cooperating agencies will also provide additional opportunities for public participation upon publication of the Draft EIS.

Because the proposed Project may involve activities and construction in floodplains or wetlands, this NOI also serves as a notice of proposed floodplain or wetland action, in accordance with DOE regulations for Compliance with Floodplain and Wetlands Environmental Review Requirements, 10 CFR 1022.12(a). The EIS will include a floodplain/wetland assessment and, if required, a floodplain statement of findings will be issued with the Final EIS or in the RODs issued by Western, the BLM, and the USFS, if any.

The BLM and Western will use and coordinate the NEPA commenting process to satisfy the public involvement process for Section 106 of the National Historic Preservation Act, 16 U.S.C. 470f, as provided for in 36 CFR 800.2(d)(3). Consultation with Native American Tribes will be conducted in accordance with applicable policies, and Tribal concerns, including impacts on Indian trust assets, will be given due consideration. Federal, State, and local agencies, along with other stakeholders that may be interested or affected by the BLM, USFS, or Western's decisions on the project are invited to participate in the scoping process and, if eligible, may request or be requested by the BLM and Western to participate as a cooperating agency.

Timothy J. Meeks,

Administrator, Western Area Power Administration.

Donald A. Simpson,

Wyoming State Director, Bureau of Land Management.

[FR Doc. 2010–33180 Filed 1–3–11; 8:45 am]

BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CACA 49698, CACA 51204, LLCAD07000, L51010000.FX0000, LVRWB10B3810, LVRWB10B3800]

Notice of Availability of the Draft Environmental Impact Statement/Draft Environmental Impact Report for the Iberdrola Renewable/Pacific Wind Development Tule Wind Project and San Diego Gas and Electric's East County Substation Project, San Diego County, CA

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Availability.

SUMMARY: In accordance with the National Environmental Policy Act of 1969, as amended (NEPA), and the Federal Land Policy and Management Act of 1976, as amended (FLPMA), the Bureau of Land Management (BLM) and the California Public Utilities Commission (CPUC) have prepared a Draft Environmental Impact Statement (EIS), and Draft Environmental Impact Report (EIR) as a joint environmental analysis document for the Iberdrola Renewable/Pacific Wind Development Tule Wind Project (Tule Project) and the San Diego Gas and Electric's (SDG&E) East County Substation Project (ECO Project) and by this notice are announcing the opening of the comment period on the Draft EIS/EIR.

DATES: To ensure that your comments will be considered, the BLM must receive written comments on the Draft EIS/EIR by close of business on February 16, 2011. The comment period began on December 23, 2010, with publication of the Notice of Availability in the **Federal Register** by the Environmental Protection Agency. Recognizing that the public review period began during the holidays, the BLM has decided to extend the 45-day comment period cited in the EPA notice until close of business on February 16, 2011 (55 days total). The BLM and CPUC will hold two joint public informational workshop meetings on the projects; the first in Jacumba, at 7 p.m., on January 26, 2011, at the Jacumba Highland Center on 44681 Old Highway 80, Jacumba, California 91934, and the second in Boulevard, at 7 p.m., on February 2, 2011, at the Boulevard Volunteer Fire Department at 39223 Highway 94, Boulevard, California 91905. The public will be notified in advance of any updates or changes to these public meetings through local media, newspapers and the BLM Web site at: *http://www.blm.gov/ca/st/en/fo/elcentro.html.*

ADDRESSES: You may submit comments related to the Tule Wind Project and East County Substation Project by any of the following methods:

• *Web site: http://www.blm.gov/ca/st/en/fo/cdd.html.*
• *E-mail: catulewind@blm.gov.*
• *Fax:* (951) 697–5299.
• *Mail:* ATTN: Greg Thomsen, BLM California Desert District Office (CDDO), 22835 Calle San Juan de Los Lagos, Moreno Valley, California 92553–9046.

Copies of the EIS/EIR are available on the BLM Web site at: *http://www.ca.blm.gov/elcentro* and also from the CPUC and the CDDO at the above addresses and in the BLM El Centro

Field Office, 1661 S. 4th Street, El Centro, California 92243.

FOR FURTHER INFORMATION CONTACT: For further information and/or to have your name added to our mailing list, contact Greg Thomsen, telephone: (951) 697–5237; address: BLM California Desert District Office, 22835 Calle San Juan de Los Lagos, Moreno Valley, California 92553–9046; or via e-mail to *catulewind@blm.gov.*

SUPPLEMENTARY INFORMATION: The BLM has received applications for rights-of-way (ROW) for two separate, but related, proposed projects in eastern San Diego County. Pacific Wind Development (Iberdrola) has submitted an application to construct, operate, maintain and decommission a 200 megawatt (MW) wind energy generation facility known as the Tule Wind Project. The proposed project site is located on approximately 15,390 acres of land under multiple jurisdictions summarized as follows: Private land—1,040 acres, California State Lands Commission land—619 acres, BLM land—12,133 acres and Tribal land belonging to the Campo/Cuyapaipe/Manzanita Tribes—1,598 acres. The project site is located in the In-Ko-Pah Mountains near the McCain Valley in San Diego County, north of the unincorporated community of Boulevard. The project will consist of approximately 134 wind turbines (1.5 to 3.0 MW each), an overhead and underground 34.5 kilovolt (kV) collector system leading to a collector substation, an operations and maintenance facility, and a 138 kV transmission line as the generation tie-in to the existing Boulevard Substation.

The SDG&E has submitted an application to construct the ECO Project, including a 138 kV transmission line that would traverse approximately 1.5 miles of public land managed by the BLM. The ECO Project includes the construction of a 500/230/138 kV substation on private land near the community of Jacumba, a short loop-in to the Southwest Power Link, the 138 kV transmission line mentioned above, a rebuild of the existing Boulevard Substation, and a rebuild of the existing White Star Communication Facility.

The BLM's purpose and need for the Tule and ECO Projects is to respond to Iberdrola Renewable/Pacific Wind Development and SDG&E applications for a ROW grant to construct, operate, and decommission an energy generation project and a 138 kV transmission line on public lands in compliance with Title V of FLPMA (43 U.S.C. 1761), BLM ROW regulations, and other applicable Federal laws and regulations. The BLM will decide whether to approve, approve with modification, or deny issuance of a ROW grant to Iberdrola Renewable/Pacific Wind Development and SDG&E for the proposed Tule and ECO Projects, respectively. The BLM will take into consideration the provisions of the Energy Policy Act of 2005 and Secretarial Orders 3283 *Enhancing Renewable Energy Development on the Public Lands* and 3285 *Renewable Energy Development by the Department of the Interior* in responding to the Iberdrola and SDG&E applications.

The BLM's proposed action in the EIS/EIR is to authorize the Tule Project and the ECO Project in response to the applications received from Iberdrola Renewable/Pacific Wind Development and SDG&E, respectively. The BLM will analyze the following alternatives: for the ECO project; the Proposed Action and No Action alternatives; for the Tule Wind Project; the Proposed Action, authorization of the proposed project with a relocation of the 138 kV generation tie-in line, authorization of the proposed project with a reduction in the number of wind turbines, authorization of the 113 wind turbines, but moving them away from critical habitat and areas having wilderness characteristics, and a No Action alternative.

The BLM will use the NEPA process to satisfy the public involvement requirement for Section 106 of the National Historic Preservation Act (16 U.S.C. 470f) as provided in 36 CFR 800.2(d)(3). Native American Tribal consultations are being conducted in accordance with BLM and Department of the Interior policy, and Tribal concerns will be given due consideration, including impacts on Indian trust assets.

The BLM has entered into a Memorandum of Understanding (MOU) with the CPUC to conduct a joint environmental review of the Tule/ECO Projects on Federal land managed by the BLM. The CPUC is the CEQA lead agency preparing the EIR and the BLM is the lead agency preparing the EIS. The BLM and CPUC have agreed through the MOU to conduct joint environmental review of the project in a single combined NEPA/CEQA process and document. The Draft EIS/EIR evaluates the potential impacts of the proposed Tule and ECO Projects' impacts on air quality, biological resources, cultural resources, water resources, geological resources and hazards, land use, noise, paleontological resources, public health, socioeconomics, soils, traffic and transportation, visual resources, wilderness characteristics, and other resources. A Notice of Intent to Prepare an EIS/EIR for the Tule and ECO Projects in San Diego County, California was published in the **Federal Register** on December 29, 2009 (74 FR 68860). The BLM held two public scoping meetings in Jacumba and Boulevard, California, on January 27 and 28, 2010, respectively. The formal scoping period ended on February 15, 2010. Please note that public comments will be available for public review and disclosure at the above address during regular business hours (8 a.m. to 4 p.m.), Monday through Friday, except holidays.

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: 40 CFR 1506.6 and 1506.10 and 43 CFR 1610.2.

Thomas Pogacnik,

Deputy State Director, Natural Resources.

[FR Doc. 2010–33181 Filed 1–3–11; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

National Park Service

[2280–665]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

Nominations for the following properties being considered for listing or related actions in the National Register were received by the National Park Service before December 4, 2010. Pursuant to sections 60.13 or 60.15 of 36 CFR part 60, written comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation. Comments may be forwarded by United States Postal Service, to the National Register of Historic Places, National Park Service, 1849 C St., NW., MS 2280, Washington, DC 20240; by all other carriers, National Register of Historic Places, National Park Service, 1201 Eye St., NW., 8th floor, Washington DC 20005; or by fax, 202–371–6447. Written or faxed comments should be submitted by January 19, 2011.

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.

J. Paul Loether,

Chief, National Register of Historic Places/ National Historic Landmarks Program.

KANSAS

Cowley County

St. John's Lutheran College—Baden Hall, Seventh Ave and College St, Winfield, 10001138

Jefferson County

Sunnyside School, (Public Schools of Kansas MPS) 1121 Republic Rd., Jefferson, 10001139

Marion County

Florence Opera House, (Theaters and Opera Houses of Kansas MPS) SW Corner of 5th and Main, Florence, 10001142

Norton County

Norton Downtown Historic District, Generally bounded by E Lincoln St., S 1st St., E Penn St, and S Norton Ave., Norton, 10001144

Phillips County

Hoff School District No. 42, (Public Schools of Kansas MPS) Near Intersection of E Union Rd and E 1300 Rd., Kirwin, 10001140

Sedgwick County

Kellogg Elementary School, (Public Schools of Kansas MPS) 1220 E Kellogg Dr., Wichita, 10001141

Sunnyside School, (Public Schools of Kansas MPS) 3003 E Kellog, Wichita, 10001143

Shawnee County

North Topeka Baptist Church, 123 NW Gordon, Topeka, 10001137

MISSOURI

Jefferson County

Stonebrook, 3511 Stonebrook Forest, Antonia, 10001130

NEW JERSEY

Monmouth County

Cooke, Dr. Robert W., Medical Office, 67 McCampbell Rd., Holmdel, 10001145

Morris County

Willow Hall, 330 Speedwell Ave., Morristown Town, 10001146

MISSOURI

Kingman County

Windsor Hall Apartments, (Working Class Hotels at 19th and Main Streets, Kansas City, Missouri MPS) 3420 Locust St., Kansas City, 10001129

NEW YORK

Saratoga County

Jonesville Store, 989 Main St., Jonesville, 10001136

Rexford, Cyrus, House, 1643 Route 146, Rexford, 10001135

Westchester County

Rye Meeting House, 624 Milton Rd., Rye, 10001134

Spanish American War Monument to the 71st Infantry Regiment, Jackson Ave., Hastings-on-Hudson, 10001133

NORTH CAROLINA

Buncombe County

Dougherty Heights Historic District, Church St., Connolly St., and N Dougherty St., Laurel Circle, Prospect St., and New Bern Ave., Black Mountain, 10001132

Halifax County

Halifax Historic District, Bounded by St. David, Montfort, Pittsylvania, Prussia, Church, Wilcox, Granville, Ferguson Sts, and HWY 301, Halifax, 10001128

WASHINGTON

Grays Harbor County

American Veterans Building—Hoquiam, 307 7th St., Hoquiam, 10001131

OTHER ACTIONS: Request has been made for the REMOVAL of the following resources.

FLORIDA

Miami-Dade County

Hequembourg House, 851 Hunting Lodge Dr., Miami Springs, 85003468

PENNSYLVANIA

Philadelphia County

Jayne Estate, 2–16 Vine St., Philadelphia, 87000648

Steppacher Building, 146–150 N 13th St., Philadelphia, 04000193

Gilbert Building, 1315–1329 Cherry St., Philadelphia, 86001688

[FR Doc. 2010–33147 Filed 1–3–11; 8:45 am]

BILLING CODE 4312–51–P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *In Re Certain Mobile Telephones and Modems,* DN 2777; the Commission is soliciting comments on any public interest issues raised by the complaint.

FOR FURTHER INFORMATION CONTACT: Marilyn R. Abbott, Secretary to the Commission, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov,* and will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205–2000.

General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint filed on behalf of Sony Corporation on December 28, 2010. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain mobile telephones and modems. The complaint names as respondents LG Electronics, Inc. of Seoul, Korea; LG Electronics U.S.A., Inc. of Englewood Cliffs, NJ; and LG Electronics Mobilecomm U.S.A., Inc. of San Diego, CA.

The complainant, proposed respondents, other interested parties, and members of the public are invited to file comments, not to exceed five pages in length, on any public interest issues raised by the complaint. Comments should address whether issuance of an exclusion order and/or a cease and desist order in this investigation would negatively affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the orders are used in the United States;

(ii) Identify any public health, safety, or welfare concerns in the United States relating to the potential orders;

(iii) Indicate the extent to which like or directly competitive articles are

produced in the United States or are otherwise available in the United States, with respect to the articles potentially subject to the orders; and

(iv) Indicate whether Complainant, Complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to an exclusion order and a cease and desist order within a commercially reasonable time.

Written submissions must be filed no later than by close of business, five business days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation.

Persons filing written submissions must file the original document and 12 true copies thereof on or before the deadlines stated above with the Office of the Secretary. Submissions should refer to the docket number ("Docket No. 2777") in a prominent place on the cover page and/or the first page. The Commission's rules authorize filing submissions with the Secretary by facsimile or electronic means only to the extent permitted by section 201.8 of the rules (see Handbook for Electronic Filing Procedures, *http://www.usitc.gov/secretary/fed_reg_notices/rules/documents/handbook_on_electronic_filing.pdf*). Persons with questions regarding electronic filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of sections 201.10 and 210.50(a)(4) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.50(a)(4)).

By order of the Commission.

Issued: December 28, 2010.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 2010–33131 Filed 1–3–11; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Inv. No. 337–TA–753]

Certain Semiconductor Chips and Products Containing Same; Notice of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on December 1, 2010, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Rambus Inc. of Sunnyvale, California. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain semiconductor chips and products containing same by reason of infringement of certain claims of U.S. Patent No. 6,470,405 ("the '405 patent"); U.S. Patent No. 6,591,353 ("the '353 patent"); U.S. Patent No. 7,287,109 ("the '109 patent"); U.S. Patent No. 7,602,857 ("the '857 patent"); U.S. Patent No. 7,602,858 ("the '858 patent"); U.S. Patent No. 7,715,494 ("the '494 patent"). The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainant requests that the Commission institute an investigation and, after the investigation, issue an exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Room 112, Washington, DC 20436, telephone 202–205–2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its Internet server at *http://www.usitc.gov*. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

FOR FURTHER INFORMATION CONTACT: Daniel L. Girdwood, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205–3409.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2010).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on December 28, 2010, *Ordered That*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain semiconductor chips and products containing same that infringe one or more of claims 11–13, 15, and 18 of the '405 patent; claims 11–13 of the '353 patent; claims 1, 2, 4, 5, 12, 13, 20, 21, and 24 of the '109 patent; claims 1, 2, 4–6, 9–13, 24–28, 31–36, 39–44, 47, and 49–53 of the '857 patent; claims 1, 2, 4, 7, and 20 of the '858 patent; and claims 1–3, 6, 8, 25, 26, 30, 39, 40, and 42 of the '494 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is:

Rambus Inc., 1050 Enterprise Way, Suite 700, Sunnyvale, CA 94089.

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Freescale Semiconductor, Inc., 6501 William Cannon Drive West, Austin, TX 78735.

Broadcom Corporation, 5300 California Avenue, Irvine, CA 92617.

LSI Corporation, 1621 Barber Lane, Milpitas, CA 95035.

MediaTek Inc., No. 1, Dusing Road 1, Hsinchu Science Park, Hsin-Chu, Taiwan 30078.

nVidia Corporation, 2701 San Tomas Expressway, Santa Clara, CA 95050.

STMicroelectronics N.V., 39, Chemin du Champ des Filles, C. P. 21CH 1228 Plan-Les-Ouates, Geneva, Switzerland.

STMicroelectronics Inc., 1310 Electronics Dr., Carrollton, TX 75006.

Asustek Computer Inc., 15, Li The Road, Taipei City 11259, Taiwan.

Asus Computer International Inc., 800 Corporate Way, Fremont, CA 94539.
Audio Partnership Plc., Gallery Court, Hankey Place, London SE1 4BB, United Kingdom.
Biostar Microtech (U.S.A.) Corp., 18551 East Gale Avenue, City of Industry, CA 91748.
Biostar Microtech International Corp., 2 Fl., 108–2, Ming Chuan Road, Hsin Tien, Taiwan.
Cisco Systems, Inc., 170 West Tasman Drive, San Jose, CA 95134–1706.
Elitegroup Computer Systems, No. 239, Sec. 2, Ti Ding Blvd., Taipei, Taiwan 11493.
EVGA Corporation, 2900 Saturn Street, Suite B, Brea, CA 92821.
Galaxy Microsystems Ltd., Room 1101–1103, 11/F, Enterprise Square Two, 3 Sheung Yuet Road, Kowloon Bay, KLN., Hong Kong.
Garmin International, 1200 E. 151st Street, Olathe, KS 66062–3426.
G.B.T. Inc., 17358 Railroad St., City of Industry, CA 91748.
Giga-Byte Technology Co., Ltd., No. 6, Bau Chiang Road, Hsin-Tien, Taipei 231, Taiwan.
Gracom Technologies LLC, 1214 John Reed Ct., City of Industry, CA 91745.
Hewlett-Packard Company, 3000 Hanover St., Palo Alto, CA 94304.
Hitachi Global Storage Technologies, 3403 Yerba Buena Road, San Jose, CA 95135.
Jaton Corporation, 47677 Lakeview Blvd., Fremont, CA 94538.
Jaton Technology TPE, 10F, No. 194, Sec. 3, Ta-Tung Road, Hsi-Chih, Taiwan.
Micro-Star International Co., Ltd., No. 69, Li-De St., Jung-He City, Taipei Hsien, Taiwan.
MSI Computer Corporation, 901 Canada Court, City of Industry, California 91748.
Motorola, Inc., 1303 East Algonquin Road, Schaumburg, IL 60196.
Oppo Digital, Inc., 2629 Terminal Blvd., Suite B, Mountain View, CA 94043.
Palit Microsystems Ltd., 21F, 88, Sec. 2, Chung Hsiao E. Rd., Taipei, Taiwan.
Pine Technology Holdings, Ltd., Unit A, 32/F Manulife Tower, 169 Electric Road, North Point, Hong Kong.
Seagate Technology, 920 Disc Drive, Scotts Valley, CA 95066.
Sparkle Computer Co., Ltd., 5F.–7, No. 79, Sec. 1, Xintai 5th Rd., Xizhi City, Taipei County 221, Taiwan.
Zotac International (MCO) Ltd., 19/F., Shatin Galleria, 18–24 Shan Mei Street, Fo Tan, Shatin, N.T. Hong Kong.
Zotac USA Inc., 17921 Rowland Street, City of Industry, CA 91748.

(c) The Commission investigative attorney, party to this investigation, is Daniel L. Girdwood, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, SW., Suite 401, Washington, DC 20436; and

(3) For the investigation so instituted, the Honorable Paul J. Luckern, Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(d)–(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefore is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: December 29, 2010.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 2010–33207 Filed 1–3–11; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Comprehensive Environmental Response, Compensation and Liability Act

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby given that a proposed Consent Decree in *United States of America* v. *The Boeing Company et al.,* Civil Action No. 10–457–LRS (E.D. Wa.), was lodged with the United States District Court for the Western District of Washington on December 23, 2010. The proposed Consent Decree settles claims for, *inter alia,* response costs to address hazardous substances released at the Moses Lake Wellfield Superfund Site (Site).

The complaint asserts claims against the defendants—The Boeing Company, Lockheed Martin Corporation, and the City of Moses Lake—for response costs incurred at the Site by the United States Environmental Protection Agency (EPA) and the United States Army Corps of Engineers (Corps) pursuant to the section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9607(a). The complaint also seeks a declaratory judgment of liability against the defendants for future response costs incurred by EPA and the Corps at the Site. The State of Washington also filed a complaint on December 23, 2010, asserting claims for response costs against the defendants as well as against the United States.

Under the proposed Consent Decree, the defendants will make payments to the United States totaling $3.25 million to resolve their CERCLA liability at the Site. The United States, on behalf of a group of settling Federal agencies including the United States Air Force, will make payments to EPA for the future response costs that are not covered by the defendants' payments. The United States will also pay, on behalf of the settling Federal agencies, future response costs incurred by the State of Washington. Based on cleanup cost estimates, the United States' payments on behalf of the settling Federal agencies, which will be largely to EPA, are expected to be approximately $55 million. The payments by the United States resolve claims against it by the State of Washington as well as claims by the defendants. In addition, the United States, on behalf of the settling Federal agencies, will pay the City of Moses Lake approximately $2.96 million to resolve claims for response costs and attorney fees asserted by the City of Moses Lake in its related pending lawsuit, No. 04–0376.

The Department of Justice will receive written comments relating to the proposed Consent Decree for a period of thirty (30) days from the date of publication of this notice. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to *pubcommentees.enrd@usdoj.gov* or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to *United States of America*

v. *The Boeing Company, et al.,* DJ Reference No. 90–11–2–1040/1.

The Consent Decree may be examined at the Office of the United States Attorney, Eastern District of Washington, 920 W Riverside Ave, Suite 340, Spokane, WA 99201. During the public comment period, the Consent Decree may also be examined on the following Department of Justice Web site: *http://www.usdoj.gov/enrd/Consent_Decrees.html.* A copy of the Consent Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611 or by faxing or e-mailing a request to Tonia Fleetwood (*tonia.fleetwood@usdoj.gov*), fax no. (202) 514–0097, phone confirmation number (202) 514–1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of $24.50 (25 cents per page reproduction cost) payable to the United States Treasury or, if requesting by e-mail or fax, forward a check in that amount to the Consent Decree Library at the stated address.

Maureen Katz,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division, United States Department of Justice.

[FR Doc. 2010–33114 Filed 1–3–11; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF LABOR

Proposed Information Collection Request for the ETA 586, Interstate Arrangement for Combining Employment and Wages; Comment Request on an Extension Without Change

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506 (c)2)A)]. This program 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. Currently, the Employment and Training Administration is soliciting comments concerning the proposed extension of the report for the Interstate Arrangement for Combining Employment and Wages, Form ETA 586.

A copy of the proposed information collection request (ICR) can be obtained by contacting the office listed below in the addressee section of this notice or by accessing: *http://www.doleta.gov/OMBCN/OMBControlNumber.cfm.*

DATES: Submit comments on or before March 7, 2011.

ADDRESSES: Send comments to Quinn Watt, Office of Workforce Security, Employment and Training Administration, U.S. Department of Labor, Room S–4516, 200 Constitution Avenue, NW., Washington, DC 20210, telephone number (202) 693–3483 (*this* is *not a toll-free number*).

SUPPLEMENTARY INFORMATION:

I. Background

Section 3304(a)(9)(B), of the Internal Revenue Code (IRC) of 1986, requires states to participate in an arrangement for combining employment and wages covered under the different state laws for the purpose of determining unemployed workers' entitlement to unemployment compensation. The Interstate Arrangement for Combining Employment and Wages for combined wage claims (CWC), promulgated at 20 CFR part 616, requires the prompt transfer of all relevant and available employment and wage data between states upon request. The Benefit Payment Promptness Standard, 20 part CFR 640, requires the prompt payment of unemployment compensation including benefits paid under the CWC arrangement. The ETA 586 report provides the ETA/Office of Workforce Security with information necessary to measure the scope and effect of the CWC program and to monitor the performance of each state in responding to wage transfer data requests and the payment of benefits.

II. Desired Focus of Comments

Currently, the Department of Labor is soliciting comments concerning the proposed extension of the report for the Interstate Arrangement for Combining Employment and Wages, ETA 586. The Department is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the CWC program, 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 through the use of appropriate automated or electronic collection methods.

A copy of the proposed information collection request (ICR) can be obtained by contacting the office listed above in the addressee section of this notice.

III. Current Actions

This information is necessary in order for ETA to analyze program performance, know when corrective action plans are needed, and to target technical assistance resources. Without this report, it would be impossible for the ETA to identify claims and benefit activity under the CWC program and carry out the Secretary's responsibility for program oversight.

Type of Review: Extension without change.

Agency: Employment and Training Administration.

Title: Interstate Arrangement for Combining Employment and Wages.

OMB Number: 1205–0029.

Agency Number: ETA 586.

Affected Public: State Workforce Agencies.

Total Respondents: 53.

Frequency: Quarterly.

Total Responses: 212.

Average Time per Response: 4 hours.

Estimated Total Burden Hours: 848.

Total Burden Cost (capital/startup): N/A.

Total Burden Cost: $0.

Comments submitted in response to this comment request will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: December 28, 2010.

Jane Oates,

Assistant Secretary, Employment and Training Administration.

[FR Doc. 2010–33183 Filed 1–3–11; 8:45 am]

BILLING CODE 4510–FW–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 70–7015–ML; ASLBP No. 10–899–02–ML–BD01]

Atomic Safety and Licensing Board; AREVA Enrichment Services, LLC (Eagle Rock Enrichment Facility)

December 17, 2010.

Before Administrative Judges: G. Paul Bollwerk, III, Chairman, Dr. Kaye D. Lathrop, Dr. Craig M. White

Notice of Hearing (Notice of Evidentiary Hearing and Opportunity to View Hearing via Webstreaming; Opportunity To Submit Written Limited Appearance Statements)

The Atomic Safety and Licensing Board hereby gives notice that it will convene an evidentiary session to receive testimony and exhibits in the "mandatory hearing" portion of this proceeding regarding the December 2008 Application by AREVA Enrichment Services, LLC, (AES) seeking a license under 10 CFR parts 30, 40, and 70 that would authorize (1) the construction and operation of a gas centrifuge uranium enrichment facility—denoted as the Eagle Rock Enrichment Facility (EREF)—in Bonneville County, Idaho; and (2) the receipt, possession, use, delivery, and transfer of byproduct *(e.g.,* calibration sources), source and special nuclear material at the EREF. This evidentiary hearing will concern safety matters relating to the proposed issuance of the requested license. In addition, the Board gives notice of the opportunity to view the hearing over the Internet, via publicly-available webstreaming. Finally, the Board gives notice that, in accordance with 10 CFR 2.315(a), it will entertain written limited appearance statements from members of the public in connection with this proceeding.

A. Matters To Be Considered

As set forth by the Commission in the July 30, 2009 Notice of Hearing regarding this proceeding, *see* Notice of Receipt of Application for License; Notice of Consideration of Issuance of License; Notice of Hearing and Commission Order and Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information and Safeguards Information for Contention Preparation; In the Matter of [AES] ([EREF]), 74 FR 38052, 38054 (July 30, 2009) (CLI–09–15, 70 NRC 1, 7–8 (2009)), the matters to be considered generally are whether the application and record of the proceeding contain sufficient information to support license issuance and whether the NRC staff's review of the AES application has been adequate to support findings to be made by the Director of the Office of Nuclear Materials Safety and Safeguards, with respect to the applicable standards in 10 CFR parts 30, 40, and 70. With respect to this particular portion of the proceeding, which generally concerns the safety-related aspects of the AES safety analysis report and the associated staff safety evaluation report (SER), the particular matters about which AES and the staff will make evidentiary presentations to the Board concern site-specific process-related hazards, foreign ownership and control, license conditions/exemptions, and commitment followup/tracking.

B. Date, Time, and Location of Evidentiary Hearing for Safety-Related Portion of the Mandatory Hearing

The Board will conduct an evidentiary hearing for the portion of the mandatory hearing regarding safety matters beginning at 10 a.m. Eastern Time (ET) on Tuesday, January 25, 2011, at the Atomic Safety and Licensing Board Panel Hearing Room, Two White Flint North Building, Third Floor, Room T–3B45, 11545 Rockville Pike, Rockville, Maryland. The hearing will continue day-to-day until concluded. AES and the NRC staff will be parties to the mandatory hearing and will present witnesses and evidentiary material.

Any member of the public who plans to attend the mandatory hearing is advised that security measures will be employed at the entrance to the building housing the hearing facility, including searches of hand-carried items such as briefcases or backpacks, and is reminded to allow sufficient time for security screening and to bring a government-issued photo ID (*e.g.,* driver's license). The public is further advised that, in accordance with 10 CFR 2.390, portions of the hearing sessions may be closed to the public because the matters at issue may involve the discussion of protected information.

C. Opportunity To View the Hearing Via Webstreaming

In addition to in-person attendance, the public may view the hearing over the Internet via publicly-available Webstreams. The Webstream sessions may be accessed through the following links: Tuesday, January 25, 2011, *http://www.visualwebcaster.com/event.asp?id=75030;* Wednesday, January 26, 2011 (if needed), *http://www.visualwebcaster.com/event.asp?id=75033;* Thursday, January 27, 2011 (if needed), *http://www.visualwebcaster.com/event.asp?id=75034.* As with in-person attendance, in accordance with 10 CFR 2.390, access to portions of the hearing sessions may be closed to the public because the matters at issue may involve the discussion of confidential/protected information.

D. Availability of Documentary Information Regarding the Proceeding

The AES application and various staff documents relating to the application are available on the NRC Web site at *http://www.nrc.gov/materials/fuel-cycle-fac/arevanc.html.*

These and other documents relating to this proceeding also are available for public inspection at the Commission's Public Document Room (PDR), located at the One White Flint North Building, 11555 Rockville Pike (first floor), Rockville, Maryland, or electronically from the publicly-available records component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at *http://www.nrc.gov/reading-rm/adams.html* (the Public Electronic Reading Room).* Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS should contact the NRC PDR reference staff by telephone at (800) 397–4209 or (301) 415–4737 (available between 8 a.m. and 4 p.m. ET, Monday through Friday except Federal holidays), or by e-mail to *pdr@nrc.gov.*

E. Information Updates to Schedule

Any updates or revisions to the mandatory hearing schedule outlined in this notice can be found on the NRC Web site at *http://www.nrc.gov/public-involve/public-meetings/index.cfm,* or by calling (800) 368–5642, extension 5036 (available between 7 a.m. and 9 p.m. ET, Monday through Friday, except Federal holidays), or by calling (301) 415–5036 (available seven days a week, twenty-four hours a day).

* Some documents determined by the staff to contain "sensitive" information are publicly available only in redacted form; non-sensitive documents are publicly available in their complete form. In addition, some documents that may contain information proprietary to AES are publicly available only in redacted form.

F. Submitting Written Limited Appearance Statements

As provided in 10 CFR 2.315(a), any person not a party, or the representative of a party, to the proceeding may submit a written statement setting forth his or her position on matters of concern relating to this proceeding. The Board would particularly encourage such statements regarding the matters addressed in the staff's final SER (Office of Nuclear Materials Safety and Safeguards, NRC, NUREG–1951, [SER] for the [EREF] in Bonneville, County, Idaho (Sept. 2010) (ADAMS Accession No. ML102710296)). Although these statements do not constitute testimony or evidence, they nonetheless may help the Board or the parties in their consideration of the issues in this proceeding.

A written limited appearance statement may be submitted at any time and should be sent to the Office of the Secretary using one of the methods prescribed below:

Mail: Office of the Secretary, Rulemakings and Adjudications Staff, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

Fax: (301) 415–1101 (verification (301) 415–1966)

E-mail: *hearingdocket@nrc.gov.*

In addition, using the same method of service, a copy of the written limited appearance statement should be sent to the Chairman of this Licensing Board as follows:

Mail: Administrative Judge G. Paul Bollwerk, III, Atomic Safety and Licensing Board Panel, Mail Stop T–3F23, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

Fax: (301) 415–5599 (verification (301) 415–6094)

E-mail: *paul.bollwerk@nrc.gov.*

Although the Board does not intend to conduct oral limited appearance sessions at this juncture, at a later date the Board may entertain oral limited appearance statements at a location or locations in the vicinity of the proposed EREF. Notice of any oral limited appearance sessions will be published in the **Federal Register** and would be made available to the public at the NRC's Public Document Room or on the NRC's Web site, *http://www.nrc.gov.*

It is so *ordered.*

For the Atomic Safety and Licensing Board.

Dated: December 17, 2010.

G. Paul Bollwerk, III,

Chairman, Rockville, Maryland.

[FR Doc. 2010–33184 Filed 1–3–11; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Sunshine Act Notice

AGENCY HOLDING THE MEETINGS: Nuclear Regulatory Commission.

DATES: Weeks of January 3, 10, 17, 24, 31, February 7, 2011.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

Week of January 3, 2011

There are no meetings scheduled for the week of January 3, 2011.

Week of January 10, 2011—Tentative

Tuesday, January 11, 2011

9:30 a.m. Discussion of Management Issues (Closed—Ex. 2).

Week of January 17, 2011—Tentative

There are no meetings scheduled for the week of January 17, 2011.

Week of January 24, 2011—Tentative

Monday, January 24, 2011

1 p.m. Briefing on Safety Culture Policy Statement (Public Meeting).

(Contact: Diane Sieracki, 301–415–3297.)

This meeting will be Webcast live at the Web address—*http://www.nrc.gov.*

Week of January 31, 2011—Tentative

Tuesday, February 1, 2011

9 a.m. Briefing on Digital Instrumentation and Controls (Public Meeting).

(Contact: Steven Arndt, 301–415–6502.)

This meeting will be Webcast live at the Web address—*http://www.nrc.gov.*

Week of February 7, 2011—Tentative

Tuesday, February 8, 2011

9 a.m. Briefing on Implementation of Part 26 (Public Meeting).

(Contact: Shana Helton, 301–415–7198.)

This meeting will be Webcast live at the Web address—*http://www.nrc.gov.*

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*The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings, call (recording)—(301) 415–1292. Contact person for more information: Rochelle Bavol, (301) 415–1651.

* * * * *

The NRC Commission Meeting Schedule can be found on the Internet at: *http://www.nrc.gov/about-nrc/policy-making/schedule.html.*

* * * * *

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (*e.g.*, Braille, large print), please notify Angela Bolduc, Chief, Employee/Labor Relations and Work Life Branch, at 301–492–2230, TDD: 301–415–2100, or by e-mail at *angela.bolduc@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

* * * * *

This notice is distributed electronically to subscribers. If you no longer wish to receive it, or would like to be added to the distribution, please contact the Office of the Secretary, Washington, DC 20555 (301–415–1969), or send an e-mail to *darlene.wright@nrc.gov.*

Dated: December 29, 2010.

Rochelle C. Bavol,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2010–33268 Filed 12–30–10; 11:15 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–424 and 50–425; NRC–2010–0389]

Southern Nuclear Operating Company; Vogtle Electric Generating Plant, Unit Nos. 1 and 2; Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing and Order Imposing Procedures for Document Access to Sensitive Unclassified Non-Safeguards Information

AGENCY: Nuclear Regulatory Commission [NRC, the Commission].

ACTION: Notice of license amendment request, opportunity to comment, opportunity to request a hearing, and Commission Order.

DATES: Submit comments by February 3, 2011. A request for a hearing must be filed by [March 7, 2011. Any potential party as defined in Title 10 of the Code of Federal Regulations (10 CFR) 2.4 who believes access to Sensitive Unclassified Non-Safeguards Information and/or Safeguards Information is necessary to respond to this notice must request document access by January 14, 2011.

ADDRESSES: Please include Docket ID NRC–2010–0389 in the subject line of

your comments. Comments submitted in writing or in electronic form will be posted on the NRC Web site and on the Federal rulemaking Web site *http://www.regulations.gov.* 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.

The NRC requests that any party soliciting or aggregating comments received from other persons for submission to the NRC inform those persons that the NRC will not edit their comments to remove any identifying or contact information, and therefore, they should not include any information in their comments that they do not want publicly disclosed.

You may submit comments by any one of the following methods.

Federal Rulemaking Web site: Go to *http://www.regulations.gov* and search for documents filed under Docket ID NRC–2010–0389. Address questions about NRC dockets to Carol Gallagher 301–492–3668; e-mail *Carol.Gallagher@nrc.gov.*

Mail comments to: Chief, Rules, Announcements and Directives Branch (RADB), Office of Administration, Mail Stop: TWB–05–B01M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, or by fax to RADB at 301–492–3446.

You can access publicly available documents related to this notice using the following methods:

NRC's Public Document Room (PDR): The public may examine, and have copied for a fee, publicly available documents at the NRC's PDR, Room O1 F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. These documents may also be viewed electronically on the public computers located at the NRC's PDR at 11555 Rockville Pike, Rockville, Maryland 20852.

NRC's Agencywide Documents Access and Management System (ADAMS): Publicly available documents created or received at the NRC are available electronically at the NRC's Electronic Reading Room at *http://www.nrc.gov/reading-rm/adams.html.* From this page, the public can gain entry into ADAMS, which provides text and image files of NRC's public documents. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC's PDR reference staff at 1–800–397–4209, 301–415–4737, or by e-mail to *pdr.resource@nrc.gov.* The application for amendment, dated November 23, 2010 contains proprietary information and, accordingly, those portions are being withheld from public disclosure. A redacted version of the application for amendment is available electronically under ADAMS Accession No. ML103300241.

Federal Rulemaking Web site: Public comments and supporting materials related to this notice can be found at *http://www.regulations.gov* by searching on Docket ID: NRC–2010–0389.

FOR FURTHER INFORMATION CONTACT: Mr. Patrick Boyle, Project Manager, Plant Licensing Branch 2–1, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone: 301–415–3936.

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC is considering issuance of an amendment to Facility Operating License Nos. NPF–68 and NPF–81 issued to Southern Nuclear Operating Company (the licensee) for operation of the Vogtle Electric Generating Plant, Units 1 and 2 (VEGP), located in Burke County, Georgia.

The proposed amendment proposes to revise VEGP Technical Specification (TS) 5.5.9, "Steam Generator (SG) Program," to exclude portions of the tube below the top of the steam generator tubesheet from periodic steam generator tube inspections for Unit 1 during Refueling Outage 16 and the subsequent operating cycle and for Unit 2 during Refueling Outage 15 and the subsequent operating cycle. In addition, this amendment proposes to revise TS 5.6.10, "Steam Generator Tube Inspection Report" to remove reference to previous interim alternate repair criteria and provide reporting requirements specific to the temporary alternate repair criteria.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR Section 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

(1) Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The previously analyzed accidents are initiated by the failure of plant structures, systems, or components. The proposed change that alters the steam generator inspection criteria and the steam generator inspection reporting criteria does not have a detrimental impact on the integrity of any plant structure, system, or component that initiates an analyzed event. The proposed change will not alter the operation of, or otherwise increase the failure probability of any plant equipment that initiates an analyzed accident.

Of the applicable accidents previously evaluated, the limiting transients with consideration to the proposed change to the steam generator tube inspection and repair criteria are the steam generator tube rupture (SGTR) event and the feedline break (FLB) postulated accidents.

During the SGTR event, the required structural integrity margins of the steam generator tubes and the tube-to-tubesheet joint over the H* distance will be maintained. Tube Enclosure 1 Basis for Proposed Change E1–16 rupture in tubes with cracks within the tubesheet is precluded by the constraint provided by the tube-to-tubesheet joint. This constraint results from the hydraulic expansion process, thermal expansion mismatch between the tube and tubesheet, and from the differential pressure between the primary and secondary side. Based on this design, the structural margins against burst, as discussed in Regulatory Guide (RG) 1.121, "Bases for Plugging Degraded PWR Steam Generator Tubes," (Reference 10) are maintained for both normal and postulated accident conditions.

The proposed change has no impact on the structural or leakage integrity of the portion of the tube outside of the tubesheet. The proposed change maintains structural integrity of the steam generator tubes and does not affect other systems, structures, components, or operational features. Therefore, the proposed change results in no significant increase in the probability of the occurrence of a SGTR accident.

At normal operating pressures, leakage from primary water stress corrosion cracking below the proposed limited inspection depth is limited by both the tube-to-tubesheet crevice and the limited crack opening permitted by the tubesheet constraint. Consequently, negligible normal operating leakage is expected from cracks within the tubesheet region. The consequences of an SGTR event are affected by the primary-to-secondary leakage flow during the event. However, primary-to-secondary leakage flow through a postulated broken tube is not affected by the proposed changes since the tubesheet enhances the tube integrity in the

region of the hydraulic expansion by precluding tube deformation beyond its initial hydraulically expanded outside diameter. Therefore, the proposed changes do not result in a significant increase in the consequences of a SGTR.

The consequences of a steam line break (SLB) are also not significantly affected by the proposed changes. During a SLB accident, the reduction in pressure above the tubesheet on the shell side of the steam generator creates an axially uniformly distributed load on the tubesheet due to the reactor coolant system pressure on the underside of the tubesheet. The resulting bending action constrains the tubes in the tubesheet thereby restricting primary-to-secondary leakage below the midplane.

Primary-to-secondary leakage from tube degradation in the tubesheet area during the limiting accident (*i.e.*, a SLB) is limited by flow restrictions. These restrictions result from the crack and tube-to-tubesheet contact pressures that provide a restricted leakage path above the indications and also limit the degree of potential crack face opening as compared to free span indications.

The leakage factor of 2.48 for Vogtle Electric Generating Plant (VEGP), for a postulated SLB/FLB, has been calculated as shown in Revised Table 9–7 of Reference 11. Specifically, for the condition monitoring (CM) assessment, the component of leakage from the prior cycle from below the H* distance will be multiplied by a factor of 2.48 and added to the total leakage from any other source and compared to the allowable accident induced leakage limit. For the operational assessment (OA), the difference in the leakage between the allowable leakage and the accident induced leakage from sources other than the tubesheet expansion region will be divided by 2.48 and compared to the observed operational leakage. Enclosure 1 Basis for Proposed Change E1–17.

The probability of a SLB is unaffected by the potential failure of a steam generator tube as the failure of the tube is not an initiator for a SLB event. SLB leakage is limited by leakage flow restrictions resulting from the leakage path above potential cracks through the tube-to-tubesheet crevice. The leak rate during postulated accident conditions (including locked rotor) has been shown to remain within the accident analysis assumptions for all axial and or circumferentially orientated cracks occurring 15.2 inches below the top of the tubesheet. The accident induced leak rate limit is 1.0 gpm. The TS operational leak rate is 150 gpd (0.1 gpm) through any one steam generator. Consequently, there is significant margin between accident leakage and allowable operational leakage. The SLB/FLB leak rate ratio is only 2.48 resulting in significant margin between the conservatively estimated accident leakage and the allowable accident leakage (1.0 gpm).

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

(2) Does the change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change that alters the steam generator inspection criteria and the steam generator inspection reporting criteria does not introduce any new equipment, create new failure modes for existing equipment, or create any new limiting single failures. Plant operation will not be altered, and all safety functions will continue to perform as previously assumed in accident analyses.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

(3) Does the change involve a significant reduction in a margin of safety?

Response: No.

The proposed change that alters the steam generator inspection criteria and the steam generator inspection reporting criteria maintains the required structural margins of the steam generator tubes for both normal and accident conditions. NEI 97–06, Revision 2, "Steam Generator Program Guidelines" (Reference 6) and RG 1.121, are used as the bases in the development of the limited tubesheet inspection depth methodology for determining that steam generator tube integrity considerations are maintained within acceptable limits. RG 1.121 describes a method acceptable to the NRC for meeting GDC 14, "Reactor Coolant Pressure Boundary," GDC 15, "Reactor Coolant System Design," GDC 31, "Fracture Prevention of Reactor Coolant Pressure Boundary," and GDC 32, "Inspection of Reactor Coolant Pressure Boundary," by reducing the probability and consequences of a SGTR. RG 1.121 concludes that by determining the limiting safe conditions for tube wall degradation the probability and consequences of a SGTR are reduced. This RG uses safety factors on loads for tube burst that are consistent with the requirements of Section III of the American Society of Mechanical Engineers (ASME) Code.

For axially oriented cracking located within the tubesheet, tube burst is precluded due to the presence of the tubesheet. For circumferentially oriented cracking, the H* analysis, Enclosure 1 Basis for Proposed Change E1–18 documented in section 4, defines a length of degradation free expanded tubing that provides the necessary resistance to tube pullout due to the pressure induced forces, with applicable safety factors applied. Application of the limited hot and cold leg tubesheet inspection criteria will preclude unacceptable primary-to-secondary leakage during all plant conditions. The methodology for determining leakage provides for large margins between calculated and actual leakage values in the proposed limited tubesheet inspection depth criteria.

Therefore, the proposed change does not involve a significant reduction in any margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received by February 3, 2011 will be considered in making any final determination. You may submit comments using any of the methods discussed under the **ADDRESSES** caption.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day period provided that its final determination is that the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period should circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility. Should the Commission take action prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. Should the Commission make a final No Significant Hazards Consideration Determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

II. Opportunity To Request a Hearing

Requirements for hearing requests and petitions for leave to intervene are found in 10 CFR 2.309, "Hearing requests, petitions to intervene, requirements for standing, and contentions." Interested persons should consult 10 CFR Part 2, Section 2.309, which is available at the NRC's Public Document Room (PDR), located at O1 F21, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852 (or call the PDR at 800–397–4209 or 301–415–4737). NRC regulations are also accessible electronically from the NRC's Electronic Reading Room on the NRC Web site at *http://www.nrc.gov.*

III. Petitions for Leave To Intervene

Any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. As required by 10 CFR 2.309, a petition for leave to intervene shall set forth with particularity the interest of the requestor/petitioner in the proceeding and how that interest may be affected by the results of the proceeding. The petition must provide the name, address, and telephone number of the

requestor or petitioner and specifically explain the reasons why the intervention should be permitted with particular reference to the following factors: (1) The nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any decision or order which may be entered in the proceeding on the requestor's/petitioner's interest. The petition must also identify the specific contentions which the requestor/petitioner seeks to have litigated at the proceeding.

A petition for leave to intervene must also include a specification of the contentions that the petitioner seeks to have litigated in the hearing. For each contention, the requestor/petitioner must provide a specific statement of the issue of law or fact to be raised or controverted, as well as a brief explanation of the basis for the contention. Additionally, the requestor/petitioner must demonstrate that the issue raised by each contention is within the scope of the proceeding and is material to the findings the NRC must make to support the granting of a license amendment in response to the application. The petition must include a concise statement of the alleged facts or expert opinions which support the position of the requestor/petitioner and on which the requestor/petitioner intends to rely at hearing, together with references to the specific sources and documents on which the requestor/petitioner intends to rely. Finally, the petition must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact, including references to specific portions of the application for amendment that the requestor/petitioner disputes and the supporting reasons for each dispute, or, if the requestor/petitioner believes that the application for amendment fails to contain information on a relevant matter as required by law, the identification of each failure and the supporting reasons for the requestor's/petitioner's belief. Each contention must be one which, if proven, would entitle the requestor/petitioner to relief.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that person's admitted contentions, including the opportunity to present evidence and to submit a cross-examination plan for cross-examination of witnesses, consistent with NRC regulations, policies, and procedures. The Atomic Safety and Licensing Board (Licensing Board) will set the time and place for any prehearing conferences and evidentiary hearings, and the appropriate notices will be provided.

Non-timely petitions for leave to intervene and contentions, amended petitions, and supplemental petitions will not be entertained absent a determination by the Commission, the Licensing Board or a Presiding Officer that the petition should be granted and/or the contentions should be admitted based upon a balancing of the factors specified in 10 CFR 2.309(c)(1)(i)–(viii).

A State, county, municipality, Federally-recognized Indian Tribe, or agencies thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(d)(2). The petition should state the nature and extent of the petitioner's interest in the proceeding. The petition should be submitted to the Commission by March 7, 2011. The petition must be filed in accordance with the filing instructions in section IV of this document, and should meet the requirements for petitions for leave to intervene set forth in this section, except that State and Federally-recognized Indian Tribes do not need to address the standing requirements in 10 CFR 2.309(d)(1) if the facility is located within its boundaries. The entities listed above could also seek to participate in a hearing as a nonparty pursuant to 10 CFR 2.315(c).

Any person who does not wish, or is not qualified, to become a party to this proceeding may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.315(a). A person making a limited appearance may make an oral or written statement of position on the issues, but may not otherwise participate in the proceeding. A limited appearance may be made at any session of the hearing or at any prehearing conference, subject to such limits and conditions as may be imposed by the Licensing Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission by March 7, 2011.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

IV. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC E-Filing rule (72 FR 49139, August 28, 2007). The E-Filing process requires participants to submit and serve all adjudicatory documents over the Internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least ten (10) days prior to the filing deadline, the participant should contact the Office of the Secretary by e-mail at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to request (1) a digital ID certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a request or petition for hearing (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/apply-certificates.html.* System requirements for accessing the E-Submittal server are detailed in NRC's "Guidance for Electronic Submission," which is available on the agency's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may attempt to use other software not listed on the Web site, but should note that the NRC's E-Filing system does not

support unlisted software, and the NRC Meta System Help Desk will not be able to offer assistance in using unlisted software.

If a participant is electronically submitting a document to the NRC in accordance with the E-Filing rule, the participant must file the document using the NRC's online, Web-based submission form. In order to serve documents through EIE, users will be required to install a Web browser plug-in from the NRC Web site. Further information on the Web-based submission form, including the installation of the Web browser plug-in, is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.*

Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* A filing is considered complete at the time the documents are submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an e-mail notice confirming receipt of the document. The E-Filing system also distributes an e-mail notice that provides access to the document to the NRC Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the agency's adjudicatory E-Filing system may seek assistance by contacting the NRC Meta System Help Desk through the "Contact Us" link located on the NRC Web site at *http://www.nrc.gov/site-help/e-submittals.html,* by e-mail at *MSHD.Resource@nrc.gov,* or by a toll-free call at 866–672–7640. The NRC Meta System Help Desk is available between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First-class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in NRC's electronic hearing docket which is available to the public at *http://ehd.nrc.gov/EHD_Proceeding/home.asp,* unless excluded pursuant to an order of the Commission, or the presiding officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

Petitions for leave to intervene must be filed no later than 60 days from January 4, 2011. Non-timely filings will not be entertained absent a determination by the presiding officer that the petition or request should be granted or the contentions should be admitted, based on a balancing of the factors specified in 10 CFR 2.309(c)(1)(i)–(viii).

Attorney for licensee: Mr. Arthur H. Domby, Troutman Sanders, NationsBank Plaza, Suite 5200, 600 Peachtree Street, NE., Atlanta, Georgia 30308–2216.

Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information for Contention Preparation

A. This Order contains instructions regarding how potential parties to this proceeding may request access to documents containing Sensitive Unclassified Non-Safeguards Information (SUNSI).

B. Within 10 days after publication of this notice of hearing and opportunity to petition for leave to intervene, any potential party who believes access to SUNSI is necessary to respond to this notice may request such access. A "potential party" is any person who intends to participate as a party by demonstrating standing and filing an admissible contention under 10 CFR 2.309. Requests for access to SUNSI submitted later than 10 days after publication will not be considered absent a showing of good cause for the late filing, addressing why the request could not have been filed earlier.

C. The requestor shall submit a letter requesting permission to access SUNSI to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, and provide a copy to the Associate General Counsel for Hearings, Enforcement and Administration, Office of the General Counsel, Washington, DC 20555–0001. The expedited delivery or courier mail address for both offices is: U.S. Nuclear Regulatory Commission, 11555 Rockville Pike, Rockville, Maryland 20852. The e-mail address for the Office of the Secretary and the Office of the General Counsel are *Hearing.Docket@nrc.gov* and *OGCmailcenter@nrc.gov,* respectively.[1] The request must include the following information:

(1) A description of the licensing action with a citation to this **Federal Register** notice;

(2) The name and address of the potential party and a description of the potential party's particularized interest that could be harmed by the action identified in C.(1);

(3) The identity of the individual or entity requesting access to SUNSI and the requestor's basis for the need for the information in order to meaningfully participate in this adjudicatory

[1] While a request for hearing or petition to intervene in this proceeding must comply with the filing requirements of the NRC's "E-Filing Rule," the initial request to access SUNSI under these procedures should be submitted as described in this paragraph.

proceeding. In particular, the request must explain why publicly-available versions of the information requested would not be sufficient to provide the basis and specificity for a proffered contention;

D. Based on an evaluation of the information submitted under paragraph C.(3) the NRC staff will determine within 10 days of receipt of the request whether:

(1) There is a reasonable basis to believe the petitioner is likely to establish standing to participate in this NRC proceeding; and

(2) The requestor has established a legitimate need for access to SUNSI.

E. If the NRC staff determines that the requestor satisfies both D.(1) and D.(2) above, the NRC staff will notify the requestor in writing that access to SUNSI has been granted. The written notification will contain instructions on how the requestor may obtain copies of the requested documents, and any other conditions that may apply to access to those documents. These conditions may include, but are not limited to, the signing of a Non-Disclosure Agreement or Affidavit, or Protective Order [2] setting forth terms and conditions to prevent the unauthorized or inadvertent disclosure of SUNSI by each individual who will be granted access to SUNSI.

F. Filing of Contentions. Any contentions in these proceedings that are based upon the information received as a result of the request made for SUNSI must be filed by the requestor no later than 25 days after the requestor is granted access to that information. However, if more than 25 days remain between the date the petitioner is granted access to the information and the deadline for filing all other contentions (as established in the notice of hearing or opportunity for hearing), the petitioner may file its SUNSI contentions by that later deadline.

G. Review of Denials of Access.

(1) If the request for access to SUNSI is denied by the NRC staff either after a determination on standing and need for access, or after a determination on trustworthiness and reliability, the NRC staff shall immediately notify the requestor in writing, briefly stating the reason or reasons for the denial.

(2) The requestor may challenge the NRC staff's adverse determination by filing a challenge within 5 days of receipt of that determination with: (a) The presiding officer designated in this proceeding; (b) if no presiding officer has been appointed, the Chief Administrative Judge, or if he or she is unavailable, another administrative judge, or an administrative law judge with jurisdiction pursuant to 10 CFR 2.318(a); or (c) if another officer has been designated to rule on information access issues, with that officer.

H. Review of Grants of Access. A party other than the requestor may challenge an NRC staff determination granting access to SUNSI whose release would harm that party's interest independent of the proceeding. Such a challenge must be filed with the Chief Administrative Judge within 5 days of the notification by the NRC staff of its grant of access.

If challenges to the NRC staff determinations are filed, these procedures give way to the normal process for litigating disputes concerning access to information. The availability of interlocutory review by the Commission of orders ruling on such NRC staff determinations (whether granting or denying access) is governed by 10 CFR 2.311.[3]

I. The Commission expects that the NRC staff and presiding officers (and any other reviewing officers) will consider and resolve requests for access to SUNSI, and motions for protective orders, in a timely fashion in order to minimize any unnecessary delays in identifying those petitioners who have standing and who have propounded contentions meeting the specificity and basis requirements in 10 CFR part 2. Attachment 1 to this Order summarizes the general target schedule for processing and resolving requests under these procedures.

It is so ordered.

Dated at Rockville, Maryland, this 28th day of December 2010.

For the Nuclear Regulatory Commission.

Annette L. Vietti-Cook,

Secretary of the Commission.

Attachment 1—General Target Schedule for Processing and Resolving Requests for Access to Sensitive Unclassified Non-Safeguards Information in this Proceeding

Day	Event/Activity
0	Publication of **Federal Register** notice of hearing and opportunity to petition for leave to intervene, including order with instructions for access requests.
10	Deadline for submitting requests for access to Sensitive Unclassified Non-Safeguards Information (SUNSI) with information: Supporting the standing of a potential party identified by name and address; describing the need for the information in order for the potential party to participate meaningfully in an adjudicatory proceeding.
60	Deadline for submitting petition for intervention containing: (i) Demonstration of standing; (ii) all contentions whose formulation does not require access to SUNSI (+25 Answers to petition for intervention; +7 requestor/petitioner reply).
20	Nuclear Regulatory Commission (NRC) staff informs the requestor of the staff's determination whether the request for access provides a reasonable basis to believe standing can be established and shows need for SUNSI. (NRC staff also informs any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information.) If NRC staff makes the finding of need for SUNSI and likelihood of standing, NRC staff begins document processing (preparation of redactions or review of redacted documents).
25	If NRC staff finds no "need" or no likelihood of standing, the deadline for requestor/petitioner to file a motion seeking a ruling to reverse the NRC staff's denial of access; NRC staff files copy of access determination with the presiding officer (or Chief Administrative Judge or other designated officer, as appropriate). If NRC staff finds "need" for SUNSI, the deadline for any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information to file a motion seeking a ruling to reverse the NRC staff's grant of access.
30	Deadline for NRC staff reply to motions to reverse NRC staff determination(s).
40	(Receipt +30) If NRC staff finds standing and need for SUNSI, deadline for NRC staff to complete information processing and file motion for Protective Order and draft Non-Disclosure Affidavit. Deadline for applicant/licensee to file Non-Disclosure Agreement for SUNSI.

[2] Any motion for Protective Order or draft Non-Disclosure Affidavit or Agreement for SUNSI must be filed with the presiding officer or the Chief Administrative Judge if the presiding officer has not yet been designated, within 30 days of the deadline for the receipt of the written access request.

[3] Requestors should note that the filing requirements of the NRC's E-Filing Rule (72 FR 49139; August 28, 2007) apply to appeals of NRC staff determinations (because they must be served on a presiding officer or the Commission, as applicable), but not to the initial SUNSI request submitted to the NRC staff under these procedures.

Day	Event/Activity
A	If access granted: Issuance of presiding officer or other designated officer decision on motion for protective order for access to sensitive information (including schedule for providing access and submission of contentions) or decision reversing a final adverse determination by the NRC staff.
A + 3	Deadline for filing executed Non-Disclosure Affidavits. Access provided to SUNSI consistent with decision issuing the protective order.
A + 28	Deadline for submission of contentions whose development depends upon access to SUNSI. However, if more than 25 days remain between the petitioner's receipt of (or access to) the information and the deadline for filing all other contentions (as established in the notice of hearing or opportunity for hearing), the petitioner may file its SUNSI contentions by that later deadline.
A + 53	(Contention receipt +25) Answers to contentions whose development depends upon access to SUNSI.
A + 60	(Answer receipt +7) Petitioner/Intervenor reply to answers.
> A + 60	Decision on contention admission.

[FR Doc. 2010–33182 Filed 1–3–11; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket No. CP2011–52; Order No. 624]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recently-filed Postal Service request to add a Global Direct Contracts 1 contract to the competitive product list. This notice addresses procedural steps associated with this filing.

DATES: *Comments are due:* January 5, 2011.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Commenters who cannot submit their views electronically should contact the person identified in **FOR FURTHER INFORMATION CONTACT** by telephone for advice on alternatives to electronic filing.

FOR FURTHER INFORMATION CONTACT: Stephen L. Sharfman, General Counsel, *stephen.sharfman@prc.gov* or 202–789–6820.

SUPPLEMENTARY INFORMATION:

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I. Background
II. Notice of Filing
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I. Background

On December 23, 2010, the Postal Service filed a notice announcing its intent to enter into an additional Global Direct Contracts 1 agreement.[1] Global Direct Contracts provide a rate for mail acceptance within the United States, transportation to a receiving country of mail that bears the destination country's indicia, and payment by the Postal Service of the appropriate settlement charges to the receiving country.[2] The Postal Service believes that the instant agreement should be included within the Global Direct Contracts 1 product because it is functionally equivalent to the Global Direct Contracts 1 agreement in Docket Nos. MC2010–17 and CP2010–18. Notice at 2.

The instant agreement. The Postal Service filed the instant agreement under 39 CFR 3015.5. *Id.* at 1. In addition, the Postal Service contends that the agreement is consistent with Order No. 386.[3] The Postal Service states that the instant agreement succeeds the Global Direct Contract in Docket No. CP2010–19, which is scheduled to expire January 10, 2011. *Id.* at 2–3. The term of the instant agreement begins on January 11, 2011 and ends in January 2012 on the day before Canada Post Corporation implements price changes for its domestic Admail. *Id.* at 3, Attachment 1 at 7. If prices for Admail do not change during January 2012, then the instant agreement is scheduled to expire January 31, 2012. *Id.*

To support its Notice, the Postal Service filed four attachments as follows:

- Attachment 1—a redacted copy of the contract;
- Attachment 2—a certified statement required by 39 CFR 3015.5(c)(2);
- Attachment 3—a redacted copy of Governors' Decision No. 08–10, which establishes prices and classifications for Global Direct, Global Bulk Economy, and Global Plus Contracts; and
- Attachment 4—an application for non-public treatment of materials to maintain redacted portions of the contract and supporting documents under seal.

The Postal Service states that the instant agreement fits within the Mail Classification Schedule language for Global Direct Contracts included in Governors' Decision No. 08–10, with the modification proposed by the Commission to reflect the actual payment practice under these types of agreements. *Id.* at 2 (citing Order No. 153 at 9).

The Notice advances reasons why the instant agreement is functionally equivalent to the previous Global Direct Contracts 1 agreement in Docket Nos. MC2010–17 and CP2010–18. *Id.* at 3. Aside from cosmetic or customer-specific updates, the Postal Service contends that the only differences are that the instant agreement (1) concerns Global Direct service used with Admail to Canada; (2) contains more detailed procedures relating to penalties for mail that does not comply with applicable regulations; (3) addresses actual and potential changes in pricing; and (4) revises minimum commitments and annexes. *Id.* at 3–4. Despite these differences, the Postal Service contends that the instant contract is functionally equivalent to the Global Direct Contracts 1 agreement filed previously because the core terms and conditions remain the same. *Id.* at 4.

The Postal Service asserts that "the cost and market characteristics of this agreement are substantially similar to those of prior Global Direct contracts" and that the agreement complies with the requirements of 39 U.S.C. 3633. *Id.* It requests that the Commission include

[1] Notice of United States Postal Service Filing of Functionally Equivalent Global Direct Contracts 1 Negotiated Service Agreement, December 23, 2010 (Notice). Although the agreement has not yet been signed, the Postal Service expects the agreement to be executed soon and will advise the Commission of any substantive changes to the text. Notice at 1 n.2.

[2] Decision of the Governors of the United States Postal Service on the Establishment of Prices and Classifications for Global Direct, Global Bulk Economy, and Global Plus Contracts, Docket Nos. MC2008–7, CP2008–16 and CP2008–17, issued July 16, 2008 (Governors' Decision No. 08–10). The Commission revised the Mail Classification Schedule language proposed in Governors' Decision No. 08–10 to reflect the actual payment practice under typical Global Direct Contracts. See Docket Nos. MC2009–9, CP2009–10 and CP2009–11, Order Concerning Global Direct Contracts Negotiated Service Agreements, December 19, 2008, at 9 (Order No. 153).

[3] *See* Docket Nos. MC2010–17 and CP2010–18, Order Concerning Filing of Functionally Equivalent Global Direct Contracts 1 Negotiated Service Agreement, January 11, 2010 (Order No. 386).

this agreement within the Global Direct Contracts 1 product. *Id.*

II. Notice of Filing

The Commission establishes Docket No. CP2011–52 to consider matters related to the contract identified in the Notice.

Interested persons may submit comments on whether the Postal Service's contract is consistent with the policies of 39 U.S.C. 3632 or 3633 and 39 CFR part 3015. Comments are due no later than January 5, 2011. The public portions of these filings can be accessed via the Commission's Web site (*http://www.prc.gov*).

The Commission appoints John P. Klingenberg to serve as Public Representative in the captioned filings.

III. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket No. CP2011–52 to consider matters raised by the Postal Service's Notice.
2. Comments by interested persons in these proceedings are due no later than January 5, 2011.
3. Pursuant to 39 U.S.C. 505, John P. Klingenberg is appointed to serve as the officer of the Commission (Public Representative) to represent the interests of the general public in these proceedings.
4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Shoshana M. Grove,

Secretary.

[FR Doc. 2010–33161 Filed 1–3–11; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2011–16 and CP2011–53; Order No. 627]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recently-filed Postal Service request to add Parcel Select Contract 1 to the competitive product list. This notice addresses procedural steps associated with this filing.

DATES: *Comments are due:* January 4, 2011.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Commenters who cannot submit their views electronically should contact the person identified in **FOR FURTHER INFORMATION CONTACT** by telephone for advice on alternatives to electronic filing.

FOR FURTHER INFORMATION CONTACT: Stephen L. Sharfman, General Counsel, *stephen.sharfman@prc.gov* or 202–789–6820.

SUPPLEMENTARY INFORMATION:

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I. Introduction

Pursuant to 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.,* the Postal Service filed a formal request and associated supporting information to add Parcel Select Contract 1 to the competitive product list.[1] The Postal Service states that "[t]he product is for the licensing and distribution of the 'Sample Showcase' co-op box," which is similar to the Samples Co-op Box being tested by the Postal Service as an experimental product in Docket No. MT2010–1.[2]

The Postal Service will license the use of the Sample Showcase box and associated trademarks to StartSampling, Inc., a provider of sample-related services. Request, Attachment B at 1. StartSampling, Inc. will fund and manage all aspects of distributing the Sample Showcase box, including marketing, assembling, and tendering the box for delivery by the Postal Service. *Id.* at 1, 3. StartSampling, Inc. will pay the Postal Service a portion of all revenue exceeding a certain amount that is derived from the boxes. *Id.* at 8.

The Postal Service asserts that Parcel Select Contract 1 is a competitive product "not of general applicability" within the meaning of 39 U.S.C. 3632(b)(3). Request at 1. The Postal Service states that the prices and classification underlying this contract are supported by Governors' Decision No. 10–8, included as Attachment A to the Request.[3] The Request has been assigned Docket No. MC2011–16.

The Postal Service contemporaneously filed a contract related to the proposed new product. Request, Attachment B. The contract has been assigned Docket No. CP2011–53.

Request. In support of its Request, the Postal Service filed six attachments as follows:

- Attachment A—a redacted copy of Governors' Decision No. 10–8 establishing prices and classification for Parcel Select Service and a certification of the Governors' vote;
- Attachment B—a redacted copy of the contract;
- Attachment C—a proposed change in the Mail Classification Schedule competitive product list;
- Attachment D—a Statement of Supporting Justification as required by 39 CFR 3020.32;
- Attachment E—a certification of compliance with 39 U.S.C. 3633(a); and
- Attachment F—an application for non-public treatment of materials to maintain redacted portions of the contract and supporting documents under seal.

As submitted, Attachment E is incomplete as it does not include the certification of compliance with 39 U.S.C. 3633(a)(1) and (3).[4] To complete its Request, the Postal Service shall file the appropriate certification of compliance no later than January 4, 2011.

In the Statement of Supporting Justification, Marc D. McCrery, Manager, Specialty Shipping, asserts that the service to be provided under the contract will cover its attributable costs, make a positive contribution to institutional costs, and increase contribution toward the requisite 5.5 percent of the Postal Service's total institutional costs. Request, Attachment D. Thus, Mr. McCrery contends there will be no issue of market dominant products subsidizing competitive products as a result of this contract. *Id.*

Related contract. A redacted version of the specific Parcel Select Contract 1 is included with the Request. *Id.,* Attachment B. The contract will become effective on the date of any final regulatory approvals. *Id.* at 1. The public version of the contract redacts the terms of the agreement, but lists provisions enabling either party to terminate with or without cause. *See id.* at 11–13. The Postal Service represents that the contract is consistent with 39 U.S.C. 3633(a). *Id.,* Attachment D.

The Postal Service filed much of the supporting materials, including the specific Parcel Select Contract 1, under seal. *Id.,* Attachment F. It maintains that redacted portions of the contract, Governors' Decision No. 10–8, and related financial information, should

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[1] Request of the United States Postal Service to Add Parcel Select Contract 1 to Competitive Product List and Notice of Filing (Under Seal) of Contract and Supporting Data, December 23, 2010 (Request).

[2] Request at 1; *see* Docket No. MT2010–1, Order No. 452, Order Approving Samples Co-op Box Market Test, May 5, 2010.

[3] *See* Request at 1; Decision of the Governors of the United States Postal Service on Establishment of Rate and Class Not of General Applicability for Parcel Select Service, Docket Nos. MC2011–16 and CP2011–53, issued December 16, 2010 (Governors' Decision No. 10–8).

[4] It includes the certification of the Governors' vote that should have been included with Governors' Decision No. 10–8 in Attachment A.

remain confidential. *Id.* at 2. This information includes the price structure and terms, expected profit, underlying costs and assumptions, cost coverage projections, and customer-related information. *Id.* at 2–3.

II. Notice of Filings

The Commission establishes Docket Nos. MC2011–16 and CP2011–53 to consider the Request pertaining to the proposed Parcel Select Contract 1 product and the related contract, respectively.

Interested persons may submit comments on whether the Postal Service's filings in the captioned dockets are consistent with the policies of 39 U.S.C. 3632, 3633, or 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comments are due no later than January 14, 2011. The public portions of these filings can be accessed via the Commission's Web site (*http://www.prc.gov*).

The Commission appoints Paul L. Harrington to serve as Public Representative in these dockets.

III. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket Nos. MC2011–16 and CP2011–53 to consider the matters raised in each docket.

2, The Postal Service shall file the appropriate certification of compliance with 39 U.S.C. 3633(a)(1) and (3) no later than January 4, 2011.

3. Pursuant to 39 U.S.C. 505, Paul L. Harrington is appointed to serve as officer of the Commission (Public Representative) to represent the interests of the general public in these proceedings.

4. Comments by interested persons in these proceedings are due no later than January 14, 2011.

5. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Shoshana M. Grove,

Secretary.

[FR Doc. 2010–33164 Filed 1–3–11; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL SERVICE

Product Change—Express Mail Negotiated Service Agreement

AGENCY: Postal Service ™.

ACTION: Notice.

SUMMARY: Postal Service notice of filing of a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List pursuant to 39 U.S.C. 3642 and 3632(b)(3).

DATES: January 4, 2011.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that on December 17, 2010, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add Express Mail Contract 11 to Competitive Product List.* Documents are available at *http://www.prc.gov,* Docket Nos. MC2011–14, CP2011–50.

Neva R. Watson,

Attorney, Legislative.

[FR Doc. 2010–33162 Filed 1–3–11; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail—Non-Published Rates

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: Postal Service notice of filing of a request with the Postal Regulatory Commission to add a new product to the Mail Classification Schedule's Competitive Products List pursuant to 39 U.S.C. 3642 and 3632(b)(3).

DATES: January 4, 2011.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that on December 17, 2010, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service Concerning Priority Mail—Non-Published Rates and Notice of Filing Materials Under Seal.* Documents are available at *http://www.prc.gov,* Docket Nos. MC2011–15 and CP2011–51.

Neva R. Watson,

Attorney, Legislative.

[FR Doc. 2010–33148 Filed 1–3–11; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service ™.

ACTION: Notice.

SUMMARY: Postal Service notice of filing of a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List pursuant to 39 U.S.C. 3642 and 3632(b)(3).

DATES: January 4, 2011.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that on December 17, 2010, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add Priority Mail Contract 33 to Competitive Product List.* Documents are available at *http://www.prc.gov,* Docket Nos. MC2011–13, CP2011–49.

Neva R. Watson,

Attorney, Legislative.

[FR Doc. 2010–33160 Filed 1–3–11; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Rule 8c–1; SEC File No. 270–455; OMB Control No. 3235–0514]

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: U.S. Securities and Exchange Commission, Office of Investor Education and Advocacy, Washington, DC 20549.

Existing collection in use without an OMB Number:

Rule 8c–1, SEC File No. 270–455, OMB Control No. 3235–0514.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission has submitted to the Office of Management and Budget requests for approval of the following rule: Rule 8c–1.

Rule 8c–1 (17 CFR 240.8c–1) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) generally prohibits a broker-dealer from using its customers' securities as collateral to finance its own trading, speculating, or underwriting transactions. More specifically, the rule states three main principles: First, that a broker-dealer is prohibited from commingling the securities of different customers as collateral for a loan without the consent of each customer; second, that a broker-dealer cannot commingle customers' securities with its own securities under the same pledge; and third, that a broker-dealer can only pledge its customers' securities to the extent that customers are in debt

to the broker-dealer. *See* Securities Exchange Act Release No. 2690 (November 15, 1940); Securities Exchange Act Release No. 9428 (December 29, 1971). Pursuant to Rule 8c–1, respondents must collect information necessary to prevent the hypothecation of customer accounts in contravention of the rule, issue and retain copies of notices to the pledgee of hypothecation of customer accounts in accordance with the rule, and collect written consents from customers in accordance with the rule. The information is necessary to ensure compliance with the rule, and to advise customers of the rule's protections.

There are approximately 111 respondents per year (*i.e.,* broker-dealers that conducted business with the public, filed Part II of the FOCUS Report, did not claim an exemption from the Reserve Formula computation, and reported that they had a bank loan during at least one quarter of the current year) that require an aggregate total of 2,498 hours to comply with the rule. Each of these approximately 111 registered broker-dealers makes an estimated 45 annual responses, for an aggregate total of 4,995 responses per year. Each response takes approximately 0.5 hours to complete. Thus, the total compliance burden per year is 2,498 burden hours. The approximate cost per hour is $59, resulting in a total cost of compliance for the respondents of approximately $147,382 (2,498 hours @ $59 per hour).

The retention period for the recordkeeping requirement under Rule 8c–1 is three years. The recordkeeping requirement under this rule is mandatory to ensure that broker-dealers do not commingle their securities or use them to finance the broker-dealers' proprietary business. This rule does not involve the collection of confidential information. Persons should be aware that an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a current valid control number.

The public may view the background documentation for this information collection at the following Web site: *http://www.reginfo.gov.* Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an e-mail to: *Shagufta_Ahmed@omb.eop.gov;* and (ii) Thomas Bayer, Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 6432 General Green Way, Alexandria, VA 22312 or send an e-mail to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: December 28, 2010.

Florence E. Harmon,

Deputy Secretary.

[FR Doc. 2010–33113 Filed 1–3–11; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 29543; File No. 812–13601]

iShares Trust, et al.; Notice of Application

December 27, 2010.

AGENCY: Securities and Exchange Commission ("Commission").

ACTION: Notice of an application for an order under section 6(c) of the Investment Company Act of 1940 ("Act") for an exemption from sections 2(a)(32), 5(a)(1), 22(d) and 22(e) of the Act and rule 22c–1 under the Act, and under sections 6(c) and 17(b) of the Act for an exemption from sections 17(a)(1) and (a)(2) of the Act.

Applicants: iShares Trust ("Trust"), iShares, Inc. ("Corporation") (the Trust and Corporation, together, the "Companies" and each a "Company"), BlackRock Fund Advisors ("BFA" or "Adviser") and SEI Investments Distribution Co. ("Distributor").

SUMMARY: *Summary of Application:* Applicants request an order that permits: (a) Series o

SUMMARY: f certain actively managed open-end management investment companies to issue shares ("Shares") redeemable in large aggregations only ("Creation Units"); (b) secondary market transactions in Shares to occur at negotiated market prices; (c) certain series to pay redemption proceeds, under certain circumstances, more than seven days from the tender of Shares for redemption; and (d) certain affiliated persons of the series to deposit securities into, and receive securities from, the series in connection with the purchase and redemption of Creation Units.

DATES: *Filing Dates:* The application was filed on November 7, 2008 and amended on May 4, 2009, June 17, 2010 and November 12, 2010. Applicants have agreed to file an amendment during the notice period, the substance of which is reflected in this notice.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on January 21, 2011, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, U.S. Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090. Applicants: Andrew Josef, Esq., BlackRock Fund Advisors, 400 Howard Street, San Francisco, CA 94105 for the Companies and BFA, and SEI Investments Distribution Co., One Freedom Valley Drive, Oaks, PA 19456.

FOR FURTHER INFORMATION CONTACT: Jaea F. Hahn, Senior Counsel, at (202) 551–6870 or Jennifer L. Sawin, Branch Chief, at (202) 551–6821 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Applicants' Representations

1. The Trust is an open-end management investment company registered under the Act and organized as a Delaware statutory trust. The Corporation is an open-end management investment company registered under the Act and organized as a Maryland corporation. The Adviser, an investment adviser registered under the Investment Advisers Act of 1940 ("Advisers Act"), will serve as investment adviser to the initial Funds ("Initial Funds").[1] The Distributor, a broker-dealer registered under the Securities Exchange Act of 1934 ("Exchange Act"), will serve as the

[1] Although BFA does not currently expect to enter into subadvisory agreements with respect to the management of the Funds, it may do so in the future. If BFA were to enter into a subadvisory agreement with a BFA Affiliate (defined below) or other subadviser (each a "Subadviser"), such Subadviser would be registered as an investment adviser under the Advisers Act.

principal underwriter of the Funds' shares.

2. Applicants request that the order apply to the Initial Funds and any future series of a Company or of other open-end management investment companies advised by BFA or an entity controlling, controlled by, or under common control with BFA (a "BFA Affiliate") that may utilize active management strategies, subject to the terms and conditions of the application ("Future Funds", together with the Initial Funds, the "Funds").[2] Each Fund will have a distinct investment objective and will attempt to achieve such objective by utilizing an "active" management strategy.[3] The Funds may invest in equity or fixed income securities traded in the U.S or non-U.S. markets, or a combination of equity and fixed income securities, as well as shares of other exchange traded funds ("ETFs") and shares of money market mutual funds or other investment companies. Certain of the Funds may invest in equity securities or fixed income securities traded in international markets (the "International Funds"). Applicants anticipate that certain Funds, including the International Funds, will invest a portion of their assets in depositary receipts representing foreign securities in they seek to invest ("Depositary Receipts").[4] The Funds will not invest in options contracts, futures contracts or swap agreements.

3. Shares of the Funds will be sold at a price between $25 and $100 per Share in Creation Units of 50,000 Shares. All orders to purchase Creation Units must be placed with the Distributor by or through an "Authorized Participant," which is either: (a) A broker-dealer or other participant in the shares clearing process through the continuous net settlement system of the National Securities Clearing Corporation, or (b) a participant in the Depository Trust Company ("DTC," and such participant, "DTC Participant"), which in either case has executed an agreement with a Company, the Distributor and the Transfer Agent, with respect to creations and redemptions of Creation Units. Each Fund will sell Shares in Creation Units, generally in exchange for an in-kind deposit by the purchaser of a particular portfolio of securities designated by the Adviser (the "Deposit Securities"), together with the deposit or refund of a specified cash payment as the case may be ("Cash Component"). The Cash Component is an amount equal to the difference between (a) the net asset value ("NAV") per Creation Unit and (b) the market value per Creation Unit of the Deposit Securities.[5] Applicants state that in some circumstances there may be operational problems with a Fund operating exclusively on an "in-kind" basis. Each Fund therefore may permit, under certain circumstances, a purchaser of Creation Units to substitute cash in lieu of depositing some or all of the requisite Deposit Securities.

4. An investor purchasing a Creation Unit from a Fund will be charged a fee ("Transaction Fee") to prevent the dilution of the interests of the remaining shareholders resulting from costs in connection with the purchase of Creation Units.[6] All orders to purchase Creation Units will be placed with the Distributor by or through an Authorized Participant and it will be the Distributor's responsibility to transmit such orders to the Funds. The Distributor also will be responsible for maintaining records of both the orders placed with it and the confirmations of acceptance furnished by it.

5. Purchasers of Shares in Creation Units may hold such Shares or may sell such Shares into the secondary market. Shares will be listed and traded on a national securities exchange as defined in section 2(a)(26) of the Act ("Exchange"). One or more member firms of the Exchange will act as a specialist and maintain a market for Shares on the Exchange (the "Specialist"), or one or more member firms will act as a market maker ("Market Maker") and maintain a market for Shares.[7] The prices of Shares trading on the Exchange will be based on a current bid/offer market. Shares sold in the secondary market will be subject to customary brokerage commissions and charges.

7. Applicants expect that purchasers of Creation Units will include institutional investors and arbitrageurs (which could include institutional investors). The Specialist, or Market Maker, in providing a fair and orderly secondary market for the Shares, also may purchase Creation Units for use in its market-making activities. Applicants expect that secondary market purchasers of Shares will include both institutional investors and retail investors.[8] Applicants expect that the price at which the Shares trade will be disciplined by so-called "arbitrage opportunities" created by the ability to continually purchase or redeem Creation Units at their NAV, which should ensure that the Shares will not trade at a material discount or premium in relation to their NAV.

8. Shares will not be individually redeemable, and owners of Shares may acquire those Shares from a Fund, or tender such Shares for redemption to the Fund, in Creation Units only. To redeem, an investor will have to accumulate enough Shares to constitute a Creation Unit. Redemption orders must be placed by or through an Authorized Participant. Shares generally will be redeemed in Creation Units in exchange for a particular portfolio of securities ("Redemption Securities") plus or minus a "Cash Redemption Amount," equal to the difference between the NAV per Creation Unit of the Shares being redeemed and the market value of the Redemption Securities. An investor may receive the cash equivalent of a Redemption Security in certain circumstances, such as if the investor is constrained from effecting transactions in the security by regulation or policy.[9] A redeeming

[2] All entities that currently intend to rely on the order are named as applicants. Any other entity that relies on the order in the future will comply with the terms and conditions of the application.

[3] Each Fund will comply with the disclosure requirements adopted by the Commission in Investment Company Act Release No. 28584 (Jan. 13, 2009), as well as any other applicable disclosure requirements.

[4] A Fund will not invest in any Depositary Receipts that the Adviser deems illiquid or for which pricing information is not readily available. No affiliated persons of Applicant will serve as the depositary bank for any Depositary Receipts held by a Fund.

[5] On each day that a Fund is open, including as required by section 22(e) of the Act ("Business Day"), the list of names and required number of each Deposit Security, the estimated Cash Component for the current day and the Cash Component as of the previous Business Day will be made available immediately prior to the opening of trading on the listing Exchange (as defined below). The Exchange will disseminate every 15 seconds throughout the trading day, through the facilities of the Consolidated Tape Association an amount representing, on a per Share basis, the sum of current value of the Deposit Securities and the estimated Cash Component.

[6] Where a Fund permits an in-kind purchaser to substitute cash in lieu of depositing a portion of the Deposit Securities, the purchaser may be assessed a higher Transaction Fee to cover the cost of purchasing such Deposit Securities, including brokerage costs.

[7] If Shares are listed on the NASDAQ, no particular Specialist will be contractually obligated to make a market in Shares, although NASDAQ's listing requirements stipulate that at least two Market Makers must be registered as Market Makers in Shares to maintain the listing. Registered Market Makers are required to make a continuous, two-sided market at all times or be subject to regulatory sanctions.

[8] Shares will be registered in book-entry form only. DTC or its nominee will be the registered owner of all outstanding Shares. DTC or DTC Participants will maintain records reflecting beneficial owners of Shares.

[9] Applicants state that a cash-in-lieu amount will replace any "to-be-announced" ("TBA") transaction that is listed as a Deposit Security or Redemption Security of any Fund. A TBA transaction is a method of trading mortgage-backed securities where the buyer and seller agree upon general trade

investor may pay a Transaction Fee, calculated in the same manner as a Transaction Fee payable in connection with the purchases of a Creation Unit.

9. Applicants state that a Fund will comply with Federal securities laws in accepting Deposit Securities and satisfying redemptions with Redemption Securities, including that the Deposit Securities and Redemption Securities are sold in transactions that would be exempt from registration under the Securities Act.[10] For each Fund utilizing an in-kind process, the Deposit Securities and Redemption Securities will consist of a pro rata basket of the Fund's portfolio.[11]

10. No Company nor any individual Fund will be advertised or marketed as an "open-end investment company" or a "mutual fund." Instead, each Fund will be marketed as an "actively-managed exchange-traded fund." In all marketing materials where the features or method of obtaining, buying or selling Shares traded on the Exchange are described, applicants state that there will be a statement or statements to the effect that Shares are not individually redeemable. Any advertising materials where features of obtaining, buying or selling Creation Units are described or where there is a reference to redeemability will prominently disclose that Shares are not individually redeemable and that owners of Shares may acquire Shares from a Fund and tender those Shares for redemption to a Fund in Creation Units only.

11. The Funds' Web site, which will be publicly available prior to the public offering of Shares, will include, or will include links to, the current summary prospectus, the prospectus, statement of information ("SAI"), and most recent annual and semi-annual reports to shareholders if required. The Web site will also include additional quantitative information updated on a daily basis, including, on a per Share basis, for each Fund, daily trading volume, the prior Business Day's NAV and the market closing price or mid-point of the bid/ask spread at the time of calculation of such NAV ("Bid/Ask Price"). On each Business Day, before commencement of trading in Shares on the Exchange, each Fund will disclose the identities and quantities of the securities and other assets held by the Fund that will form the basis for the Fund's calculation of NAV at the end of the Business Day.[12]

Applicants' Legal Analysis

1. Applicants request an order under section 6(c) of the Act granting an exemption from sections 2(a)(32), 5(a)(1), 22(d) and 22(e) of the Act and rule 22c-1 under the Act; and under sections 6(c) and 17(b) of the Act granting an exemption from sections 17(a)(1) and (a)(2) of the Act.

2. Section 6(c) of the Act provides that the Commission may exempt any person, security or transaction, or any class of persons, securities or transactions, from any provision of the Act, 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. Section 17(b) of the Act provides that the Commission may approve the sale of securities to an investment company and the purchase of securities from an investment company, in both cases by an affiliated person of such company, if the Commission finds that the terms of the transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, and the proposed transaction is consistent with the policies of the registered investment company and the general provisions of the Act.

Sections 5(a)(1) and 2(a)(32) of the Act

3. Section 5(a)(1) of the Act defines an "open-end company" as a management investment company that is offering for sale or has outstanding any redeemable security of which it is the issuer. 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 its presentation to the issuer, is entitled to receive approximately a proportionate share of the issuer's current net assets, or the cash equivalent. Because Shares will not be individually redeemable, applicants request an order that would permit each Fund, as an open-end company, to issue Shares that are redeemable in Creation Units only. Applicants state that investors may purchase Shares in Creation Units from each Fund and that Creation Units are always redeemable in accordance with the provisions of the Act. Applicants further state that because the market price of Shares will be disciplined by arbitrage opportunities, investors should be able to sell Shares in the secondary market at prices that do not vary substantially from their NAV.

Section 22(d) of the Act and Rule 22c–1 Under the Act

4. Section 22(d) of the Act, among other things, prohibits a dealer from selling a redeemable security, which is currently being offered to the public by or through a principal underwriter, except at a current public offering price described in the prospectus. Rule 22c–1 under the Act generally requires that a dealer selling, redeeming, or repurchasing a redeemable security do so only at a price based on its NAV. Applicants state that secondary market trading in Shares will take place at negotiated prices, not at a current offering price described in the prospectus, and not at a price based on NAV. Thus, purchases and sales of Shares in the secondary market will not comply with section 22(d) of the Act and rule 22c–1 under the Act. Applicants request an exemption under section 6(c) from these provisions.

5. Applicants assert that the concerns sought to be addressed by section 22(d) of the Act and rule 22c–1 under the Act with respect to pricing are equally satisfied by the proposed method of pricing Shares. Applicants maintain that while there is little legislative history regarding section 22(d), its provisions, as well as those of rule 22c–1, appear to have been designed to (a) Prevent dilution caused by certain riskless-trading schemes by principal underwriters and contract dealers, (b) prevent unjust discrimination or preferential treatment among buyers resulting from sales at different prices, and (c) assure an orderly distribution of investment company shares by eliminating price competition from dealers offering shares at less than the published sales price and repurchasing

parameters such as agency, settlement date, par amount and price. The actual pools delivered generally are determined two days prior to the settlement date. The amount of substituted cash in the case of TBA transactions will be equivalent to the value of the TBA transaction listed as a Deposit Security or Redemption Security.

[10] In accepting Deposit Securities and satisfying redemptions with Redemption Securities that are restricted securities eligible for resale pursuant to rule 144A under the Securities Act, the relevant Funds will comply with the conditions of rule 144A, including in satisfying redemptions with such rule 144A eligible restricted Redemption Securities.

[11] There may be minor differences between a basket of Deposit Securities or Redemption Securities and a true pro rata slice of a Fund's portfolio solely when (A) it is impossible to break up bonds beyond certain minimum sizes needed for transfer and settlement or, (B) in the case of equity securities, rounding is necessary to eliminate fractional shares or lots that are not tradeable round lots. A tradeable round lot for an equity security will be the standard unit of trading in that particular type of security in its primary market.

[12] Applicants note that under accounting procedures followed by the Funds, trades made on the prior Business Day ("T") will be booked and reflected in NAV on the current Business Day ("T + 1"). Accordingly, the Funds will be able to disclose at the beginning of the Business Day the portfolio that will form the basis for the NAV calculation at the end of the Business Day.

shares at more than the published redemption price.

6. Applicants believe that none of these purposes will be thwarted by permitting Shares to trade in the secondary market at negotiated prices. Applicants state that (a) secondary market trading in Shares does not involve the Funds as parties and cannot result in dilution of an investment in Shares, and (b) to the extent different prices exist during a given trading day, or from day to day, such variances occur as a result of third-party market forces, such as supply and demand. Therefore, applicants assert that secondary market transactions in Shares will not lead to discrimination or preferential treatment among purchasers. Finally, applicants contend that the proposed distribution system will be orderly because arbitrage activity should ensure that the difference between the market price of Shares and their NAV remains narrow.

Section 22(e)

7. Section 22(e) of the Act generally prohibits a registered investment company from suspending the right of redemption or postponing the date of payment of redemption proceeds for more than seven days after the tender of a security for redemption. Applicants state that settlement of redemptions for the International Funds is contingent not only on the securities settlement cycle of the U.S. market, but also on currently practicable delivery cycles in local markets for underlying foreign securities held by the International Funds. Applicants state that local market delivery cycles for transferring Redemption Securities to redeeming investors, coupled with local market holiday schedules, will, under certain circumstances, require a delivery process longer than seven calendar days for International Funds. Applicants request relief under section 6(c) of the Act from section 22(e) to allow International Funds that deliver Redemption Securities in-kind to pay redemption proceeds up to a maximum of 14 calendar days following the tender of a Creation Unit of such Funds. Except as disclosed in the relevant International Fund's SAI, applicants expect that each International Fund will be able to deliver redemption proceeds within seven days.[13] With respect to future International Funds, applicants seek the same relief from section 22(e) only to the extent that circumstances similar to those described in the application exist.

8. Applicants state that section 22(e) was designed to prevent unreasonable and unforeseen delays in the payment of redemption proceeds. Applicants assert that the requested relief will not lead to the problems that section 22(e) was designed to prevent. Applicants state that the SAI will disclose those local holidays (over the period of at least one year following the date of the SAI), if any, that are expected to prevent the delivery of redemption proceeds in seven calendar days, and the maximum number of days, up to 14 calendar days, needed to deliver the proceeds for the relevant International Fund. Applicants are not seeking relief from section 22(e) with respect to International Funds that do not effect creations and redemptions of Creation Units in-kind.

Sections 17(a)(1) and (2) of the Act

9. Section 17(a)(1) and (2) of the Act generally prohibit an affiliated person of a registered investment company, or an affiliated person of such a person ("second tier affiliate"), from selling any security to or purchasing any security from the company. Section 2(a)(3) of the Act defines "affiliated person" to include any person directly or indirectly owning, controlling, or holding with power to vote 5% or more of the outstanding voting securities of the other person and any person directly or indirectly controlling, controlled by, or under common control with, the other person. Section 2(a)(9) of the Act provides that a control relationship will be presumed where one person owns more than 25% of another person's voting securities. The Funds may be deemed to be controlled by BFA or any BFA Affiliate and hence are affiliated persons of each other. In addition, the Funds may be deemed to be under common control with any other registered investment company (or series thereof) advised by BFA or a BFA Affiliate (an "Affiliated Fund").

10. Applicants request an exemption from section 17(a) under sections 6(c) and 17(b), to permit in-kind purchases and redemptions of Creation Units by persons that are affiliated persons or second tier affiliates of the Funds solely by virtue of one or more of the following: (1) Holding 5% or more, or more than 25%, of the outstanding Shares of a Company or one or more Funds; (2) an affiliation with a person with an ownership interest described in (1); or (3) holding 5% or more, or more than 25%, of the shares of one or more Affiliated Funds.

11. Applicants contend that no useful purpose would be served by prohibiting such affiliated persons or second tier affiliates of a Fund from purchasing or redeeming Creation Units through "in-kind" transactions. The deposit procedure for in-kind purchases and the redemption procedure for in-kind redemptions will be the same for all purchases and redemptions. Deposit Securities and Redemption Securities will be valued under the same objective standards applied to valuing portfolio securities. Absent the unusual circumstances described in the application, the Fund Deposit and Redemption Securities will be the same. Therefore, applicants state that in-kind purchases and redemptions will create no opportunity for the affiliated persons and second tier affiliates described above to effect a transaction detrimental to the other holders of Shares. Applicants also believe that in-kind purchases and redemptions will not result in abusive self-dealing or overreaching of the Fund.

Applicants' Conditions

The applicants agree that any order of the Commission granting the requested relief will be subject to the following conditions:

1. As long as a Fund operates in reliance on the requested order, the Shares of the Fund will be listed on an Exchange.

2. Neither a Company nor any Fund will be advertised or marketed as an open-end investment company or a mutual fund. Any advertising material that describes the purchase or sale of Creation Units or refers to redeemability will prominently disclose that the Shares are not individually redeemable and that owners of the Shares may acquire those Shares from the Fund and tender those Shares for redemption to the Fund in Creation Units only.

3. The Web site for the Funds, which is and will be publicly accessible at no charge, will contain, on a per Share basis, for each Fund the prior Business Day's NAV and the market closing price or Bid/Ask Price of the Shares, and a calculation of the premium or discount of the market closing price or Bid/Ask Price against such NAV.

4. On each Business Day, before commencement of trading in Shares on the Exchange, the Fund will disclose on its Web site the identities and quantities of the portfolio securities and other assets held by the Fund that will form the basis for the Fund's calculation of NAV at the end of the Business Day.

5. No Adviser or Subadviser, directly or indirectly, will cause any Authorized Participant (or any investor on whose behalf an Authorized Participant may transact with the Fund) to acquire any

[13] Rule 15c6–1 under the Exchange Act requires that most securities be settled within three business days of the trade. Applicants acknowledge that no relief obtained from the requirements of section 22(e) will affect any obligations applicants may have under rule 15c6–1.

Deposit Security for the Fund through a transaction in which the Fund could not engage directly.

6. The requested order will expire on the effective date of any Commission rule under the Act that provides relief permitting the operation of actively managed exchange-traded funds.

For the Commission, by the Division of Investment Management, under delegated authority.

Florence E. Harmon,

Deputy Secretary.

[FR Doc. 2010–33116 Filed 1–3–11; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC–29544; File No. 812–13816]

MetLife Insurance Company of Connecticut, et al.

December 28, 2010.

AGENCY: Securities and Exchange Commission ("Commission").

ACTION: Notice of application for an order pursuant to Section 26(c) of the Investment Company Act of 1940 (the "Act") approving certain substitutions of securities and an order of exemption pursuant to Section 17(b) of the Act from Section 17(a) of the Act.

APPLICANTS: MetLife Insurance Company of Connecticut ("MetLife of CT"), MetLife of CT Separate Account Eleven for Variable Annuities ("Separate Account Eleven"), MetLife of CT Separate Account QPN for Variable Annuities ("Separate Account QPN"), MetLife of CT Fund UL for Variable Life Insurance ("Fund UL"), MetLife of CT Fund UL III for Variable Life Insurance ("Fund UL III"), MetLife of CT Separate Account CPPVUL I ("Separate Account CPPVUL 1"), MetLife Investors Insurance Company ("MetLife Investors"), MetLife Investors Variable Annuity Account One ("VA Account One"), MetLife Investors Variable Life Account One ("VL Account One"), First MetLife Investors Insurance Company ("First MetLife Investors"), First MetLife Investors Variable Annuity Account One ("First VA Account One"), MetLife Investors USA Insurance Company ("MetLife Investors USA"), MetLife Investors USA Separate Account A ("Separate Account A"), Metropolitan Life Insurance Company ("MetLife"), Metropolitan Life Separate Account DCVL ("Separate Account DCVL"), Metropolitan Life Separate Account UL ("Separate Account UL"), Metropolitan Life Variable Annuity Separate Account II ("Separate Account II"), Security Equity Separate Account No. 13S ("SE Separate Account 13S"), Security Equity Separate Account No. 485 ("SE Separate Account 485"), General American Life Insurance Company ("General American"), General American Separate Account Seven ("GA Separate Account Seven"), General American Separate Account Eleven ("GA Separate Account Eleven"), General American Separate Account Thirty-Three ("GA Separate Account Thirty-Three"), (together with Separate Account Eleven, Separate Account QPN, Fund UL, Fund UL III, Separate Account CPPVUL 1, VA Account One, VL Account One, First VA Account One, Separate Account A, Separate Account DCVL, Separate Account UL, Separate Account II, SE Separate Account 13S, SE Separate Account 485, GA Separate Account Seven, GA Separate Account Eleven, GA Separate Account Thirty-Three, the "Separate Accounts"), Met Investors Series Trust ("MIST") and Metropolitan Series Fund, Inc. ("Met Series Fund") (together with MIST, the "Investment Companies"). The Insurance Companies and the Separate Accounts are referred to as the "Substitution Applicants." The Insurance Companies, the Separate Accounts and the Investment Companies are referred to as the "Section 17 Applicants."

SUMMARY OF APPLICATION: Applicants seek an order approving the substitution of certain series of the Investment Companies for shares of series of other unaffiliated registered investment companies held by the Separate Accounts to fund certain group and individual variable annuity contracts and variable life insurance policies issued by the Insurance Companies (collectively, the "Contracts"). The Section 17 Applicants seek an order pursuant to Section 17(b) of the Act to permit certain in-kind transactions in connection with certain of the Substitutions.

FILING DATE: The application was filed on August 26, 2010, and an amended and restated application was filed on December 9, 2010 and December 27, 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 Applicants with a copy of the request personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on January 21, 2011, and should be accompanied by proof of service on Applicants, in the form of an affidavit or for lawyers a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request and the issue contested. Persons may request notification of a hearing 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 Paul G. Cellupica, Chief Counsel—Securities Regulation and Corporate Services, MetLife Group, 1095 Avenue of the Americas, 40th Floor, New York, NY 10036 and David C. Mahaffey, Esq., Sullivan & Worcester LLP, 1666 K Street, NW., Washington, DC 20006.

FOR FURTHER INFORMATION CONTACT: Alison T. White, 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 application. The complete application may be obtained via the Commission's Web site by searching for the file number, or for an applicant using the Company name box, at *http://www.sec.gov/search/search.htm,* or by calling (202) 551–8090.

Applicants' Representations

1. MetLife of CT is a stock life insurance company organized in 1863 under the laws of Connecticut. MetLife Investors is a stock life insurance company organized on August 17, 1981 under the laws of Missouri. First MetLife Investors is a stock life insurance company organized on December 31, 1992 under the laws of New York. MetLife Investors USA is a stock life insurance company organized on September 13, 1960 under the laws of Delaware. MetLife is a stock life insurance company organized in 1868 under the laws of New York. General American is a stock life insurance company organized in 1933 under the laws of Missouri.

2. Separate Account Eleven, Fund UL, Fund UL III, VA Account One, VL Account One, First VA Account One, Separate Account A, Separate Account UL, Separate Account II, SE Separate Account 13S and GA Separate Account Eleven are registered under the Act as unit investment trusts for the purpose of funding the Contracts. Security interests under the Contracts have been registered under the Securities Act of 1933.

3. Separate Account QPN is exempt from registration under the Act. Security interests under the Contracts have been

registered under the Securities Act of 1933.

4. Separate Account CPPVUL1, Separate Account DCVL, Separate Account 485, GA Separate Account Seven and GA Separate Account Thirty-Three serve as separate account funding vehicles for certain Contracts that are exempt from registration under Section 4(2) of the Securities Act of 1933 and Regulation D thereunder.

5. Although Separate Account QPN, Separate Account CPPVUL1, Separate Account DCVL, Separate Account 485, GA Separate Account Seven and GA Separate Account Thirty-Three are exempt from registration under the Act, they would be subject to the investment limitations of Section 12 but for the exclusion contained in Section 12(d)(1)(E) of the Act. To rely on such exclusion, an investment company that is not a registered investment company must, among other things, agree to refrain from substituting a security unless the Commission approves the substitution in the manner provided in Section 26 of the Act.

6. MIST and Met Series Fund are each registered under the Act as open-end management investment companies of the series type, and their securities are registered under the Securities Act of 1933. Metlife Advisers, LLC serves as investment adviser to MIST and Met Series Fund.

7. The Contracts permit the applicable Insurance Company, subject to compliance with applicable law, to substitute shares of another investment company for shares of an investment company held by a sub-account of the Separate Accounts. The prospectuses for the Contracts and the Separate Accounts contain appropriate disclosures of this right. File numbers for the Contracts, the Separate Accounts and the Investment Companies are set forth in the application.

8. Each Insurance Company, on its behalf and on behalf of the Separate Accounts proposes to make certain substitutions of shares of 11 funds (the "Existing Funds") held in sub-accounts of its respective Separate Accounts for certain series (the "Replacement Funds") of MIST and Met Series Fund.

9. The proposed substitutions are as follows: (a) Third Avenue Small Cap Value Portfolio for Delaware VIP Small Cap Value Series; (b) RCM Technology Portfolio for Janus Aspen Global Technology Portfolio; (c) Davis Venture Value Portfolio for Legg Mason ClearBridge Variable Capital Portfolio; (d) MFS Research International Portfolio for Legg Mason Global Currents Variable International All Cap Opportunity Portfolio; (e) Western Asset Management Strategic Bond Opportunities Portfolio for Legg Mason Western Asset Variable Diversified Strategic Income Portfolio; (f) Western Asset Management Strategic Bond Opportunities Portfolio for Legg Mason Western Asset Variable Strategic Bond Portfolio; (g) PIMCO Total Return Portfolio for Pioneer Bond VCT Portfolio; (h) Pioneer Fund Portfolio for Pioneer Fund VCT Portfolio; (i) Met/Templeton Growth Portfolio for Templeton Growth Securities Fund; (j) Met/Templeton Growth Portfolio for Templeton Growth Fund, Inc.; (k) Van Eck Global Natural Resources Portfolio for Van Eck VIP Global Hard Assets Fund.

10. The following is a summary of the investment objectives and policies of each Existing Fund and its corresponding Replacement Fund. Additional information including asset sizes, risk factors and comparative performance history for each Existing Fund and Replacement Fund can be found in the Application.

Existing fund	Replacement fund
Delaware VIP Small Cap Value Series—seeks capital appreciation. The Series invests at least 80% of its assets in investments of small companies whose stock prices appear low relative to their underlying value or future potential.	Third Avenue Small Cap Value Portfolio—seeks long-term capital appreciation. The Portfolio invests at least 80% of its assets in equity securities of well-financed small companies (meaning companies with high quality assets and a relative absence of liabilities) at a discount to what the subadviser believes is the intrinsic value.
Janus Aspen Global Technology Portfolio—seeks long-term growth of capital. The Portfolio invests, under normal circumstances, at least 80% of its net assets in securities of companies that the adviser believes will benefit significantly from advances or improvements in technology.	RCM Technology Portfolio—seeks capital appreciation; no consideration is given to income. The Portfolio invests, under normal circumstances, at least 80% of its assets in common stocks of companies which utilize new, creative or different, or "innovative" technologies.
Legg Mason ClearBridge Variable Capital Portfolio—seeks capital appreciation through investment in securities which the portfolio manager believes have above-average capital appreciation potential.	Davis Venture Value Portfolio—seeks growth of capital. The Portfolio invests, under normal circumstances, the majority of its assets in equity securities of companies with market capitalizations of at least $10 billion.
Legg Mason Global Currents Variable International All Cap Opportunity Portfolio—seeks total return on its assets from growth of capital and income. Normally, the Portfolio invests 80% of its net assets in a diversified portfolio of equity securities of foreign companies and invests substantially all of its assets outside of the United States.	MFS Research International Portfolio—seeks capital appreciation. The Portfolio invests, under normal circumstances, primarily in foreign equity securities, including emerging market equity securities.
Legg Mason Western Asset Variable Diversified Strategic Income Portfolio—seeks high current income. The Portfolio normally invests in fixed income securities, including related securities and instruments.	Western Asset Management Strategic Bond Opportunities Portfolio—seeks to maximize total return consistent with preservation of capital. The Portfolio invests, under normal circumstances, at least 80% of its assets in three classes of bonds and other fixed-income securities.
Legg Mason Western Asset Variable Strategic Bond Portfolio—seeks to maximize current income consistent with preservation of capital. Under normal circumstances, the Portfolio invests at least 80% of its assets in fixed income securities and related instruments.	Western Asset Management Strategic Bond Opportunities Portfolio—seeks to maximize total return consistent with preservation of capital. The Portfolio invests, under normal circumstances, at least 80% of its assets in three classes of bonds and other fixed-income securities.
Pioneer Bond VCT Portfolio—seeks to provide current income from an investment grade portfolio with due regard to preservation of capital and prudent investment risk.	PIMCO Total Return Portfolio—seeks maximum total return, consistent with the preservation of capital and prudent investment management.
Pioneer Fund VCT Portfolio—seeks reasonable income and capital growth. The Portfolio primarily invests in securities of U.S. issuers.	Pioneer Fund Portfolio—seeks reasonable income and capital growth. The Portfolio normally invests substantially in equity securities, primarily of U.S. issuers.

Existing fund	Replacement fund
Templeton Growth Securities Fund—seeks long-term capital growth. The Fund normally invests in the equity securities of companies located anywhere in the world, including emerging markets.	Met/Templeton Growth Portfolio—seeks long-term capital growth. The Portfolio, under normal circumstances, primarily invests in the equity securities of companies of various market capitalizations located anywhere in the world, including emerging markets.
Templeton Growth Fund, Inc.—seeks long-term capital growth. The Fund, under normal circumstances, primarily invests in the equity securities and companies of various market capitalizations located anywhere in the world, including emerging markets.	Met/Templeton Growth Portfolio—seeks long-term capital growth. The Portfolio, under normal circumstances, primarily invests in the equity securities of companies of various market capitalizations located anywhere in the world, including emerging markets.
Van Eck VIP Global Hard Assets Fund—seeks long-term capital appreciation by investing primarily in hard-asset securities. Income is a secondary consideration.	Van Eck Global Natural Resources Portfolio—seeks long-term capital appreciation with income as a secondary consideration. Under normal market conditions, the Portfolio invests at least 80% of its net assets in securities of natural resource companies and in instruments that derive their value from natural resources.

11. The management fees, 12b–1 fees (if applicable), other expenses and total operating expenses for each Existing ("Old Fund") and Replacement Fund ("New Fund") are as follows:

	Management fees (%)	12b–1 fees (%)	Other expenses (%)	Waiver/ Reimbursemt (%)	Total expenses (%)
New Fund: Third Avenue Small Cap Portfolio—Class A	.74	.....	.04	.....	.78
Old Fund: Delaware VIP Small Cap Value Series—Standard Class	.74	.....	.11	.....	.85
New Fund: Third Avenue Small Cap Portfolio—Class B	.74	.25	.04	.....	1.03
Old Fund: Delaware VIP Small Cap Value Series—Service Class	.74	.30	.11	.05	1.10
New Fund: RCM Technology Portfolio—Class B	.88	.25	.08	.....	1.21
Old Fund: Janus Aspen Global Technology Portfolio—Service Class	.64	.25	.33	.....	1.22
New Fund: Davis Venture Value Portfolio—Class B	.71	.25 (.50)	.03	.05	.94
Old Fund: Legg Mason ClearBridge Variable Capital Portfolio	.75	.25	.14	.14	1.00
New Fund: MFS Research International Portfolio—Class B	.71	.25 (.50)	.10	.....	1.06
Old Fund: Legg Mason Global Currents Variable International All Cap Opportunity Portfolio	.85	.....	.25	.....	1.10
New Fund: Western Asset Management Strategic Bond Opportunities Portfolio—Class B	.62	.25 (.50)	.07	.04	.90
Old Fund: Legg Mason Western Asset Variable Diversified Strategic Income Portfolio	.65	.....	.30	.....	.95
New Fund: Western Asset Management Strategic Bond Opportunities Portfolio—Class B	.62	.25 (.50)	.07	.04	.90
Old Fund: Legg Mason Western Asset Variable Strategic Bond Portfolio—Class I	65	.....	.31	.....	.96
New Fund: PIMCO Total Return Portfolio—Class B	.48	.25 (.50)	.04	.....	.77
Old Fund: Pioneer Bond VCT Portfolio—Class II	.50	.25	.26	.14	.87
New Fund: Pioneer Fund Portfolio—Class B	.66	.25 (.50)	.08	.....	.99
Old Fund: Pioneer Fund VCT Portfolio—Class II	.65	.25	.09	.....	.99
New Fund: Met/Templeton Growth Portfolio—Class A	.69	.....	.18	.07	.80
Old Fund: Templeton Growth Securities Fund—Class 1	.75	.....	.04	.....	.79
New Fund: Met/Templeton Growth Portfolio—Class B	.69	.25 (.50)	.18	.07	1.05
Old Fund: Templeton Growth Securities Fund—Class 2	.75	.25	.04	.....	1.04
New Fund: Met/Templeton Growth Portfolio—Class E	.69	.15 (.25)	.18	.07	.95
Old Fund: Templeton Growth Fund—Class A	.59	.25	.28	.....	1.12
New Fund: Van Eck Global Natural Resources Portfolio—Class A	.79	.....	.08	.....	.87
Old Fund: Van Eck VIP Global Hard Assets Fund—Initial Class	.96	.....	.15	.....	1.11

12. MetLife Advisers, LLC is the adviser of each of the Replacement Funds. Each Replacement Fund currently offers up to four classes of shares, three of which, Class A, Class B and Class E are involved in the substitutions.

13. The Applicants believe the substitutions will provide significant benefits to Contract owners, including improved selection of sub-advisers and simplification of fund offerings through the elimination of overlapping offerings.

14. As a result of the substitutions, the number of investment options offered under substantially all of the Contracts will not change (currently ranges in number from 12 to 121). For the limited number of Contracts that will experience a reduction in the number of available investment options, no contract will ever be reduced by more than 2 investment options after the substitutions.

15. Those substitutions which replace investment options advised by investment advisers that are not

affiliated with the Substitution Applicants with funds for which MetLife Advisers, LLC acts as investment adviser will permit each adviser, under the Multi-Manager Order, [IC–22824 (1997) and IC–23859 (1999)], to hire, monitor and replace sub-advisers as necessary to achieve optimal performance.

16. Contract owners with sub-account balances invested (through the separate account) in shares of the Replacement Funds, except for the Templeton Growth Securities Fund/Met/Templeton Growth Portfolio substitution, will have the same or lower total expense ratios taking into account fund expenses and current fee waivers.

17. In the following substitutions, the management fee and/or applicable Rule 12b-1 fee of the Replacement Fund are either currently higher, or, at certain management fee breakpoints, may be higher than those of the respective Existing Fund: Delaware VIP Small Cap Value Series/Third Avenue Small Cap Value Portfolio; Janus Aspen Global Technology Portfolio/RCM Technology Portfolio; Legg Mason Global Currents Variable International All Cap Opportunity Portfolio/MFS Research International Portfolio; Legg Mason Western Asset Variable Diversified Strategic Income Portfolio/Western Asset Management Strategic Bond Opportunities Portfolio; Legg Mason Western Asset Variable Strategic Bond Portfolio/Western Asset Management Strategic Bond Opportunities Portfolio; Pioneer Fund VCT Portfolio/Pioneer Fund Portfolio; Templeton Growth Fund, Inc./Met/Templeton Growth Portfolio; and Templeton Growth Securities Fund/Met/Templeton Growth Portfolio.

18. The Substitution Applicants propose to limit Contract charges attributable to Contract value invested in the Replacement Funds following the proposed substitutions to a rate that would offset the difference in the expense ratio between each Existing Fund's net expense ratio and the net expense ratio for the respective Replacement Fund.

19. Except for the Templeton Growth Securities Fund/Met/Templeton Growth Portfolio substitution where there is an increase in net expenses after waivers of 0.01% and the Pioneer Fund VCT Portfolio/Pioneer Fund Portfolio where there is no increase or decrease in net expense ratios, after waivers, the substitutions will result in decreased net expense ratios, after waivers, ranging from 1 basis point to 24 basis points. Moreover, there will be no increase in Contract fees and expenses, including mortality and expense risk fees and administration and distribution fees charged to the Separate Accounts as a result of the substitutions.

20. The Substitution Applicants believe that the Replacement Funds have investment objectives, policies and risk profiles, as described in their prospectuses, that are substantially the same as, or sufficiently similar to, the corresponding Existing Funds to make those Replacement Funds appropriate candidates as substitutes.

21. In addition, after the substitutions, neither MetLife Advisers, LLC nor any of their affiliates will receive compensation from the charges to the Separate Accounts related to the Contracts or from Rule 12b-1 fees or revenue sharing from the Replacement Funds in excess of the compensation currently received from the investment advisers or distributors of the Existing Funds.

22. The share classes of the Replacement Funds are either identical to or less than the share classes of the Existing Funds with respect to the imposition of Rule 12b-1 fees currently imposed, except with respect to the substitution of MFS Research International Portfolio (Class B shares—0.25%) for Legg Mason Global Currents Variable International All Cap Opportunity Portfolio (single share class—0%); Western Asset Management Strategic Bond Opportunities Portfolio (Class B shares—0.25%) for Legg Mason Western Asset Variable Diversified Strategic Income Portfolio (single share class—0%); Western Asset Management Strategic Bond Opportunities Portfolio (Class B shares—0.25%) for Legg Mason Western Asset Variable Strategic Bond Portfolio (Class I—0%).

23. Each MIST and Met Series Fund Replacement Fund's Class B shares Rule 12b-1 fees can be raised to 0.50%, each MIST Replacement Fund's Class E shares Rule 12b-1 fees can be raised to 0.25% and each Met Series Fund Replacement Fund's Class E shares Rule 12b-1 fees can be raised to 0.50% of net assets by the Replacement Fund's Board of Directors/Trustees without shareholder approval. However, Met Series Fund and MIST represent that Rule 12b-1 fees of the Class B and Class E shares of the Replacement Funds issued in connection with the proposed substitutions will not be raised above the current rate without approval of a majority in interest of the respective Replacement Funds' shareholders after the substitutions.

24. The distributors of the Existing Funds pay to the Insurance Companies, or their affiliates, any 12b-1 fees associated with the class of shares sold to the Separate Accounts. Similarly, the distributors for MIST and Met Series Fund will receive from the applicable class of shares held by the Separate Accounts Rule 12b-1 fees in the same amount or a lesser amount than the amount paid by the Existing Funds, except as described above.

25. Further, in addition to any Rule 12b-1 fees, the investment advisers or distributors of the Existing Funds pay the Insurance Companies or one of their affiliates from 0 to 50 basis points for the Existing Funds' classes of shares involved in the substitutions. Following the substitutions, these payments will not be made on behalf of the Replacement Funds. Rather, the Insurance Companies or their affiliates will have available both the 25 and 15 basis points in Rule 12b-1 fees from the Replacement Funds (with respect to Class B and Class E shares, respectively) and, as owners of the Replacement Funds' adviser, profit distributions from the adviser. These profits from investment advisory fees may be more or less than the fees being paid by the Existing Funds.

Applicants' Legal Analysis and Conditions

1. The Substitution Applicants request that the Commission issue an order pursuant to Section 26(c) of the Act approving the proposed substitutions.

2. Applicants represent that the Contracts permit the applicable Insurance Company, subject to compliance with applicable law, to substitute shares of another investment company for shares of an investment company held by a sub-account of the Separate Accounts. The prospectuses for the Contracts and the Separate Accounts contain appropriate disclosure of this right.

3. By a supplement to the prospectuses for the Contracts and the Separate Accounts, each Insurance Company has notified all owners of the Contracts of its intention to take the necessary actions, including seeking the order requested by this Application, to substitute shares of the funds as described herein. The supplement has advised Contract owners that from the date of the supplement until the date of the proposed substitution, owners are permitted to make one transfer of Contract value (or annuity unit exchange) out of the Existing Fund sub-account to one or more other sub-accounts without the transfer (or exchange) being treated as one of a limited number of permitted transfers (or exchanges) or a limited number of transfers (or exchanges) permitted without a transfer charge. The

supplement also has informed Contract owners that the Insurance Company will not exercise any rights reserved under any Contract to impose additional restrictions on transfers until at least 30 days after the proposed substitutions. The supplement has also advised Contract owners that for at least 30 days following the proposed substitutions, the Insurance Companies will permit Contract owners affected by the substitutions to make one transfer of Contract value (or annuity unit exchange) out of the Replacement Fund sub-account to one or more other sub-accounts without the transfer (or exchange) being treated as one of a limited number of permitted transfers (or exchanges) or a limited number of transfers (or exchanges) permitted without a transfer charge.

4. The proposed substitutions will take place at relative net asset value with no change in the amount of any Contract owner's Contract value, cash value, or death benefit or in the dollar value of his or her investment in the Separate Accounts.

5. The process for accomplishing the transfer of assets from each Existing Fund to its corresponding Replacement Fund will be determined on a case-by-case basis. In most cases, it is expected that the substitutions will be effected by redeeming shares of an Existing Fund for cash and using the cash to purchase shares of the Replacement Fund. In certain other cases, it is expected that the substitutions will be effected by redeeming the shares of an Existing Fund in-kind; those assets will then be contributed in-kind to the corresponding Replacement Fund to purchase shares of that Fund. All in-kind redemptions from an Existing Fund of which any of the Substitution Applicants is an affiliated person will be effected in accordance with the conditions set forth in the Commission's no-action letter issued to *Signature Financial Group, Inc.* (available December 28, 1999).

6. Contract owners will not incur any fees or charges as a result of the proposed substitutions, nor will their rights or an Insurance Company's obligations under the Contracts be altered in any way. All expenses incurred in connection with the proposed substitutions, including brokerage, legal, accounting, and other fees and expenses, will be paid by the Insurance Companies. In addition, the proposed substitutions will not impose any tax liability on Contract owners. The proposed substitutions will not cause the Contract fees and charges currently being paid by existing Contract owners to be greater after the proposed substitutions than before the proposed substitutions. No fees will be charged on the transfers made at the time of the proposed substitutions, because the proposed substitutions will not be treated as a transfer for the purpose of assessing transfer charges or for determining the number of remaining permissible transfers in a Contract year.

7. In addition to the prospectus supplements distributed to owners of Contracts, within five business days after the proposed substitutions are completed, Contract owners will be sent a written notice informing them that the substitutions were carried out and that they may make one transfer of all Contract value or cash value under a Contract invested in any one of the sub-accounts on the date of the notice to one or more other sub-accounts available under their Contract at no cost and without regard to the usual limit on the frequency of transfers among sub-accounts or from the variable account options to the fixed account options. The notice will also reiterate that (other than with respect to "market timing" activity) the Insurance Company will not exercise any rights reserved by it under the Contracts to impose additional restrictions on transfers or to impose any charges on transfers until at least 30 days after the proposed substitutions. The Insurance Companies will also send each Contract owner current prospectuses for the Replacement Funds involved to the extent that they have not previously received a copy.

8. Each Insurance Company also is seeking approval of the proposed substitutions from any State insurance regulators whose approval may be necessary or appropriate.

9. The Substitution Applicants agree that for those who were Contract owners on the date of the proposed substitutions, the Insurance Companies will reimburse, on the last business day of each fiscal period (not to exceed a fiscal quarter) during the twenty-four months following the date of the proposed substitutions, those Contract owners whose sub-account invests in the Replacement Fund such that the sum of the Replacement Fund's net operating expenses (taking into account fee waivers and expense reimbursements) and sub-account expenses (asset-based fees and charges deducted on a daily basis from sub-account assets and reflected in the calculation of sub-account unit values) for such period will not exceed, on an annualized basis, the sum of the Existing Fund's net operating expenses taking into account fee waivers and expense reimbursements and sub-account expenses for fiscal year 2009, except with respect to the Delaware VIP Small Cap Value Series/Third Avenue Small Cap Value Portfolio, Janus Aspen Global Technology Portfolio/RCM Technology Portfolio, Legg Mason Global Currents Variable International All Cap Opportunity Portfolio/MFS Research International Portfolio, Legg Mason Western Asset Variable Diversified Strategic Income Portfolio/ Western Asset Management Strategic Bond Opportunities Portfolio, Legg Mason Western Asset Variable Strategic Bond Portfolio/Western Asset Management Strategic Bond Opportunities Portfolio, Pioneer Fund VCT Portfolio/Pioneer Fund Portfolio, Templeton Growth Fund, Inc./Met/ Templeton Growth Portfolio, and Templeton Growth Securities Fund/ Met/Templeton Growth Portfolio substitutions.

10. With respect to the Delaware VIP Small Cap Value Series/Third Avenue Small Cap Value Portfolio, Janus Aspen Global Technology Portfolio/RCM Technology Portfolio, Legg Mason Global Currents Variable International All Cap Opportunity Portfolio/MFS Research International Portfolio, Legg Mason Western Asset Variable Diversified Strategic Income Portfolio/ Western Asset Management Strategic Bond Opportunities Portfolio, Legg Mason Western Asset Variable Strategic Bond Portfolio/Western Asset Management Strategic Bond Opportunities Portfolio, Pioneer Fund VCT Portfolio/Pioneer Fund Portfolio substitutions, Templeton Growth Fund, Inc./Met/Templeton Growth Portfolio, and Templeton Growth Securities Fund/ Met/Templeton Growth Portfolio substitutions, the reimbursement agreement with respect to the Replacement Fund's operating expenses and sub-account expenses, will extend for the life of each Contract outstanding on the date of the proposed substitutions.

11. The Substitution Applicants further agree that, except with respect to the Delaware VIP Small Cap Value Series/Third Avenue Small Cap Value Portfolio, Janus Aspen Global Technology Portfolio/RCM Technology Portfolio, Legg Mason Global Currents Variable International All Cap Opportunity Portfolio/MFS Research International Portfolio, Legg Mason Western Asset Variable Diversified Strategic Income Portfolio/Western Asset Management Strategic Bond Opportunities Portfolio, Legg Mason Western Asset Variable Strategic Bond Portfolio/Western Asset Management Strategic Bond Opportunities Portfolio,

Pioneer Fund VCT Portfolio/Pioneer Fund Portfolio, Templeton Growth Fund, Inc./Met/Templeton Growth Portfolio and Templeton Growth Securities Fund/Met/Templeton Growth Portfolio substitutions, the Insurance Companies will not increase total separate account charges (net of any reimbursements or waivers) for any existing owner of the Contracts on the date of the substitutions for a period of two years from the date of the substitutions.

12. With respect to the Delaware VIP Small Cap Value Series/Third Avenue Small Cap Value Portfolio, Janus Aspen Global Technology Portfolio/RCM Technology Portfolio, Legg Mason Global Currents Variable International All Cap Opportunity Portfolio/MFS Research International Portfolio, Legg Mason Western Asset Variable Diversified Strategic Income Portfolio/ Western Asset Management Strategic Bond Opportunities Portfolio, Legg Mason Western Asset Variable Strategic Bond Portfolio/Western Asset Management Strategic Bond Opportunities Portfolio, Pioneer Fund VCT Portfolio/Pioneer Fund Portfolio, Templeton Growth Fund, Inc./Met/ Templeton Growth Portfolio, and Templeton Growth Securities Fund/ Met/Templeton Growth Portfolio substitutions, the agreement not to increase the separate account charges will extend for the life of each Contract outstanding on the date of the proposed substitutions.

13. In each case, the applicable Insurance Companies believe that it is in the best interests of the Contract owners to substitute the Replacement Fund for the Existing Fund. The Insurance Companies believe that in cases where the Replacement Fund has a new sub-adviser, the new sub-adviser will, over the long term, be positioned to provide at least comparable performance to that of the Existing Fund's sub-adviser.

14. The Substitution Applicants anticipate that Contract owners will be better off with the array of sub-accounts offered after the proposed substitutions than they have been with the array of sub-accounts offered prior to the substitutions.

15. The Substitution Applicants submit that none of the proposed substitutions is of the type that Section 26(c) was designed to prevent.

16. The Substitution Applicants request an order of the Commission pursuant to Section 26(c) of the Act approving the proposed substitutions by the Insurance Companies.

17. The Section 17 Applicants request an order under Section 17(b) exempting them from the provisions of Section 17(a) to the extent necessary to permit the Insurance Companies to carry out each of the proposed substitutions.

18. Section 17(a)(1) of the Act, in relevant part, prohibits any affiliated person of a registered investment company, or any affiliated person of such person, acting as principal, from knowingly selling any security or other property to that company. Section 17(a)(2) of the Act generally prohibits the persons described above, acting as principals, from knowingly purchasing any security or other property from the registered company.

19. Because shares held by a separate account of an insurance company are legally owned by the insurance company, the Insurance Companies and their affiliates collectively own of record substantially all of the shares of MIST and Met Series Fund. Therefore, MIST and Met Series Fund and their respective funds are arguably under the control of the Insurance Companies notwithstanding the fact that Contract owners may be considered the beneficial owners of those shares held in the Separate Accounts. If MIST and Met Series Fund and their respective funds are under the control of the Insurance Companies, then each Insurance Company is an affiliated person or an affiliated person of an affiliated person of MIST and Met Series Fund and their respective funds. If MIST and Met Series Fund and their respective funds are under the control of the Insurance Companies, then MIST and Met Series Fund and their respective funds are affiliated persons of the Insurance Companies.

20. Regardless of whether or not the Insurance Companies can be considered to control MIST and Met Series Fund and their respective funds, because the Insurance Companies own of record more than 5% of the shares of each of them and are under common control with each Replacement Fund's investment adviser, the Insurance Companies are affiliated persons of both MIST and Met Series Fund and their respective funds. Likewise, their respective funds are each an affiliated person of the Insurance Companies.

21. The Insurance Companies, through their separate accounts in the aggregate own more than 5% of the outstanding shares of the following Existing Funds: Janus Aspen Global Technology Portfolio, Legg Mason Clearbridge Variable Capital Portfolio, Legg Mason Global Currents Variable International All Cap Opportunity Portfolio, Legg Mason Western Asset Variable Diversified Strategic Income Portfolio, Legg Mason Western Asset Variable Strategic Bond Portfolio, Pioneer Bond VCT Portfolio and Pioneer Fund VCT Portfolio. Therefore, each Insurance Company is an affiliated person of those funds.

22. Because the substitutions may be effected, in whole or in part, by means of in-kind redemptions and purchases, the substitutions may be deemed to involve one or more purchases or sales of securities or property between affiliated persons. The proposed transactions may involve a transfer of portfolio securities by the Existing Funds to the Insurance Companies; immediately thereafter, the Insurance Companies would purchase shares of the Replacement Funds with the portfolio securities received from the Existing Funds. Accordingly, as the Insurance Companies and certain of the Existing Funds listed above, and the Insurance Companies and the Replacement Funds, could be viewed as affiliated persons of one another under Section 2(a)(3) of the Act, it is conceivable that this aspect of the substitutions could be viewed as being prohibited by Section 17(a).

23. Section 17(b) of the Act provides that the Commission may, upon application, grant an order exempting any transaction from the prohibitions of Section 17(a) if the evidence establishes that: (a) The terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned; (b) the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and records filed under the Act; and (c) the proposed transaction is consistent with the general purposes of the Act.

24. The Section 17 Applicants submit that for all the reasons stated above the terms of the proposed in-kind purchases of shares of the Replacement Funds by the Insurance Companies, including the consideration to be paid and received, as described in this Application, are reasonable and fair and do not involve overreaching on the part of any person concerned. The Section 17 Applicants also submit that the proposed in-kind purchases by the Insurance Companies are consistent with the policies of: (a) MIST and of its Third Avenue Small Cap Value, RCM Technology, Met/ Templeton Growth, MFS Research International, PIMCO Total Return, and Pioneer Fund Portfolios; and (b) Met Series Fund and of its Davis Venture Value, Western Asset Management Strategic Bond Opportunities and Van Eck Global Natural Resources Portfolios,

as recited in the current registration statements and reports filed by each under the Act. Finally, the Section 17 Applicants submit that the proposed substitutions are consistent with the general purposes of the Act.

25. To the extent that the in-kind purchases by the Insurance Company of the Replacement Funds' shares are deemed to involve principal transactions among affiliated persons, the procedures described below should be sufficient to assure that the terms of the proposed transactions are reasonable and fair to all participants. The Section 17 Applicants maintain that the terms of the proposed in-kind purchase transactions, including the consideration to be paid and received by each fund involved, are reasonable, fair and do not involve overreaching principally because the transactions will conform with all but one of the conditions enumerated in Rule 17a–7. The proposed transactions will take place at relative net asset value in conformity with the requirements of Section 22(c) of the Act and Rule 22c–1 thereunder with no change in the amount of any Contract owner's contract value or death benefit or in the dollar value of his or her investment in any of the Separate Accounts. Contract owners will not suffer any adverse tax consequences as a result of the substitutions. The fees and charges under the Contracts will not increase because of the substitutions. Even though the Separate Accounts, the Insurance Companies, MIST and Met Series Fund may not rely on Rule 17a–7, the Section 17 Applicants believe that the Rule's conditions outline the type of safeguards that result in transactions that are fair and reasonable to registered investment company participants and preclude overreaching in connection with an investment company by its affiliated persons. In addition, as stated above, the in-kind redemptions will only be made in accordance with the conditions set out in the *Signature Financial Group* no-action letter (December 29, 1999).

26. The boards of MIST and Met Series Fund have adopted procedures, as required by paragraph (e)(1) of Rule 17a–7, pursuant to which the series of each may purchase and sell securities to and from their affiliates. The Section 17 Applicants will carry out the proposed Insurance Company in-kind purchases in conformity with all of the conditions of Rule 17a–7 and each series' procedures thereunder, except that the consideration paid for the securities being purchased or sold may not be entirely cash. Nevertheless, the circumstances surrounding the proposed substitutions will be such as to offer the same degree of protection to each Replacement Fund from overreaching that Rule 17a–7 provides to them generally in connection with their purchase and sale of securities under that Rule in the ordinary course of their business. In particular, the Insurance Companies (or any of their affiliates) cannot effect the proposed transactions at a price that is disadvantageous to any of the Replacement Funds. Although the transactions may not be entirely for cash, each will be effected based upon (1) the independent market price of the portfolio securities valued as specified in paragraph (b) of Rule 17a–7, and (2) the net asset value per share of each fund involved valued in accordance with the procedures disclosed in its respective investment company registration statement and as required by Rule 22c–1 under the Act. No brokerage commission, fee, or other remuneration will be paid to any party in connection with the proposed in kind purchase transactions.

27. The sale of shares of Replacement Funds for investment securities, as contemplated by the proposed Insurance Company in-kind purchases, is consistent with the investment policies and restrictions of the Investment Companies and the Replacement Funds because (a) the shares are sold at their net asset value, and (b) the portfolio securities are of the type and quality that the Replacement Funds would each have acquired with the proceeds from share sales had the shares been sold for cash. To assure that the second of these conditions is met, MetLife Advisers, LLC and the sub-adviser, as applicable, will examine the portfolio securities being offered to each Replacement Fund and accept only those securities as consideration for shares that it would have acquired for each such fund in a cash transaction.

28. The Section 17 Applicants submit that the proposed Insurance Company in-kind purchases are consistent with the general purposes of the Act as stated in the Findings and Declaration of Policy in Section 1 of the Act and that the proposed transactions do not present any of the conditions or abuses that the Act was designed to prevent.

29. The Section 17 Applicants request that the Commission issue an order pursuant to Section 17(b) of the Act exempting the Separate Accounts, the Insurance Companies, MIST, Met Series Fund and each Replacement Fund from the provisions of Section 17(a) of the Act to the extent necessary to permit the Insurance Companies on behalf of the Separate Accounts to carry out, as part of the substitutions, the in-kind purchase of shares of the Replacement Funds which may be deemed to be prohibited by Section 17(a) of the Act.

Conclusion

Applicants assert that for the reasons summarized above that the proposed substitutions and related transactions meet the standards of Section 26(c) of the Act and are consistent with the standards of Section 17(b) of the Act and that the requested orders should be granted.

For the Commission, by the Division of Investment Management pursuant to delegated authority.

Florence E. Harmon,

Deputy Secretary.

[FR Doc. 2010–33117 Filed 1–3–11; 8:45 am]

BILLING CODE 8011–01–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 a Closed Meeting on Thursday, January 6, 2011 at 2:00 p.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the Closed Meeting. Certain staff members who have an interest in the matters also may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (7), 9(B) and (10) and 17 CFR 200.402(a)(3), (5), (7), 9(ii) and (10), permit consideration of the scheduled matters at the Closed Meeting.

Commissioner Aguilar, as duty officer, voted to consider the items listed for the Closed Meeting in a closed session.

The subject matter of the Closed Meeting scheduled for Thursday, January 6, 2011 will be:

Formal order of investigation;

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings;

An adjudicatory matter; and

Other matters relating to enforcement proceedings.

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: December 29, 2010.

Elizabeth M. Murphy,

Secretary.

[FR Doc. 2010–33261 Filed 12–30–10; 11:15 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–63611; File No. SR–FICC–2010–08]

Self-Regulatory Organizations; Fixed Income Clearing Corporation; Order Approving Proposed Rule Change To Eliminate Certain Cash Adjustments Currently Processed by the MBSD

December 28, 2010.

I. Introduction

On October 28, 2010, the Fixed Income Clearing Corporation ("FICC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change SR–FICC–2010–08 pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act").[1] The proposed rule change was published for comment in the **Federal Register** on November 17, 2010.[2] No comment letters were received on the proposal. This order approves the proposal.

II. Description

FICC is eliminating the cash adjustments that are currently processed by the Mortgage-Backed Securities Division ("MBSD") of FICC because they have low monetary impact and the clearance event ("significant variance") they were originally designed to address no longer applies.[3] Variance was originally established when mortgage-backed securities were physically settled and it was difficult to organize physical pools into $1 million par amounts for delivery.

As a result of the netting of To Be Announced ("TBA") transactions, a participant may have a settlement obligation to another participant with which it did not trade ("SBON Obligations"). SBON Obligations are created in multiples of $1 million par amounts and are assigned a uniform delivery price. Since the delivery price will differ from the participant's original trade price, an adjustment is calculated for the difference between the delivery price and the trade price. This adjustment is referred to as the Settlement Balance Order Market Differential ("SBOMD").

Participants notify the MBSD when they have settled their SBON Obligations with their assigned counterparties through the Notification of Settlement ("NOS") process. From the information supplied by both the delivering and receiving participants in their respective NOS, the MBSD determines whether the securities delivered were in $1 million par amounts or in a par amount within acceptable variance (plus or minus $100 per million). In instances where the delivery was completed in $1 million par amounts, the MBSD takes no additional steps.

Currently, if the delivery was cleared for a par amount within acceptable variance, the MBSD will calculate a cash adjustment to reconcile the difference between the original SBOMD (based on a $1 million par amount) and what the SBOMD should have been (based on the par amount delivered). As mortgage-backed securities migrated from physical to electronic settlement, acceptable variance has been reduced from an initial $50,000 per million to the current amount of $100 per million. MBSD is eliminating this cash adjustment process.

III. Discussion

The Commission finds that the proposed rule change is consistent with the requirements of the Act[4] and the rules and regulations thereunder applicable to FICC.[5] In particular, the Commission believes that by deleting a rule that covers a process that is no longer needed, FICC is providing its members with certainty and clarity of the clearance process to its members. The proposal is therefore consistent with the requirements of Section 17A(b)(3)(F),[6] which requires, among other things, that the rules of a clearing agency are designed to remove impediments to and perfect the mechanism of a national system for the prompt and accurate clearance and settlement of securities transactions.

IV. Conclusion

On the basis of the foregoing, the Commission finds that the proposal is consistent with the requirements of the Act and in particular with the requirements of Section 17A of the Act[7] and the rules and regulations thereunder.

It Is therefore ordered, pursuant to Section 19(b)(2) of the Act,[8] that the proposed rule change (File No. SR–FICC–2010–08) be, and hereby is, approved.

For the Commission by the Division of Trading and Markets, pursuant to delegated authority.[9]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. 2010–33163 Filed 1–3–11; 8:45 am]

BILLING CODE 8011–01–P

[1] 15 U.S.C. 78s(b)(1).

[2] Securities Exchange Act Release No. 63301 (November 17, 2010), 75 FR 70328.

[3] The specific language of the proposed provision can be found at *http://www.dtcc.com/downloads/legal/rule_filings/2010/ficc/2010–08.pdf.*

[4] 15 U.S.C. 78q–1.

[5] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[6] 15 U.S.C. 78q–1(b)(3)(F).

[7] 15 U.S.C. 78q–1.

[8] 15 U.S.C. 78s(b)(2).

[9] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

AGENCY: Small Business Administration.

ACTION: Notice of reporting requirements submitted for OMB review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35), Agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission.

DATES: Submit comments on or before February 3, 2011. If you intend to comment but cannot prepare comments promptly, please advise the OMB Review and the Agency Clearance Officer before the deadline.

Copies: Request for clearance (OMB 83–1), supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer.

ADDRESSES: Address all comments concerning this notice to: Agency Clearance Officer, Jacqueline White, Small Business Administration, 409 3rd Street, SW., 5th Floor, Washington, DC 20416; and OMB Reviewer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Jacqueline White. Agency Clearance Officer, (202) 205–7044.

SUPPLEMENTARY INFORMATION:

Title: Lender Advantage.

Frequency: On Occasion.

SBA Form Numbers: 2301 (Parts A, B, C, D and E) and 7.

Description of Respondents: Small business applicants and participating lenders.

Responses: 13,650.

Annual Burden: 48,990.

Title: SBIC Financial Reports.

Frequency: Quarterly.

SBA Form Number: 468.1, 2, 3 and 4.

Description of Respondents: Small Business Investment Companies.

Responses: 1,050.

Annual Burden: 26,700.

Jacqueline White,

Chief, Administrative Information Branch.

[FR Doc. 2010–33041 Filed 1–3–11; 8:45 am]

BILLING CODE M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Philadelphia International Airport, Capacity Enhancement Program, Environmental Impact Statement, Record of Decision

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Notice of availability of record of decision (ROD).

SUMMARY: The FAA has issued a ROD for the Philadelphia International Airport (PHL), Capacity Enhancement Program (CEP), Environmental Impact Statement (EIS). The City of Philadelphia, the airport sponsor, owns and operates PHL and had requested FAA consider ways to accommodate existing and forecasted aviation demands. The purpose of the CEP is to enhance airport capacity in order to accommodate current and future aviation demand in the Philadelphia Metropolitan Area during all weather conditions. This ROD sets forth FAA's final determination and environmental approvals for the federal actions necessary to implement the CEP at the airport.

DATES: Effective upon publication in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Susan L. McDonald, Environmental Protection Specialist, Federal Aviation Administration, Harrisburg Airports District Office, 3905 Hartzdale Drive, Suite 508, Harrisburg, PA 17011.

SUPPLEMENTARY INFORMATION: In accordance with the National Environmental Policy Act, the FAA has completed a Record of Decision for the Environmental Impact Statement for the Philadelphia International Airport Capacity Enhancement Program. The ROD sets forth FAA's final determination and environmental approvals for the federal actions necessary to implement the CEP at PHL. The ROD also identifies Alternative A (the Project) as FAA's selected alternative for implementation. The purpose of the CEP is to enhance airport capacity in order to accommodate current and future aviation demand in the Philadelphia Metropolitan Area during all weather conditions. The Environmental Protection Agency (EPA) published a notice of availability of the Final EIS in the **Federal Register** on August 27, 2010 (75 FR 52736). The Final EIS was prepared in compliance with the National Environmental Policy Act of 1969 (NEPA), [42 U.S. C. 4321, *et seq.*], the implementing regulations of the Council on Environmental Quality (CEQ) [40 CFR parts 1500–1508], and FAA directives [Order 1050.1E and Order 505.4B]. The Final EIS presented three alternatives; the No Action and two on-airport construction alternatives (Alternatives A and B), and identified Alternative A the preferred alternative. The FAA received comments on the Final EIS and these comments, along with FAA's responses, are included in Attachment A of the ROD.

The Project will have five runways connected by a redesigned and more efficient taxiway system than the No-Action Alternative. Runway 17–35 will remain as a 6,500-foot crosswind runway. Runway 8–26 will be extended 2,000 feet to the east, for a total length of 7,000 feet. This runway will continue to be unidirectional, serving westbound arrivals and eastbound departures. The Runway 8–26 eastern arrival threshold will be raised by approximately 55 feet in order to clear obstructions. Runway 8–26 will have an Engineered Materials Arresting System (EMAS) constructed at the east end of the runway. Runway 9L–27R will remain at its current length (9,500 feet) and location. It will support westbound departures in west flow, and eastbound arrivals in east flow. Runway 9R–27L will be extended to the east by 1,500 feet, to a total length of 12,000 feet. This runway will be renamed Runway 9C–27C. It will function primarily as an arrival runway during west flow operations and a departure runway during east flow. A new runway, Runway 9R–27L, 1,600 feet south of Runway 9C–27C will be constructed. This runway will be 9,103 feet long by 150 feet wide and will serve primarily as a departure runway in west flow and an arrival runway in east flow. Runway 9R–27L will have EMAS installed on its west end to reduce impacts to the Delaware River. Constructing this runway will affect the Delaware River. The approach lighting systems for proposed Runways 9R and 9L will be upgraded to meet CAT II/III approach requirements. The new approach light system for Runway 9R will be in the Delaware River, extending 1,700 feet from the limit of fill, and will be a pile-supported structure. The existing approach lighting systems for Runways 26 and 27C will be relocated based on the proposed threshold locations for each runway. All existing navigational aids will be relocated as necessary or new aids installed as required to meet the approach criteria for the particular runway end. The Airport Surveillance Radar (ASR–9) and the Precision Runway Monitor (PRM) south of Runway 9R–27L will be relocated as necessary.

The Project will upgrade and reconfigure the existing terminal complex in its existing location. It will add a new commuter terminal east of Runway 17–35. The total terminal complex will consist of eight concourses with 145 to 150 gates and approximately 3.6 million square feet. The existing terminal circulation, recirculation, and access will remain as it is now with minor shifts in horizontal and vertical alignments. An automated people mover (APM) will be constructed to transport passengers between terminals and parking facilities. The existing SEPTA rail line will continue to provide access to the terminals from outside the Airport and will interface directly with the APM system. The Project will enlarge the existing parking garages and construct a new centralized ground transportation center. The Project will also relocate or expand many of the other Airport facilities, including cargo, general aviation (corporate), maintenance, fuel, training facilities, and deicing facilities. The FAA's Air Traffic Control Tower (ATCT) will also be relocated. Service roadways and facilities will be reconstructed as needed.

In order to accommodate the Airport reconfiguration, several off-airport facilities and properties must be acquired and, in some cases, relocated. The UPS facility south of the Airport will be relocated to a new site in Tinicum. Hog Island Road will be closed and the freight railroad serving the USACE Fort Mifflin Dredge Disposal Facility will be relocated. Part of the Dredge Disposal Facility will be relocated north. The Sunoco Hog Island Wharf will be closed and its functions replaced by extending the existing Sunoco Fort Mifflin Pier to the west.

The Project will accommodate all forecasted operations with annualized

average delays of 5.2 minutes in 2025 and 8.4 minutes in 2030. The Project is estimated to cost $5.2 billion and take approximately 13 years to complete. With mitigation, significant environmental impacts can be avoided or minimized.

The FAA is granting approval to amend the airport layout plan (ALP) with the conditions noted in Section 11 of the ROD, Conditions of Project Approval, for the incorporation of all the physical elements associated with selected alternative in the ROD, Alternative A, as summarized in Section 2 of the ROD and approval to proceed with processing an application for federal funding of those development items qualifying for financial aid under the Airports Improvement Program, [49 U.S.C. 47106] as well as applications to impose and use Passenger Facility Charges, [49 U.S.C. 40117].

A copy of the ROD can be found on the FAA Web site at: *http://www.faa.gov/airports/environmental/records_decision/*. The ROD and information on the Project is available for electronic review and/or download on the on the project Web site at: *http://www.phl-cep-eis.com*. Hard copies of the ROD can be obtained by contacting FAA.

FOR FURTHER INFORMATION CONTACT: Susan McDonald, Environmental Protection Specialist, Federal Aviation Administration, Harrisburg Airports District Office, 3905 Hartzdale Drive, Suite 508, Camp Hill, PA 17011, Telephone (717) 730–2841.

Issued in Camp Hill, Pennsylvania, December 22, 2010.

Lori Pagnanelli,

Manager, Harrisburg Airports District Office.

[FR Doc. 2010–33223 Filed 1–3–11; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2010–63]

Petition for Exemption; Summary of Petition Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for exemption received.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of 14 CFR. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number involved and must be received on or before January 14, 2011.

ADDRESSES: You may send comments identified by Docket Number FAA–2010–1288 using any of the following methods:

- *Government-wide rulemaking Web site:* Go to *http://www.regulations.gov* and follow the instructions for sending your comments electronically.
- *Mail:* Send comments to the Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12–140, Washington, DC 20590.
- *Fax:* Fax comments to the Docket Management Facility at 202–493–2251.
- *Hand Delivery:* Bring comments to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy: We will post all comments we receive, without change, to *http://www.regulations.gov*, including any personal information you provide. Using the search function of our docket Web site, anyone can find and read the comments received into any of our dockets, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, *etc.*). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

Docket: To read background documents or comments received, go to *http://www.regulations.gov* at any time or to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Frances Shaver, ARM–207, (202) 267–4059, FAA, Office of Rulemaking, 800 Independence Ave SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on December 28, 2010.

Pamela Hamilton-Powell,

Director, Office of Rulemaking.

Petition For Exemption

Docket No.: FAA–2010–1288.
Petitioner: Honeywell.
Section of 14 CFR Affected: § 21.603.
Description of Relief Sought: Honeywell requests relief from the requirements of § 21.603 for certain Traffic Collision Avoidance System (TCAS) computers that process a parameter differently then required by Technical Standard Order C119b. This parameter is not used by the operational TCAS software and therefore has no impact on the safety performance of the system.

[FR Doc. 2010–33127 Filed 1–3–11; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed Highway in Alaska

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Limitation on Claims for Judicial Review of Actions by FHWA.

SUMMARY: This notice announces actions taken by the FHWA that are final within the meaning of 23 U.S.C. 139(l)(1). The action relates to a proposed highway project, the Knik Arm Crossing (KAC) Project, providing a new roadway and bridge connection between the Matanuska-Susitna (Mat-Su) Borough and the Municipality of Anchorage within the State of Alaska. Those actions grant approvals for the project.

DATES: By this notice, the FHWA is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal agency actions on the listed highway project will be barred unless the claim is filed on or before July 5, 2011. If the Federal law that authorizes judicial review of a claim provides a time period of less than 180 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: For FHWA: Mr. David C. Miller, Division Administrator, FHWA Alaska Division, P.O. Box 21648, Juneau, Alaska 99802–1648; office hours 8 a.m. to 4:30 p.m. (AST), phone (907) 586–7418; e-mail *david.c.miller@dot.gov.* You may also contact Mr. Andrew Niemiec, Executive Director, Knik Arm Bridge and Toll

Authority (KABATA), 550 West 7th Avenue, Suite 1850, Anchorage, Alaska 99501; office hours 8 a.m. to 5 p.m. (AST), phone (907) 269–6698; e-mail *andrew.niemic@alaska.gov.*

SUPPLEMENTARY INFORMATION: Notice is hereby given that the FHWA has taken final agency actions subject to 23 U.S.C. 139(l)(1) by issuing approvals for the following highway project in the State of Alaska: Project Number ACSTP–0001(277)/56047; Project Location: The KAC Project (Northern Access-Erickson Alternative with the Southern Alignment). The project is planned to be constructed in two phases. Phase 1 construction is a two lane facility with a minimum 8,200-foot bridge length which begins at the intersection of Point MacKenzie Road and Burma Road in the Mat-Su, and follows Point MacKenzie Road southward approximately 9.5 miles to the Port MacKenzie District boundary. It then diverges east on a new alignment and loops north of Lake Lorraine before making a broad turn southward to the western bluff of Knik Arm. The crossing of the Knik Arm follows the Southern Alignment to east side, south along the bluffs, then follows the boundaries of Elmendorf Air Force Base and the Port of Anchorage. The initial connection to downtown Anchorage will go under Government Hill using the Erickson Street alternative with a cut and cover tunnel and connections to A and C Streets. When traffic warrants Phase 2 will be constructed, which includes widening the roadway to four lanes and constructing a connection across Ship Creek to Ingra and Gambell Streets.

The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Final Environmental Impact Statement (FEIS)/Final Section 4(f) Evaluation for the project, approved on December 22, 2007, in the FHWA Record of Decision (ROD) issued on December 15, 2010, and in other documents in the FHWA or KABATA project files. The FEIS, ROD, and other project records are available by contacting the FHWA or KABATA at the addresses provided above. The FHWA FEIS and ROD can be viewed and downloaded from the project Web site at *http://www.knikarmbridge.com* or viewed at the addresses provided above.

This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. General: National Environmental Policy Act (NEPA) [42 U.S.C. 4321–4351]; Federal-Aid Highway Act [23 U.S.C. 109 and 23 U.S.C. 128].

2. Air: Clean Air Act [42 U.S.C. 7401–7671(q)].

3. Land: Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303]; Landscaping and Scenic Enhancement (Wildflowers) [23 U.S.C. 319].

4. Wildlife: Endangered Species Act [16 U.S.C. 1531–1544 and Section 1536]; Marine Mammal Protection Act [16 U.S.C. 1361]; Fish and Wildlife Coordination Act [16 U.S.C. 661–667(d)]; Migratory Bird Treaty Act [16 U.S.C. 703–712].

5. Historic and Cultural Resources: Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470(f) et seq.]; Archeological Resources Protection Act of 1977 [16 U.S.C. 470(aa)–470(ii)]; Archeological and Historic Preservation Act [16 U.S.C. 469–469(c)]; Native American Grave Protection and Repatriation Act (NAGPRA) [25 U.S.C. 3001–3013].

6. Social and Economic: Civil Rights Act of 1964 [42 U.S.C. 2000(d)–2000(d)(1)]; American Indian Religious Freedom Act [42 U.S.C. 1996]; Farmland Protection Policy Act (FPPA) [7 U.S.C. 4201–4209].

7. Wetlands and Water Resources: Clean Water Act (Section 404, Section 401, Section 319) [33 U.S.C. 1251–1377]; Land and Water Conservation Fund (LWCF) [16 U.S.C. 4601–4604]; Safe Drinking Water Act (SDWA) [42 U.S.C. 300(f)–300(j)(6)]; Rivers and Harbors Act of 1899 [33 U.S.C. 401–406]; Wild and Scenic Rivers Act [16 U.S.C. 1271–1287]; Emergency Wetlands Resources Act [16 U.S.C. 3921, 3931]; Wetlands Mitigation [23 U.S.C. 103(b)(6)(M) and 133(b)(11)]; Flood Disaster Protection Act, 42 U.S.C. 4001–4128.

8. Executive Orders: E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations; E.O. 11593 Protection and Enhancement of Cultural Resources; E.O. 13007 Indian Sacred Sites; E.O. 13287 Preserve America; E.O. 13175 Consultation and Coordination with Indian Tribal Governments; E.O. 11514 Protection and Enhancement of Environmental Quality; E.O. 13112 Invasive Species.

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

Authority: 23 U.S.C. 139(l)(1).

Issued on: December 16, 2010.

Sandra Garcia-Aline,

Assistant Division Administrator, Juneau, Alaska.

[FR Doc. 2010–33085 Filed 1–3–11; 8:45 am]

BILLING CODE 4910–RY–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

Regulatory Guidance Concerning Electronic Signatures and Documents

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of regulatory guidance.

SUMMARY: FMCSA issues regulatory guidance concerning the use of electronic signatures and documents to comply with FMCSA regulations. This guidance provides the motor carrier industry, Federal, State, and local motor carrier enforcement officials, and other interested parties with uniform information regarding FMCSA's acceptance of electronic signature on documents required by the Federal Motor Carrier Safety Regulations. All prior Agency interpretations and regulatory guidance, including memoranda and letters, may no longer be relied upon to the extent they are inconsistent with this guidance.

DATES: *Effective Date:* This regulatory guidance is effective January 4, 2011.

FOR FURTHER INFORMATION CONTACT: Genevieve D. Sapir, Office of the Chief Counsel, Federal Motor Carrier Safety Administration, 1200 New Jersey Ave., SE., Washington, DC 20590–0001, (202) 366–7056; e-mail: *Genevieve.Sapir@dot.gov.*

SUPPLEMENTARY INFORMATION:

Legal Basis

The Motor Carrier Safety Act of 1984 (Pub. L. 98–554, Title II, 98 Stat. 2832, October 30, 1984) (the 1984 Act) provides authority to the Secretary of Transportation to regulate certain commercial drivers, motor carriers, and vehicle equipment. Section 211 of the 1984 Act also grants the Secretary broad power to "prescribe recordkeeping and reporting requirements" and to "perform other acts the Secretary considers appropriate" in carrying out motor carrier safety statutes and regulations (49 U.S.C. 31133(a)(8) and (10)). The Administrator of FMCSA has been delegated authority under 49 CFR 1.73(g) to carry out the functions vested in the Secretary by 49 U.S.C. chapter 311, subchapters I and III, relating to

commercial motor vehicle programs and safety regulation.

Two Federal statutes govern the Agency's implementation of electronic document and signature requirements. The Government Paperwork Elimination Act (GPEA) (Title XVII (Sec. 1701–1710) of Public Law 105–277, 112 Stat. 2681–749, 44 U.S.C. 3504 note) was signed into law on October 21, 1998, to improve customer service and governmental efficiency through the use of information technology. The Electronic Signatures in Global and National Commerce Act (E-SIGN) (Pub. L. 106–229, 114 Stat. 464, 15 U.S.C. 7001–7031) was signed into law on June 30, 2000. E-SIGN was designed to promote the use of electronic contract formation, signatures and recordkeeping in private commerce by establishing legal equivalence between traditional paper-based methods and electronic methods.

The GPEA defines an electronic signature as a method of signing an electronic communication that: (a) Identifies and authenticates a particular person as the source of the electronic communication; and (b) indicates such person's approval of the information contained in the electronic communication (Section 1710(1)). It also requires Federal agencies to provide individuals or entities the options of: (a) Submitting information or transacting with the agency electronically; and (b) using electronic records retention when practicable. The GPEA states that electronic records and their related electronic signatures shall not be denied legal effect, validity or enforceability merely because they are in electronic form. It also encourages agencies to use electronic signature alternatives (Sections 1704, 1707).

For any transaction in or affecting interstate or foreign commerce, E-SIGN supersedes all pre-existing requirements that paper records be kept so long as: (a) Such records are generated in commercial, consumer and business transactions between private parties; and (b) those parties consent to using electronic methods. Specifically, the statute establishes the legal equivalence for the following types of documents, whether in traditional paper or electronic form: (a) Contracts, (b) signatures, and (c) other legally-required documents (15 U.S.C. 7001(a)(1)).

Purpose and Effect of This Guidance

FMCSA received a number of requests from motor carriers and other interested parties asking permission to use electronic signatures in lieu of handwritten signatures on paper. This document provides regulatory guidance concerning the use of electronic signatures and documents to comply with FMCSA regulations. All prior Agency interpretations and regulatory guidance, as well as memoranda and letters, may no longer be relied upon as authoritative to the extent they are inconsistent with this guidance.

For purposes of complying with any provision in Chapter III of Subtitle B of Title 49, Code of Federal Regulations (49 CFR parts 300–399) that requires a document to be created, signed, certified or retained by any person or entity, that person or entity may, but is not required to, use electronic methods. Any electronic document or signature is considered the legal equivalent of a paper document or signature if it is the functional equivalent with respect to integrity, accuracy and accessibility. The substance of the document must otherwise comply with applicable Federal laws and Agency rules.

Anyone may use electronic methods so long as the electronic documents or signatures accurately reflect the information in the record and remain accessible in a form that can be accurately viewed and/or reproduced according to Agency rules. Electronic documents will not be considered the legal equivalent of traditional paper documents if they are not capable of being retained and accurately reproduced for reference by any individual or entity entitled to access by law for the period of time required by the Agency's recordkeeping requirements. For example, if an entity is required to produce documents on demand, those documents may be stored electronically, so long as that entity can produce them in accordance with the Agency's substantive requirements (e.g., immediately and without risk of losing or altering data).

Today's guidance establishes parity between paper and electronic records and signatures, greatly expanding interested parties' ability to use electronic methods. FMCSA previously interpreted 49 CFR 390.31 to permit the electronic storage of records so long as they could be produced within two working days of a request (62 FR 16370). FMCSA rescinds that interpretation and motor carriers should no longer rely on that guidance. As stated above, all records, whether electronic or paper, must be produced within the time frame established by Agency regulations. This means that if Agency rules require that a document be produced to the Agency within 48 hours, you must be able to provide the Agency with an accurate copy of your electronic record within 48 hours. Similarly, if Agency rules require that a document be produced upon demand, you must be able to provide the Agency with an accurate copy of your electronic record upon demand.

This guidance applies to documents required by FMCSA regulations to be generated and maintained or exchanged by private parties, regardless of whether the Agency subsequently requires them to be produced or displayed at the request of an FMCSA official or other parties entitled to access. This guidance does not apply to documents that individuals or entities are required to file directly with the Agency. The Agency, however, has already established electronic filing methods for certain documents. Interested parties can find out about available filing methods by consulting specific program information on FMCSA's Web site (*http://www.fmcsa.dot.gov*).

Regulatory Guidance

Part 390—Federal Motor Carrier Safety Regulations; General

Sections Interpreted: Section 390.31, Copies of records or documents

Rescind existing Questions 1 and 2 (62 FR 16370), retain existing Questions 3 and 4 (*http://www.fmcsa.dot.gov/rules-regulations/administration/fmcsr/fmcsrruletext.aspx?reg=390.31&guidance=Y*), and add new Questions 1 and 2 and 5 through 13 as follows:

Question 1: May motor carriers use electronic methods to store records or documents to satisfy a document retention requirement in Chapter III of Subtitle B of Title 49, Code of Federal Regulations (49 CFR parts 300–399)?

Guidance: Yes. Anyone may, but is not required to, use electronic methods to create and store records or documents to satisfy document retention requirements in Chapter III of Subtitle B of Title 49, Code of Federal Regulations (49 parts CFR 300–399). This guidance applies only to documents required to be generated and maintained or exchanged by private parties, regardless of whether FMCSA subsequently requires them to be produced or displayed to FMCSA staff or other parties entitled to access. This guidance does not apply to documents filed directly with FMCSA. The Agency, however, has already established electronic filing methods for certain documents. Interested parties can find out about available filing methods by consulting specific program information on FMCSA's Web site (*http://www.fmcsa.dot.gov*).

Question 2: How much time does a motor carrier have to produce records if the motor carrier maintains all records in an electronic format?

Guidance: A motor carrier must produce records within the time frame FMCSA's regulations require, regardless of whether the motor carrier maintains its records in an electronic or paper format. For example, if Agency rules require that a document be produced upon demand, you must be able to provide the Agency with an accurate copy of your electronic record upon demand. Similarly, if you are a motor carrier with multiple offices and are allowed 48 hours to produce a document in accordance with 49 CFR 390.29, you must be able to provide the Agency with an accurate copy of your electronic record within 48 hours.

Question 3: Using record scanning technology, these requirements can be fulfilled. Is my understanding of § 390.31(c) correct that once qualifying documents have been suitably scanned, original paper documents may be destroyed?

Guidance: Yes, scanned records, which include a verifiable signature, would fulfill the requirements of § 390.31 and the original paper documents may be destroyed as stated in § 390.31(c).

Question 4: If my understanding of § 390.31 and its associated interpretations is correct, will this negate the necessity to maintain the original road test document as required by § 391.31(g)(1)?

Guidance: Yes, as long as the road test document has been properly scanned.

Question 5: What is an electronic signature?

Guidance: An electronic signature is a method of signing an electronic communication that: (1) Identifies and authenticates a particular person as the source of the electronic communication; and (2) indicates such person's approval of the information contained in the electronic communication. An electronic signature may be made using any available technology that otherwise satisfies FMCSA's requirements.

Question 6: What is an electronic "captured image" signature and does it qualify as an electronic signature?

Guidance: An electronic "captured image" signature is a scripted name or legal mark that, while conventionally created on paper, may also be created using electronic devices. For example, many supermarkets and package delivery services use electronic captured image technology when they permit customers to sign their names in script using a stylus on an electronic pad. This qualifies as an electronic signature, so long as the signature and its related document are electronically bound and can be reproduced together.

Question 7: May anyone use electronic signatures to satisfy a requirement in Chapter III of Subtitle B of Title 49, Code of Federal Regulations (49 CFR parts 300–399) that a party sign or certify a document?

Guidance: Yes. Anyone may, but is not required to, use electronic signatures to satisfy the requirements of Chapter III of Subtitle B of Title 49, Code of Federal Regulations (49 CFR parts 300–399) that he or she sign or certify a document. This guidance applies only to documents requiring signatures that are generated and maintained or exchanged by private parties, regardless of whether the Agency subsequently requires them to be produced or displayed to FMCSA staff or other parties entitled to access. This guidance does not apply to documents filed directly with the Agency. The Agency, however, has already established electronic filing methods for certain documents. Interested parties can find out about available filing methods by consulting specific program information on FMCSA's Web site (*http://www.fmcsa.dot.gov*).

Question 8: Are motor carriers and other interested parties required to use electronic methods?

Guidance: No. Interested entities may choose whether or not to use electronic methods or traditional paper methods. Where there are two parties to a transaction, both parties must agree to conduct business using electronic methods.

Question 9: Will a document generated using any available electronic method satisfy the requirements of Chapter III of Subtitle B of Title 49, Code of Federal Regulations?

Guidance: No. An electronic document must fulfill the same function as a paper document. Documents generated using electronic methods may be used only if they accurately reflect the information in the record and remain accessible in a form that can be accurately reproduced for later reference. Documents generated using electronic methods will not be considered the legal equivalent of traditional paper documents if they are not capable of being retained and accurately reproduced for reference by any party entitled to access.

For example, if FMCSA rules require that a document be produced upon demand, you must be able to provide the Agency with an accurate copy of your electronic record upon demand. Similarly, if you are a motor carrier with multiple offices and are allowed 48 hours to produce a document in accordance with 49 CFR 390.29, you must be able to provide the Agency with an accurate copy of your electronic record within 48 hours. It would not be sufficient to display the information on your computer terminal in your place of business. You must produce a copy that the Agency can refer to at a later date. Similarly, it would not be sufficient to provide a document with incomplete information or without a signature (whether electronic or handwritten), if required. Your electronic storage system must be capable of transferring a complete, accurate copy of the document to the Agency. Unless the agent requesting the information specifies otherwise, you should be prepared to produce paper copies of the electronically-stored records or documents within the applicable time frame. This means that if you are required to produce documents on demand, those documents may be stored electronically, so long as you can produce them in accordance with the Agency's substantive requirements (e.g., immediately and without risk of losing or altering data). For an electronic document to be the legal equivalent of a paper document, it must be the functional equivalent with respect to integrity, accuracy and accessibility.

Question 10: If FMCSA or another agency entitled to access documents requests that I produce a copy of a document or signature, may I produce an electronic copy?

Guidance: Yes, however, you must be able to reproduce or transmit the document so the Agency can refer to it at a later date. The acceptable method of transmission may vary, depending on compatibility with the information systems and how the Agency or other entity entitled to access plans to use the document. Under some circumstances, electronic transfer may be acceptable. In other cases, you may be required to print paper copies of the electronically-stored records or documents. You should be prepared to produce paper copies within the time frame specified in the applicable regulations, unless the particular investigator specifically advises you that he or she is capable of accepting electronically transferred copies.

Question 11: May I use electronic methods to generate, sign, maintain and/or exchange any record the FMCSA regulations require without requesting an exemption or obtaining prior permission?

Guidance: You may use electronic methods to generate, sign, maintain and/or exchange *any* document that is generated and maintained or exchanged by private parties, regardless of whether FMCSA subsequently requires them to

be produced or displayed to Agency staff or other parties entitled to access. You do not need to request an exemption or obtain prior permission so long as the electronic record meets all of the regulation's substantive requirements and remains accessible in a form that can be accurately reproduced for later reference. (This does not apply to documents filed directly with the Agency. See Question No. 6.) Examples of documents generated, maintained or exchanged by private parties include, but are not limited to: Employment applications, driver histories and other qualification records, leases formed under 49 CFR part 376, driver-vehicle inspection reports, and records of duty status. These are only examples of documents about which FMCSA received specific questions and is not an exhaustive list of the types of documents that can be generated, signed, maintained or exchanged electronically.

Question 12: May I convert a paper document to an electronic document by typing the substantive information on the paper document into an electronic format such as a database?

Guidance: By typing the substantive information from a paper document into an electronic format such as a database, you are creating a new electronic record, not creating an electronic copy of the original. While you may generate and maintain such documents for your own use, they do not take the place of the original documents. To preserve an accurate copy of the original paper document, you must use scanning or other "image capture" technology. See Questions 3 and 4 for additional guidance.

Question 13: Is an electronic signature valid if a person only has access to an excerpt or summary at the time he or she signs a document?

Guidance: No. If you only provide an excerpt or summary at the time someone signs a document you may not subsequently attach his or her electronic signature to the complete document.

Issued on: December 29, 2010.

Anne S. Ferro,

Administratior.

[FR Doc. 2010–33238 Filed 1–3–11; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Tier 1 Environmental Impact Statement for the Los Angeles to San Luis Obispo (LOSSAN North) Rail Corridor Improvements Studies: Los Angeles, Ventura, Santa Barbara, San Luis Obispo counties, California

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: FRA is issuing this notice to advise the public that FRA with the California Department of Transportation (Caltrans) will jointly prepare a Tier-1 environmental impact statement (EIS) and a program environmental impact report (EIR) for rail corridor improvements to the Los Angeles to San Luis Obispo (LOSSAN North) rail corridor (LOSSAN North Program). FRA is also issuing this notice to solicit public and agency input into the development of the scope of the EIR/EIS and to advise the public that outreach activities conducted by Caltrans and its representatives will be considered in the preparation of the EIR/EIS. The objective of the Tier-1 EIR/EIS is to evaluate alternatives and present thorough environmental analysis to help make corridor level decisions regarding the level of intercity passenger rail service provided in the corridor, including variations in train frequency, trip time, and on-time performance.

DATES: Locations, dates, and start and end times for public meetings involving the EIS are listed in the **SUPPLEMENTARY INFORMATION** section of this notice.

FOR FURTHER INFORMATION CONTACT: For further information regarding the Tier-1 environmental review, please contact: Ms. Lea Simpson, Manager, California Department of Transportation, Division of Rail, MS 74, PO Box 942874, Sacramento, CA 94274–0001, (telephone 916–654–7184) or Ms. Melissa Elefante DuMond, Environmental Protection Specialist, Office of Railroad Policy and Development, Federal Railroad Administration, 1200 New Jersey Avenue, SE. (Mail Stop 20), Washington, DC 20590, (telephone 202–493–6366).

SUPPLEMENTARY INFORMATION:

Purpose and Need

FRA and Caltrans have determined that improvements to the existing LOSSAN North rail corridor are necessary to meet the expected growth in population and resulting increases in intercity travel demand between Los Angeles and San Luis Obispo. As a result of this growth in travel demand, their travel delays from the growing congestion on California's highways and at airports will increase. In terms of passenger volume, the LOSSAN corridor is the second-busiest intercity rail corridor in the nation, after the Northeast Corridor connecting Washington DC, New York, and Boston. However, rail capacity constraints result in rail congestion and travel delays which is compounded by delays related to weather conditions, accidents and other factors which collectively result in unreliable rail service. In addition, in some cases rail infrastructure has not been upgraded or improved in over one hundred years. Goals of the project underlying the environmental review include increasing the cost-effectiveness of State-supported intercity passenger rail systems; increasing the rail capacity on existing routes; reduction in running times to attract additional riders and to provide a more attractive service; and improvement to the safety of State-supported intercity rail service.

Rail Services Along Corridor

Amtrak uses the LOSSAN rail corridor for the Pacific Surfliner Service between Los Angeles and San Luis Obispo that is supported by Caltrans. Amtrak's Coast Starlight (service between Los Angeles, the Bay Area, and Portland/Seattle) also operates on the corridor. The Southern California Regional Rail Authority also uses the LOSSAN rail corridor for their Metrolink commuter rail service between Los Angeles and Ventura. Union Pacific operates freight service along the corridor.

Environmental Review Process

The EIS/EIR will be developed in accordance with the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321 and the Council on Environmental Quality (CEQ) regulations (40 CFR part 1500 *et seq.*) implementing NEPA; the California Environmental Quality Act (CEQA), Division 13, Public Resources Code; and FRA's Procedures for Considering Environmental Impacts (64 FR 28545; May 26, 1999). The FRA and the Caltrans will use a tiered process, as provided for in 40 CFR 1508.28 and in accordance with FRA Procedures for the completion of the environmental review of the LOSSAN North Program.

"Tiering" is a staged environmental review process often applied to environmental reviews for complex transportation projects. The initial phase (Tier-1 EIS) of this process will

address broad questions and likely environmental effects for the entire corridor including, but not limited to, the type of service(s) being proposed, including cities and stations served, route alternatives, service levels, types of operations (speed, electric, or diesel powered), ridership projections, major infrastructure components, and identification of major terminal area or facility capacity constraints. Subsequent phases or tiers will analyze, at a greater level of detail, narrower site-specific proposals based on any decisions made in the Tier-1 EIR/EIS.

Alternatives

Alternatives to be evaluated and analyzed in the Program EIR/EIS include a no-action (No-Project or No-Build) scenario and an alternative with multiple options that considers the construction of incremental, independent passenger rail improvements in the LOSSAN North rail corridor. Possible environmental impacts include displacement of commercial and residential properties; disproportionate impacts to minority and low-income populations; community and neighborhood disruption; increased noise and vibration along the rail corridor; traffic impacts associated with stations; effects to historic properties or archaeological sites; impacts to parks and recreation resources; visual quality effects; exposure to seismic and flood hazards; impacts to water resources, wetlands, and sensitive biological species and habitat; land use compatibility impacts; energy use; and impacts to agricultural lands.

No-Build Alternative

The no action (No-Project or No-Build) alternative is defined to serve as the baseline for comparison of all alternatives. The No-Build Alternative represents the State's transportation system (highway, air, and rail) as it exists, and as it would exist after completion of programs or projects currently funded or being implemented. The No-Build Alternative would draw upon the following sources of information:

- State Transportation Improvement Program (STIP).
- Regional Transportation Plans (RTPs) for all modes of travel.
- Airport plans.
- Passenger rail plans.

Passenger Rail Alternative and Options

The LOSSAN North Program improvements are incremental, independent rail upgrade projects to the LOSSAN corridor. The Passenger Rail Alternative will have "options" that consider timing of the improvements and logical groupings of improvements that reflect likely funding scenarios. The upgrade of the LOSSAN rail corridor was previously studied in the LOSSAN North Corridor Strategic Plan issued in October 2007, which identified major improvements that could be undertaken between the Los Angeles Union Station and the San Luis Obispo Amtrak Station. The improvements to be discussed in the program EIR/EIS may include:

- Track upgrades.
- Curve realignments.
- Siding extensions and upgrades.
- Addition of second main track.
- Grade separations.
- Station and platform upgrades.
- Track realignments.
- Run-through tracks.
- Pedestrian crossing upgrades.
- Installation of Centralized Traffic Control (CTC).

Scoping and Comments

FRA encourages broad participation in the EIR/EIS process during scoping and subsequent review of the resulting environmental document. Letters describing the proposed project and soliciting comments were sent to appropriate Federal, State, and local agencies, and appropriate railroads. Comments and suggestions are invited from all interested agencies and the public at large to insure the full range of issues related to the proposed action and all reasonable alternatives are addressed and all significant issues are identified. In particular, FRA is interested in determining whether there are areas of environmental concern where there might be the potential for significant impacts identifiable at a program level. Public agencies with jurisdiction are requested to advise the FRA and Caltrans of the applicable permit and environmental review requirements of each agency, and the scope and content of the environmental information that is germane to the agency's statutory responsibilities in connection with the proposed improvements.

Scoping meetings will be advertised locally and are planned for the following major cities along the LOSSAN North rail corridor at the dates and times indicated:

- Los Angeles: January 10, 2011; 5 through 7 PM; Los Angeles County Metropolitan Transportation Authority (Metro) Headquarters—Board Room One Gateway Plaza, Los Angeles, CA.
- Ventura: January 11, 2011; 5 through 7 PM; Camarillo Public Library, 4101 Las Posas Road, Camarillo, CA 93010.
- Santa Barbara: January 12, 2011; 5 through 7 PM; Louise Lowry Davis Center, Lu Gilbert Room, 1232 De La Vina St., Santa Barbara, CA, 93101.
- San Luis Obispo: January 13, 2011; 5 through 7 PM; San Luis Obispo City/County Public Library, Community Room, 995 Palm Street, San Luis Obispo, CA 93401.

Persons interested in providing comments on the scope of the Tier-1 EIR/EIS should do so by February 3, 2011. Comments can be sent in writing to Ms. Melissa Elefante DuMond at the FRA address identified above. Comments may also be addressed to Ms. Lea Simpson of Caltrans at their address identified above. Information regarding the environmental review process and technical studies will be made available through Caltrans' rail services Internet site: *http://www.amtrakcalifornia.com/.*

Issued in Washington, DC, on December 28, 2010.

Karen Rae,

Deputy Administrator, Federal Railroad Administration.

[FR Doc. 2010–33146 Filed 1–3–11; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Saint Lawrence Seaway Development Corporation

Advisory Board; Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. I), notice is hereby given of a meeting of the Advisory Board of the Saint Lawrence Seaway Development Corporation (SLSDC), to be held from 1 p.m. (EDT) on Monday, January 24, 2011, via conference call at the Corporation's Administration Headquarters, Suite W32–300, 1200 New Jersey Avenue, SE., Washington, DC. The agenda for this meeting will be as follows: Opening Remarks; Consideration of Minutes of Past Meeting; Quarterly Report; Old and New Business; Closing Discussion; Adjournment.

Attendance at the meeting is open to the interested public but limited to the space available. With the approval of the Administrator, members of the public may present oral statements at the meeting. Persons wishing further information should contact, not later than Wednesday, January 19, 2011, Anita K. Blackman, Chief of Staff, Saint Lawrence Seaway Development Corporation, 1200 New Jersey Avenue,

SE., Washington, DC 20590; 202–366–0091.

Any member of the public may present a written statement to the Advisory Board at any time.

Issued at Washington, DC, on December 28, 2010.

Collister Johnson, Jr.,

Administrator.

[FR Doc. 2010–33217 Filed 1–3–11; 8:45 am]

BILLING CODE 4910–61–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. AB 55 (Sub-No. 659X)]

CSX Transportation, Inc.—Abandonment Exemption—in Allegany County, Md.

AGENCY: Surface Transportation Board, DOT.

ACTION: Notice of exemption.

SUMMARY: Under 49 U.S.C. 10502, the Board is granting a petition for exemption from the requirements of 49 U.S.C. 10904(f)(4)(A) to permit Eighteen Thirty Group, LLC (Eighteen Thirty) to go forward with its plan to acquire and restore to service an 8.54-mile line of railroad between milepost BAI 27.0 near Morrison and milepost BAI 18.46 at the end of the track near Carlos, in Allegany County, Md. (the Line). Eighteen Thirty is seeking to acquire the Line as a result of the bankruptcy of James Riffin through an agreement with Mark J. Friedman, Chapter 7 Trustee of the Bankruptcy Estate of James Riffin. Because the line previously was acquired from CSX Transportation, Inc. (CSXT) pursuant to the Board's offer of financial assistance provisions at 49 U.S.C. 10904 and 49 CFR 1152.27, section 10904(f)(4)(A) otherwise would prohibit the transfer of the Line to any entity other than CSXT until July 10, 2011.

DATES: The Board's decision granting this exemption will be effective on December 30, 2010. Petitions to reopen must be filed by January 18, 2011.

ADDRESSES: An original and 10 copies of all pleadings, referring to AB 55 (Sub-No.659X), must be filed with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on petitioner's representative: John D. Heffner, John D. Heffner, PLLC, 1750 K Street, NW., Suite 200, Washington, DC 20006.

FOR FURTHER INFORMTION CONTACT: Joseph H. Dettmar, (202) 245–0395. Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Board's decision. Board decisions and notices are available on our Web site at *http://www.stb.dot.gov.*

Decided: December 29, 2010.

By the Board, Chairman Elliott, Vice Chairman Mulvey, and Commissioner Nottingham.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2010–33191 Filed 1–3–11; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF THE TREASURY

Fiscal Service

Application and Renewal Fees Imposed on Surety Companies and Reinsuring Companies Increase in Fees Imposed

AGENCY: Financial Management Service, Fiscal Service, Department of the Treasury.

ACTION: Application and Renewal Fees Imposed on Surety Companies and Reinsuring Companies Increase in Fees Imposed.

SUMMARY: Effective December 31, 2010, The Department of the Treasury, Financial Management Service, is increasing the fees it imposes on and collects from surety companies and reinsuring companies.

FOR FURTHER INFORMATION CONTACT: Surety Bond Branch at (202) 874–6850.

SUPPLEMENTARY INFORMATION: The fees imposed and collected, as referred to in 31 CFR 223.22, cover the costs incurred by the Government for services performed relative to qualifying corporate sureties to write Federal business. These fees are determined in accordance with the Office of Management and Budget Circular A–25, as amended. The change in fees is the result of a thorough analysis of costs associated with the Surety Bond Branch.

The new fee rate schedule is as follows:

(1) Examination of a company's application for a Certificate of Authority as an acceptable surety or as an acceptable reinsuring company on Federal bonds—$9,300.

(2) Determination of a company's continued qualification for annual renewal of its Certificate of Authority—$5,450.

(3) Examination of a company's application for recognition as an Admitted Reinsurer (except on excess risks running to the United States)—$3,275.

(4) Determination of a company's continued qualification for annual renewal of its authority as an Admitted Reinsurer—$2,325.

Questions concerning this notice should be directed to the Surety Bond Branch, Financial Accounting and Services Division, Financial Management Service, Department of the Treasury, 3700 East West Highway, Room 6F01, Hyattsville, MD 20782, Telephone (202) 874–6850.

Dated: December 27, 2010.

Linda S. Kimberling,

Assistant Commissioner for Management (CFO), Financial Management Service.

[FR Doc. 2010–33061 Filed 1–3–11; 8:45 am]

BILLING CODE 4810–35–M

DEPARTMENT OF THE TREASURY

Fiscal Service

Surety Companies Acceptable on Federal Bonds Change in NAIC Number and State of Incorporation; Westchester Fire Insurance Company

AGENCY: Financial Management Service, Fiscal Service, Department of the Treasury.

ACTION: Notice.

SUMMARY: This is Supplement No. 6 to the Treasury Department Circular 570, 2010 Revision, published July 1, 2010, at 75 FR 38192.

FOR FURTHER INFORMATION CONTACT: Surety Bond Branch at (202) 874–6850.

SUPPLEMENTARY INFORMATION: Notice is hereby given that effective January 1, 2011, Westchester Fire Insurance Company's NAIC # has changed to 10030 due to its merger with ACE Indemnity Insurance Company. In addition due to the merger its state of incorporation has change from New York to Pennsylvania. Federal bond-approving officials should annotate their reference copies of the Treasury Department Circular 570 ("Circular"), 2010 Revision, to reflect this change.

The Circular may be viewed and downloaded through the Internet at *http://www.fms.treas.gov/c570.*

Questions concerning this notice may be directed to the U.S. Department of the Treasury, Financial Management Service, Financial Accounting and Services Division, Surety Bond Branch, 3700 East-West Highway, Room 6F01, Hyattsville, MD 20782.

Dated: December 16, 2010.

Laura Carrico,

Director, Financial Accounting and Services Division, Financial Management Service.

[FR Doc. 2010–33060 Filed 1–3–11; 8:45 am]

BILLING CODE 4810–35–M

DEPARTMENT OF THE TREASURY

United States Mint

2011 Numismatic Products Pricing

ACTION: Notice.

SUMMARY: The United States Mint is announcing the prices of its 2011 numismatic products.

Pursuant to the authority that 31 U.S.C. 5111(2)(3) & 5112 grant the Secretary of the Treasury to mint, prepare and distribute numismatic items, and in accordance with 31 U.S.C. 9701(b), the United States Mint is announcing the prices of its 2011 numismatic products.

Effective January 1, 2011, the United States Mint will commence selling the following numismatic products pursuant to the following price schedule:

Product	Retail/Introductory price	Regular price
Annual $1 Coin Uncirculated Set	$49.95	N/A
2011 United States Mint Silver Proof Set™	67.95	N/A
2011 United States Mint America the Beautiful Quarters Silver Proof Set™	39.95	N/A
2011 United States Army Commemorative Coin Program Proof $5 Gold Coin	*449.95	$454.95
2011 United States Army Commemorative Coin Program Uncirculated $5 Gold Coin	*439.95	444.95
2011 United States Army Commemorative Coin Program Proof Silver Dollar	*54.95	59.95
2011 United States Army Commemorative Coin Program Uncirculated Silver Dollar	*49.95	54.95
2011 United States Army Commemorative Coin Program Proof Clad Half-Dollar	*17.95	21.95
2011 United States Army Commemorative Coin Program Uncirculated Clad Half-Dollar	*15.95	19.95
2011 Medal of Honor Commemorative Coin Program Proof $5 Gold	*449.95	454.95
2011 Medal of Honor Commemorative Coin Program Uncirculated $5 Gold	*439.95	444.95
2011 Medal of Honor Commemorative Coin Program Proof Silver Dollar	*54.95	59.95
2011 Medal of Honor Commemorative Coin Program Uncirculated Silver Dollar	*49.95	54.95
2011 United States Mint Proof Set®	31.95	N/A
2011 United States Mint America the Beautiful Quarters Proof Set™	14.95	N/A
2011 United States Mint Uncirculated Coin Set®	31.95	N/A
2011 United States Mint Presidential $1 Coin Proof Set™	19.95	N/A
2011 Presidential $1 Coin Uncirculated Set™	19.95	N/A
2011 Presidential $1 Coin 25-Coin Rolls	39.95	N/A
2011 Presidential $1 Coin Covers	19.95	N/A
2011 United States Mint Presidential $1 Coin and First Spouse Medal Set™	14.95	N/A
First Spouse 1-5/16" Bronze Medals	7.95	N/A
2011 First Spouse Bronze Medal Series: Four Medal Set	19.95	N/A
1-1/2" Bronze Medals	7.95	N/A
3" Bronze Medals	44.95	N/A
2011 Kennedy Half-Dollar 200 Coin Bags	134.95	N/A
2011 Kennedy Half-Dollar Two-Roll Sets	34.95	N/A
2011 Native American $1 Coin 25-Coin Rolls	39.95	N/A
America the Beautiful Quarters® Bags	49.95	N/A
America the Beautiful Quarters® Rolls	39.95	N/A
America the Beautiful Quarters Uncirculated Coin Set™	21.95	N/A
America the Beautiful Quarters Three-Coin Set™	14.95	N/A
America the Beautiful Quarters® Album	9.95	N/A
America the Beautiful Quarters® Circulating Coin Set	9.95	N/A

*Introductory.

FOR FURTHER INFORMATION CONTACT: B.B. Craig, Associate Director for Sales and Marketing; United States Mint, 801 Ninth Street, NW., Washington, DC 20220; or call 202–354–7500.

Authority: 31 U.S.C. 5111, 5112, 9701(b).

Dated: December 29, 2010.

Edmund C. Moy,

Director, United States Mint.

[FR Doc. 2010–33189 Filed 1–3–11; 8:45 am]

BILLING CODE P

Reader Aids

Federal Register

Vol. 76, No. 2

Tuesday, January 4, 2011

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This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "PLUS" (Public Laws Update Service) on 202–741–6043. This list is also available online at *http://www.archives.gov/federal-register/laws.html*.

The text of laws is not published in the **Federal Register** but may be ordered in "slip law" (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–1808). The text will also be made available on the Internet from GPO Access at *http://www.gpoaccess.gov/plaws/index.html*. Some laws may not yet be available.

H.R. 1061/P.L. 111–323

Hoh Indian Tribe Safe Homelands Act (Dec. 22, 2010; 124 Stat. 3532)

H.R. 2941/P.L. 111–324

To reauthorize and enhance Johanna's Law to increase public awareness and knowledge with respect to gynecologic cancers. (Dec. 22, 2010; 124 Stat. 3536)

H.R. 4337/P.L. 111–325

Regulated Investment Company Modernization Act of 2010 (Dec. 22, 2010; 124 Stat. 3537)

H.R. 5591/P.L. 111–326

To designate the airport traffic control tower located at Spokane International Airport in Spokane, Washington, as the "Ray Daves Airport Traffic Control Tower". (Dec. 22, 2010; 124 Stat. 3556)

H.R. 6198/P.L. 111–327

Bankruptcy Technical Corrections Act of 2010 (Dec. 22, 2010; 124 Stat. 3557)

H.R. 6278/P.L. 111–328

Kingman and Heritage Islands Act of 2010 (Dec. 22, 2010; 124 Stat. 3564)

H.R. 6473/P.L. 111–329

Airport and Airway Extension Act of 2010, Part IV (Dec. 22, 2010; 124 Stat. 3566)

H.R. 6516/P.L. 111–330

To make technical corrections to provisions of law enacted by the Coast Guard Authorization Act of 2010. (Dec. 22, 2010; 124 Stat. 3569)

S. 30/P.L. 111–331

Truth in Caller ID Act of 2009 (Dec. 22, 2010; 124 Stat. 3572)

S. 1275/P.L. 111–332

National Foundation on Fitness, Sports, and Nutrition Establishment Act (Dec. 22, 2010; 124 Stat. 3576)

S. 1405/P.L. 111–333

Longfellow House-Washington's Headquarters National Historic Site Designation Act (Dec. 22, 2010; 124 Stat. 3581)

S. 1448/P.L. 111–334

To amend the Act of August 9, 1955, to authorize the Coquille Indian Tribe, the Confederated Tribes of Siletz Indians, the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw, the Klamath Tribes, and the Burns Paiute Tribe to obtain 99-year lease authority for trust land. (Dec. 22, 2010; 124 Stat. 3582)

S. 1609/P.L. 111–335

Longline Catcher Processor Subsector Single Fishery Cooperative Act (Dec. 22, 2010; 124 Stat. 3583)

S. 2906/P.L. 111–336

To amend the Act of August 9, 1955, to modify a provision relating to leases involving certain Indian tribes. (Dec. 22, 2010; 124 Stat. 3587)

S. 3199/P.L. 111–337

Early Hearing Detection and Intervention Act of 2010 (Dec. 22, 2010; 124 Stat. 3588)

S. 3794/P.L. 111–338

Formerly Owned Resources for Veterans to Express Thanks for Service Act of 2010 (Dec. 22, 2010; 124 Stat. 3590)

S. 3860/P.L. 111–339

To require reports on the management of Arlington National Cemetery. (Dec. 22, 2010; 124 Stat. 3591)

S. 3984/P.L. 111–340

Museum and Library Services Act of 2010 (Dec. 22, 2010; 124 Stat. 3594)

S. 3998/P.L. 111–341

Criminal History Background Checks Pilot Extension Act of 2010 (Dec. 22, 2010; 124 Stat. 3606)

S. 4005/P.L. 111–342

Preserving Foreign Criminal Assets for Forfeiture Act of 2010 (Dec. 22, 2010; 124 Stat. 3607)

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