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INFORMATION
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FEDERAL REGISTER

Vol. 76 Friday

No. 14 January 21, 2011

Pages 3821–4026

OFFICE OF THE FEDERAL REGISTER

The **FEDERAL REGISTER** (ISSN 0097–6326) is published daily, Monday through Friday, except official holidays, by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). The Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 is the exclusive distributor of the official edition. Periodicals postage is paid at Washington, DC.

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WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

WHEN: Tuesday, January 25, 2011
9 a.m.–12:30 p.m.

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Conference Room, Suite 700
800 North Capitol Street, NW.
Washington, DC 20002

RESERVATIONS: (202) 741–6008

Printed on recycled paper.

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Title 3—

The President

Executive Order 13563 of January 18, 2011

Improving Regulation and Regulatory Review

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to improve regulation and regulatory review, it is hereby ordered as follows:

Section 1. *General Principles of Regulation.* (a) Our regulatory system must protect public health, welfare, safety, and our environment while promoting economic growth, innovation, competitiveness, and job creation. It must be based on the best available science. It must allow for public participation and an open exchange of ideas. It must promote predictability and reduce uncertainty. It must identify and use the best, most innovative, and least burdensome tools for achieving regulatory ends. It must take into account benefits and costs, both quantitative and qualitative. It must ensure that regulations are accessible, consistent, written in plain language, and easy to understand. It must measure, and seek to improve, the actual results of regulatory requirements.

(b) This order is supplemental to and reaffirms the principles, structures, and definitions governing contemporary regulatory review that were established in Executive Order 12866 of September 30, 1993. As stated in that Executive Order and to the extent permitted by law, each agency must, among other things: (1) propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify); (2) tailor its regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations; (3) select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity); (4) to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt; and (5) identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public.

(c) In applying these principles, each agency is directed to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible. Where appropriate and permitted by law, each agency may consider (and discuss qualitatively) values that are difficult or impossible to quantify, including equity, human dignity, fairness, and distributive impacts.

Sec. 2. *Public Participation.* (a) Regulations shall be adopted through a process that involves public participation. To that end, regulations shall be based, to the extent feasible and consistent with law, on the open exchange of information and perspectives among State, local, and tribal officials, experts in relevant disciplines, affected stakeholders in the private sector, and the public as a whole.

(b) To promote that open exchange, each agency, consistent with Executive Order 12866 and other applicable legal requirements, shall endeavor to provide the public with an opportunity to participate in the regulatory process. To the extent feasible and permitted by law, each agency shall afford the public a meaningful opportunity to comment through the Internet on any proposed regulation, with a comment period that should generally

be at least 60 days. To the extent feasible and permitted by law, each agency shall also provide, for both proposed and final rules, timely online access to the rulemaking docket on regulations.gov, including relevant scientific and technical findings, in an open format that can be easily searched and downloaded. For proposed rules, such access shall include, to the extent feasible and permitted by law, an opportunity for public comment on all pertinent parts of the rulemaking docket, including relevant scientific and technical findings.

(c) Before issuing a notice of proposed rulemaking, each agency, where feasible and appropriate, shall seek the views of those who are likely to be affected, including those who are likely to benefit from and those who are potentially subject to such rulemaking.

Sec. 3. *Integration and Innovation.* Some sectors and industries face a significant number of regulatory requirements, some of which may be redundant, inconsistent, or overlapping. Greater coordination across agencies could reduce these requirements, thus reducing costs and simplifying and harmonizing rules. In developing regulatory actions and identifying appropriate approaches, each agency shall attempt to promote such coordination, simplification, and harmonization. Each agency shall also seek to identify, as appropriate, means to achieve regulatory goals that are designed to promote innovation.

Sec. 4. *Flexible Approaches.* Where relevant, feasible, and consistent with regulatory objectives, and to the extent permitted by law, each agency shall identify and consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public. These approaches include warnings, appropriate default rules, and disclosure requirements as well as provision of information to the public in a form that is clear and intelligible.

Sec. 5. *Science.* Consistent with the President's Memorandum for the Heads of Executive Departments and Agencies, "Scientific Integrity" (March 9, 2009), and its implementing guidance, each agency shall ensure the objectivity of any scientific and technological information and processes used to support the agency's regulatory actions.

Sec. 6. *Retrospective Analyses of Existing Rules.* (a) To facilitate the periodic review of existing significant regulations, agencies shall consider how best to promote retrospective analysis of rules that may be outmoded, ineffective, insufficient, or excessively burdensome, and to modify, streamline, expand, or repeal them in accordance with what has been learned. Such retrospective analyses, including supporting data, should be released online whenever possible.

(b) Within 120 days of the date of this order, each agency shall develop and submit to the Office of Information and Regulatory Affairs a preliminary plan, consistent with law and its resources and regulatory priorities, under which the agency will periodically review its existing significant regulations to determine whether any such regulations should be modified, streamlined, expanded, or repealed so as to make the agency's regulatory program more effective or less burdensome in achieving the regulatory objectives.

Sec. 7. *General Provisions.* (a) For purposes of this order, "agency" shall have the meaning set forth in section 3(b) of Executive Order 12866.

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

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

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

(c) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

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

THE WHITE HOUSE,
January 18, 2011.

[FR Doc. 2011–1385
Filed 1–20–11; 8:45 am]
Billing code 3195–W1–P

Presidential Documents

Memorandum of January 18, 2011

Regulatory Compliance

Memorandum for the Heads of Executive Departments and Agencies

My Administration is committed to enhancing effectiveness and efficiency in Government. Pursuant to the Memorandum on Transparency and Open Government, issued on January 21, 2009, executive departments and agencies (agencies) have been working steadily to promote accountability, encourage collaboration, and provide information to Americans about their Government's activities.

To that end, much progress has been made toward strengthening our democracy and improving how Government operates. In the regulatory area, several agencies, such as the Department of Labor and the Environmental Protection Agency, have begun to post online (at ogesdw.dol.gov and www.epa-echo.gov), and to make readily accessible to the public, information concerning their regulatory compliance and enforcement activities, such as information with respect to administrative inspections, examinations, reviews, warnings, citations, and revocations (but excluding law enforcement or otherwise sensitive information about ongoing enforcement actions).

Greater disclosure of regulatory compliance information fosters fair and consistent enforcement of important regulatory obligations. Such disclosure is a critical step in encouraging the public to hold the Government and regulated entities accountable. Sound regulatory enforcement promotes the welfare of Americans in many ways, by increasing public safety, improving working conditions, and protecting the air we breathe and the water we drink. Consistent regulatory enforcement also levels the playing field among regulated entities, ensuring that those that fail to comply with the law do not have an unfair advantage over their law-abiding competitors. Greater agency disclosure of compliance and enforcement data will provide Americans with information they need to make informed decisions. Such disclosure can lead the Government to hold itself more accountable, encouraging agencies to identify and address enforcement gaps.

Accordingly, I direct the following:

First, agencies with broad regulatory compliance and administrative enforcement responsibilities, within 120 days of this memorandum, to the extent feasible and permitted by law, shall develop plans to make public information concerning their regulatory compliance and enforcement activities accessible, downloadable, and searchable online. In so doing, agencies should prioritize making accessible information that is most useful to the general public and should consider the use of new technologies to allow the public to have access to real-time data. The independent agencies are encouraged to comply with this directive.

Second, the Federal Chief Information Officer and the Chief Technology Officer shall work with appropriate counterparts in each agency to make such data available online in searchable form, including on centralized platforms such as data.gov, in a manner that facilitates easy access, encourages cross-agency comparisons, and engages the public in new and creative ways of using the information.

Third, the Federal Chief Information Officer and the Chief Technology Officer, in coordination with the Director of the Office of Management and Budget (OMB) and their counterparts in each agency, shall work to explore how

best to generate and share enforcement and compliance information across the Government, consistent with law. Such data sharing can assist with agencies' risk-based approaches to enforcement: A lack of compliance in one area by a regulated entity may indicate a need for examination and closer attention by another agency. Efforts to share data across agencies, where appropriate and permitted by law, may help to promote flexible and coordinated enforcement regimes.

This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person. Nothing in this memorandum shall be construed to impair or otherwise affect the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

The Director of OMB is authorized and directed to publish this memorandum in the *Federal Register*.

THE WHITE HOUSE,
Washington, January 18, 2011

[FR Doc. 2011–1386
Filed 1–20–11; 8:45 am]
Billing code 3110–01–P

Presidential Documents

Memorandum of January 18, 2011

Regulatory Flexibility, Small Business, and Job Creation

Memorandum for the Heads of Executive Departments and Agencies

Small businesses play an essential role in the American economy; they help to fuel productivity, economic growth, and job creation. More than half of all Americans working in the private sector either are employed by a small business or own one. During a recent 15-year period, small businesses created more than 60 percent of all new jobs in the Nation.

Although small businesses and new companies provide the foundations for economic growth and job creation, they have faced severe challenges as a result of the recession. One consequence has been the loss of significant numbers of jobs.

The Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612, establishes a deep national commitment to achieving statutory goals without imposing unnecessary burdens on the public. The RFA emphasizes the importance of recognizing "differences in the scale and resources of regulated entities" and of considering "alternative regulatory approaches . . . which minimize the significant economic impact of rules on small businesses, small organizations, and small governmental jurisdictions." 5 U.S.C. 601 note.

To promote its central goals, the RFA imposes a series of requirements designed to ensure that agencies produce regulatory flexibility analyses that give careful consideration to the effects of their regulations on small businesses and explore significant alternatives in order to minimize any significant economic impact on small businesses. Among other things, the RFA requires that when an agency proposing a rule with such impact is required to provide notice of the proposed rule, it must also produce an initial regulatory flexibility analysis that includes discussion of significant alternatives. Significant alternatives include the use of performance rather than design standards; simplification of compliance and reporting requirements for small businesses; establishment of different timetables that take into account the resources of small businesses; and exemption from coverage for small businesses.

Consistent with the goal of open government, the RFA also encourages public participation in and transparency about the rulemaking process. Among other things, the statute requires agencies proposing rules with a significant economic impact on small businesses to provide an opportunity for public comment on any required initial regulatory flexibility analysis, and generally requires agencies promulgating final rules with such significant economic impact to respond, in a final regulatory flexibility analysis, to comments filed by the Chief Counsel for Advocacy of the Small Business Administration.

My Administration is firmly committed to eliminating excessive and unjustified burdens on small businesses, and to ensuring that regulations are designed with careful consideration of their effects, including their cumulative effects, on small businesses. Executive Order 12866 of September 30, 1993, as amended, states, "Each agency shall tailor its regulations to impose the least burden on society, including individuals, businesses of differing sizes, and other entities (including small communities and governmental entities), consistent with obtaining the regulatory objectives, taking into account,

among other things, and to the extent practicable, the costs of cumulative regulations."

In the current economic environment, it is especially important for agencies to design regulations in a cost-effective manner consistent with the goals of promoting economic growth, innovation, competitiveness, and job creation.

Accordingly, I hereby direct executive departments and agencies and request independent agencies, when initiating rulemaking that will have a significant economic impact on a substantial number of small entities, to give serious consideration to whether and how it is appropriate, consistent with law and regulatory objectives, to reduce regulatory burdens on small businesses, through increased flexibility. As the RFA recognizes, such flexibility may take many forms, including:

- extended compliance dates that take into account the resources available to small entities;
- performance standards rather than design standards;
- simplification of reporting and compliance requirements (as, for example, through streamlined forms and electronic filing options);
- different requirements for large and small firms; and
- partial or total exemptions.

I further direct that whenever an executive agency chooses, for reasons other than legal limitations, not to provide such flexibility in a proposed or final rule that is likely to have a significant economic impact on a substantial number of small entities, it should explicitly justify its decision not to do so in the explanation that accompanies that proposed or final rule.

Adherence to these requirements is designed to ensure that regulatory actions do not place unjustified economic burdens on small business owners and other small entities. If regulations are preceded by careful analysis, and subjected to public comment, they are less likely to be based on intuition and guesswork and more likely to be justified in light of a clear understanding of the likely consequences of alternative courses of action. With that understanding, agencies will be in a better position to protect the public while avoiding excessive costs and paperwork.

This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person. Nothing in this memorandum shall be construed to impair or otherwise affect the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

The Director of the Office of Management and Budget is authorized and directed to publish this memorandum in the *Federal Register*.

THE WHITE HOUSE,
Washington, January 18, 2011

[FR Doc. 2011–1387
Filed 1–20–11; 8:45 am]
Billing code 3110–01–P

Rules and Regulations

Federal Register

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Friday, January 21, 2011

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 135

[Docket No.: FAA–2009–0023; Amendment No.: 135–122]

RIN 2120–AJ32

Crew Resource Management Training for Crewmembers in Part 135 Operations

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

ACTION: Final rule.

SUMMARY: This final rule requires all certificate holders conducting operations under part 135 to include in their training programs crew resource management training for crewmembers, including pilots and flight attendants. This final rule is needed to ensure that crewmembers in part 135 operations receive training in the use of crew resource management principles, as appropriate for their operation. This final rule responds to National Transportation Safety Board recommendations, addresses a recommendation from the Part 125/135 Aviation Rulemaking Committee, and codifies current FAA guidance. The intended effect of this final rule is to reduce the frequency and severity of errors that are crew based, which will reduce the frequency of accidents and incidents within the scope of part 135 operations.

DATES: This final rule becomes effective March 22, 2011.

FOR FURTHER INFORMATION CONTACT: For technical questions concerning this final rule, contact Nancy Lauck Claussen, Air Transportation Division, AFS–200, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: 202–267–8166; e-mail: *Nancy.L.Claussen@faa.gov.* For legal questions concerning this final rule, contact Anne Bechdolt, Office of the Chief Counsel, AGC–200, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: 202–267–3073; e-mail: *Anne.Bechdolt@faa.gov.*

SUPPLEMENTARY INFORMATION:

I. Authority for This Rulemaking

The FAA's authority to issue rules on aviation safety is found in Title 49 of the United States Code. This rulemaking is promulgated under the authority described in 49 U.S.C. 44701(a)(5), which requires the Administrator to promulgate regulations and minimum standards for other practices, methods, and procedures necessary for safety in air commerce and national security.

II. Background

A. Summary of Notice of Proposed Rulemaking (NPRM)

Crew Resource Management (CRM) training is the incorporation of team management concepts in flight operations. This training focuses on communication and interactions among pilots, flight attendants, operations personnel, maintenance personnel, air traffic controllers, flight service stations, and others. CRM also focuses on single pilot communications, decision making and situational awareness. On May 1, 2009, the FAA published an NPRM proposing to require all part 135 certificate holders required to have training programs under 14 CFR 135.341 to implement CRM training for pilots and flight attendants in part 135 operations.[1] *See* 74 FR 20263 (May 1, 2009). The comment period for the NPRM closed on September 28, 2009.

The intent of the NPRM was to create uniform standards for CRM training in part 135 operations by codifying existing guidance material in Advisory Circular (AC) 120–51E, *Crew Resource Management Training,* (Jan. 22, 2004), and AC 00–64, *Air Medical Resource Management,* (Jan. 22, 2005). The FAA determined this was necessary following a review of 268 accidents in part 135 operations that occurred between 1998 and 2008. Of these 268 accidents, 24 were directly related to ineffective CRM and resulted in 83 fatalities and 12 serious injuries. The NPRM also addressed National Transportation Safety Board (NTSB) recommendations A–01–12, A–03–52,[2] and A–95–124, in addition to recommendations from the part 125/135 Aviation Rulemaking Committee that all pilots in part 135 operations be proficient at mastering the resources available to them while managing many operational factors.

B. Summary of Comments

The FAA received seven comments on the proposed rule. Commenters include the Air Line Pilots Association (ALPA), Century CRM, LLC, Helicopter Association International (HAI), NTSB, Scientific Alliance for Education, and 2 individuals. All comments were generally supportive of requiring CRM training for crewmembers in part 135 operations. Additionally, some comments discussed increasing the requirements for certain provisions in the proposal, such as establishing minimum programmed hour requirements for training, and prohibiting credit for previous CRM training when a crewmember changes employers. One of the comments resulted in a substantive change to the proposed requirements, as discussed below.

C. Summary of Final Rule

The final rule requires certificate holders to establish initial and recurrent CRM academic training programs for crewmembers within 2 years of the effective date of the rule. At a minimum, the CRM training programs must address the authority of the pilot in command, communication processes, building and maintaining a flight team, managing workload and time, maintaining situational awareness, recognizing and mitigating fatigue and stress, and mastering aeronautical decision-making skills based on the certificate holder's operating environment. Some credit may be given

[1] This requirement does not extend to part 135 operators with only one pilot.

[2] The NPRM exceeded the requirements outlined in NTSB recommendation A–03–52, which only addressed CRM training for dual-pilot operations in part 135. The FAA determined that CRM issues are not limited to dual-pilot operations, but rather, as indicated by the accident review, extend to all operations. Therefore, the FAA decided it was necessary to require CRM training for crewmembers conducting either dual- or single-pilot operations under part 135.

for CRM training provided to crewmembers before the effective date of this rule under a voluntary CRM training program developed by certificate holders in accordance with AC 120–51E and AC 00–64.

III. Discussion of Final Rule and Comments

In the final rule, the FAA has retained all the requirements as proposed with one exception. The NTSB did not support the provision in the proposed rule that allowed part 135 operators to waive the requirement to provide initial CRM training to crewmembers who have previously received initial CRM training from another operator. The NTSB stated that such a provision would not be consistent with CRM training requirements for part 121 operators, and, in the interest of safety, should not be allowed for part 135 operations. The NTSB further supported this position by stating that part 135 operations are characterized by a wide range of operational environments, applications, aircraft and automation capabilities, and crew complements. As a result, CRM training programs may vary widely among operators. To ensure the crewmember is familiar with its operator's processes and procedures, NTSB asserted that initial CRM should be provided to crewmembers when transitioning to a new certificate holder. The NTSB recommended the FAA withdraw the provision that would allow certificate holders to waive the requirement for initial CRM training for crewmembers who have received initial CRM training from another part 135 operator.

Upon further review, the FAA has removed the language that allows certificate holders to waive the requirement for initial CRM training for crewmembers who have received initial CRM training from another operator. Given the unique operating environments of the various part 135 operators, it is essential that a crewmember receive training on the certificate holder's operational environment, procedures, effective use of automation capabilities, and communication with fellow crewmembers. When a crewmember begins employment with a different part 135 certificate holder, the crewmember must complete that certificate holder's initial CRM training program to ensure the crewmember is familiar with the operator's policies and procedures.

The NTSB also responded to the FAA's request for comments about whether there is justification for applying the proposed rule differently for intrastate operations in Alaska. The NTSB stated that it believed that CRM training would improve safety for all part 135 on-demand operations, including certificate holders in Alaska. The NTSB recommended that the proposed requirements should be applied to certificate holders conducting operations in Alaska.

The FAA agrees with the NTSB regarding the application of the requirements for CRM training. Of the 24 accidents that the FAA identified as directly related to ineffective CRM, one-third of the accidents occurred in Alaska. Therefore, the FAA has retained the language proposed in the NPRM. There is no exception for certificate holders conducting intrastate operations in Alaska.

ALPA supported the proposal and also recommended integrating CRM into flightcrew member job performance training as a tool to minimize the consequences of human error and to improve flightcrew performance. ALPA also agreed with the FAA that CRM training is appropriate for both pilots of single and multi-crew operations conducted under part 135. ALPA suggests the FAA require that individuals providing CRM training be employees of the air carrier. ALPA asserts this would ensure the instructors are familiar with the air carrier's culture, policies and procedures, as opposed to a contracted instructor. As with the CRM requirements for part 121 operations, the requirements in this final rule allow each operator the flexibility to design a training program that can meet the curriculum requirements via academic training and does not require job performance training. As recognized by HAI, these requirements allow "significant flexibility to allow training to be customized to the specific needs of individual operators." For some operators, it may be appropriate to incorporate CRM training in their job performance training curriculums. This may not be necessary for all operators, however, because of the size of their operations. At a minimum, CRM training elements must be completed in initial and recurrent academic training. This final rule does not preclude an operator from incorporating CRM training into its job performance training curriculum if the operator determines it is necessary based on the complexity of its operations.

The FAA has not required that all CRM instructors be employed by the air carrier. The FAA believes that the current requirements for instructors are appropriate. As with any other academic training, whether or not an instructor is a direct employee of the part 119 certificate holder or the employee of a part 142 certificate holder does not relieve the instructor or the certificate holder from the requirement in 14 CFR 135.323 that all instructors must be properly qualified to conduct the training in the certificate holder's training program.

The FAA also received a comment from a commercial provider of CRM training, Century CRM, LLC. Century CRM, LLC supported adoption of the provisions in the NPRM with regard to requiring CRM training for part 135 operators, recognizing that CRM and human factors training are crucial to flight safety. In addition, Century CRM recommended that the FAA establish a minimum programmed hour requirement for CRM training to cover the required CRM training topics.

The amount of CRM training that is necessary for each certificate holder may vary based on the complexity of the operations. Therefore, similar to the CRM training requirements for part 121 operators, the FAA has not established a minimum programmed hour requirement for CRM for part 135 operators. In evaluating and approving part 135 CRM training programs, the FAA will consider instructional techniques, the number of students in a class, the use of performance-based scenarios, new training technology, the use of student feedback, the measurement of training outcomes, as well as the time necessary to accomplish the training requirements for each certificate holder.

The FAA is adopting the rule as proposed, with the exception that certificate holders will not be permitted to give credit for initial CRM training to new employees who have received initial CRM training with another operator. Within 2 years after the effective date of this rule, a certificate holder conducting part 135 operations is prohibited from using a crewmember unless that person has completed the certificate holder's approved initial CRM training.

Under the final rule, initial and recurrent CRM academic training must be provided to crewmembers in part 135 operations. At a minimum, the training must address the authority of the pilot in command, communication processes, building and maintaining a flight team, managing workload and time, maintaining situational awareness, recognizing and mitigating fatigue and stress, and mastering the aeronautical decision-making skills tailored to the certificate holder's operations. This training is in addition to current training requirements for crewmembers under part 135. In evaluating and

approving part 135 CRM training programs, the FAA will consider instructional techniques, the number of students in a class, the use of performance-based scenarios, new training technology, the use of student feedback, the measurement of training outcomes, as well as the number of hours of training time.

Paperwork Reduction Act

This final rule will impose the following new information collection requirements. As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)), the FAA has submitted these information collection amendments to OMB for its review. Notice of OMB approval for this information collection will be published in a future **Federal Register** document.

Title: Crew Resource Management Training for Crewmembers in Part 135 Operations.

Summary: This final rule requires CRM training for crewmembers in 14 CFR part 135 operations. This final rule is necessary to ensure that crewmembers in part 135 operations receive training and practice in the use of CRM principles, as appropriate for their operation. The intended effect of this final rule is to reduce the frequency and severity of errors that are crew-based, which will reduce the frequency of accidents and incidents within the scope of part 135 operations.

Use of: This project is in direct support of the Department of Transportation's Strategic Plan—Strategic Goal—SAFETY; *i.e.,* to promote the public health and safety by working toward the elimination of transportation-related deaths and injuries. This clearance reflects requirements necessary under Title 14 CFR part 135 to ensure safety-of-flight by making certain that complete and adequate training is provided and maintained by those who operate under this part of the regulation. The FAA will use the information it collects and reviews to ensure compliance and adherence to regulations and, where necessary, to take enforcement action on violators of the regulations.

Respondents (including number of): The FAA estimated that there are 1,625 certificate holders who are required to provide information in accordance with the final rule. The respondents to this proposed information requirement are certificate holders using the training requirements in 14 CFR part 135.

Frequency: The FAA estimated that certificate holders will have a one time information collection and will then collect or report information occasionally thereafter.

Annual Burden Estimate: This rulemaking results in a 10-year recordkeeping and reporting burden as follows:

SUMMARY OF TIME AND COSTS

[10-Year]

	Cost	Hours
Development and submission of CRM Training Program	$302,260.00	8,636.0
Crewmember Training Record Keeping	65,540.50	1,872.5
Total	367,800.50	10,508.5

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)), the FAA submitted a copy of the new information collection requirements in this final rule to the Office of Management and Budget for its review.

An agency may not collect or sponsor the collection of information, nor may it impose an information collection requirement unless it displays a currently valid OMB control number.

International Compatibility

In keeping with U.S. obligations under the Convention on International Civil Aviation, it is FAA policy to comply with International Civil Aviation Organization (ICAO) Standards and Recommended Practices to the maximum extent practicable. The FAA has determined that there are no ICAO Standards and Recommended Practices that correspond to these regulations.

IV. Regulatory Evaluation, Regulatory Flexibility Determination, International Trade Impact Assessment, and Unfunded Mandates Assessment

Economic Evaluation, Regulatory Flexibility Determination, International Trade Impact Assessment, and Unfunded Mandates Assessment

Changes to Federal regulations must undergo several economic analyses. First, Executive Order 12866 directs that each Federal agency shall propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs. Second, the Regulatory Flexibility Act of 1980 (Pub. L. 96–354) requires agencies to analyze the economic impact of regulatory changes on small entities. Third, the Trade Agreements Act (Pub. L. 96–39) prohibits agencies from setting standards that create unnecessary obstacles to the foreign commerce of the United States. In developing U.S. standards, this Trade Act requires agencies to consider international standards and, where appropriate, that they be the basis of U.S. standards. Fourth, the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires agencies to prepare a written assessment of the costs, benefits, and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local, or Tribal governments, in the aggregate, or by the private sector, of $100 million or more annually (adjusted for inflation with base year of 1995). This portion of the preamble summarizes the FAA's analysis of the economic impacts of this rule. We suggest readers seeking greater detail read the full regulatory evaluation, a copy of which we have placed in the docket for this rulemaking.

In conducting these analyses, FAA has determined that this rule: (1) Has benefits that justify its costs; (2) is not an economically "significant regulatory action" as defined in section 3(f) of Executive Order 12866; (3) is not "significant" as defined in DOT's Regulatory Policies and Procedures; (4) will not have a significant economic impact on a substantial number of small entities; (5) will not create unnecessary obstacles to the foreign commerce of the United States; and (6) will not impose an unfunded mandate on State, local, or Tribal governments, or on the private sector by exceeding the threshold

identified above. These analyses are summarized as follows.

Total Benefits and Costs of This Rule

As seen in Table 1, the cost of this rule is $12.749 million ($9.015 million in present value terms using a 7 percent discount rate). Using a 25 percent accident rate reduction in which causal factors involved CRM training, the benefits are $32.261 million ($21.021 million in present value terms using a 7 percent discount rate). The net benefits from the rule will be $19.512 million ($12.016 million in present value terms using a 7 percent discount rate).

TABLE 1—SUMMARY OF THE TOTAL AND PRESENT VALUE CRM TRAINING COSTS AND BENEFITS

[Rounded to the nearest thousand 2010 dollars]

Year	Total costs			Total benefits			Benefits—costs		
	Total	P.V. 7%	P.V. 3%	Total	P.V. 7%	P.V. 3%	Total	P.V. 7%	P.V. 3%
2011	$1,177	$1,101	$1,143	$0	$0	$0	($1,177)	($1,101)	($1,143)
2012	1,870	1,634	1,762	0	0	0	(1,870)	(1,634)	(1,762)
2013	1,133	924	1,037	4,032	3,292	3,690	2,899	2,368	2,653
2014	1,155	881	1,026	4,032	3,076	3,583	2,877	2,195	2,557
2015	1,177	839	1,016	4,032	2,875	3,478	2,855	2,036	2,462
2016	1,200	799	1,005	4,032	2,687	3,377	2,832	1,888	2,372
2017	1,223	761	995	4,032	2,511	3,279	2,809	1,750	2,284
2018	1,247	726	984	4,032	2,347	3,183	2,785	1,621	2,199
2019	1,271	691	974	4,032	2,193	3,091	2,761	1,502	2,117
2020	1,296	659	964	4,032	2,050	3,001	2,736	1,391	2,037
Total	12,749	9,015	10,906	32,261	21,031	26,681	19,512	12,016	15,775

Aviation Industry Affected

The rule will affect part 135 certificate holders who are required to have an approved training program. In 2009, there were 1,625 part 135 operators that employed 25,033 crewmembers, of which 24,447 were pilots and 586 were flight attendants.

Period of Analysis

We used a 10-year time period (2011–2020) to calculate the CRM training costs and benefits from CRM training. A 10-year period of analysis is sufficient to determine costs and benefits because much of the costs are front-loaded.

Risk of an Accident Caused by the Absence of CRM Training

We evaluated part 135 accidents from March 20, 1997 through March 7, 2008. During this time period, there were 24 accidents (18 involving airplanes and 6 involving helicopters) with causal factors directly related to a lack of effective CRM. These accidents were responsible for 83 fatalities (66 involving airplanes and 17 involving helicopters) and 12 serious injuries (all involving airplanes).

Further, of the 18 airplane accidents, 8 involved single-pilot operations and 10 involved dual-pilot operations. All 6 of the helicopter accidents involved single-pilot operations. The individual accident histories are in the Final Regulatory Evaluation, which is in the docket.

Assumptions and Data Used To Estimate Benefits

The values are $6 million for a prevented fatality, $2.015 million for a prevented serious injury, and $53,000 for a minor injury.

Potential CRM Training Effectiveness and Benefits

We reviewed all part 121 accidents contained in the NTSB data base between 1988 through 2007 involving the same causal factors relevant to CRM and divided them into accidents occurring from 1988 through 1997, and accidents occurring after 1997, the effective date of the CRM training requirement for certificate holders conducting operations under 14 CFR part 121. We then calculated the CRM training-related accident rates for these two groups and found that the accident rates decreased from 0.0000206 to 0.0000182 (an 11.65 percent decline) and the accident rate for all fatal accidents decreased from 0.0000048 to 0.0000036 (a 25 percent decline). Although these rate reductions are not statistically significant due to the infrequency of these accidents, they can be useful in establishing an upper bound for the potential CRM training effectiveness rate for part 135 operations.

In order to illustrate the potential part 135 CRM training benefits, we applied the part 121 accident rate reductions of 25 percent for fatal accidents and 11.65 percent for non-fatal accidents to the 24 CRM-related part 135 accidents. Had the CRM training rule been effective in 1997 for all certificate holders conducting operations under part 135 that are required to have an approved training program, it could have prevented 2.75 of these fatal airplane accidents involving 16.5 fatalities and 2.25 serious injuries, as well as 1 fatal helicopter accident involving 4.25 fatalities. It also could have prevented 1 non-fatal airplane and helicopter accident. On that basis, the rule could have prevented 3.75 fatal accidents involving 20.75 fatalities and 2.25 serious injures.

Applying the DOT values to all of the accidents hypothetically prevented, an upper-bound quantified benefit of about $121 million, which has a present value of about $84 million using a 7 percent discount rate, would have resulted had the rule been in effect since 1997.

Compliance Cost Assumptions

Current industry practice is the baseline for the incremental compliance costs.

Each operator will provide training for its employees because CRM training is classroom training that will be incorporated into the current initial and recurrent academic training programs required by existing rules.

All 26 large operators with more than 100 crewmembers and 10 percent of the 400 operators with 10–99 crewmembers (40 operators) already provide CRM training and will incur minimal compliance costs.

The FAA estimates that 360 of the medium-sized operators and all of the 1,199 small operators with fewer than 10 crewmembers currently do not provide CRM training. These operators will incur compliance costs.

The average cost to develop a CRM training program will be $1,170 for a medium-sized operator and $680 for a small operator.

Current pilots and future new pilots in medium-sized operations will need 4 hours for initial CRM training while those in small operations will need 3 hours.

Current flight attendants and future new flight attendants will need 2 hours for initial CRM training.

Annual recurrent CRM training will take one-half of the time that initial CRM training would require.

There will be an average of 10 pilots in an initial or recurrent CRM training session for a medium-sized operator and an average of 3.66 pilots for a small operator.

There will be an average of 3.92 flight attendants in an initial or recurrent CRM training session for a medium-sized operator and an average of 1.1 flight attendants for a small operator.

The average cost for an initial CRM pilot training session will be $1,293 for a medium-sized operator and $428 for a small operator.

The average cost for an initial CRM flight attendant training session will be $207 for a medium-sized operator and $94 for a small operator.

The average cost for recurrent CRM pilot training will be $647 for a medium-sized operator and $214 for a small operator.

The average cost for recurrent CRM flight attendant training will be $104 for a medium-sized operator and $47 for a small operator.

Initial CRM training for crewmembers new to part 135 employment as well as initial CRM training for crewmembers who change employers within part 135 operators will be done on a one-to-one basis with the trainer. The average cost will be $208 per new pilot hire for medium-sized operators and $156 for small operators. The average cost will be $76 per new flight attendant hire for medium-sized and small operators.

Compliance Costs

Based on those data and assumptions, as shown in Table 2, we estimated that the rule from 2011 through 2020 would have a total cost of $12.749 million, which would have a present value of $9.015 million using a 7 percent discount rate, and a present value of $10.906 million using a 3 percent discount rate.

TABLE 2—SUMMARY OF THE TOTAL CRM TRAINING COSTS BY SOURCE OF COST

[2011 through 2020]

[Rounded to the nearest thousand 2010 dollars]

Source of cost	Total costs		
	Nominal	Present value (7%)	Present value (3%)
EXISTING OPERATOR CRM PLAN	$1,177	$1,101	$1,143
NEW OPERATOR CRM PLAN	345	234	290
EXISTING PILOT TRAINING	1,621	1,415	1,527
NEW PILOT TRAINING	1,513	1,015	1,267
JOB-TRANSFERRED PILOT TRAINING	882	582	733
PILOT RECURRENT (ANNUAL) TRAINING	7,135	4,617	5,881
FLIGHT ATTENDANT TRAINING	76	51	65
TOTAL	12,749	9,015	10,906

Cost-Benefit Comparison

As presented earlier, an upper-bound estimate of the quantified benefits using a $6 million value for a prevented fatality would be $121 million, which would be larger than the undiscounted compliance cost of $12.75 million.

An alternative way of looking at the cost-benefit analysis is that if the rule were to prevent only 2 fatalities and 1 serious injury during this 10-year period, the rule would be cost beneficial.

Finally, we should not overlook the fact that 9 out of 9 operators we surveyed already provide CRM training. Thus, these operators have already made an implied internal cost-benefit analysis that the benefits from CRM training are worth its costs.

For those reasons, we conclude that the CRM training rule would be cost beneficial.

Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (Pub. L. 96–354) (RFA) establishes "as a principle of regulatory issuance that agencies shall endeavor, consistent with the objectives of the rule and of applicable statutes, to fit regulatory and informational requirements to the scale of the businesses, organizations, and governmental jurisdictions subject to regulation. To achieve this principle, agencies are required to solicit and consider flexible regulatory proposals and to explain the rationale for their actions to assure that such proposals are given serious consideration." The RFA covers a wide-range of small entities, including small businesses, not-for-profit organizations, and small governmental jurisdictions.

Agencies must perform a review to determine whether a rule will have a significant economic impact on a substantial number of small entities. If the agency determines that it will, the agency must prepare a regulatory flexibility analysis as described in the RFA.

However, if an agency determines that a rule is not expected to have a significant economic impact on a substantial number of small entities, section 605(b) of the RFA provides that the head of the agency may so certify and a regulatory flexibility analysis is not required. The certification must include a statement providing the factual basis for this determination, and the reasoning should be clear. Based on the following, the FAA certifies that this rule would not have a significant impact on a substantial number of small entities.

There would be 1,559 small entities employing 11,815 crewmembers under the North American Industrial Classification System (NACIS) codes 481211 (Non-Scheduled Air Services) and 621910 (Ambulance Services) that would be affected by the rule. The average number of crewmembers would be 7.6. The Small Business Administration (SBA) has established, under NAICS code 481211, that all operators with fewer than 1,500 employees are small businesses. Furthermore, for all operators that fall

under NAICS code 621910, SBA has established that all operators with annual receipts of $7 million or less are small businesses. All of the operators affected by the rule except one are small businesses.

This rule will not have a significant economic impact on a substantial number of entities because the average initial cost per operator is between $680 and $1,170. Further, the average annual cost per operator is $450, which is less than one percent of annual revenues. The Initial Regulatory Flexibility Assessment had estimated similar compliance costs and the FAA received no adverse comments in response to its assessment.

Therefore, as Administrator I certify that this rule will not have a significant economic impact on a substantial number of small entities.

International Trade Analysis

The Trade Agreements Act of 1979 (Pub. L. 96–39), as amended by the Uruguay Round Agreements Act (Pub. L. 103–465), prohibits Federal agencies from establishing any standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. Pursuant to these Acts, the establishment of standards are not considered unnecessary obstacles to the foreign commerce of the United States, so long as the standards have a legitimate domestic objective, such as the protection of safety, and do not operate in a manner that excludes imports that meet this objective. The FAA notes the purpose is to ensure the safety of the American public, and has assessed the effects of this rule to ensure it does not exclude imports that meet this objective. As a result this rule is not considered as creating an unnecessary obstacle to foreign commerce.

Unfunded Mandates Assessment

Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires each Federal agency to prepare a written statement assessing the effects of any Federal mandate in a proposed or final agency rule that may result in an expenditure of $100 million or more (in 1995 dollars) in any one year by State, local, and Tribal governments, in the aggregate, or by the private sector; such a mandate is deemed to be a "significant regulatory action." The FAA currently uses an inflation-adjusted value of $143.1 million in lieu of $100 million. This rule does not contain such a mandate; therefore, the requirements of Title II of the Act do not apply.

Executive Order 13132, Federalism

The FAA has analyzed this final rule under the principles and criteria of Executive Order 13132, Federalism. We determined that this action does not have a substantial direct effect on the States, or the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government, and, therefore, does not have federalism implications.

Regulations Affecting Intrastate Aviation in Alaska

Section 1205 of the FAA Reauthorization Act of 1996 (110 Stat. 3213) requires the FAA, when modifying its regulations in a manner affecting intrastate aviation in Alaska, to consider the extent to which Alaska is not served by transportation modes other than aviation, and to establish appropriate regulatory distinctions. In the NPRM, we requested comments on whether the proposed rule should apply differently to intrastate operations in Alaska. We did receive a comment from the NTSB recommending that this rule should apply to operations in Alaska. We have determined, based on the administrative record of this rulemaking, that there is no need to make any regulatory distinctions applicable to intrastate aviation in Alaska.

Environmental Analysis

FAA Order 1050.1E identifies FAA actions that are categorically excluded from preparation of an environmental assessment or environmental impact statement under the National Environmental Policy Act in the absence of extraordinary circumstances. The FAA has determined this rulemaking action qualifies for the categorical exclusion identified in paragraph 312F and involves no extraordinary circumstances.

Regulations That Significantly Affect Energy Supply, Distribution, or Use

The FAA analyzed this final rule under Executive Order 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use (May 18, 2001). We have determined that it is not a "significant energy action" under the executive order because it is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

Availability of Rulemaking Documents

You can get an electronic copy of rulemaking documents using the Internet by—

1. Searching the Federal eRulemaking Portal (*http://www.regulations.gov*);
2. Visiting the FAA's Regulations and Policies Web page at *http://www.faa.gov/regulations_policies/*; or
3. Accessing the Government Printing Office's Web page at *http://www.gpoaccess.gov/fr/index.html.*

You can also get a copy by sending a request to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267–9680. Make sure to identify the amendment number or docket number of this rulemaking.

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78) or you may visit *http://DocketsInfo.dot.gov.*

Small Business Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996 requires FAA to comply with small entity requests for information or advice about compliance with statutes and regulations within its jurisdiction. If you are a small entity and you have a question regarding this document, you may contact your local FAA official, or the person listed under the **FOR FURTHER INFORMATION CONTACT** heading at the beginning of the preamble. You can find out more about SBREFA on the Internet at *http://www.faa.gov/regulations_policies/rulemaking/sbre_act/.*

List of Subjects in 14 CFR Part 135

Air carriers, Aircraft, Aviation safety, Reporting and recordkeeping requirements, Safety, Transportation.

The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends Chapter I of Title 14, Code of Federal Regulations, as follows:

PART 135—OPERATING REQUIREMENTS: COMMUTER AND ON DEMAND OPERATIONS AND RULES GOVERNING PERSONS ON BOARD SUCH AIRCRAFT

■ 1. The authority citation for part 135 continues to read as follows:

Authority: 49 U.S.C. 106(g), 41706, 40113, 44701–44702, 44705, 44709, 44711–44713, 44715–44717, 44722, 45101–45105.

■ 2. In § 135.329, add paragraph (a)(4) to read as follows:

§ 135.329 Crewmember training requirements.

(a) * * *

(4) Crew resource management training in § 135.330.

* * * * *

■ 3. Add § 135.330 to subpart H to read as follows:

§ 135.330 Crew resource management training.

(a) Each certificate holder must have an approved crew resource management training program that includes initial and recurrent training. The training program must include at least the following:

(1) Authority of the pilot in command;

(2) Communication processes, decisions, and coordination, to include communication with Air Traffic Control, personnel performing flight locating and other operational functions, and passengers;

(3) Building and maintenance of a flight team;

(4) Workload and time management;

(5) Situational awareness;

(6) Effects of fatigue on performance, avoidance strategies and countermeasures;

(7) Effects of stress and stress reduction strategies; and

(8) Aeronautical decision-making and judgment training tailored to the operator's flight operations and aviation environment.

(b) After March 22, 2013, no certificate holder may use a person as a flightcrew member or flight attendant unless that person has completed approved crew resource management initial training with that certificate holder.

(c) For flightcrew members and flight attendants, the Administrator, at his or her discretion, may credit crew resource management training completed with that certificate holder before March 22, 2013, toward all or part of the initial CRM training required by this section.

(d) In granting credit for initial CRM training, the Administrator considers training aids, devices, methods and procedures used by the certificate holder in a voluntary CRM program included in a training program required by § 135.341, § 135.345, or § 135.349.

■ 4. In § 135.351, revise paragraph (b)(2) to read as follows:

§ 135.351 Recurrent training.

* * * * *

(b) * * *

(2) Instruction as necessary in the subjects required for initial ground training by this subpart, as appropriate, including low-altitude windshear training and training on operating during ground icing conditions as prescribed in § 135.341 and described in § 135.345, crew resource management training as prescribed in § 135.330, and emergency training as prescribed in § 135.331.

* * * * *

Issued in Washington, DC, on January 11, 2011.

J. Randolph Babbitt,

Administrator.

[FR Doc. 2011–1211 Filed 1–20–11; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 9512]

RIN 1545–BF08

Nuclear Decommissioning Funds; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correcting amendment.

SUMMARY: This document contains a correction to final regulations (TD 9512) that were published in the **Federal Register** on Thursday, December 23, 2010 (75 FR 80697) relating to deductions for contributions to trusts maintained for decommissioning nuclear power plants.

DATES: This correction is effective on January 21, 2011, and is applicable on December 23, 2010.

FOR FURTHER INFORMATION CONTACT: Patrick S. Kirwan, (202) 622–3110 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The final regulations (TD 9512) that are the subject of this document are under section 468A of the Internal Revenue Code.

Need for Correction

As published, the final regulations (TD 9512) contain an error that may prove to be misleading and is in need of clarification.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Correction of Publication

Accordingly, 26 CFR part 1 is corrected by making the following correcting amendment:

PART 1—INCOME TAXES

■ **Paragraph 1**. The authority citation for part 1 continues to read in part as follows:

Authority: 26 U.S.C. 7805 * * *

■ **Par. 2.** Section 1.468A–6 is amended by revising the last sentence of paragraph (e)(3) *Example 2.* to read as follows:

§ 1.468A–6 Disposition of an interest in a nuclear power plant.

* * * * *

(e) * * *

(3) * * *

Example 2. * * * Pursuant to paragraph (e)(1)(iii) of this section, Y must file a request for a revised schedule of ruling amounts by March 15 of year 7.

* * * * *

LaNita Van Dyke,

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

[FR Doc. 2011–1215 Filed 1–20–11; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2010–1142]

Drawbridge Operation Regulation; Chickasaw Creek, AL

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, Eighth Coast Guard District, has issued a temporary deviation from the regulation governing the operation of the CSX Railroad Swing Span Bridge across Chickasaw Creek, mile 0.0, in Mobile, Alabama. The deviation is necessary to replace railroad ties on the bridge. This deviation allows the bridge to remain closed for nine hours with a one-hour mid-day opening on February 8 and 9, 2011.

DATES: This deviation is effective from 7 a.m. on Tuesday, February 8, 2011 until 4 p.m. on Wednesday, February 9, 2011.

ADDRESSES: Documents mentioned in this preamble as being available in the docket are part of docket USCG–2010–

1142 and are available online by going to *http://www.regulations.gov,* inserting USCG–2010–1142 in the "Keyword" box and then clicking "Search". They are also available for inspection or copying at the Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or e-mail David Frank, Bridge Administration Branch; telephone 504–671–2128, e-mail *David.m.frank@uscg.mil.* If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION: The CSX Transportation has requested a temporary deviation from the operating schedule for the Swing Span Bridge across Chickasaw Creek, mile 0.0, in Mobile, Alabama. The bridge has a vertical clearance of 6 feet above mean high water in the closed-to-navigation position and unlimited in the open-to-navigation position.

In accordance with 33 CFR 117.5, the bridge currently opens on signal for the passage of vessels. This deviation allows the bridge to remain closed to navigation for two (2) four-hour periods on two consecutive days with a one-hour opening in the middle of the closures. The bridge will remain closed to navigation from 7 a.m. until 11 a.m. and from noon until 4 p.m. on Tuesday, February 8, 2011 and Wednesday, February 9, 2011. At all other times, the bridge will open on signal for the passage of vessels.

The closure is necessary in order to change out railroad ties on the bridge. This maintenance is essential for the continued operation of the bridge. Notices will be published in the Eighth Coast Guard District Local Notice to Mariners and will be broadcast via the Coast Guard Broadcast Notice to Mariners System.

Navigation on the waterway consists mainly of tugs with tows and ships. As a result of coordination between the Coast Guard and the waterway users, this closure has been scheduled to minimize the possibility of any significant effects on these vessels. There are no alternate routes available to vessel traffic. The bridge will not be able to open for emergencies.

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

Dated: January 3, 2011.

David M. Frank,

Bridge Administrator.

[FR Doc. 2011–1200 Filed 1–20–11; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[EPA–R02–OAR–2010–0688, FRL–9255–5]

Approval and Promulgation of One-Year Extension for Attaining the 1997 8-Hour Ozone Standard for the New Jersey Portion of the Philadelphia-Wilmington-Atlantic City Moderate Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving an extension from June 15, 2010 to June 15, 2011 of the applicable attainment date for the New Jersey portion of the Philadelphia-Wilmington-Atlantic City 1997 8-hour ozone nonattainment area (Philadelphia Area), which is classified as moderate nonattainment for the 1997 8-hour ozone national ambient air quality standard (NAAQS). This extension is based in part on complete, quality-assured air quality data recorded during the 2009 ozone season. In accordance with requirements for a 1-year extension, the Philadelphia Area's 4th highest daily 8-hour monitored ozone value during the 2009 ozone season at each monitor in the area is less than 0.084 parts per million (ppm). EPA is revising the table with regard to the 8-hour ozone attainment date for the New Jersey portion of the Philadelphia Area.

DATES: *Effective Date:* This rule is effective on February 22, 2011.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R02–OAR–2010–0688. All documents in the docket are listed on the *http://www.regulations.gov* Web site. 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, 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 Environmental Protection Agency, Region II Office, Air Programs Branch, 290 Broadway, 25th Floor, New York, New York 10007–1866. This Docket Facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The Docket telephone number is 212–637–4249.

FOR FURTHER INFORMATION CONTACT: Paul Truchan, Air Programs Branch, Environmental Protection Agency, 290 Broadway, 25th Floor, New York, New York 10007–1866, (212) 637–4249.

SUPPLEMENTARY INFORMATION:

I. Background

On June 23, 2010, the State of New Jersey requested a one-year attainment date extension for the Philadelphia Area. The Philadelphia Area, which is classified as moderate for the 1997 8-hour ozone National Ambient Air Quality Standards (NAAQS), consists of Cecil County in Maryland; Bucks, Chester, Delaware, Montgomery and Philadelphia Counties in Pennsylvania; the entire State of Delaware; and Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Ocean, and Salem Counties in New Jersey. Since this area was classified as a moderate ozone nonattainment area, the statutory ozone attainment date, as prescribed by section 181(a) of the Clean Air Act (CAA), is June 15, 2010. New Jersey requested that the attainment date be extended to June 15, 2011.

On November 9, 2010 (75 FR 68733), EPA proposed to approve New Jersey's request based upon:

(1) New Jersey has complied with all requirements and commitments pertaining to the area in the applicable ozone implementation plan. New Jersey's applicable ozone implementation plan can be found at 40 CFR 52.1570; and

(2) The maximum 4th highest daily 8-hour monitored value at any monitoring site in the Philadelphia area during the 2009 ozone season was 0.074 ppm, which is below the 0.084 ppm criteria.

II. Comments

EPA received one comment in response to the proposal which supported the decision to approve an attainment date extension.

III. Final Action

Pursuant to CAA section 181(a) and 40 CFR 51.907, EPA is approving an attainment date extension from June 15, 2010 to June 15, 2011 for the New Jersey portion of the Philadelphia Area, which is classified as moderate for the 1997 8-hour ozone NAAQS. The table in 40 CFR 81.331 will be modified to reflect EPA's approval of New Jersey's

attainment date extension request. The table is entitled "New Jersey—Ozone (8-Hour Standard)."

IV. Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355 (May 22, 2001)). This action merely finds that an area has qualified for a one-year extension of the attainment date of a previously established NAAQS, and imposes no additional requirements. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule does not impose any additional enforceable duties, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). This rule also does not have a substantial direct effect on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it 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 (64 FR 43255, August 10, 1999), because it merely determines that an area has attained a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the CAA. This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

This rule does not involve establishment of technical standards, and thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the "Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings" issued under the executive order.

EPA has determined that this final rule will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because it does not affect the level of protection provided to human health or the environment. The rulemaking does not affect the level of protection provided to human health or the environment because extending the attainment date does not alter the emission reduction measures that are required to be implemented in the New Jersey portion of the Philadelphia-Wilmington-Atlantic City area, which is classified as moderate nonattainment for the 1997 8-hour ozone standard. *See* 69 FR 23909 (April 30 2004). Additionally, if the Philadelphia-Wilmington-Atlantic City Area were not granted an extension of its attainment date, EPA's recourse would be to initiate a reclassification of the Philadelphia-Wilmington-Atlantic City Area from its current classification of moderate nonattainment to serious nonattainment, pursuant to section 181(b)(2) of the CAA. Because the Philadelphia-Wilmington-Atlantic City area was formerly a severe nonattainment area under the revoked 1-hour ozone standard (*see,* 56 FR 56773, November 6, 1991), it is required to continue to implement severe area requirements pursuant to EPA's interpretation of "anti-backsliding" provision of section 172(e) of the CAA. *See* 69 FR 23973, April 30, 2004, *South Coast Air Quality Management District* v. *EPA,* 472 F.3d 882 (D.C. Cir. 2006), modified and rehearing den., 489 F.3d 1245 (D.C. Cir. 2007). The severe area requirements are more stringent than both the moderate and serious area requirements set forth in Title I, Part D, Subpart 2 of the CAA. Therefore, even if EPA were to not grant the attainment date extension and instead move to reclassify the area to serious nonattainment, no additional emission reduction measures would be required to be implemented in the Philadelphia-Wilmington-Atlantic City area through a 181(b)(2) reclassification. The extension of the attainment deadline for the 1997 8-hour ozone NAAQS does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by March 22, 2011. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (*See* section 307(b)(2).)

List of Subjects in 40 CFR Part 81

Environmental protection, Air pollution control.

Dated: January 10, 2011.

Judith A. Enck,

Regional Administrator, Region 2.

Part 81, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 81—[AMENDED]

■ 1. The authority citation for part 81 continues to read as follows:

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

■ 2. In § 81.331 the table entitled "New Jersey—Ozone (8-Hour Standard)" revise the entry for "Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE" to read as follows:

§ 81.331 New Jersey.

* * * * *

Designated area	Designation [a]		Category/classification	
	Date [1]	Type	Date [1]	Type
* * *	*	*	*	*
Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE:				
Atlantic County		Nonattainment		Subpart 2/Moderate.[2]
Burlington County		Nonattainment		Subpart 2/Moderate.[2]
Camden County		Nonattainment		Subpart 2/Moderate.[2]
Cape May County		Nonattainment		Subpart 2/Moderate.[2]
Cumberland County		Nonattainment		Subpart 2/Moderate.[2]
Gloucester County		Nonattainment		Subpart 2/Moderate.[2]
Mercer County		Nonattainment		Subpart 2/Moderate.[2]
Ocean County		Nonattainment		Subpart 2/Moderate.[2]
Salem County		Nonattainment		Subpart 2/Moderate.[2]

[a] Includes Indian Country located in each county or area, except as otherwise specified.
[1] This date is June 15, 2004, unless otherwise noted.
[2] Attainment date extended to June 15, 2011.

* * * * *

[FR Doc. 2011–1260 Filed 1–20–11; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[EPA–R03–OAR–2010–0574; FRL–9251–7]

Approval of One-Year Extension for Attaining the 1997 8-Hour Ozone Standard for the Delaware, Maryland, and Pennsylvania Portions of the Philadelphia-Wilmington-Atlantic City Moderate Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is extending the attainment date from June 15, 2010 to June 15, 2011 for the Delaware, Maryland, and Pennsylvania portions of the Philadelphia-Wilmington-Atlantic City nonattainment area (Philadelphia Area), which is classified as moderate for the 1997 8-hour ozone national ambient air quality standard (NAAQS). This extension is based in part on air quality data recorded during the 2009 ozone season. Specifically, the Philadelphia Area's 4th highest daily 8-hour monitored ozone value during the 2009 ozone season is 0.084 parts per million (ppm) or less. Accordingly, EPA is revising the tables concerning the 8-hour ozone attainment dates for the Philadelphia Area in the States of Delaware and Maryland, and the Commonwealth of Pennsylvania (the States). EPA is approving the extension of the attainment date for the Delaware, Maryland, and Pennsylvania portions of the Philadelphia Area in accordance with the requirements of the Clean Air Act (CAA). EPA is approving the extension of the attainment date for the New Jersey portion of the Philadelphia Area in a separate rulemaking in this **Federal Register**.

DATES: *Effective Date:* This final rule is effective on February 22, 2011.

ADDRESSES: EPA has established a docket for this action under Docket ID Number EPA–R03–OAR–2010–0574. All documents in the docket are listed in the *http://www.regulations.gov* Web site. Although listed in the electronic docket, some information is not publicly available, i.e., confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *http://www.regulations.gov* or in hard copy for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the Delaware Department of Natural Resources and Environmental Control, 89 Kings Highway, P.O. Box 1401, Dover, Delaware 19903; the Maryland Department of the Environment, 1800 Washington Boulevard, Suite 705, Baltimore, Maryland 21230; and the Pennsylvania Department of Environmental Protection, Bureau of Air Quality Control, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT: Maria Pino, (215) 814–2181, or by e-mail at *pino.maria@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On November 9, 2010 (75 FR 68736), EPA published a notice of proposed rulemaking (NPR) for the States. The NPR proposed approval of requests made by the States for a one-year attainment date extension for the Philadelphia Area. The Philadelphia Area, which is classified as moderate for the 1997 8-hour ozone NAAQS, consists of: Cecil County in Maryland; Bucks, Chester, Delaware, Montgomery and Philadelphia Counties in Pennsylvania; the entire State of Delaware; and Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Ocean, and Salem Counties in New Jersey. Since this area was classified as a moderate ozone nonattainment area, the statutory ozone attainment date, as prescribed by section 181(a) of the CAA, is June 15, 2010. The States requested that the attainment date be extended to June 15, 2011. As previously stated, EPA is approving the extension of the attainment date for the New Jersey portion of the Philadelphia Area in a separate rulemaking notice in this **Federal Register**.

Section 172(a)(2)(C) of subpart 1 of the CAA provides for EPA to extend the attainment date for an area by one year if the State has complied with all the requirements and commitments pertaining to the area in the applicable implementation plan and no more than a minimal number of exceedances of the NAAQS has occurred in the attainment year. Up to two one-year extensions may be issued for a single nonattainment area. Section 181(a)(5) of subpart 2 contains a similar provision for the ozone NAAQS, but instead of providing for an extension where there has been a "minimal" number of exceedances, it allows an extension only if there is no more than one exceedance of the NAAQS in the year preceeding the extension year. However, the language in section 181(a)(5) reflects the form of the 1-hour ozone NAAQS and not the 1997 8-hour ozone NAAQS. 40 CFR 51.907 sets forth how sections

172(a)(2)(C) and 181(a)(5) apply to an area subject to the 1997 8-hour ozone NAAQS.

EPA has determined that the requirements for a one-year extension of the attainment date, as set out under 40 CFR 51.907, have been fulfilled as follows:

(1) The States have complied with all requirements and commitments pertaining to the area in the applicable ozone implementation plan. The applicable ozone implementation plans can be found at 40 CFR 52.420, 40 CFR 52.1070, 40 CFR 52.2020, for the States of Delaware, Maryland, and Pennsylvania, respectively; and

(2) the Philadelphia Area's 4th highest daily 8-hour monitored value during the 2009 ozone season is 0.084 ppm or less.

Therefore, EPA approves the States' attainment date extension requests for the Delaware, Maryland, and Pennsylvania portions of the Philadelphia Area. As a result, the charts in 40 CFR 81.308, 40 CFR 81.321, and 40 CFR 81.339 are being modified to reflect EPA's approval of the States' attainment date extension request. Those charts are entitled "Delaware-Ozone (8-Hour Standard)", "Maryland-Ozone (8-Hour Standard)", and "Pennsylvania-Ozone (8-Hour Standard)", respectively.

In the Technical Support Document (TSD) for this action, EPA evaluates the air quality monitoring data for the Philadelphia Area. For details, please refer to EPA's TSD. Other specific requirements for an attainment date extension and the rationale for EPA's proposed action are explained in the NPR and will not be restated here. No public comments were received on the NPR.

II. Final Action

EPA is approving a 1-year attainment date extension, from June 15, 2010 to June 15, 2011, for the Delaware, Maryland, and Pennsylvania portions of the Philadelphia Area, which is classified as moderate for the 1997 8-hour ozone NAAQS.

III. Statutory and Executive Order Reviews

A. General Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001). This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). This rule also does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it 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 (64 FR 43255, August 10, 1999), because it merely determines that each of two areas has attained a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the CAA. This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

This rule does not involve establishment of technical standards, and thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the "Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings" issued under the executive order.

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 direct final rule will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because it does not affect the level of protection provided to human health or the environment. The rulemaking does not affect the level of protection provided to human health or the environment because extending the attainment date does not alter the emission reduction measures that are required to be implemented in the Philadelphia Area, which is classified as moderate nonattainment for the 1997 8-hour ozone standard. *See* 69 FR at 23909 (April 30 2004). Additionally, if the Philadelphia Area were not granted an extension of its attainment date, EPA's recourse would be to initiate a reclassification of the Philadelphia Area from its current classification of moderate nonattainment to serious nonattainment, pursuant to section 181(b)(2) of the CAA. Because the Philadelphia Area was formerly a severe nonattainment area under the revoked 1-hour ozone standard (*see* 56 FR at 56773, November 6, 1991), it is required to continue to implement severe area requirements pursuant to EPA's interpretation of "anti-backsliding" provision of section 172(e) of the CAA. *See* 69 FR at 23973, April 30, 2004, *South Coast Air Quality Management District* v. *EPA,* 472 F.3d 882 (D.C. Cir. 2006), *modified and rehearing den.,* 489 F.3d 1245 (D.C. Cir. 2007). The severe area requirements are more stringent than both the moderate and serious area requirements set forth in Title I, Part D, Subpart 2 of the CAA. Therefore, even if EPA were to not grant the attainment date extension and instead move to reclassify the area to serious nonattainment, no additional emission reduction measures would be required to be implemented in the Philadelphia Area through a 181(b)(2) reclassification. This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

B. Submission to Congress and the Comptroller General

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

C. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by March 22, 2011. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action.

This 1-year attainment date extension for the 1997 8-hour ozone NAAQS for the Delaware, Maryland, and Pennsylvania portions of the Philadelphia Area may not be challenged later in proceedings to enforce its requirements. (*See* section 307(b)(2).)

List of Subjects in 40 CFR Part 81

Environmental protection, Air pollution control, National parks, Wilderness areas.

Dated: January 4, 2011.

W.C. Early,

Acting Regional Administrator, Region III.

40 CFR part 81 is amended as follows:

PART 81—[AMENDED]

■ 1. The authority citation for Part 81 continues to read as follows:

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

■ 2. In § 81.308, the table entitled "Delaware—Ozone (8-Hour Standard)" is revised to read as follows:

§ 81.308 Delaware.

* * * * *

DELAWARE—OZONE

[8-Hour standard]

Designated area	Designation [a]		Category/classification	
	Date [1]	Type	Date [1]	Type
Philadelphia-Wilmington-Atlantic Ci, PA-NJ-MD-DE:				
Kent County	.....	Nonattainment	.....	Subpart 2/Moderate.[2]
New Castle County	.....	Nonattainment	.....	Subpart 2/Moderate.[2]
Sussex County	.....	Nonattainment	.....	Subpart 2/Moderate.[2]

[a] Includes Indian Country located in each county or area, except as otherwise specified.
[1] This date is June 15, 2004, unless otherwise noted.
[2] Attainment date extended to June 15, 2011.

* * * * *

■ 3. In § 81.321, the table entitled "Maryland—Ozone (8-Hour Standard)" is amended by revising the entry for Philadelphia-Wilmin-Atlantic Ci, PA-NJ-MD-DE (Cecil County) to read as follows:

§ 81.321 Maryland.

* * * * *

MARYLAND—OZONE

[8-Hour standard]

Designated area	Designation [a]		Category/classification	
	Date [1]	Type	Date [1]	Type
*	*	*	*	*
Philadelphia-Wilmin-Atlantic Ci, PA-NJ-MD-DE:				
Cecil County	.....	Nonattainment	.....	Subpart 2/Moderate.[4]
*	*	*	*	*

[a] Includes Indian Country located in each county or area, except as otherwise specified.
[1] This date is June 15, 2004, unless otherwise noted.
[2] Effective April 15, 2008.
[3] November 22, 2004.
[4] Attainment date extended to June 15, 2011.

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■ 4. In § 81.339, the table entitled "Pennsylvania—Ozone (8-Hour Standard)" is amended by revising the entry for Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE (Bucks County, Chester County, Delaware County, Montgomery County, Philadelphia County) to read as follows:

§ 81.339 Pennsylvania.

* * * * *

PENNSYLVANIA—OZONE

[8-Hour standard]

Designated area	Designation [a]		Category/classification	
	Date [1]	Type	Date [1]	Type
* * *	*	*	*	*
Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE:				
Bucks County		Nonattainment		Subpart 2/Moderate.[3]
Chester County		Nonattainment		Subpart 2/Moderate.[3]
Delaware County		Nonattainment		Subpart 2/Moderate.[3]
Montgomery County		Nonattainment		Subpart 2/Moderate.[3]
Philadelphia County		Nonattainment		Subpart 2/Moderate.[3]
* * *	*	*	*	*

[a] Includes Indian Country located in each county or area, except as otherwise specified.
[1] This date is June 15, 2004, unless otherwise noted.
[2] November 22, 2004.
[3] Attainment date extended to June 15, 2011.

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[FR Doc. 2011–1262 Filed 1–20–11; 8:45 am]

BILLING CODE 6560–50–P

COUNCIL ON ENVIRONMENTAL QUALITY

40 CFR Parts 1500, 1501, 1502, 1505, 1506, 1507, and 1508

Final Guidance for Federal Departments and Agencies on the Appropriate Use of Mitigation and Monitoring and Clarifying the Appropriate Use of Mitigated Findings of No Significant Impact

AGENCY: Council on Environmental Quality.

ACTION: Notice of availability.

SUMMARY: The Council on Environmental Quality (CEQ) is issuing its final guidance for Federal departments and agencies on the appropriate use of mitigation in Environmental Assessments (EAs) and Environmental Impact Statements (EISs) under the National Environmental Policy Act (NEPA). The guidance was developed to modernize, reinvigorate, and facilitate and increase the transparency of NEPA implementation.

This guidance outlines principles Federal agencies should apply in the development of their NEPA implementing regulations and procedures to guide their consideration of measures to mitigate adverse environmental impacts in EAs and EISs; their commitments to carry out mitigation made in related decision documents, such as the Record of Decision; the implementation of mitigation; and the monitoring of mitigation outcomes during and after implementation. This guidance also outlines principles agencies should apply to provide for public participation and accountability in the development and implementation of mitigation and monitoring efforts that are described in their NEPA documentation. Mitigation commitments should be explicitly described as ongoing commitments and should specify measurable performance standards and adequate mechanisms for implementation, monitoring, and reporting.

In addition, this guidance affirms the appropriateness of what is traditionally referred to as a "mitigated Finding of No Significant Impact." Mitigated Findings of No Significant Impact (FONSIs) can result when an agency concludes its NEPA review with an EA that is based on a commitment to mitigate significant environmental impacts, so that a more detailed EIS is not required. As explained in this guidance, an agency does not have to prepare an EIS when the environmental impacts of a proposed action can be mitigated to a level where the agency can make a FONSI determination, provided that the agency or a project applicant commits to carry out the mitigation, and establishes a mechanism for ensuring the mitigation is carried out. When a FONSI depends on successful mitigation, the requisite mitigation commitments should be made public.

DATES: The guidance is effective January 21, 2011.

FOR FURTHER INFORMATION CONTACT: The Council on Environmental Quality (ATTN: Horst Greczmiel, Associate Director for National Environmental Policy Act Oversight), 722 Jackson Place, NW., Washington, DC 20503. Telephone: (202) 395–5750.

SUPPLEMENTARY INFORMATION: This guidance applies to Federal agencies in accordance with sections 1507.2 and 1507.3 of the CEQ Regulations Implementing the Procedural Provisions of the National Environmental Policy Act, 40 CFR Parts 1500–1508. The National Environmental Policy Act (NEPA), 42 U.S.C. 4321–4370, enacted in 1970, is a fundamental tool used to harmonize our environmental, economic, and social aspirations and is a cornerstone of our Nation's efforts to protect the environment. NEPA recognizes that many Federal activities affect the environment and mandates that Federal agencies consider the environmental impacts of their proposed actions before deciding to adopt proposals and take action. Additionally, NEPA emphasizes public involvement in government actions affecting the environment by requiring that the benefits and risks associated with proposed actions be assessed and publicly disclosed.

The Council on Environmental Quality (CEQ) is charged with overseeing NEPA's implementation by Federal agencies. CEQ recognizes that NEPA is a visionary and versatile law that can be used effectively to address new environmental challenges facing our nation and also to engage the public widely and effectively. Furthermore, CEQ recognizes that successful NEPA implementation requires agencies to make information accessible to the public to strengthen citizen involvement in government decisionmaking. This guidance is designed to facilitate agency compliance with NEPA, by clarifying the commitments agency decisionmakers may decide to make when complying with NEPA, and ensuring that information about those commitments is accurate and made available to the public.

On February 18, 2010, CEQ announced the issuance of three

proposed draft guidance documents to modernize and reinvigorate NEPA, in conjunction with the 40th anniversary of the statute's enactment.[1] This guidance document is the second of those three to be issued in final form. The first guidance document, on "Establishing, Applying, and Revising Categorical Exclusions Under the National Environmental Policy Act," was released in final form on November 23, 2010.[2] The third guidance document, which addresses when and how Federal agencies should consider greenhouse gas emissions and climate change in their proposed actions, will be the next and last guidance document of this series to be finalized.

In a **Federal Register** notice published on February 23, 2010, CEQ announced the availability of the draft mitigation and monitoring guidance and requested public comments.[3] CEQ appreciates the thoughtful responses it has received on the draft guidance. CEQ received more than sixty comments. Commenters included private citizens, corporations, environmental organizations, trade associations, and federal and state agencies. All of these comments can be viewed online at *http://www.whitehouse.gov/administration/eop/ceq/initiatives/nepa/comments.* Those comments that suggested editorial revisions or requested clarification of terms are addressed in the text of the final guidance. Those comments that raised policy or substantive concerns have been grouped thematically, summarized, and addressed in the following sections of this Notice.

Mitigation Planning

Some commenters expressed concern that this guidance would impose an obligation on agencies to develop detailed mitigation plans as a standard part of every EA and EIS process. Several commenters asserted that a detailed mitigation planning stage would needlessly increase complexity and reduce project flexibility. Commenters also suggested that mitigation planning might actually decrease mitigation effectiveness, as the burden created would pressure agencies, as well as applicants, to undertake less comprehensive mitigation.

This guidance provides a flexible template for the development of agency regulations and procedures allowing continued discretion for agencies to respond to individual project characteristics. Not every EA or EIS will require the development of detailed mitigation plans. Plans should be developed and implemented when mitigation described in an EA serves as the basis for the FONSI (that is, the effects might be significant but for the proposed mitigation). CEQ disagrees that increased attention to mitigation planning in appropriate circumstances will needlessly increase complexity or reduce project flexibility. Rather, the purpose of detailed mitigation planning is to ensure that mitigation plans appropriately reflect project or program characteristics, and careful consideration of a range of options for adequate implementation and monitoring should increase agency flexibility in responding to changing or unforeseen circumstances. CEQ also disagrees that increased attention to mitigation planning would decrease mitigation effectiveness. To the extent that this guidance may prompt agencies to propose actions with lesser adverse environmental impacts allowing for the selection of less comprehensive (or no) mitigation alternatives, such a response would likely indicate that agencies have appropriately structured their proposed actions to avoid and minimize impacts up front to the extent feasible. This is the fundamental goal of NEPA. This would increase rather than decrease the likelihood that mitigation would be effective. Furthermore, CEQ believes that a focus on monitoring will help to ensure the actual effectiveness of proposed mitigation efforts. The guidance has been revised to ensure that agencies focus on establishing monitoring plans for important cases.

Source of Agency Authority To Make Mitigation Commitments

Several commenters, citing *Robertson* v. *Methow Valley Citizens Council,* 490 U.S. 332 (1989), expressed concern that the tone and wording of this guidance reframes NEPA by imposing substantive rather than procedural requirements. Another commenter suggested that if an agency would lack future authority to rectify a substantial mitigation failure, then that lack of authority should be included in the agency's initial analysis of impacts, significance, and mitigation effectiveness.

This guidance is not intended to impose new substantive requirements on agencies or project applicants. Rather, it ensures that the public and decisionmakers are fully informed of any promised mitigation and an agency's clear commitment to perform or ensure the performance of that mitigation, which in turn strengthens the basis for the NEPA analysis and documentation that an agency has prepared. This guidance is designed to enhance the integrity of the NEPA analysis when it relies on mitigation. It is an agency's underlying authority that provides the basis for the agency to commit to perform or require the performance of particular mitigation. That authority also allows the agency to implement and monitor, or to require the implementation and monitoring of, those mitigation commitments to ensure their effectiveness. It further provides the authority to take remedial steps, so long as there remains federal decisional involvement in a project or other proposed action. The guidance has been revised to further clarify that existing authorities provide the basis for agency commitments to implement mitigation and monitor its success.

NEPA in itself does not compel the selection of a mitigated approach. But where an agency chooses to base the use of less extensive NEPA analysis on mitigation, then this guidance is designed to assist agencies in ensuring the integrity of that decision.

Use of Outside Experts

Several commenters requested that in recommending the use of third party experts, this guidance should clarify that such experts should be neutral and unbiased parties without conflicts of interest. For example, third party experts participating in development of mitigation and monitoring plans should not have financial stakes in the implementation of the mitigation and monitoring. CEQ agrees with this suggestion but also recognizes that applicants and delegated parties can, in appropriate circumstances, participate in the development and implementation of mitigation and monitoring. The text of this guidance document has been edited to address and incorporate these concerns.

Effect of Non-Implemented or Ineffective Mitigation

Several commenters asserted that the guidance document was too rigid in providing guidelines for agencies to use when adopting regulations and procedures for responses to mitigation failure. These commenters argued that flexibility should be allowed in response to mitigation failure, with the type of response dependent upon the project's size and scope. Some comments additionally argued that a "NEPA restart" should not be required in response to mitigation failure, and

[1] For more information about this announcement, see *http://www.whitehouse.gov/administration/eop/ceq/initiatives/nepa.*

[2] National Environmental Policy Act (NEPA) Final Guidance, Establishing, Revising and Using Categorical Exclusions, 75 FR 75628, Dec. 6, 2010.

[3] Draft Guidance for NEPA Mitigation and Monitoring, 75 FR 8046, Feb. 23, 2010.

that any such requirement lacked legal basis.

Mitigation failure occurs when a previously adopted mitigation commitment has not been implemented or is not as effective as predicted in lessening the significance of the impacts. Where an EA with a mitigated FONSI was predicated on the implementation of the mitigation, failure of that mitigation calls into question the basis for the FONSI because impacts were not reduced to below the level of significance in the manner anticipated. In the case of other EAs and EISs, mitigation failure could similarly indicate mistaken environmental consideration in the original analysis. In any case, this guidance imposes no requirement to restart a NEPA process; rather, it suggests that if there is Federal action remaining, it is appropriate for agencies to consider preparing supplemental NEPA analysis and documentation and to pursue remaining opportunities to address the effects of that remaining action. The agency should also consider whether it is appropriate for future NEPA analyses to consider the mitigation failure in order to ensure that unsupported assumptions about mitigation outcomes are not included in future analyses and documentation. Subsequent environmental baselines must, of course, reflect true conditions, as informed by any past experience with mitigation results. The guidance has been revised to include recommendations that agencies employ adaptive management or assess multiple mitigation alternatives, so that they have already-developed options they can use to address situations where mitigation is not implemented or is not as effective as predicted in the NEPA analysis.

Another commenter felt that the document does not clearly distinguish between the role of mitigation in support of a mitigated FONSI and the role of mitigation in other circumstances. The guidance now discusses mitigated FONSIs and other mitigation commitments in separate sections and the text has been revised to clearly distinguish between those two scenarios.

Clarity With Respect to Mitigation

One commenter asserted that clarification is needed to understand the exact nature of many mitigation measures. This commenter suggested explicitly amending the guidance document to require unambiguous and exact language in explaining potential and adopted mitigation. Although CEQ cannot mandate exact requirements for every agency or project, CEQ agrees with this commenter that individual agency regulations and procedures should require mitigation to be clearly described where appropriate and mitigation goals to be carefully specified in terms of measurable performance standards to the greatest extent possible. No change to the guidance has been made in response to this comment.

Other commenters suggested providing additional guidelines to clarify how the principles in the guidance would apply to various types of multi-agency projects, in which lead federal agencies may rely in part on NEPA work done by co-lead or cooperating agencies. CEQ cannot specify how this guidance should apply in every situation. CEQ views the guidance as appropriately clear; each individual agency should, based on existing authority, work to ensure appropriate cooperation with other agencies in the development and implementation of mitigation and monitoring. Specifically, the guidance notes that mitigation and monitoring authority may be shared among joint lead or cooperating agencies "so long as the oversight is clearly described in the NEPA documents or associated decision documents" and "responsible parties, mitigation requirements, and any appropriate enforcement clauses are included in documents such as authorizations, agreements, permits or contracts." With respect to public engagement, the guidance states that "it is the responsibility of the lead agency to make the results of relevant monitoring available to the public." No change to the guidance has been made in response to these comments.

Monitoring Mitigation

One commenter requested that the guidance define "important" in 40 CFR 1505.3, which states that agencies should provide for monitoring in "important cases." CEQ appreciates this concern. Because of the wide range of situations in which NEPA is applied, it would be difficult to define in advance what cases are "important," and CEQ has edited the guidance document to note that agencies should apply professional judgment and the rule of reason in determining which cases are "important."

Other commenters noted that analyzing resource conditions prior to implementation can be useful in providing a baseline for judgments of mitigation effectiveness during the monitoring stage. CEQ agrees and has added language to the guidance incorporating this suggestion.

Public Participation in Mitigation Implementation and Monitoring

A number of comments addressed the role of the public in mitigation implementation and monitoring. Some commenters felt that allowing the public to directly participate in this process could present safety risks. The guidance states that public participation in mitigation implementation and monitoring should be provided where appropriate. Public involvement will not be appropriate in every situation, and the guidance was left unchanged.

Others felt that the guidance's discussion of the release of monitoring results could inappropriately encourage the release of confidential information or that the need for public access could be met by relying on citizen requests rather than affirmative reporting by agencies. The guidance does not require that all information be released in every instance, and CEQ believes that agencies will be able to balance their responsibilities to provide opportunities for public participation under the Freedom of Information Act (FOIA), NEPA, CEQ regulations and this guidance with the need to protect confidential information as appropriate. CEQ notes, however, that environmental monitoring results are rarely considered confidential information and are explicitly required to be made available to the public under some environmental statutes. The guidance has been changed to include the need to balance competing privacy or confidentiality concerns with the benefits of public disclosure.

Definition of Significant

A number of commenters requested that CEQ provide additional guidance on the meaning of "significant" impacts. CEQ has already issued regulations on this, e.g., in 40 CFR 1508.27. No change to the guidance has been made in response to these comments.

Inclusion of Appendix or Examples

Several commenters suggested supplementing the Appendix with additional examples of agency practices or regulations in addition to the Department of the Army regulations detailed in the proposed guidance. Objections to the example were made based on concerns that the example is focused on actions an agency would directly perform, and that the example is a regulation and thereby implies that mitigation and monitoring must be established through a regulatory process. While CEQ appreciates the suggestions, we believe the Department of the Army regulations detailed in the

proposed guidance provide a clear and useful example and that the addition of other examples is unnecessary. Text introducing the example was added to address the regulatory concern.

The Final Guidance

For reasons stated in the preamble, above, CEQ issues the following guidance on the Appropriate Use of Mitigation and Monitoring and Clarifying the Appropriate Use of Mitigated Findings of No Significant Impact. The final guidance is provided here and is available on the National Environmental Policy Act Web site (*http://www.nepa.gov*) at *http://ceq.hss.doe.gov/ceq_regulations/guidance.html* and on the CEQ Web site at *http://www.whitehouse.gov/administration/eop/ceq/initiatives/nepa.*

Memorandum for Heads of Federal Departments and Agencies

From: Nancy H. Sutley, Chair, Council on Environmental Quality.

Subject: Appropriate Use of Mitigation and Monitoring and Clarifying the Appropriate Use of Mitigated Findings of No Significant Impact.

The Council on Environmental Quality (CEQ) is issuing this guidance for Federal departments and agencies on establishing, implementing, and monitoring mitigation commitments identified and analyzed in Environmental Assessments, Environmental Impact Statements, and adopted in the final decision documents. This guidance also clarifies the appropriate use of mitigated "Findings of No Significant Impact" under the National Environmental Policy Act (NEPA). This guidance is issued in accordance with NEPA, 42 U.S.C. 4321 *et seq.,* and the CEQ Regulations for Implementing the Procedural Provisions of NEPA (CEQ Regulations), 40 CFR Parts 1500–1508.[4] The guidance explains the requirements of NEPA and the CEQ Regulations, describes CEQ policies, and recommends procedures for agencies to use to help them comply with the requirements of NEPA and the CEQ Regulations when they establish mitigation planning and implementation procedures.[5]

NEPA was enacted to promote efforts that will prevent or eliminate damage to the human environment.[6] Mitigation measures can help to accomplish this goal in several ways. Many Federal agencies and applicants include mitigation measures as integral components of a proposed project's design. Agencies also consider mitigation measures as alternatives when developing Environmental Assessments (EA) and Environmental Impact Statements (EIS). In addition, agencies have increasingly considered mitigation measures in EAs to avoid or lessen potentially significant environmental effects of proposed actions that would otherwise need to be analyzed in an EIS.[7] This use of mitigation may allow the agency to comply with NEPA's procedural requirements by issuing an EA and a Finding of No Significant Impact (FONSI), or "mitigated FONSI," based on the agency's commitment to ensure the mitigation that supports the FONSI is performed, thereby avoiding the need to prepare an EIS.

This guidance addresses mitigation that an agency has committed to implement as part of a project design and mitigation commitments informed by the NEPA review process. As discussed in detail in Section I, below, agencies may commit to mitigation measures considered as alternatives in an EA or EIS so as to achieve an environmentally preferable outcome. Agencies may also commit to mitigation measures to support a mitigated FONSI, so as to complete their review of potentially significant environmental impacts without preparing an EIS. When agencies do not document and, in important cases, monitor mitigation commitments to determine if the mitigation was implemented or effective, the use of mitigation may fail to advance NEPA's purpose of ensuring informed and transparent environmental decisionmaking. Failure to document and monitor mitigation may also undermine the integrity of the NEPA review. These concerns and the need for guidance on this subject have long been recognized.[8] While this guidance is designed to address these concerns, CEQ also acknowledges that NEPA itself does not create a general substantive duty on Federal agencies to mitigate adverse environmental effects.[9]

Accordingly, in conjunction with the 40th Anniversary of NEPA, CEQ announced that it would issue this guidance to clarify the appropriateness of mitigated FONSIs and the importance of monitoring environmental mitigation commitments.[10] This new guidance affirms CEQ's support for the appropriate use of mitigated FONSIs, and accordingly amends and supplements previously issued

[4] The Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act (CEQ Regulations) are available on *http://www.nepa.gov* at *http://ceq.hss.doe.gov/ceq_regulations/regulations.html.*

[5] CEQ is issuing this guidance as an exercise of its duties and functions under section 204 of the National Environmental Policy Act (NEPA), 42 U.S.C. 4344, and Executive Order No. 11,514, 35 FR 4,247 (Mar. 5, 1970), as amended by Executive Order No. 11,991, 42 FR 26,927 (May 24, 1977). This guidance is not a rule or regulation, and the recommendations it contains may not apply to a particular situation based upon the individual facts and circumstances. This guidance does not change or substitute for any law, regulation, or other legally binding requirement and is not legally enforceable. The use of language such as "recommend," "may," "should," and "can" is intended to describe CEQ policies and recommendations. The use of mandatory terminology such as "must" and "required" is intended to describe controlling requirements under the terms of NEPA and the CEQ Regulations, but this document does not independently establish legally binding requirements.

[6] 42 U.S.C. 4321 (stating that the purposes of NEPA include promoting efforts which will prevent or eliminate damage to the environment).

[7] This trend was noted in CEQ's Twenty-Fifth Anniversary report on the effectiveness of NEPA implementation. *See* CEQ, "NEPA: A Study of its Effectiveness After Twenty-Five Years" 20 (1997), *available at http://ceq.hss.doe.gov/nepa/nepa25fn.pdf.*

[8] *See, e.g.,* CEQ, 1987–1988 Annual Report, *available at http://www.slideshare.net/whitehouse/august-1987-1988-the-eighteenth-annual-report-of-the-council-on-environmental-quality* (stating that CEQ would issue guidance on the propriety of an Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) rather than requiring an Environmental Impact Statement (EIS) when the environmental effects of a proposal are significant but mitigation reduces those impacts to less than significant levels). In 2002, CEQ convened a Task Force on Modernizing NEPA Implementation, which recommended that CEQ issue guidance clarifying the requirements for public involvement, alternatives, and mitigation for actions that warrant longer EAs including those with mitigated FONSIs. CEQ NEPA Task Force, "Modernizing NEPA Implementation" 75 (2003), *available at http://ceq.hss.doe.gov/ntf/report/totaldoc.html.* NEPA experts and public stakeholders have expressed broad support for this recommendation, calling for consideration of monitoring and public involvement in the use of mitigated FONSIs. CEQ, "The Public and Experts' Review of the National Environmental Policy Act Task Force Report 'Modernizing NEPA Implementation'" 7 (2004), *available at http://ceq.hss.doe.gov/ntf/CEQ_Draft_Final_Roundtable_Report.pdf; see also* CEQ, "Rocky Mountain Roundtable Report" 8 (2004), *available at http://ceq.hss.doe.gov/ntf/RockyMtnRoundTableReport.pdf* (noting that participants in a regional roundtable on NEPA modernization identified "developing a means to enforce agency commitments to monitoring and mitigation" as one of the top five aspects of NEPA implementation needing immediate attention); "Eastern Round Table Report" 4 (2003), *available at http://ceq.hss.doe.gov/ntf/EasternRoundTableReport.pdf* (reporting that, according to several panelists at a regional roundtable, "parties responsible for monitoring the effects of * * * mitigation measures are rarely identified or easily held accountable," and that a lack of monitoring impedes agencies' ability to address the cumulative effects of EA actions).

[9] *Robertson* v. *Methow Valley Citizens Council,* 490 U.S. 332, 352 (1989).

[10] CEQ, "New Proposed NEPA Guidance and Steps to Modernize and Reinvigorate NEPA" (Feb. 18, 2010), *available at http://www.whitehouse.gov/administration/eop/ceq/initiatives/nepa.*

guidance.[11] This guidance is intended to enhance the integrity and credibility of the NEPA process and the information upon which it relies.

CEQ provides several broad recommendations in Section II, below, to help improve agency consideration of mitigation in EISs and EAs. Agencies should not commit to mitigation measures considered in an EIS or EA absent the authority or expectation of resources to ensure that the mitigation is performed. In the decision documents concluding their environmental reviews, agencies should clearly identify any mitigation measures adopted as agency commitments or otherwise relied upon (to the extent consistent with agency authority or other legal authority), so as to ensure the integrity of the NEPA process and allow for greater transparency.

Section III emphasizes that agencies should establish implementation plans based on the importance of the project and its projected effects. Agencies should create new, or strengthen existing, monitoring to ensure that mitigation commitments are implemented. Agencies should also use effectiveness monitoring to learn if the mitigation is providing the benefits predicted. Importantly, agencies should encourage public participation and accountability through proactive disclosure of, and provision of access to, agencies' mitigation commitments as well as mitigation monitoring reports and related documents.

Although the recommendations in this guidance are broad in nature, agencies should establish, in their NEPA implementing procedures and/or guidance, specific procedures that create systematic accountability and the mechanisms to accomplish these goals.[12] This guidance is intended to assist agencies with the development and review of their NEPA procedures, by specifically recommending:

- How to ensure that mitigation commitments are implemented;
- How to monitor the effectiveness of mitigation commitments;
- How to remedy failed mitigation; and
- How to involve the public in mitigation planning.

Finally, to assist agencies in the development of their NEPA implementing procedures, an overview of relevant portions of the Department of the Army NEPA regulations is appended to this guidance as an example for agencies to consider when incorporating the recommendations of this guidance as requirements in their NEPA programs and procedures.[13]

I. The Importance of Mitigation Under NEPA

Mitigation is an important mechanism Federal agencies can use to minimize the potential adverse environmental impacts associated with their actions. As described in the CEQ Regulations, agencies can use mitigation to reduce environmental impacts in several ways. Mitigation includes:

- Avoiding an impact by not taking a certain action or parts of an action;
- Minimizing an impact by limiting the degree or magnitude of the action and its implementation;
- Rectifying an impact by repairing, rehabilitating, or restoring the affected environment;
- Reducing or eliminating an impact over time, through preservation and maintenance operations during the life of the action; and
- Compensating for an impact by replacing or providing substitute resources or environments.[14]

Federal agencies typically develop mitigation as a component of a proposed action, or as a measure considered in the course of the NEPA review conducted to support agency decisionmaking processes, or both. In developing mitigation, agencies necessarily and appropriately rely upon the expertise and experience of their professional staff to assess mitigation needs, develop mitigation plans, and oversee mitigation implementation. Agencies may also rely on outside resources and experts for information about the ecosystem functions and values to be protected or restored by mitigation, to ensure that mitigation has the desired effects and to develop appropriate monitoring strategies. Any outside parties consulted should be neutral parties without a financial interest in implementing the mitigation and monitoring plans, and should have expert knowledge, training, and experience relevant to the resources potentially affected by the actions and—if possible—the potential effects from similar actions.[15] Further, when agencies delegate responsibility for preparing NEPA analyses and documentation, or when other entities (such as applicants) assume such responsibility, CEQ recommends that any experts employed to develop mitigation and monitoring should have the kind of expert knowledge, training, and experience described above.

The sections below clarify practices Federal agencies should use when they employ mitigation in three different contexts: As components of project design; as mitigation alternatives considered in an EA or an EIS and adopted in related decision documents; and as measures identified and committed to in an EA as necessary to support a mitigated FONSI. CEQ encourages agencies to commit to mitigation to achieve environmentally preferred outcomes, particularly when addressing unavoidable adverse environmental impacts. Agencies should not commit to mitigation, however, unless they have sufficient legal authorities and expect there will be necessary resources available to perform or ensure the performance of the mitigation. The agency's own underlying authority may provide the basis for its commitment to implement and monitor the mitigation. Alternatively, the authority for the mitigation may derive from legal requirements that are enforced by other Federal, state, or local government entities (e.g., air or water permits administered by local or state agencies).

A. Mitigation Incorporated Into Project Design

Many Federal agencies rely on mitigation to reduce adverse environmental impacts as part of the planning process for a project, incorporating mitigation as integral components of a proposed project design before making a determination about the significance of the project's environmental impacts.[16] Such mitigation can lead to an environmentally preferred outcome and in some cases reduce the projected impacts of agency actions to below a threshold of significance. An example of mitigation measures that are typically included as part of the proposed action are agency standardized best

[11] This previous guidance is found in CEQ, "Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations," 46 FR 18,026, Mar. 23, 1981, *available at http://ceq.eh.doe.gov/nepa/regs/40/40P1.htm* (suggesting that the existence of mitigation measures developed during the scoping or EA stages "does not obviate the need for an EIS").

[12] 40 CFR 1507.3 (requiring agencies to issue, and continually review, policies and procedures to implement NEPA in conformity with NEPA and CEQ Regulations).

[13] *See id; see also id.* § 1507.2 (requiring agencies to have personnel and other resources available to implement NEPA reviews and meet their NEPA responsibilities).

[14] *Id.* § 1508.20 (defining mitigation to include these activities).

[15] *See id.* § 1506.5 (providing that agencies are responsible for the accuracy of environmental information submitted by applicants for use in EISs and EAs, and requiring contractors selected to prepare EISs to execute disclosure statement specifying that they have no financial or other interest in the outcome of the project).

[16] CEQ NEPA Task Force, "Modernizing NEPA Implementation" at 69.

management practices such as those developed to prevent storm water runoff or fugitive dust emissions at a construction site.

Mitigation measures included in the project design are integral components of the proposed action, are implemented with the proposed action, and therefore should be clearly described as part of the proposed action that the agency will perform or require to be performed. Consequently, the agency can address mitigation early in the decisionmaking process and potentially conduct a less extensive level of NEPA review.

B. Mitigation Alternatives Considered in Environmental Assessments and Environmental Impact Statements

Agencies are required, under NEPA, to study, develop, and describe appropriate alternatives when preparing EAs and EISs.[17] The CEQ Regulations specifically identify procedures agencies must follow when developing and considering mitigation alternatives when preparing an EIS. When an agency prepares an EIS, it must include mitigation measures (not already included in the proposed action or alternatives) among the alternatives compared in the EIS.[18] Each EIS must contain a section analyzing the environmental consequences of the proposed action and its alternatives, including "[m]eans to mitigate adverse environmental impacts."[19]

When a Federal agency identifies a mitigation alternative in an EA or an EIS, it may commit to implement that mitigation to achieve an environmentally-preferable outcome. Agencies should not commit to mitigation measures considered and analyzed in an EIS or EA if there are insufficient legal authorities, or it is not reasonable to foresee the availability of sufficient resources, to perform or ensure the performance of the mitigation. Furthermore, the decision document following the EA should—and a Record of Decision (ROD) must—identify those mitigation measures that the agency is adopting and committing to implement, including any monitoring and enforcement program applicable to such mitigation commitments.[20]

C. Mitigation Commitments Analyzed in Environmental Assessments To Support a Mitigated FONSI

When preparing an EA, many agencies develop and consider committing to mitigation measures to avoid, minimize, rectify, reduce, or compensate for potentially significant adverse environmental impacts that would otherwise require full review in an EIS. CEQ recognizes the appropriateness, value, and efficacy of providing for mitigation to reduce the significance of environmental impacts. Consequently, when such mitigation measures are available and an agency commits to perform or ensure the performance of them, then these mitigation commitments can be used to support a FONSI, allowing the agency to conclude the NEPA process and proceed with its action without preparing an EIS.[21] An agency should not commit to mitigation measures necessary for a mitigated FONSI if there are insufficient legal authorities, or it is not reasonable to foresee the availability of sufficient resources, to perform or ensure the performance of the mitigation.[22]

Mitigation commitments needed to lower the level of impacts so that they are not significant should be clearly described in the mitigated FONSI document and in any other relevant decision documents related to the proposed action. Agencies must provide for appropriate public involvement during the development of the EA and FONSI.[23] Furthermore, in addition to those situations where a 30-day public review of the FONSI is required,[24] agencies should make the EA and FONSI available to the public (e.g., by posting them on an agency Web site). Providing the public with clear information about agencies' mitigation commitments helps ensure the value and integrity of the NEPA process.

II. Ensuring That Mitigation Commitments Are Implemented

Federal agencies should take steps to ensure that mitigation commitments are actually implemented. Consistent with their authority, agencies should establish internal processes to ensure that mitigation commitments made on the basis of any NEPA analysis are carefully documented and that relevant funding, permitting, or other agency approvals and decisions are made conditional on performance of mitigation commitments.

Agency NEPA implementing procedures should require clear documentation of mitigation commitments considered in EAs and EISs prepared during the NEPA process and adopted in their decision documents. Agencies should ensure that the expertise and professional judgment applied in determining the appropriate mitigation commitments are described in the EA or EIS, and that the NEPA analysis considers when and how those mitigation commitments will be implemented.

Agencies should clearly identify commitments to mitigation measures designed to achieve environmentally preferable outcomes in their decision documents. They should also identify mitigation commitments necessary to reduce impacts, where appropriate, to a level necessary for a mitigated FONSI. In both cases, mitigation commitments should be carefully specified in terms of measurable performance standards or expected results, so as to establish clear performance expectations.[25] The agency

[17] 42 U.S.C. 4332(2)(C) (mandating that agencies' detailed statements must include alternatives to the proposed action); *Id.* § 4332(E) (requiring agencies to study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources).

[18] 40 CFR 1502.14(f) (listing mitigation measures as one of the required components of the alternatives included in an EIS); *id.* § 1508.25(b)(3) (defining the "scope" of an EIS to include mitigation measures).

[19] *Id.* § 1502.16(h).

[20] *Id.* § 1505.2(c) (providing that a record of decision must state whether all practicable means to avoid or minimize environmental harm from the alternative selected have been adopted, and if not, why they were not; and providing that a monitoring and enforcement program must be adopted and summarized where applicable for any mitigation).

[21] This guidance approves of the use of the "mitigated FONSI" when the NEPA process results in enforceable mitigation measures. It thereby amends and supplements previously issued CEQ guidance that suggested that the existence of mitigation measures developed during the scoping or EA stages "does not obviate the need for an EIS." *See* CEQ, "Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations," 46 FR 18,026, Mar. 23, 1981, *available at http://ceq.eh.doe.gov/nepa/regs/40/40P1.htm.*

[22] When agencies consider and decide on an alternative outside their jurisdiction (as discussed in 40 CFR 1502.14(c)), they should identify the authority for the mitigation and consider the consequences of it not being implemented.

[23] 40 CFR 1501.4(b) (requiring agencies to involve environmental agencies, applicants, and the public, to the extent practicable); *id.* § 1501.4(e)(1) (requiring agencies to make FONSIs available to the affected public as specified in § 1506.6); *id.* § 1501.4(e)(2) (requiring agencies to make FONSIs available for public review for thirty days before making any final determination on whether to prepare an EIS or proceed with an action when the proposed action is, or is closely similar to, one which normally requires the preparation of an EIS under agency NEPA implementing procedures, or when the nature of the proposed action is one without precedent); *id.* § 1506.6 (requiring agencies to make diligent efforts to involve the public in preparing and implementing their NEPA procedures).

[24] *Id.* § 1501.4(e)(2).

[25] In 2001, the Committee on Mitigating Wetland Losses, through the National Research Council (NRC), conducted a nationwide study evaluating compensatory mitigation, focusing on whether the process is achieving the overall goal of "restoring and maintaining the quality of the nation's waters." NRC Committee on Mitigating Wetland Losses, "Compensating for Wetland Losses Under the Clean Water Act" 2 (2001). The study's recommendations were incorporated into the 2008 Final Compensatory Mitigation Rule promulgated jointly

should also specify the timeframe for the agency action and the mitigation measures in its decision documents, to ensure that the intended start date and duration of the mitigation commitment is clear. When an agency funds, permits, or otherwise approves actions, it should also exercise its available authorities to ensure implementation of any mitigation commitments by including appropriate conditions on the relevant grants, permits, or approvals.

CEQ views funding for implementation of mitigation commitments as critical to ensuring informed decisionmaking. For mitigation commitments that agencies will implement directly, CEQ recognizes that it may not be possible to identify funds from future budgets; however, a commitment to seek funding is considered essential and if it is reasonably foreseeable that funding for implementation of mitigation may be unavailable at any time during the life of the project, the agency should disclose in the EA or EIS the possible lack of funding and assess the resultant environmental effects. If the agency has disclosed and assessed the lack of funding, then unless the mitigation is essential to a mitigated FONSI or necessary to comply with another legal requirement, the action could proceed. If the agency committing to implementing mitigation has not disclosed and assessed the lack of funding, and the necessary funding later becomes unavailable, then the agency should not move forward with the proposed action until funding becomes available or the lack of funding is appropriately assessed (*see* Section III, below).

A. Establishing a Mitigation Monitoring Program

Federal agencies must consider reasonably foreseeable future impacts and conditions in a constantly evolving environment. Decisionmakers will be better able to adapt to changing circumstances by creating a sound mitigation implementation plan and through ongoing monitoring of environmental impacts and their mitigation. Monitoring can improve the quality of overall agency decisionmaking by providing feedback on the effectiveness of mitigation techniques. A comprehensive approach to mitigation planning, implementation, and monitoring will therefore help agencies realize opportunities for reducing environmental impacts through mitigation, advancing the integrity of the entire NEPA process. These approaches also serve NEPA's goals of ensuring transparency and openness by making relevant and useful environmental information available to decisionmakers and the public.[26]

Adaptive management can help an agency take corrective action if mitigation commitments originally made in NEPA and decision documents fail to achieve projected environmental outcomes and there is remaining federal action. Agencies can, in their NEPA reviews, establish and analyze mitigation measures that are projected to result in the desired environmental outcomes, and can then identify those mitigation principles or measures that it would apply in the event the initial mitigation commitments are not implemented or effective. Such adaptive management techniques can be advantageous to both the environment and the agency's project goals.[27] Agencies can also, short of adaptive management, analyze specific mitigation alternatives that could take the place of mitigation commitments in the event the commitment is not implemented or effective.

Monitoring is fundamental for ensuring the implementation and effectiveness of mitigation commitments, meeting legal and permitting requirements, and identifying trends and possible means for improvement. Under NEPA, a Federal agency has a continuing duty to ensure that new information about the environmental impact of its proposed actions is taken into account, and that the NEPA review is supplemented when significant new circumstances or information arise that are relevant to environmental concerns and bear on the proposed action or its impacts.[28] For agency decisions based on an EIS, the CEQ Regulations explicitly require that "a monitoring and enforcement program shall be adopted and summarized where applicable for any mitigation."[29] In addition, the CEQ Regulations state that agencies may "provide for monitoring to assure that their decisions are carried out and should do so in important cases."[30] Accordingly, an agency should also commit to mitigation monitoring in important cases when relying upon an EA and mitigated FONSI. Monitoring is essential in those important cases where the mitigation is necessary to support a FONSI and thus is part of the justification for the agency's determination not to prepare an EIS.

Agencies are expected to apply professional judgment and the rule of reason when identifying those cases that are important and warrant monitoring, and when determining the type and extent of monitoring they will use to check on the progress made in implementing mitigation commitments as well as their effectiveness. In cases that are less important, the agency should exercise its discretion to determine what level of monitoring, if any, is appropriate. The following are examples of factors that agencies should consider to determine importance:

- Legal requirements of statutes, regulations, or permits;
- Human health and safety;
- Protected resources (e.g., parklands, threatened or endangered species, cultural or historic sites) and the proposed action's impacts on them;
- Degree of public interest in the resource or public debate over the effects of the proposed action and any reasonable mitigation alternatives on the resource; and
- Level of intensity of projected impacts.

Once an agency determines that it will provide for monitoring in a particular case, monitoring plans and programs should be described or incorporated by reference in the agency's decision documents.[31] Agencies have discretion, within the scope of their authority, to select an appropriate form and method for monitoring, but they should identify the monitoring area and establish the appropriate monitoring system.[32] The form and method of monitoring can be informed by an agency's past monitoring plans and programs that tracked impacts on similar resources, as well as plans and programs used by other agencies or entities, particularly those with an interest in the resource being monitored. For mitigation commitments that warrant rigorous oversight, an Environmental Management System (EMS), or other

by the U.S. Army Corps of Engineers and the U.S. Environmental Protection Agency. *See* U.S. Army Corps of Engineers & U.S. Environmental Protection Agency, "Compensatory Mitigation for Losses of Aquatic Resources," 73 FR 19,594, Apr. 10, 2008.

[26] 40 CFR 1500.1(b).

[27] *See* CEQ NEPA Task Force, "Modernizing NEPA Implementation" at 44.

[28] 40 CFR 1502.9(c) (requiring supplementation of EISs when there are substantial changes to the proposed action, or significant new information or circumstances arise that are relevant to the environmental effects of the proposed action).

[29] *Id.* § 1505.2(c).

[30] *Id.* § 1505.3.

[31] The mitigation plan and program should be described to the extent possible based on available and reasonably foreseeable information in cases where the NEPA analysis and documentation are completed prior to final design of a proposed project.

[32] The Department of the Army regulations provide an example of this approach. *See* 32 CFR part 651 App. C. These regulations are summarized in the Appendix to this guidance.

data or management system could serve as a useful way to integrate monitoring efforts effectively.[33] Other possible monitoring methods include agency-specific environmental monitoring, compliance assessment, and auditing systems. For activities involving third parties (*e.g.,* permittees or grantees), it may be appropriate to require the third party to perform the monitoring as long as a clear accountability and oversight framework is established. The monitoring program should be implemented together with a review process and a system for reporting results.

Regardless of the method chosen, agencies should ensure that the monitoring program tracks whether mitigation commitments are being performed as described in the NEPA and related decision documents (i.e., implementation monitoring), and whether the mitigation effort is producing the expected outcomes and resulting environmental effects (i.e., effectiveness monitoring). Agencies should also ensure that their mitigation monitoring procedures appropriately provide for public involvement. These recommendations are explained in more detail below.

B. Monitoring Mitigation Implementation

A successful monitoring program will track the implementation of mitigation commitments to determine whether they are being performed as described in the NEPA documents and related decision documents. The responsibility for developing an implementation monitoring program depends in large part upon who will actually perform the mitigation—the lead Federal agency or cooperating agency; the applicant, grantee, or permit holder; another responsible entity or cooperative non-Federal partner; or a combination of these. The lead agency should ensure that information about responsible parties, mitigation requirements, as well as any appropriate enforcement clauses are included in documents such as authorizations, agreements, permits, financial assistance awards, or contracts.[34] Ultimate monitoring responsibility rests with the lead Federal agency or agencies to assure that monitoring is occurring when needed and that results are being properly considered. The project's lead agency can share monitoring responsibility with joint lead or cooperating agencies or other entities, such as applicants or grantees. The responsibility should be clearly described in the NEPA documents or associated decision documents, or related documents describing and establishing the monitoring requirements or expectations.

C. Monitoring the Effectiveness of Mitigation

Effectiveness monitoring tracks the success of a mitigation effort in achieving expected outcomes and environmental effects. Completing environmental data collection and analyses prior to project implementation provides an understanding of the baseline conditions for each potentially affected resource for reference when determining whether the predicted efficacy of mitigation commitments is being achieved. Agencies can rely on agency staff and outside experts familiar with the predicted environmental impacts to develop the means to monitor mitigation effectiveness, in the same way that they can rely on agency and outside experts to develop and evaluate the effectiveness of mitigation (*see* Section I, above).

When monitoring mitigation, agencies should consider drawing on sources of information available from the agency, from other Federal agencies, and from state, local, and tribal agencies, as well as from non-governmental sources such as local organizations, academic institutions, and non-governmental organizations. Agencies should especially consider working with agencies responsible for overseeing land management and impacts to specific resources. For example, agencies could consult with the U.S. Fish and Wildlife and National Marine Fisheries Services (for information to evaluate potential impacts to threatened and endangered species) and with State Historic Preservation Officers (for information to evaluate potential impacts to historic structures).

D. The Role of the Public

Public involvement is a key procedural requirement of the NEPA review process, and should be fully provided for in the development of mitigation and monitoring procedures.[35] Agencies are also encouraged, as a matter of transparency and accountability, to consider including public involvement components in their mitigation monitoring programs. The agencies' experience and professional judgment are key to determining the appropriate level of public involvement. In addition to advancing accountability and transparency, public involvement may provide insight or perspective for improving mitigation activities and monitoring. The public may also assist with actual monitoring through public-private partnership programs.

Agencies should provide for public access to mitigation monitoring information consistent with NEPA and the Freedom of Information Act (FOIA).[36] NEPA and the CEQ Regulations incorporate the FOIA by reference to require agencies to provide public access to releasable documents related to EISs, which may include documents regarding mitigation monitoring and enforcement.[37] The CEQ Regulations also require agencies to involve the public in the EA preparation process to the extent practicable and in certain cases to make a FONSI available for public review before making its final determination on whether it will prepare an EIS or proceed with the action.[38] Consequently, agencies should

[33] An EMS provides a systematic framework for a Federal agency to monitor and continually improve its environmental performance through audits, evaluations of legal and other requirements, and management reviews. The potential for EMS to support NEPA work is further addressed in CEQ, "Aligning National Environmental Policy Act Processes with Environmental Management Systems" 4 (2007) *available at ceq.hss.doe.gov/nepa/nepapubs/Aligning_NEPA_Processes_with_Environmental_Management_Systems_2007.pdf* (discussing the use of EMSs to track implementation and monitoring of mitigation). In 2001, the Department of the Army announced that it would implement a recognized environmental management standard, ISO 14001, across Army installations. ISO 14001 represents a standardized system to plan, track, and monitor environmental performance within the agency's operations. To learn more about how EMS implementation has resulted in an effective EMS for monitoring purposes at an Army installation, see the Sustainability Web site for the Army's Fort Lewis installation, *available at sustainablefortlewis.army.mil.*

[34] Such enforcement clauses, including appropriate penalty clauses, should be developed as allowable under the applicable statutory and regulatory authorities.

[35] 40 CFR 1506.6 (requiring agencies to make diligent efforts to involve the public in preparing and implementing their NEPA procedures).

[36] 5 U.S.C. 552.

[37] 42 U.S.C. 4332(2)(C) (requiring Federal agencies to make EISs available to the public as provided by the FOIA); 40 CFR 1506.6(f) (requiring agencies to make EISs, comments received, and any underlying documents available to the public pursuant to the provisions of the FOIA without regard to the exclusion for interagency memoranda where such memoranda transmit comments of Federal agencies on the environmental impact of the proposed action).

[38] 40 CFR 1501.4(b) (requiring agencies to involve environmental agencies, applicants, and the public, to the extent practicable); *id.* § 1501.4(e)(1) (requiring agencies to make FONSIs available to the affected public as specified in § 1506.6); *id.* § 1501.4(e)(2) (requiring agencies to make a FONSI available for public review for thirty days before making its final determination on whether it will prepare an EIS or proceed with the action when the nature of the proposed action is, or is similar to, an action which normally requires the preparation of an EIS); *id.* § 1506.6 (requiring agencies to make diligent efforts to involve the public in preparing and implementing their NEPA procedures).

involve the public when preparing EAs and mitigated FONSIs.[39] NEPA further requires all Federal agencies to make information useful for restoring, maintaining, and enhancing the quality of the environment available to States, counties, municipalities, institutions, and individuals.[40] This requirement can include information on mitigation and mitigation monitoring.

Beyond these requirements, agencies are encouraged to make proactive, discretionary release of mitigation monitoring reports and other supporting documents, and to make responses to public inquiries regarding mitigation monitoring readily available to the public through online or print media. This recommendation is consistent with the President's Memorandum on Transparency and Open Government directing agencies to take affirmative steps to make information public without waiting for specific requests for information.[41] The Open Government Directive, issued by the Office of Management and Budget in accordance with the President's Memorandum, further directs agencies to use their web sites and information technology capabilities to disseminate, to the maximum extent practicable, useful information under FOIA, so as to promote transparency and accountability.[42]

Agencies should exercise their judgment to ensure that the methods and media used to provide mitigation and monitoring information are commensurate with the importance of the action and the resources at issue, taking into account any risks of harm to affected resources. In some cases, agencies may need to balance competing privacy or confidentiality concerns (*e.g.,* protecting confidential business information or the location of sacred sites) with the benefits of public disclosure.

III. Remedying Ineffective or Non-Implemented Mitigation

Through careful monitoring, agencies may discover that mitigation commitments have not been implemented, or have not had the environmental results predicted in the NEPA and decision documents. Agencies, having committed to mitigation, should work to remedy such inadequacies. It is an agency's underlying authority or other legal authority that provides the basis for the commitment to implement mitigation and monitor its effectiveness. As discussed in Section I, agencies should not commit to mitigation considered in an EIS or EA unless there are sufficient legal authorities and they expect the resources to be available to perform or ensure the performance of the mitigation. In some cases, as discussed in Section II, agencies may exercise their authority to make relevant funding, permitting, or other agency approvals and decisions conditional on the performance of mitigation commitments by third parties. It follows that an agency must rely on its underlying authority and available resources to take remedial steps. Agencies should consider taking remedial steps as long as there remains a pending Federal decision regarding the project or proposed action. Agencies may also exercise their legal authority to enforce conditions placed on funding, grants, permits, or other approvals.

If a mitigation commitment is simply not undertaken or fails to mitigate the environmental effects as predicted, the responsible agency should further consider whether it is necessary to prepare supplemental NEPA analysis and documentation.[43] The agency determination would be based upon its expertise and judgment regarding environmental consequences. Much will depend upon the agency's determination as to what, if any, portions of the Federal action remain and what opportunities remain to address the effects of the mitigation failure. In cases where an EIS or a supplementary EA or EIS is required, the agency must avoid actions that would have adverse environmental impacts and limit its choice of reasonable alternatives during the preparation of an EIS.[44]

In cases where there is no remaining agency action to be taken, and the mitigation has not been fully implemented or has not been as effective as predicted, it may not be appropriate to supplement the original NEPA analysis and documentation. However, it would be appropriate for future NEPA analyses of similar proposed actions and relevant programs to consider past experience and address the potential for environmental consequences as a result of mitigation failure. This would ensure that the assumed environmental baselines reflect true conditions, and that similar mitigation is not relied on in subsequent decisions without more robust provisions for adaptive management or analysis of mitigation alternatives that can be applied in the event of mitigation failure.

IV. Conclusion

This guidance is intended to assist Federal agencies with the development of their NEPA procedures, guidance, and regulations; foster the appropriate use of Findings of No Significant Impact; and ensure that mitigation commitments are appropriately and effectively documented, implemented, and monitored. The guidance also provides Federal agencies with recommended actions in circumstances where mitigation is not implemented or fails to have the predicted effect. Questions regarding this guidance should be directed to the CEQ Associate Director for NEPA Oversight.

Appendix

Case Study: Existing Agency Mitigation Regulations & Guidance

A number of agencies have already taken actions to improve their use of mitigation and their monitoring of mitigation commitments undertaken as part of their NEPA processes. For example, the Department of the Army has promulgated regulations implementing NEPA for military installations and programs that include a monitoring and implementation component.[45] These NEPA implementing procedures are notable for their comprehensive approach to ensuring that mitigation proposed in the NEPA review process is completed and monitored for effectiveness. These procedures are described in detail below to illustrate one approach agencies can use to meet the goals of this Guidance.

a. *Mitigation Planning*

Consistent with existing CEQ guidelines, the Army's NEPA implementing regulations place significant emphasis on the planning and implementation of mitigation

[39] *Id.* § 1501.4.

[40] 42 U.S.C. 4332(2)(G).

[41] Presidential Memorandum for Heads of Executive Departments and Agencies Concerning the Freedom of Information Act, 74 FR 4,683, Jan. 21, 2009; *accord* DOJ, Memorandum for Heads of Executive Departments and Agencies Concerning the Freedom of Information Act (Mar. 19, 2009), *available at http://www.usdoj.gov/ag/foia-memo-march2009.pdf.*

[42] Office of Mgmt. & Budget, Executive Office of the President, *Open Government Directive,* (Dec. 8, 2009), *available at http://www.whitehouse.gov/open/documents/open-government-directive.*

[43] 40 CFR 1502.9(c) (requiring an agency to prepare supplements to draft or final EISs if the agency makes substantial changes in the proposed action that are relevant to environmental concerns, or if there are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts).

[44] *Id.* § 1506.1(a) (providing that until an agency issues a Record of Decision, no action concerning the proposal may be taken that would have an adverse environmental impact or limit the choice of reasonable alternatives).

[45] The Department of the Army promulgated its NEPA implementing procedures as a regulation.

throughout the environmental analysis process. The first step of mitigation planning is to seek to avoid or minimize harm.[46] When the analysis proceeds to an EA or EIS, however, the Army regulation requires that any mitigation measures be "clearly assessed and those selected for implementation will be identified in the [FONSI] or the ROD," and that "[t]he proponent must implement those identified mitigations, because they are commitments made as part of the Army decision."[47] This is notable as this mitigation is a binding commitment documented in the agency NEPA decision. In addition, the adoption of mitigation that reduces environmental impacts below the NEPA significance threshold is similarly binding upon the agency.[48] When the mitigation results in a FONSI in a NEPA analysis, the mitigation is considered legally binding.[49] Because these regulations create a clear obligation for the agency to ensure any proposed mitigation adopted in the environmental review process is performed, there is assurance that mitigation will lead to a reduction of environmental impacts in the implementation stage and include binding mechanisms for enforcement.

Another important mechanism in the Army's regulations to assure effective mitigation results is the requirement to fully fund and implement adopted mitigation. It is acknowledged in the regulations that "unless money is actually budgeted and manpower assigned, the mitigation does not exist."[50] As a result, a proposed action cannot proceed until all adopted mitigation is fully resourced or until the lack of funding is addressed in the NEPA analysis.[51] This is an important step in the planning process, as mitigation benefits are unlikely to be realized unless financial and planning resources are committed through the NEPA planning process.

b. Mitigation Monitoring

The Army regulations recognize that monitoring is an integral part of any mitigation system.[52] As the Army regulations require, monitoring plans and implementation programs should be summarized in NEPA documentation, and should consider several important factors. These factors include anticipated changes in environmental conditions or project activities, unexpected outcomes from mitigation, controversy over the selected alternative, potential impacts or adverse effects on federally or state protected resources, and statutory permitting requirements.[53] Consideration of these factors can help prioritize monitoring efforts and anticipate possible challenges.

The Army regulations distinguish between implementation monitoring and effectiveness monitoring. Implementation monitoring ensures that mitigation commitments made in NEPA documentation are implemented. To further this objective, the Army regulations specify that these conditions must be written into any contracts furthering the proposed action. In addition, the agency or unit proposing the action is ultimately responsible for the performance of the mitigation activities.[54] In a helpful appendix to its regulations, the Army outlines guidelines for the creation of an implementation monitoring program to address contract performance, the role of cooperating agencies, and the responsibilities of the lead agency.[55]

The Army's effectiveness monitoring addresses changing conditions inherent in evolving natural systems and the potential for unexpected environmental mitigation outcomes. For this monitoring effort, the Army utilizes its Environmental Management System (EMS) based on the standardized ISO 14001 protocols.[56] The core of this program is the creation of a clear and accountable system for tracking and reporting both quantitative and qualitative measures of the mitigation efforts. An action-forcing response to mitigation failure is essential to the success of any mitigation program. In the context of a mitigated FONSI, the Army regulations provide that if any "identified mitigation measures do not occur, so that significant adverse environmental effects could be reasonably expected to result, the [agency actor] must publish a [Notice of Intent] and prepare an EIS."[57] This is an essential response measure to changed conditions in the proposed agency action. In addition, the Army regulations address potential failures in the mitigation systems indentified through monitoring. If mitigation is ineffective, the agency entity responsible should re-examine the mitigation and consider a different approach to mitigation. However, if mitigation is required to reduce environmental impacts below significance levels are found to be ineffective, the regulations contemplate the issuance of a Notice of Intent and preparation of an EIS.[58]

The Army regulations also provide guidance for the challenging task of defining parameters for effectiveness monitoring. Guidelines include identifying a source of expertise, using measurable and replicable technical parameters, conducting a baseline study before mitigation is commenced, using a control to isolate mitigation effects, and, importantly, providing timely results to allow the decision-maker to take corrective action if necessary.[59] In addition, the regulations call for the preparation of an environmental monitoring report to determine the accuracy of the mitigation impact predictions made in the NEPA planning process.[60] The report is essential for agency planning and documentation and promotes public engagement in the mitigation process.

c. Public Engagement

The Army regulations seek to integrate robust engagement of the interested public in the mitigation monitoring program. The regulations place responsibility on the entity proposing the action to respond to inquiries from the public and other agencies regarding the status of mitigation adopted in the NEPA process.[61] In addition, the regulations find that "concerned citizens are essential to the credibility of [the] review" of mitigation effectiveness.[62] The Army specifies that outreach with the interested public regarding mitigation efforts is to be coordinated by the installation's Environmental Office.[63] These regulations bring the public a step closer to the process by designating an agency source responsible for enabling public participation, and by acknowledging the important role the public can play to ensure the integrity and tracking of the mitigation process. The success of

[46] *See* 40 CFR 1508.2.

[47] 32 CFR 651.15(b).

[48] *Id.* § 651.35(g)

[49] *Id.* § 651.15(c).

[50] *Id.* § 651.15(d).

[51] *Id.* § 651.15(d).

[52] *Id.* § 651.15(i).

[53] *Id.* §§ 651.15(h)(1)–(4) Appendix C to 32 CFR part 651, 67 FR 15,290, 15,326–28, Mar. 29, 2002.

[54] *Id.* § 651.15(i)(1).

[55] *See* Appendix C to 32 CFR part 651, 67 FR 15,290, 15,326–28, Mar. 29, 2002.

[56] *See also* CEQ, "Aligning NEPA Processes with Environmental Management Systems" (2007), *available at http://ceq.hss.doe.gov/nepa/nepapubs/Aligning_NEPA_Processes_with_Environmental_Management_Systems_2007.pdf.*

[57] 32 CFR 651.15(c).

[58] *See id.* § 651.35(g) (describing the implementation steps, including public availability and implementation tracking, that must be taken when a FONSI requires mitigation); *id.* § 651.15(k).

[59] *See* subsections (g)(1)–(5) of Appendix C to 32 CFR part 651, 67 FR at 15,327.

[60] 32 CFR 651.15(l).

[61] *Id.* § 651.15(b).

[62] *Id.* § 651.15(k).

[63] 32 CFR 651.15(j).

agency mitigation efforts will be bolstered by public access to timely information on NEPA mitigation monitoring.

Nancy H. Sutley,

Chair, Council on Environmental Quality.

[FR Doc. 2011–1188 Filed 1–20–11; 8:45 am]

BILLING CODE 3125–W0–P

NATIONAL SCIENCE FOUNDATION

45 CFR Part 680

RIN 3145–AA51

National Science Foundation Rules of Practice and Statutory Conflict-of-Interest Exemptions

AGENCY: National Science Foundation.

ACTION: Final rule.

SUMMARY: The National Science Foundation (NSF) is amending its regulations to remove the provisions concerning statutory conflict-of-interest exemptions.

DATES: The final rule is effective on January 21, 2011.

FOR FURTHER INFORMATION CONTACT: Robin Clay, Deputy Ethics Official, Office of the General Counsel, National Science Foundation, 4201 Wilson Boulevard, Room 1265, Arlington, Virginia 22230; Telephone: (703) 292–8060; Facsimile: (703) 292–9041; e-mail: *COI@nsf.gov.*

SUPPLEMENTARY INFORMATION: The National Science Foundation (NSF) is amending its regulations to remove the provisions in 45 CFR 680.20 (subpart B) in their entirety. On December 18, 1996 (61 FR 66830), the Office of Government Ethics (OGE) issued executive branch-wide regulations on exemptions and waivers for financial interests under 18 U.S.C. 280(b) (codified at 5 CFR part 2640). The portion of the OGE regulations on exemptions under 18 U.S.C. 208(b)(2) supersedes the provisions of subpart B of the NSF regulations (45 CFR part 680).

Background

In accordance with OGE's issuance of the final rule regarding 18 U.S.C. 208(b) exemptions and waivers (5 CFR 2640), the Foundation is issuing this final rule removing 45 CFR part 680 subpart B in its entirety.

Because the Foundation is required to delete the superseded provisions of 45 CFR part 680 subpart B relating to 208(b)(2) exemptions, with no discretion in the matter, the Foundation finds, pursuant to 5 U.S.C. 533(b)(B), that there is good cause not to seek public comment on this rule, as such comment is unnecessary. Furthermore, for the reasons stated above, the Foundation finds, pursuant to 5 U.S.C. 533(d)(3), that good cause exists to make this rule effective upon publication of this notice.

List of Subjects in 45 CFR Part 680

Conflict of interests.

Accordingly, 45 CFR part 680 is amended as follows:

PART 680—NATIONAL SCIENCE FOUNDATION RULES OF PRACTICE

■ 1. The authority citation for part 680 is revised to read as follows:

Authority: 5 U.S.C. 7301; 42 U.S.C. 1870(a); 5 CFR 2635.105(c)(3).

■ 2. The heading of part 680 is revised to read as set forth above.

Subpart B—[Removed and Reserved]

■ 3. Subpart B, consisting of § 680.20, is removed and reserved.

Dated: January 10, 2011.

Lawrence Rudolph,

General Counsel.

[FR Doc. 2011–890 Filed 1–20–11; 8:45 am]

BILLING CODE 7555–01–P

Proposed Rules

Federal Register

Vol. 76, No. 14

Friday, January 21, 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 TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2011–0058; Directorate Identifier 2010–CE–071–AD]

RIN 2120–AA64

Airworthiness Directives; REIMS AVIATION S.A. Model F406 Airplanes

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

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for the products listed above that would supersede an existing AD. This proposed AD results from mandatory continuing airworthiness information (MCAI) originated 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:

> In early 2005, several reports had been received regarding discovery of cracks in rudder pulley brackets installed on Reims F406 aeroplanes. This pulley bracket, Part Number (P/N) 6015511–1, is installed on aeroplanes with the optional "Camera Hole" modification.
>
> This condition, if not detected and corrected, could result in the loss of rudder control on the airplane.

The proposed AD would require actions that are intended to address the unsafe condition described in the MCAI.

DATES: We must receive comments on this proposed AD by March 7, 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.

For service information identified in this proposed AD, contact Reims Aviation Industries, Aérodrome de Reims Prunay, 51360 Prunay, France; telephone + 33 3 26 48 46 65; fax + 33 3 26 49 18 57; e-mail *Jn.sirot@reims-aviation.fr.* You may review copies of the referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call 816–329–4148.

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 (telephone (800) 647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Albert Mercado, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4119; fax: (816) 329–4090.

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–2011–0058; Directorate Identifier 2010–CE–071–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://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 January 12, 2007, we issued AD 2007–02–12, Amendment 39–14899 (72 FR 3047; January 24, 2007). That AD required actions intended to address an unsafe condition on the products listed above.

Since we issued AD 2007–02–12, REIMS AVIATION S.A. discovered that airplane serial number (SN) F406–0091 had inadvertently not been included in the service information and has revised the service information to correct the omission.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued AD No.: 2010–0230, dated November 5, 2010 (referred to after this as "the MCAI"), to correct an unsafe condition for the specified products. The MCAI states:

> In early 2005, several reports had been received regarding discovery of cracks in rudder pulley brackets installed on Reims F406 aeroplanes. This pulley bracket, Part Number (P/N) 6015511–1, is installed on aeroplanes with the optional "Camera Hole" modification.
>
> This condition, if not detected and corrected, could result in the loss of rudder control on the airplane.
>
> To address this unsafe condition, DGAC France issued Emergency (Urgent) AD UF–2005–080, followed by the final AD F–2005–080, requiring repetitive inspections of the P/N 6015511–1 rudder pulley bracket and replacement of the bracket with a modified bracket, P/N 4061–2701–1, as terminating action.
>
> Recently, Reims discovered that aeroplane s/n F406–0091 had inadvertently not been included in the SB and this has been revised to correct the omission.
>
> For the reasons described above, this AD retains the requirements of DGAC France AD F–2005–080, which is superseded, and adds aeroplane s/n F406–0091 to the Applicability of the AD, by referencing Revision 2 of the Reims Aviation Industries SB F406–58.

You may obtain further information by examining the MCAI in the AD docket.

Relevant Service Information

Reims Aviation S.A. has issued Reims Aviation Industries Service Bulletin No. F406–58, REV 1, dated October 27,

2006; and Reims Aviation Industries Service Bulletin No. F406–58, REV 2, dated July 27, 2010. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

FAA's Determination and Requirements of the Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with this State of Design Authority, they have notified us of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all information and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

Differences Between This Proposed AD and the MCAI or Service Information

We have reviewed the MCAI and related service information and, in general, agree with their substance. But we might have found it necessary to use different words from those in the MCAI to ensure the AD is clear for U.S. operators and is enforceable. In making these changes, we do not intend to differ substantively from the information provided in the MCAI and related service information.

We might also have proposed different actions in this AD from those in the MCAI in order to follow FAA policies. Any such differences are highlighted in a Note within the proposed AD.

Costs of Compliance

We estimate that this proposed AD will affect 7 products of U.S. registry. We also estimate that it would take about 11 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is $85 per work-hour. Required parts would cost about $750 per product.

Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be $11,795, or $1,685 per product.

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 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 this proposed regulation:

1. Is not a "significant regulatory action" under Executive Order 12866;
2. Is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and
3. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. The FAA amends § 39.13 by removing Amendment 39–14899 (72 FR 3047; January 24, 2007), and adding the following new AD:

Reims Aviation S.A.: Docket No. FAA–2011–0058; Directorate Identifier 2010–CE–071–AD.

Comments Due Date

(a) We must receive comments by March 7, 2011.

Affected ADs

(b) This AD supersedes AD 2007–02–12, Amendment 39–14899.

Applicability

(c) This AD applies to Reims Aviation S.A. Model F406 airplanes, serial numbers (SNs) 0002, 0003, 0004, 0006, 0008, 0009, 0010, 0012, 0013, 0017, 0024, 0025, 0039, 0042, 0044, 0045, 0066, 0070, 0073, 0074, 0075, 0077, 0080 through 0092, certificated in any category.

Subject

(d) Air Transport Association of America (ATA) Code 27: Flight Controls.

Reason

(e) The mandatory continuing airworthiness information (MCAI) states:

In early 2005, several reports had been received regarding discovery of cracks in rudder pulley brackets installed on Reims F406 aeroplanes. This pulley bracket, Part Number (P/N) 6015511–1, is installed on aeroplanes with the optional "Camera Hole" modification.

This condition, if not detected and corrected, could result in the loss of rudder control on the airplane.

To address this unsafe condition, DGAC France issued Emergency (Urgent) AD UF–2005–080, followed by the final AD F–2005–080, requiring repetitive inspections of the P/N 6015511–1 rudder pulley bracket and replacement of the bracket with a modified bracket, P/N 4061–2701–1, as terminating action.

Recently, Reims discovered that aeroplane s/n F406–0091 had inadvertently not been included in the SB and this has been revised to correct the omission.

For the reasons described above, this AD retains the requirements of DGAC France AD F–2005–080, which is superseded, and adds aeroplane s/n F406–0091 to the Applicability of the AD, by referencing Revision 2 of the Reims Aviation Industries SB F406–58.

Actions and Compliance

(f) Unless already done, do the following actions:

(1) *For all affected SNs except F406–0091:*

(i) Within the next 10 hours time-in-service (TIS) after February 13, 2007 (the effective date retained from AD 2007–02–12), perform the initial inspection as specified in Reims Aviation Industries Service Bulletin No. F406–58, REV 1, dated October 27, 2006; or Reims Aviation Industries Service Bulletin No. F406–58, REV 2, dated July 27, 2010.

(ii) If no cracking is found following the initial inspection required in paragraph (f)(1)(i) of this AD, repetitively thereafter inspect every 50 hours TIS or 1 month, whichever occurs first, until the installation of the modified pulley bracket specified in paragraphs (f)(1)(iii) or (f)(1)(iv) of this AD is done.

(iii) If any cracking is found during the inspection required in paragraph (f)(1)(i) of this AD, before further flight, install the

modified pulley bracket as specified in Reims Aviation Industries Service Bulletin No. F406–58, REV 1, dated October 27, 2006; or Reims Aviation Industries Service Bulletin No. F406–58, REV 2, dated July 27, 2010. This installation terminates the repetitive inspections required in paragraph (f)(1)(ii) of this AD.

(iv) Within the next 100 hours TIS or 2 months after February 13, 2007 (the effective date retained from AD 2007–02–12), whichever occurs first, install the modified pulley bracket as specified in Reims Aviation Industries Service Bulletin No. F406–58, REV 1, dated October 27, 2006; or Reims Aviation Industries Service Bulletin No. F406–58, REV 2, dated July 27, 2010. This installation terminates the repetitive inspections required in paragraph (f)(1)(ii) of this AD.

(v) The modified pulley bracket specified in Reims Aviation Industries Service Bulletin No. F406–58, REV 1, dated October 27, 2006; or Reims Aviation Industries Service Bulletin No. F406–58, REV 2, dated July 27, 2010, may be installed at any time after the inspection required in paragraph (f)(1)(i) of this AD, as long as no cracking is found, but no later than the compliance time specified in paragraph (f)(1)(iv) of this AD. If cracking is found, it must be replaced before further flight as required in paragraph (f)(1)(iii) of this AD.

(2) *For serial number F406–0091:*

(i) Within the next 10 hours TIS after the effective of this AD, perform the initial inspection as specified in Reims Aviation Industries Service Bulletin No. F406–58, REV 2, dated July 27, 2010.

(ii) If no cracking is found following the initial inspection required in paragraph (f)(2)(i) of this AD, repetitively thereafter inspect every 50 hours TIS or 1 month, whichever occurs first, until the installation of the modified pulley bracket specified in paragraphs (f)(2)(iii) and (f)(2)(iv) of this AD is done.

(iii) If any cracking is found during the inspection required in paragraph (f)(2)(i) of this AD, before further flight, install the modified pulley bracket as specified in Reims Aviation Industries Service Bulletin No. F406–58, REV 2, dated July 27, 2010. This installation terminates the repetitive inspections required in paragraph (f)(2)(ii) of this AD.

(iv) Within the next 100 hours TIS or 2 months after the effective of this AD, whichever occurs first, install the modified pulley bracket as specified in Reims Aviation Industries Service Bulletin No. F406–58, REV 2, dated July 27, 2010. This installation terminates the repetitive inspections required in paragraph (f)(2)(ii) of this AD.

(v) The modified pulley bracket specified in Reims Aviation Industries Service Bulletin No. F406–58, REV 2, dated July 27, 2010, may be installed at any time after the inspection required in paragraph (f)(2)(i) of this AD as long as no cracking is found, but no later than the compliance time specified in paragraph (f)(2)(iv) of this AD. If cracking is found, it must be replaced before further flight as required in paragraph (f)(2)(iii) of this AD.

FAA AD Differences

Note: This AD differs from the MCAI and/or service information as follows: No differences.

Other FAA AD Provisions

(g) The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Standards Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Albert Mercado, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4119; fax: (816) 329–4090. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

(2) *Airworthy Product:* For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

(3) *Reporting Requirements:* For any reporting requirement in this AD, a federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2120–0056. Public reporting for this collection of information is estimated to be approximately 5 minutes per response, including the time for reviewing instructions, completing and reviewing the collection of information. All responses to this collection of information are mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to the FAA at: 800 Independence Ave., SW., Washington, DC 20591, Attn: Information Collection Clearance Officer, AES–200.

Related Information

(h) Refer to MCAI European Aviation Safety Agency (EASA) AD 2010–0230, dated November 5, 2010; Reims Aviation Industries Service Bulletin No. F406–58, REV 1, dated October 27, 2006; and Reims Aviation Industries Service Bulletin No. F406–58, REV 2, dated July 27, 2010, for related information. For service information related to this AD, contact Reims Aviation Industries, Aérodrome de Reims Prunay, 51360 Prunay, France; telephone + 33 3 26 48 46 65; fax + 33 3 26 49 18 57; e-mail *Jn.sirot@reims-aviation.fr.* You may review copies of the referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call 816–329–4148.

Issued in Kansas City, Missouri, on January 14, 2011.

John Colomy,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2011–1221 Filed 1–20–11; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2011–0028; Directorate Identifier 2009–NM–228–AD]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Model 737–100, –200, –200C, –300, –400, and –500 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain Model 737–100, –200, –200C, –300, –400, and –500 series airplanes. This proposed AD would result in all airplanes having new relays with a ground fault interrupter (GFI) feature. This proposed AD would require, depending on airplane configuration, doing certain wiring changes, replacing the fuel pump power control relays for the main, center and auxiliary tanks, as applicable, with new relays having a GFI feature, performing certain bonding resistance measurements, and modifying relay module assemblies. The proposed AD also would require revising the maintenance program to incorporate Airworthiness Limitations (AWLs) 28–AWL–23 (for Model 737–100, 737–200, and 737–200C series airplanes), and 28–AWL–22 (for Model 737–300, 737–400, and 737–500 series airplanes). This proposed AD results from fuel system reviews conducted by the manufacturer. We are proposing this AD to prevent damage to the fuel pumps caused by electrical arcing that could introduce an ignition source in the fuel tank, which, in combination with flammable fuel vapors, could result in a fuel tank explosion and consequent loss of the airplane.

DATES: We must receive comments on this proposed AD by March 7, 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.

For service information identified in this proposed AD, contact: Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, Washington 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; e-mail me.*boecom@boeing.com*; Internet *https://www.myboeingfleet.com*. You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington. For information on the availability of this material at the FAA, call 425–227–1221 or 425–227–1152.

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 (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Georgios Roussos, Aerospace Engineer, Systems and Equipment Branch, ANM–130S, FAA, Seattle Aircraft Certification Office (ACO), 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 917–6482; fax (425) 917–6590.

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–2011–0028; Directorate Identifier 2009–NM–228–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

The FAA has examined the underlying safety issues involved in fuel tank explosions on several large transport airplanes, including the adequacy of existing regulations, the service history of airplanes subject to those regulations, and existing maintenance practices for fuel tank systems. As a result of those findings, we issued a regulation titled "Transport Airplane Fuel Tank System Design Review, Flammability Reduction and Maintenance and Inspection Requirements" (66 FR 23086, May 7, 2001). In addition to new airworthiness standards for transport airplanes and new maintenance requirements, this rule included Special Federal Aviation Regulation No. 88 ("SFAR 88," Amendment 21–78, and subsequent Amendments 21–82 and 21–83).

Among other actions, SFAR 88 requires certain type design (*i.e.,* type certificate (TC) and supplemental type certificate (STC)) holders to substantiate that their fuel tank systems can prevent ignition sources in the fuel tanks. This requirement applies to type design holders for large turbine-powered transport airplanes and for subsequent modifications to those airplanes. It requires them to perform design reviews and to develop design changes and maintenance procedures if their designs do not meet the new fuel tank safety standards. As explained in the preamble to the rule, we intended to adopt airworthiness directives to mandate any changes found necessary to address unsafe conditions identified as a result of these reviews.

In evaluating these design reviews, we have established four criteria intended to define the unsafe conditions associated with fuel tank systems that require corrective actions. The percentage of operating time during which fuel tanks are exposed to flammable conditions is one of these criteria. The other three criteria address the failure types under evaluation: Single failures, single failures in combination with a latent condition(s), and in-service failure experience. For all four criteria, the evaluations included consideration of previous actions taken that may mitigate the need for further action.

We have determined that the actions identified in this AD are necessary to reduce the potential of ignition sources inside fuel tanks, which, in combination with flammable fuel vapors, could result in a fuel tank explosion and consequent loss of the airplane.

As part of an SFAR88 analysis, Boeing determined that the power control relays for the main tank fuel boost pumps, the center tank fuel boost pumps, and for certain airplanes, the auxiliary tank fuel boost pumps should be replaced with new relays having a ground fault interrupter (GFI) feature. The relays are located in the P6 circuit breaker panel in the flight compartment. The GFI relay feature is intended to protect the fuel boost pumps from damage caused from electrical arcing by removing electrical power from the pump if a ground fault is detected. Electrical arcing, if not prevented could introduce an ignition source in the fuel tank which, in combination with flammable fuel vapors, could result in a fuel tank explosion and consequent loss of the airplane.

Relevant Service Information

We have reviewed Boeing Alert Service Bulletin 737–28A1212, Revision 1, dated August 27, 2010. Depending on airplane configuration and on whether the actions in Boeing Alert Service Bulletin 737–28A1212, dated July 23, 2009, were accomplished, Boeing Alert Service Bulletin 737–28A1212, Revision 1, dated August 27, 2010, describes procedures for the following actions, depending on airplane configurations:

• Doing wiring changes,

• Replacing the fuel pump power control relays for the main, center and auxiliary tanks with new relays having a GFI feature,

• Doing certain bonding resistance measurements to verify certain bonding requirements are met, and

• Modifying the M181, M182, M183 relay module assemblies.

Boeing Alert Service Bulletin 737–28A1212, Revision 1, dated August 27, 2010, specifies a compliance time of 60 months for replacing the power control relays.

For certain airplanes, Boeing Alert Service Bulletin 737–28A1212, Revision 1, dated August 27, 2010, refers to BAE Systems Service Bulletin 65–49808–24–01, Revision 1, dated July 19, 2010, as an additional source of guidance for doing the modification of the relay module assemblies and bond resistance measurements.

In addition, we have reviewed Section 9 of Boeing 737–100/200/200C/300/400/500 Airworthiness Limitations (AWLs) and Certification Maintenance

Requirements, D6–38278–CMR, Revision May 2009 (hereafter referred to as "Document D6–38278–CMR"). Document D6–38278–CMR describes, among other actions, new AWLs for the applicable fuel boost pumps that incorporate ground fault interrupter relays for certain Model 737–100, –200, and –200C airplanes (i.e., AWL 28–AWL–23), and for certain other Model 737–300, –400, and –500 airplanes (i.e., AWL 28–AWL–22). The AWL reference to boost pumps applies also to all pumps where the GFI has been installed by incorporating Boeing Alert Service Bulletin 737–28A1212.

FAA's Determination and Requirements of This Proposed AD

We are proposing this AD because we evaluated all relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design. This proposed AD would require accomplishing the actions specified in the service information described previously, except as described under "Difference Between the Proposed AD and Service Information."

Difference Between the Proposed AD and Service Information

AWL 28–AWL–23 of Section 9 of Boeing 737–100/200/200C/300/400/500 Airworthiness Limitations (AWLs) and Certification Maintenance Requirements (CMRs), Document D6–38278–CMR, Revision May 2009, is applicable to Model 737–100, –200, and –200C airplanes, although it specifies only the Model 737–100 and –200 airplanes.

Costs of Compliance

We estimate that this proposed AD would affect 750 airplanes of U.S. registry. The following table provides the estimated costs for U.S. operators to comply with this proposed AD.

TABLE—ESTIMATED COSTS

Action	Work hours	Average labor rate per hour	Parts	Cost per product	Number of U.S.-registered airplanes	Fleet cost
Replacement of power control relays.	4 to 9 [1]	$85	$14,500	$14,840 to $15,265 [1]	750	$11,130,000 to $11,448,750.[1]
Modification	5	85	0	$425	750	$318,750.
Maintenance program revision.	1	85	0	$85	750	$63,750.

[1] Depending on airplane configuration.

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 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 this proposed regulation:

1. Is not a "significant regulatory action" under Executive Order 12866,
2. Is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979), and
3. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

You can find our regulatory evaluation and the estimated costs of compliance in the AD Docket.

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

The Boeing Company: Docket No. FAA–2011–0028; Directorate Identifier 2009–NM–228–AD.

Comments Due Date

(a) We must receive comments by March 7, 2011.

Affected ADs

(b) None.

Applicability

(c) This AD applies to The Boeing Company Model 737–100, –200, –200C, –300, –400, and –500 series airplanes, certificated in any category; as identified in Boeing Alert Service Bulletin 737–28A1212, Revision 1, dated August 27, 2010.

Note 1: This AD requires revisions to certain operator maintenance documents to include new inspections. Compliance with these inspections is required by 14 CFR 91.403(c). For airplanes that have been previously modified, altered, or repaired in the areas addressed by these inspections, the operator may not be able to accomplish the inspections described in the revisions. In this situation, to comply with 14 CFR 91.403(c), the operator must request approval for an alternative method of compliance according to paragraph (m) of this AD. The request should include a description of changes to the required inspections that will ensure the continued operational safety of the airplane.

Subject

(d) Air Transport Association (ATA) of America Code 28: Fuel.

Unsafe Condition

(e) This AD results from fuel system reviews conducted by the manufacturer. The Federal Aviation Administration is issuing this AD to prevent the damage to the fuel pumps caused by electrical arcing that could introduce an ignition source in the fuel tank, which, in combination with flammable fuel vapors, could result in a fuel tank explosion and consequent loss of the airplane.

Compliance

(f) You are responsible for having the actions required by this AD performed within the compliance times specified, unless the actions have already been done.

Part 1: Wiring Changes, Relay Replacements, and Certain Bonding Resistance Measurements for Certain Airplanes

(g) For airplanes on which Boeing Alert Service Bulletin 737–28A1212, dated July 23, 2009, has not been incorporated as of the effective date of this AD: Within 60 months after the effective date of this AD, do the applicable action required by paragraph (g)(1) or (g)(2) of this AD.

(1) Airplanes without the M181, M182, and M183 supplier relay modules installed: Do the wiring changes; replace the fuel pump power control relays for the main, center, and auxiliary tanks, as applicable, with new relays having a ground fault interrupter (GFI) feature; and do certain bonding resistance measurements to verify that certain bonding requirements are met; in accordance with Part 1 of the Accomplishment Instructions of Boeing Alert Service Bulletin 737–28A1212, Revision 1, dated August 27, 2010.

(2) Airplanes with the M181, M182, and M183 supplier relay modules installed: Modify the M181, M182, and M183 relay module assemblies, and do certain bonding resistance measurements to verify that certain bonding requirements are met, in accordance with Part 1 of the Accomplishment Instructions of Boeing Alert Service Bulletin 737–28A1212, Revision 1, dated August 27, 2010.

Note 2: Boeing Alert Service Bulletin 737–28A1212, Revision 1, dated August 27, 2010, refers to BAE Systems Service Bulletin 65–49808–24–01, Revision 1, dated July 19, 2010, as an additional source of guidance for doing the modification and certain bonding resistance measurements.

Part 2: Wiring Changes and Certain Bonding Measurements for Certain Airplanes

(h) For airplanes on which Boeing Alert Service Bulletin 737–28A1212, dated July 23, 2009, has been incorporated as of the effective date of this AD, and on which the M181, M182, and M183 supplier relay modules have not been installed: Within 60 months after the effective date of this AD, do the wiring changes and certain bonding measurements to verify that certain bonding requirements are met, in accordance with Part 2 of the Accomplishment Instructions of Boeing Alert Service Bulletin 737–28A1212, Revision 1, dated August 27, 2010.

Part 3: Certain Bonding Measurements for Certain Airplanes

(i) For airplanes on which Boeing Alert Service Bulletin 737–28A1212, dated July 23, 2009, has been incorporated as of the effective date of this AD, and that the M181, M182, and M183 supplier relay modules are installed: Within 60 months after the effective date of this AD, do certain bonding measurements to verify that certain bonding requirements are met, in accordance with Part 3 of the Accomplishment Instructions of Boeing Alert Service Bulletin 737–28A1212, Revision 1, dated August 27, 2010.

Note 3: Boeing Alert Service Bulletin 737–28A1212, Revision 1, dated August 27, 2010, refers to BAE Systems Service Bulletin 65–49808–24–01, Revision 1, dated July 19, 2010, as an additional source of guidance for doing the modification and certain bonding resistance measurements.

Maintenance Program Revisions

(j) Concurrently with accomplishing the actions required by paragraph (g), (h), or (i) of this AD, as applicable, or within 30 days after the effective date of this AD, whichever occurs later, revise the maintenance program by incorporating the applicable airworthiness limitation (AWL) specified in paragraph (j)(1) or (j)(2) of this AD.

(1) For Model 737–100, –200, and –200C series airplanes: Airworthiness Limitation 28–AWL–23 of Section 9 of Boeing 737–100/200/200C/300/400/500 AWL and Certification Maintenance Requirements (CMRs), Document D6–38278–CMR, Revision May 2009. The initial compliance time for the actions specified in AWL 28–AWL–23 is within 1 year after accomplishing the installation required by paragraph (g), (h), or (i) of this AD, or within 1 year after the effective date of this AD, whichever occurs later.

(2) For Model 737–300, –400, and –500 series airplanes: AWL 28–AWL–22 of Section 9 of Boeing 737–100/200/200C/300/400/500 Airworthiness Limitation (AWL) and Certification Maintenance Requirements (CMRs), Document D6–38278–CMR, Revision May 2009. The initial compliance time for the actions specified in AWL 28–AWL–22 is within 1 year after accomplishing the installation required by paragraph (g), (h), or (i) of this AD, or within 1 year after the effective date of this AD, whichever occurs later.

No Alternative Inspections or Inspection Interval

(k) After accomplishment of the action required by paragraph (g), (h), or (i) of this AD, as applicable, no alternative inspections or inspection intervals may be used, unless the inspections or intervals are approved as an alternative means of compliance in accordance with the procedures specified in paragraph (m) of this AD.

Credit for Actions Accomplished in Accordance With Earlier Revisions of AWLs

(l) Revising the maintenance program to incorporate AWLs 28–AWL–22 (for Model 737–300, –400, and –500 airplanes) and 28–AWL–23 (for Model 737–100, –200, and –200C airplanes) in accordance with paragraphs (g)(1) and (g)(2) of AD 2008–10–09 R1, amendment 39–16148, terminates the requirements of paragraph (j) of this AD.

Alternative Methods of Compliance (AMOCs)

(m)(1) The Manager, Seattle Aircraft Certification Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Georgios Roussos, Aerospace Engineer, Systems and Equipment Branch, ANM–130S, FAA, Seattle Aircraft Certification Office (ACO), 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 917–6482; fax (425) 917–6590. Or, e-mail information to *9-ANM-Seattle-ACO-AMOC-Requests@faa.gov.*

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

Issued in Renton, Washington, on January 12, 2011.

Jeffrey E. Duven,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2011–1226 Filed 1–20–11; 8:45 am]

BILLING CODE 4910–13–P

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release No. 34–63727; File No. S7–03–11]

RIN 3235–AK91

Trade Acknowledgment and Verification of Security-Based Swap Transactions

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rule.

SUMMARY: In accordance with Section 764(a) of Title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 ("Dodd-Frank Act"), the Securities and Exchange Commission ("Commission") is proposing rule 15Fi–1 under the Securities Exchange Act of 1934 ("Exchange Act"), 15 U.S.C. 78a *et seq.,* which would require security-based swap dealers and major security-based swap participants to provide trade acknowledgments and to verify those trade acknowledgments in security-based swap transactions.

DATES: Comments should be received on or before February 22, 2011.

ADDRESSES: Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/proposed.shtml*);
- Send an e-mail to *rule-comments@sec.gov.* Please include File

Number S7–03–11 on the subject line; or

• Use the Federal eRulemaking Portal (*http://www.regulations.gov*). Follow the instructions for submitting comments.

Paper Comments

• Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number S7–03–11. This file number should be included on the subject line if e-mail is used. To help us process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/proposed.shtml*). Comments are also available for website viewing and printing in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. All comments received will be posted without change; we do not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

FOR FURTHER INFORMATION CONTACT: Joseph Furey, Assistant Chief Counsel; Darren Vieira, Special Counsel; or Ignacio Sandoval, Attorney, at (202) 551–5550, Office of Chief Counsel, Division of Trading and Markets, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–7010.

SUPPLEMENTARY INFORMATION: The Commission is proposing rule 15Fi–1 pursuant to Section 15F of the Exchange Act.[1]

I. Background

Section 764 of the Dodd-Frank Act,[2] enacted on July 21, 2010, added Section 15F to the Exchange Act.[3] Among other things, Section 15F requires security-based swap ("SBS") dealers and major SBS participants (collectively, "SBS Entities") to register with the Commission, and directs the Commission to prescribe rules applicable to SBS Entities.

Section 15F(i)(1) of the Exchange Act provides that SBS Entities must "conform with such standards as may be prescribed by the Commission, by rule or regulation, that relate to timely and accurate confirmation, processing, netting, documentation, and valuation of all security-based swaps." Section 15F(i)(2) of the Exchange Act provides that the Commission must adopt rules governing documentation standards for SBS Entities. Proposed rule 15Fi–1 would prescribe standards related to timely and accurate confirmation and documentation of SBS, as further described below.

Market participants currently issue a "trade acknowledgment" (sometimes referred to by industry participants as a "draft confirmation" or an "alleged trade") to memorialize the economic and related terms of an SBS transaction, regardless of the means by which the transaction was executed. If an SBS transaction is not reduced to writing, a court may have to supply contract terms upon which there was no previous agreement. For this reason, prudent practice requires that, after coming to an agreement on the terms of a transaction, the parties document the transaction in a complete and definitive written record so there is legal certainty about the terms of their agreement in case those terms are later disputed. Therefore, industry best practices incorporate a process by which the parties verify that the trade acknowledgment accurately reflects the terms of their trade.[4] This process, through which one party acknowledges an SBS transaction and its counterparty verifies it, is the confirmation process, which results in the issuance of a confirmation that reflects the terms of the contract between the parties.[5] This confirmation includes any transaction-specific modifications to master agreements between the parties that might apply to the transaction, such as the International Swaps and Derivatives Association ("ISDA") Master Agreement and Schedule. A confirmation is thus a written or electronic record of an SBS transaction that has been sent by one party and verified by the other where that record has been manually, electronically, or by some other legally equivalent means, signed by the receiving counterparty.

In the past few years, market participants and regulators have paid particular attention to the timely confirmation of SBS transactions. The Government Accountability Office has found that, since 2002, the trading volume of SBS such as credit derivatives has expanded rapidly, causing stresses on the operational infrastructure of market participants, which in turn caused the participants' back office systems to fail for a period of time to confirm the increased volume of trades.[6] The GAO viewed the lack of automation and the purported assignment of positions by transferring parties to third parties without notice to their counterparties as the primary factors contributing to this backlog.[7] The GAO found that if new transactions are left unconfirmed, there is no definitive written record of the contract terms. Thus, in the event of a dispute, the terms of the agreement must be reconstructed from other evidence, such as e-mail trails or recorded trader conversations. The GAO noted that this process is cumbersome and may not be wholly accurate. Moreover, if purported transfers of SBS transactions are made without giving notice to the remaining parties and obtaining their consent, disputes may arise as to which parties are entitled to the benefits and subject to the burdens of the transaction. The GAO found that these circumstances created significant legal and operational risk for market participants.[8] These risks, as well as other operational issues associated with the over-the-counter derivatives market, have been the focus of reports and recommendations by the President's Working Group,[9] and of ongoing efforts led by the Federal Reserve Bank of New York ("FRBNY") to enhance operational capacity in the over-the-counter derivatives market and improve operational performance, by increasing automation, promoting timely confirmation of trades, and ending practices such as the purported unilateral transferring of SBS transactions.[10]

[1] 15 U.S.C. 78o–8.

[2] Public Law 111–203, 124 Stat. 1376 (2010).

[3] 15 U.S.C. 78o–8.

[4] See Part II.D, below, for a discussion of verification.

[5] Confirmations may also be used by SBS Entities to make certain disclosures, or to disclaim certain obligations, to a counterparty. Required disclosures by an SBS Entity will be addressed separately in proposed "external business conduct" rules for SBS Entities.

[6] U.S. Government Accountability Office ("GAO"), *Credit Derivatives: Confirmation Backlogs Increased Dealers' Operational Risks, But Were Successfully Addressed After Joint Regulatory Action,* GAO–07–716 (2007) at pages 3–4 ("GAO Confirmation Report"). As of September 2005, the accumulated backlog of unconfirmed over-the-counter credit derivatives trades was 150,000.

[7] Several factors reduced the risk of unconfirmed trades due to unilateral assignment, including: (1) The tendency for end-users to assign contracts to dealers who were generally more credit-worthy than the end-user; (2) dealers refusing to release posted collateral until the dealer verified the assignment, and; (3) a novation protocol in the ISDA Master Agreement that required counterparties to obtain the written consent of their counterparties before assigning a trade. *Id* at pages 17–18.

[8] *Id.* at pages 12–15.

[9] *See, e.g.,* Press Release, President's Working Group on Financial Markets, Progress Summary on OTC Derivatives Operational Improvements (November 2008).

[10] *See, e.g,.* FRBNY, Summary of OTC Derivatives Commitments (March 1, 2010).

To promote the efficient operation of the SBS market, and to facilitate market participants' management of their SBS-related risk, the Commission is proposing a confirmation process in rule 15Fi–1. The proposed rule will govern the delivery of SBS trade acknowledgments and the verification of those trade acknowledgments, as described more fully below. In developing this proposed rule, the Commission has consulted with other financial regulators, including the Commodity Futures Trading Commission and the Board of Governors of the Federal Reserve System.

The Commission understands that proposed rule 15Fi–1, as well as other proposals that the Commission may consider in the coming months to implement the Dodd-Frank Act, if adopted, could significantly affect—and be significantly affected by—the nature and scope of the security-based swaps market in a number of ways. For example, the Commission recognizes that if the measures it adopts are too onerous for existing participants or new entrants, they could hinder the further development of a market for SBS by unduly discouraging participation by SBS Entities. On the other hand, if the Commission adopts rules that are too permissive, they may not adequately protect investor interests or promote the purposes of the Exchange Act. We also are aware that the further development of the SBS market may require the Commission to revise its confirmation standards for SBS transactions. We urge commenters, as they review our proposal, to consider generally the role that regulation may play in fostering or limiting the development of the market for SBS (or the role that market developments may play in changing the nature and implications of regulation) and specifically to focus on this issue with respect to the proposed trade acknowledgment and verification rule for SBS Entities.

II. Discussion of the Proposed Rule

Proposed Exchange Act rule 15Fi–1 would require SBS Entities to provide to their counterparties a trade acknowledgment, to provide prompt verification of the terms provided in a trade acknowledgment of transactions from other SBS Entities, and to establish, maintain, and enforce policies and procedures that are reasonably designed to obtain prompt verification of the terms provided in a trade acknowledgment. We are proposing to define several key terms in the rule to have the meaning that we believe is commonly attributed to those terms by industry participants. Thus, as discussed above, we propose to define the term "trade acknowledgment" to mean a written or electronic record of an SBS transaction sent by one party to the other.[11] As used in the proposed rule, the term "verification" would mean the process by which a trade acknowledgment has been manually, electronically, or by some other legally equivalent means, signed by the receiving counterparty.[12] Thus, a "confirmed" SBS transaction would mean a transaction in which the parties have produced a trade acknowledgment that is agreed to by both parties and that has been verified.[13]

Proposed rule 15Fi–1 would require certain SBS Entities that purchase or sell any SBS to provide an electronic trade acknowledgment to the applicable counterparty containing certain required information—discussed in Part II.C, below—within the prescribed timeframe. By requiring counterparties to provide trade acknowledgments of and to verify SBS transactions in a timely way, proposed rule 15Fi–1 is intended to promote the principles of Exchange Act Section 15F(i)(1).

Request for Comment

The Commission requests comment on all aspects of the proposed definitions of trade acknowledgment, verification and confirmation.

A. Trade Acknowledgment Requirement

1. Events Triggering the Trade Acknowledgment Obligation

Proposed rule 15Fi–1(b) would require an SBS Entity that purchases or sells any security-based swap to provide a trade acknowledgment to its counterparty. The terms "purchase" and "sale" are defined in Section 3(a) of the Exchange Act.[14] As amended by the Dodd-Frank Act, those definitions as applied to SBS transactions include any "execution, termination (prior to its scheduled maturity date), assignment, exchange, or similar transfer or conveyance of, or extinguishing of rights or obligations under, a security-based swap."[15] Because the rule would apply solely to an SBS Entity that "purchases" or "sells" an SBS, the proposed rule would be effectively limited to "principal transactions" in which the SBS Entity is a counterparty to the transaction and is acting for its own account.

Request for Comment

The Commission requests comment on all aspects of the proposal as to the events that would trigger an obligation to provide a trade acknowledgment.

1. Are there circumstances, other than purchases or sales of SBS, when SBS Entities should be required to provide SBS trade acknowledgments to their counterparties?
2. What are the current market practices with respect to confirming SBS transactions?
3. How would current industry practices for confirming transactions be affected by the proposed rule?
4. How should policies and procedures to verify trade acknowledgments differ from current market practices, if at all?
5. What are the advantages or disadvantages of the proposed rule compared to current market practices? What additional costs would these differences entail?
6. Do participants currently have operations and/or departments in place to comply with the proposed requirements?
7. Do the benefits of promptly providing a trade acknowledgment justify the additional costs, and, if not, why not?
8. Many, if not most, types of securities transactions are complete upon settlement of the trade (usually shortly following execution), and the purchaser and seller have no continuing obligations to one another. In contrast, parties to SBS transactions have ongoing obligations to each other that could continue for years, depending on the term of the SBS transaction. The Commission has proposed to require parties to SBS transactions to report to an SBS data repository certain life-cycle events, some of which are included in the definition of purchase and sale and some of which, like corporate actions (*e.g.,* mergers, dividends, stock splits, or bankruptcy), are not.[16] The Commission understands that some parties may agree to notification upon life-cycle events, and that certain vendors track some of this information with regard to securities underlying certain credit default swaps. The Commission also notes that exchanges and other industry utilities currently publish similar information (*e.g.,* ex-dividend dates, bankruptcies) with respect to the cash

[11] *See* proposed Rule 15Fi–1(a)(10).

[12] *See* proposed Rule 15Fi–1(a)(13).

[13] *See* proposed Rule 15Fi–1(a)(4).

[14] 15 U.S.C. 78c(a)

[15] Dodd-Frank Act Sections 761(a)(3) and (4), amending Exchange Act Sections 3(a)(13) and (14), respectively; 15 U.S.C. 78c(a)(13) and (14).

[16] *See* Regulation SBSR—Reporting and Dissemination of Security-Based Swap Information, Exchange Act Release No. 63346 (Nov. 19, 2010), 75 FR 75207 (Dec. 2, 2010) ("SBSR Proposing Release").

and derivatives markets. Should the Commission also require delivery of a trade acknowledgment and verification of any types of corporate actions? To what extent is it the industry custom currently to require notification to be provided about changes or life-cycle events in the security, loan, or narrow-based index that underlies an SBS? Should the proposed rule require trade acknowledgments for these changes or events?

9. Should the proposed rule require different procedures for terminations than for other purchases and sales? What are the current practices with respect to sending notices of termination? What information should be provided in an acknowledgment of a termination?

2. Who provides the trade acknowledgment?

The Commission proposes using Section 13A(a)(3) of the Exchange Act as a model to determine which counterparty is responsible for providing the trade acknowledgment in the transaction. Section 13A(a)(1) provides that each SBS that is not accepted for clearing by a clearing agency or derivatives clearing organization must be reported to a swap data repository or to the Commission.[17] Section 13A(a)(3) specifies which party is obligated to make such reports—an SBS dealer, a major SBS participant, or a counterparty to the transaction—and it does not require both parties to report the same transaction.[18] Generally, Section 13A(a)(3) places the reporting burden on the party that is expected to transact in SBS more frequently. Similarly, the Commission proposes requiring only a single trade acknowledgment in any transaction, and requiring that, in a transaction to which an SBS Entity is a party, the party responsible for providing the trade acknowledgment would be determined in the same manner as the party responsible for reporting the transaction to an SBS data repository or to the Commission. Therefore in a transaction where only one counterparty is an SBS dealer or major SBS participant, the SBS dealer or major SBS participant would be responsible for providing the trade acknowledgment. In a transaction between an SBS dealer and a major SBS participant, the SBS dealer would be responsible for providing the trade acknowledgment. In a transaction where both parties are SBS dealers, or both parties are major SBS participants, the counterparties would be responsible for selecting which party must provide the trade acknowledgment.[19]

Although the responsible counterparty would have the obligation to provide the trade acknowledgment, that counterparty could use a third-party to fulfill this obligation. The Commission expects that many transactions will be confirmed by "matching services" provided through a clearing agency.[20] We use matching service in this release to refer only to services through which two parties enter a new transaction.

A clearing agency is providing matching services if it captures trade information regarding a securities transaction, performs an independent comparison of that information, and issues a confirmation [21] of the transaction. The Commission believes that the use of clearing agencies' matching services would promote the principles of Exchange Act Section 15F(i), and the Commission wishes to encourage SBS Entities to use these matching services. Accordingly, paragraph (b)(2) of the proposed rule would provide that an SBS Entity will have satisfied its requirement to provide a trade acknowledgment if a clearing agency, through its facilities, produces a confirmation of the SBS transaction.[22]

A clearing agency may also serve as a central clearing counterparty ("CCP") in SBS transactions. In a CCP arrangement, if the original counterparties to a bilateral SBS transaction are clearing members, they novate their bilateral trade to the clearing agency (acting as a CCP). In such a novation to a CCP, each counterparty terminates its contract with the other and enters into a new contract on identical terms with the CCP. In this way, the CCP becomes buyer to one counterparty and seller to the other.[23] The novation would constitute a purchase from or a sale to the clearing agency. While the purchase or sale would require a trade acknowledgment under paragraph (b)(1) of the proposed rule, paragraph (b)(2) of the proposed rule would permit the CCP to satisfy the SBS Entity's obligation to provide a trade acknowledgment to its counterparty, both for the initial bilateral transaction between an SBS Entity and its counterparty that are clearing members, and for the subsequent purchases or sales that result from the novation to the CCP.

Request for Comment

The Commission solicits comment on all aspects of the allocation of responsibility between the parties for providing the trade acknowledgment.

10. Does the proposed rule appropriately allocate the responsibility to provide a trade acknowledgment?

11. Would permitting the parties to agree which party would provide a trade acknowledgment in all transactions, instead of only in transactions between two SBS dealers or two major SBS participants, be preferable?

12. Should the rule require each SBS Entity that is a party to an SBS transaction to provide a trade acknowledgment to its counterparty?

13. Should the rule allow persons other than clearing agencies, such as

[17] 15 U.S.C. 78m–1(a)(1).

[18] 15 U.S.C. 78m–1(a)(3).

[19] The Commission considered requiring all SBS Entities to provide SBS trade acknowledgments in each transaction to which they are a party, but preliminarily has determined not to propose this approach. Under that approach, in a situation where only one party is an SBS Entity, that party would provide the trade acknowledgment to its counterparty. In effect, this is similar to how broker-dealers are required to provide confirmations to their customers under Exchange Act rule 10b–10. However, the customers are under no obligation pursuant to rule 10b–10 to confirm their transactions with broker-dealers. In situations where both parties were SBS Entities, each party would cross-acknowledge the transaction by providing a duplicate trade acknowledgment to the other party. However, requiring cross-acknowledgment could be needlessly burdensome and may interfere with more efficient means of acknowledging transactions. Additionally, legal uncertainty could result if for some reason the trade acknowledgments did not match and neither party noticed or challenged the discrepancy.

[20] Under the proposed rule, the term "clearing agency" would mean a clearing agency registered pursuant to section 17A of the Exchange Act, 15 U.S.C. 78q–1. *See* proposed Rule 15Fi–1(a)(3). A clearing agency that captures trade information regarding a securities transaction and performs an independent comparison of that information which results in the issuance of legally binding matched terms to the transaction is providing matching services. *See, also,* Exchange Act Release No. 39829 (April 6, 1998), 63 FR 17943 (April 13, 1998) (File No. S7–10–98) ("A vendor that provides a matching service will actively compare trade and allocation information and will issue the affirmed confirmation that will be used in settling the transaction.").

[21] "Confirmation" means a trade acknowledgment that has been subject to verification. *See* proposed Rule 15Fi–1(a)(4).

[22] In the course of clearing and settling SBS transactions, clearing agencies would need much or all of the information that is required on a trade acknowledgment, and therefore, the clearing agency would have in place systems to receive and process the information on a trade acknowledgment. The Commission notes that clearing agencies must: register with the Commission and submit their rules for review and approval by the Commission; meet minimum standards of care; have the capacity to enforce their rules and discipline their participants; and have chief compliance officers to oversee compliance with their statutory and regulatory obligations. The Commission believes that clearing agencies are thus equipped to manage the operations necessary to provide trade acknowledgments in the course of their work clearing and settling SBS transactions.

[23] *See* Exchange Act Release No. 59527 (Mar. 6, 2009).

SBS execution facilities, to provide trade acknowledgments on behalf of SBS Entities?

14. Does the description of the use of matching services, above, accurately describe current market practice, including market practice in such forums as the inter-dealer market? If not, what current practices are not encompassed by the description?

15. Should clearing agencies be permitted to provide trade acknowledgments on behalf of SBS Entities in transactions where the clearing agency was not responsible for clearing the transaction through a matching process? If so, under what conditions?

B. Time To Provide a Trade Acknowledgment

The Commission believes that confirming SBS transactions shortly after execution should help to promote the stability of the SBS market by preventing documentation backlogs from creating uncertainty over SBS Entities' exposure to SBS.[24] There will be a lag between the time when an SBS is executed (*i.e.,* the point at which both parties become irrevocably bound to a transaction under applicable law),[25] and when the transaction is confirmed (*i.e.,* when a trade acknowledgment of the transaction is provided and verified). Requiring prompt provision of trade acknowledgments of electronically executed or processed SBS transactions should help SBS Entities to submit timely and accurate reports with respect to those transactions to SBS data repositories. However, the Commission believes that the goal of promptly providing trade acknowledgments must be tempered by the difficulty of achieving that goal, particularly for customized agreements that are not executed or processed [26] electronically.

Promptly providing a trade acknowledgment would assure that the parties know the terms of their executed agreement.[27] Accordingly, the Commission proposes that the maximum times for providing a trade acknowledgment of SBS transactions would vary depending upon whether transactions are electronically executed or electronically processed, but would not exceed 24 hours following execution. The Commission preliminarily believes that the prescribed times should be sufficient for SBS Entities to provide trade acknowledgments without permitting unnecessary delay. Specifically, proposed rule 15Fi–1(c)(1) would require any SBS transaction to be confirmed promptly, but in any event:

- For any transaction that has been executed and processed electronically, a trade acknowledgment must be provided within 15 minutes of execution.
- For any transaction that is not electronically executed, but that will be processed electronically, a trade acknowledgment must be provided within 30 minutes of execution.
- For any transaction that the SBS Entity cannot process electronically, a trade acknowledgment must be provided within 24 hours following execution.

The Commission encourages SBS Entities to minimize the number of manual transactions processed, and to process electronically all SBS transactions if it is reasonably practicable to do so. However, the Commission understands that an SBS Entity may have the ability to process electronically only certain SBS transactions. For example, an SBS Entity may have the ability to process electronically certain standardized SBS transactions in certain asset classes, or transactions that it executes on an exchange or SBS execution facility, but may lack the ability to process electronically SBS transactions in other asset classes or that are executed by other means.[28] The Commission also understands that an SBS Entity's ability to process a transaction electronically may be limited by its counterparty's abilities. For example, an SBS Entity may have the ability to clear an SBS transaction through a matching facility, but if its counterparty lacks access to the matching facility, it would need to process transactions with that counterparty through non-computerized means.

Thus, proposed rule 15Fi–1(c)(2) would require an SBS Entity to process electronically an SBS transaction if the SBS Entity has the ability to do so. In other words, an SBS Entity could not delay providing a trade acknowledgment by choosing to process a transaction by non-electronic means. The Commission preliminarily believes that requiring SBS Entities to acknowledge trades as promptly as they are able to do so would promote the purposes of Exchange Act Section 15Fi–1.

Request for Comment

The Commission solicits comment on all aspects of the proposed time to provide a trade acknowledgment, and the requirement for SBS Entities to process electronically all transactions for which they have the ability.

16. What is the current industry practice with respect to the time necessary to confirm trades, and does the operational infrastructure of SBS Entities makes providing a trade acknowledgment within 24 hours of execution for manual trades feasible?

17. Should the proposed rule require an SBS Entity to provide a trade acknowledgment more quickly, particularly for transactions that are executed or processed electronically?

18. Would the proposed rule provide sufficient time for SBS Entities to provide trade acknowledgments to their counterparties?

19. Is there currently a backlog in confirming trades, and if so, would the proposed rule encourage confirming trades and reduce the backlog? Are there other procedures that would reduce any backlog of unconfirmed trades?

20. Are there circumstances in which certain terms included on a trade acknowledgment would not be agreed by the parties within 24 hours of execution? If so, please explain why parties may not be able to agree on such terms within 24 hours of the execution of the SBS transaction. How should an inability to obtain agreement on such contract terms within 24 hours of execution, when it happens, be handled?

21. How should the proposed rule address terms required to be on the trade acknowledgment that are not known on the date of execution?

22. How should the proposed rule address transactions between an SBS Entity and a fund manager or other agent, where the allocation of the trade to the fund manager's or agent's accounts is not determined by the fund manager or agent until sometime after execution? Should a delay in providing a trade acknowledgment be permitted

[24] The term "execution" would mean the point at which the parties become irrevocably bound to a transaction under applicable law. *See* proposed Rule 15Fi–1(a)(6).

[25] In the SBS context, an oral agreement over the telephone will create an enforceable contract, and the time of execution will be when the parties to the telephone call agree to the material terms.

[26] The term "processed electronically," with respect to an SBS transaction, would mean entered into a security-based swap dealer or major security-based swap participant's computerized processing systems after execution to facilitate clearance and settlement. *See* proposed Rule 15Fi–1(a)(9). A clearing agency may process electronically its members' SBS transactions, as discussed further below.

[27] Promptly acknowledging a transaction would also enable parties to comply with the required time within which data must be reported to an SBS data repository. *See* SBSR Proposing Release, note 16 *supra.*

[28] Transactions in non-standardized SBS that are individually negotiated and contain unique terms, or transactions effected telephonically and processed manually might fall into this category.

under these circumstances? If so, how long a delay should be permitted?

23. Should the proposed rule require SBS Entities that have the ability to process transactions electronically do so in all situations? Are there circumstances when an SBS Entity would have the ability to process a transaction electronically but should not be required to do so?

24. How often do trade acknowledgments contain inaccurate information and what are the most common errors? What procedures are currently in place to correct those errors?

C. Form and Content of Trade Acknowledgments

Paragraph (d) of proposed rule 15Fi–1 would require the trade acknowledgments to be provided through any electronic means that provide reasonable assurance of delivery and a record of transmittal. The Commission believes that electronic delivery of SBS trade acknowledgments would promote the timely provision of trade acknowledgments, in accordance with Exchange Act Section 15F(i) of the Exchange Act. The proposed rule would provide flexibility for SBS Entities to determine the specific electronic means by which they will comply.

The Commission anticipates that clearing agencies may be instrumental in delivering trade acknowledgments and verifying SBS transactions for their members, but that the roles played by individual clearing agencies may vary. For example, as discussed in Part II.A above, clearing agencies may provide matching services in which they perform independent comparisons of each security-based swap transaction participant's trade data regarding the terms of settlement of the transaction that result in the issuance of legally binding matched terms to the transactions. Paragraph (b)(2) of the proposed rule would permit clearing agencies to provide trade acknowledgments on behalf of SBS Entities; however, SBS Entities would not be limited to using clearing agencies to provide trade acknowledgments electronically. SBS Entities may also provide trade acknowledgments through a mutually agreed upon electronic standard, such as a messaging system that uses Financial products Markup Language (commonly known as FpML). SBS Entities may also continue to rely on facsimile transmission or e-mail to provide trade acknowledgments. The Commission understands these means of providing trade acknowledgments may be particularly necessary when engaging in SBS transactions with counterparties that rarely buy or sell SBS and that consequently do not have the means to receive trade acknowledgments otherwise.

Providing trade acknowledgments exclusively by mail or overnight courier would not satisfy the requirements of the proposed rule. These delayed means of communication do not appear to promote the principles of Exchange Act Section 15F(i). Moreover, as discussed in Part II.E below, an SBS Entity must establish, maintain, and enforce policies and procedures to obtain prompt verification of the terms included in each trade acknowledgment it provides. This requirement does not appear compatible with processes to provide trade acknowledgments that rely on delayed means of communication.

Paragraph (d) of proposed rule 15Fi–1 would require trade acknowledgments to contain a minimum of 22 items of information, all but one of which is identical to the items that SBS Entities would be required to report to an SBS data repository pursuant to the rules the Commission has separately proposed in Regulation SBSR.[29] We proposed to require the information in Regulation SBSR, in part, to facilitate regulatory oversight and monitoring of the SBS market by providing comprehensive information regarding SBS transactions and trading activity.[30] The Commission believes that counterparties to an SBS transaction would benefit from receiving a trade acknowledgment that is similarly comprehensive. In addition, by requiring essentially the same information to be included on a trade acknowledgment as is reported to an SBS data repository, the proposed rule should allow SBS Entities to use systems and databases designed to comply with Regulation SBSR to also comply with rule 15Fi–1 under the Exchange Act, which would reduce the burden of complying with proposed rule 15Fi–1.

The specific items that SBS Entities would provide in a trade acknowledgment under the proposed rule include: (1) The asset class[31] of the security-based swap and, if the security-based swap is an equity derivative, whether it is a total return swap or is otherwise designed to offer risks and returns proportional to a position in the equity security or securities on which the security-based swap is based; (2) information that identifies the security-based swap instrument and the specific asset(s) or issuer of a security on which the security-based swap is based; (3) the notional amount(s), and the currenc(ies) in which the notional amount(s) is expressed; (4) the date and time, to the second, of execution, expressed using Coordinated Universal Time (UTC); (5) the effective date; (6) the scheduled termination date; (7) the price;[32] (8) the terms of any fixed or floating rate payments, and the frequency of any payments; (9) whether the security-based swap will be cleared by a clearing agency; (10) if both counterparties to a security-based swap are security-based swap dealers, an indication to that effect; (11) if the transaction involved an existing security-based swap, an indication that the transaction did not involve an opportunity to negotiate a material term of the contract, other than the counterparty; (12) if the security-based swap is customized to the extent that the information provided in items (1) through (11) does not provide all of the material information necessary to identify such customized security-based swap or does not contain the data elements necessary to calculate the price, an indication to that effect; (13) the participant ID of each counterparty; (14) as applicable, the broker ID, desk ID, and trader ID of the reporting party;[33] (15) the amount(s) and currenc(ies) of any up-front payment(s) and a description of the terms and contingencies of the payment streams of

[29] *See* SBSR Proposing Release, note 16 *supra.*

[30] *Id.*

[31] The term "asset class" means those security-based swaps in a particular broad category, including, but not limited to, credit derivatives, equity derivatives, and loan-based derivatives. *See* proposed Rule 15Fi–1(a)(1).

[32] The term "price" means the price of a security-based swap transaction, expressed in terms of the commercial conventions used in that asset class. *See* proposed Rule 15Fi–1(a)(8).

[33] Proposed Rule 15Fi–1(a) includes definitions for "unique identification code," "broker ID," "desk ID," "participant ID," and "trader ID." Proposed Rule 15Fi–1(a)(12) defines "unique identification code" or "UIC" as the unique identification code assigned to a person, unit of a person, or product by or on behalf of an internationally recognized standards-setting body that imposes fees and usage restrictions that are fair and reasonable and not unreasonably discriminatory. If no standards-setting body meets these criteria, a registered security-based swap data repository shall assign all necessary UICs using its own methodology. If a standards-setting body meets these criteria but has not assigned a UIC to a particular person, unit of a person, or product, a registered security-based swap data repository shall assign a UIC to that person, unit of a person, or product using its own methodology. "Broker ID" is a UIC assigned to a person acting as a broker for a participant. Proposed Rule 15Fi–(1)(a)(2). "Desk ID" is a UIC assigned to the trading desk of a participant or of a broker of a participant. Proposed Rule 15Fi–1(a)(5). "Participant ID" is a UIC assigned to a participant. Proposed Rule 15Fi–1(a)(7). "Trader ID" is a UIC assigned to a natural person who executes security-based swaps. Proposed Rule 15Fi–1(a)(11). The definitions of UIC, broker ID, desk ID, participant ID, and trader ID are identical to the definitions of the same terms the Commission has proposed in Regulation SBSR, and parties would use the same IDs for purposes of both rules. *See* SBSR Proposing Release, note 16 *supra.*

each counterparty to the other; (16) the title of any master agreement, or any other agreement governing the transaction (including the title of any document governing the satisfaction of margin obligations), incorporated by reference and the date of any such agreement; (17) the data elements necessary for a person to determine the market value of the transaction; (18) if the security-based swap will be cleared, the name of the clearing agency; (19) if the security-based swap is not cleared, whether the exception in Section 3C(g) of the Exchange Act was invoked; [34] (20) if the security-based swap is not cleared, a description of the settlement terms, including whether the security-based swap is cash-settled or physically settled, and the method for determining the settlement value; (21) the venue where the security-based swap was executed; and (22) if the transaction is to be cleared, any additional information that is required for the transaction to be cleared by a clearing agency.

The first 21 items are identical to the items that would be reported to an SBS data repository under proposed Regulation SBSR. In addition, if a transaction is to be cleared, proposed rule 15Fi–1(d)(22) would require SBS Entities to include on a trade acknowledgment any additional information that a clearing agency requires to clear the transaction. The Commission has oversight authority over clearing agencies, including the ability to approve or disapprove all proposed rules and rule changes.[35] These proposed rules and rule changes are also published for public notice and comment. The Commission preliminarily believes that additional information that is significant to a clearing agency would also be significant to a counterparty, and thus should be included in the trade acknowledgment. An SBS Entity that is a clearing agency participant would be required to comply with (and therefore to know) the clearing agency's requirements because it is obligated to comply with the clearing agency's rules. If a clearing agency participant acting on behalf of an SBS Entity submits a transaction to a clearing agency, the participant would have to obtain the necessary information from the SBS Entity.

Request for Comment

The Commission requests comment on all aspects of the proposal as to the form and content of the trade acknowledgment.

25. Is it feasible to require trade acknowledgments to be provided electronically?

26. Would the requirement for electronic trade acknowledgment unduly restrict the types of SBS transactions that SBS Entities may enter into or the persons that may be their counterparties?

27. Would permitting non-electronic means of providing trade acknowledgments further the Commission's objective to promote the timely and accurate confirmation, processing, netting, documentation, and valuation of all SBS?

28. What systems are used to provide confirmations today?

29. Should the proposed rule require SBS Entities to use other systems, such as electronic messaging systems that rely on machine readable structured data (and therefore lend themselves to automated trade processing) or some other process, to provide trade acknowledgments? If so, please describe those systems.

30. Should we consider any enhancements to current market practices?

31. Would permitting trade acknowledgments to be provided by facsimile or e-mail create problems or raise issues, and would the benefits of permitting acknowledgments to be provided by facsimile or e-mail outweigh those problems or issues?

32. Would the requirement for trade acknowledgments to be provided through electronic means that provide reasonable assurance of delivery and a record of transmittal create difficulties for participants, for example, because some counterparties are unable to receive trade acknowledgments electronically, or because electronic trade acknowledgment is not feasible for transactions in certain asset classes?

33. Can the Commission's objective to promote the timely provision of trade acknowledgments be achieved if SBS Entities provide trade acknowledgments by non-electronic means, such as mail or overnight courier, and if so, how?

34. Should the proposed rule allow clearing agencies to use methods other than confirmation by matching or comparison to provide trade acknowledgments on behalf of SBS Entities?

35. Is there additional information that the proposed rule should require to be included on a trade acknowledgment?

36. Does the proposed rule require any information that is unnecessary?

37. The Commission has proposed that the trade acknowledgment contain a minimum of 22 items of information. In light of the purpose of the rule, should the Commission simply require instead that the trade acknowledgment must evidence the entire agreement of the parties? For example, the Commission could require a trade acknowledgment to include: (a) "All of the terms an SBS transaction"; (b) "all of the material terms of an SBS transaction"; (c) "all terms that the parties have agreed to at the time of execution"; (d) "all terms that are necessary for the parties to have a complete and definitive agreement"; or (e) "all the terms necessary to fully and completely describe the transaction." Which of these alternatives is best, and why? Would it be clear how to comply with any or all of these possible alternatives? If not, why not? Would certain terms used in these alternative requirements require further definition, such as "complete and definitive," or "fully and completely"? If so, what terms would require further definition, and how should they be defined? Would the alternative requirements encompass transaction terms that would otherwise not be included on a trade acknowledgment as required by the proposed rule and the enumerated items specified therein? If so, what additional transaction terms would be required? What would be the costs and benefits or disadvantages of such a principles-based requirement?

38. Please propose any alternative standards to those described in question 38 the Commission should consider, discuss what additional information would be required under your alternatives, and the costs and benefits and the advantages and disadvantages of your proposed standards.

39. Should the Commission require markup/markdown disclosure or expected profitability/loss on a trade acknowledgment? If so, why, and if not, why not? How should SBS Entities calculate markup/markdown or expected profitability/loss? What would be the best evidence of the prevailing market price for a SBS transaction from which a markup or markdown could be calculated? Should the prevailing market price be based on a dealer's contemporaneous cost, its cost to hedge the transaction, or a dealer's sale to another SBS dealer or major SBS participant? Should there be any

[34] Section 3C(g) of the Exchange Act provides certain exceptions from the general requirement of Section 3C(a)(1) of the Exchange Act that an SBS be submitted to a registered clearing agency or a clearing agency that is exempt from registration.

[35] *See* Exchange Act Section 19(b). Section 3(a)(26) of the Exchange Act defines "self-regulatory organization" to include a registered clearing agency.

distinction between inter-dealer transactions and transactions between a dealer and a non-dealer? Are SBS dealers and/or major SBS participants acting as market makers?

40. The Commission understands that some SBS agreements may receive credit support from a guarantor or other credit support provider who agrees to satisfy a party's payment or margin obligations in the event of default. Should the trade acknowledgment include the legal name of or other information about the guarantor or credit support provider?

41. How does price differ, if at all, from market value?

42. Should the Commission require that a trade acknowledgment include in all cases the material information necessary to identify the SBS or the data elements necessary to calculate its price (rather than the proposal in paragraph (d)(12))?

43. Should the Commission require that a trade acknowledgment include in all cases the material information necessary to determine required upfront payments and any future cash flows (rather the proposal in paragraph (d)(12))?

44. Do parties typically provide the material information necessary to identify the SBS or the data elements necessary to calculate its price in a trade acknowledgment or confirmation? Are there any SBS transactions, such as highly customized SBS transactions, for which it would be difficult to provide this information? If so, please describe these transactions and the information that parties would be challenged to provide.

45. Section 3C(g)(1) of the Exchange Act provides an exception for certain counterparties from the mandatory clearing requirement in Exchange Act Section 3C(a)(1). In order to qualify for the exception, counterparties would need to comply with the Commission's rules and regulations, which may require that counterparties provide additional information to the Commission, such as how a counterparty invoking the clearing exception generally expects to meet its financial obligations associated with an SBS or the title of any agreements in place between the SBS Entity and the counterparty that would support such counterparty's financial obligations. Should the trade acknowledgment include such additional information that a counterparty may need to provide to the Commission? Should the trade acknowledgment include such additional information that a counterparty may need to provide to the Commission to support that it is not a financial entity and is using the SBS to hedge or mitigate commercial risk?

46. The Commission also considered proposing a requirement that parties use master confirmation agreements for complex products when such agreements are in widespread use.[36] If the parties have entered into a master confirmation agreement, the transaction-specific confirmations may be less detailed because the confirmation would not repeat the standard terms included in the master confirmation agreement. The Commission believes that the use of master confirmation agreements reduces transaction costs, improves liquidity, and speeds back-office processing in the markets in which they are adopted, and therefore encourages their use. However, the Commission believes that it would be difficult for SBS Entities to determine whether a master confirmation agreement is "in widespread use" and therefore required to be used. The Commission solicits comment on whether to require the use of master confirmation agreements in markets in which they are widespread, and how the Commission and SBS Entities could determine whether master confirmation agreements are in widespread use.

D. Trade Verification

As part of the trade verification process, paragraph (e)(1) of proposed rule 15Fi–1 would require an SBS Entity to establish, maintain, and enforce reasonable written policies and procedures to obtain the prompt verification of trade acknowledgments. The Commission preliminarily believes this requirement will induce SBS Entities to minimize the number of unverified trade acknowledgments, and thereby reduce the operational risk and uncertainty associated with unverified SBS transactions.

Verifying a transaction would require the SBS Entity responsible for providing the trade acknowledgment to obtain manually, electronically, or by some other legally equivalent means, the signature of its counterparty on the trade acknowledgment.[37] Verifying trades may be done through a process in which the counterparty affirms the transaction terms after reviewing a trade acknowledgment sent by the first party. The counterparty may also dispute the terms of the transaction (often referred to as a "DK" of the transaction, short for "don't know"). Verifying or disputing the transaction may be done by fax or electronically, where the first party transmits a trade acknowledgment to its counterparty, after which the counterparty—electronically, manually, or by some other legally equivalent method—either signs and returns the trade acknowledgment to verify the transaction, or notifies the counterparty that it rejects the terms. By promoting prompt verification, the proposed rule is designed to minimize the operational risk and uncertainty associated with SBS transactions for which trade acknowledgments have not been verified.

Pursuant to paragraph (e)(2) of the rule, cleared transactions would be verified in accordance with the process prescribed by the registered clearing agency through which the transaction will be cleared. The Commission expects that clearing agencies will adopt rules to obtain the signature of a counterparty on a trade acknowledgment as part of their verification procedures. In electronically processed transactions, the clearing agency could obtain counterparties' signatures electronically or by other means. As noted above, the Commission has authority over registered clearing agencies, including the authority to review and approve or disapprove all proposed rules and rule changes.[38] The Commission would, therefore, be able to review any proposed rules and rule changes concerning verification of trade acknowledgments to determine whether the rules or rule changes are consistent with the purposes of proposed rule 15Fi–1.

For SBS transactions that are not subject to clearing, paragraph (e)(1) of the proposed rule would require SBS Entities to establish their own trade verification processes. For example, an SBS Entity could establish, maintain, and enforce policies and procedures under which it will only deal with a counterparty that agrees to timely review any trade acknowledgment to ensure that it accurately describes their agreed upon transaction, and sign and return the trade acknowledgment as evidence of the verification. SBS Entities' policies and procedures for verification could also include using a third-party matching service.[39]

[36] Master confirmation agreements are agreements that incorporate by reference standardized agreements (such as the 1992 or 2002 ISDA Master Agreement) that allow parties to agree on most standard terms to be incorporated by reference into a complex trade and then execute individual transactions by agreeing on a small subset of economic terms.

[37] *See* Proposed Rule 15Fi–1(a)(13).

[38] *See* Exchange Act Sec. 19(b).

[39] As described in Part A.2. above, each counterparty could submit the SBS terms to an agreed-upon matching service operated by a registered clearing agency. The matching service

Paragraph (e)(2) of the proposed rule would provide that, in any SBS transaction to be cleared through a clearing agency, an SBS Entity's compliance with the verification process prescribed by the clearing agency satisfies the verification requirements of subparagraph (e)(1) with respect to the transaction. Therefore, an SBS Entity would not need to separately verify a transaction with another SBS Entity cleared through a clearing agency. Additionally, an SBS Entity would not be required to have separate written policies and procedures that are reasonably designed to obtain prompt verification of the terms of a trade acknowledgment if the SBS Entity enters a cleared transaction with a non-SBS Entity, and the SBS Entity complies with the clearing agency's verification process.

Paragraph (e)(3) of the proposed rule would require SBS Entities to promptly verify the accuracy of, or dispute with their counterparties, the terms of trade acknowledgments they receive pursuant to the proposed rule. This requirement is intended to reduce the incidence of unverified SBS transactions, thereby reducing the operational risk for SBS Entities.

Request for Comment

The Commission solicits comment on all aspects of the proposed requirement that SBS Entities verify trade acknowledgments they receive, and establish, maintain, and enforce written policies and procedures to obtain the prompt verification of the terms of executed SBS transactions.

47. Should the proposed rule set time limits within which trade acknowledgments must be verified by SBS Entities? For example, should the proposed rule require SBS Entities to verify or dispute a trade acknowledgment within 24 or 48 hours of provision of the trade acknowledgment? Should SBS Entities be required to verify or dispute a trade acknowledgment more quickly for SBS transactions that are executed electronically or processed electronically than for other transactions?

48. What additional steps could the Commission take to promote verification of SBS transactions?

49. Should the Commission give more guidance in the types of policies and procedures it expects SBS Entities to adopt that would be "reasonably designed to obtain prompt verification of the terms of a trade acknowledgment"?

50. Are there other ways in which SBS participants currently evidence their agreement to an SBS transaction besides manual or electronic signature of a trade acknowledgment that we should consider?

51. The proposed rule requires that parties obtain "verification" of the trade acknowledgment, which would be defined to mean manual or electronic signature of the trade acknowledgment by the receiving party. Is this definition sufficient? Does this definition differ from current market practice, and if so, how?

52. Are there other processes currently in place that would not fit within this definition of "verification" that we should consider?

53. Although the Commission believes that matching services are an effective way to verify SBS transactions, and increase the efficiency of the SBS settlement process, the Commission has not proposed requiring SBS Entities to submit their trades to a matching service. The Commission is concerned that the variety of SBS transactions may make it unlikely that matching services would be able to verify all transactions, and the Commission questions whether all SBS Entities' counterparties would be members or participants (or eligible to be members or participants) in a matching service. Therefore, a requirement to submit all trades to a matching service could limit both the types of transactions and the counterparties in the SBS market. We request comment on the mandatory use of matching services. Would a requirement to use matching services limit the types of SBS transactions or counterparties in the market? How could the Commission mitigate those effects?

E. Exemption From Rule 10b–10

Proposed paragraph (f) of rule 15Fi–1 would provide an exemption from the requirements of rule 10b–10 under the Exchange Act for SBS Entities that confirm their SBS transactions in compliance with proposed rule 15Fi–1.[40] Rule 10b–10 generally requires that broker-dealers effecting securities transactions on behalf of customers, provide to their customers, at or before completion of the securities transaction, a written notification containing certain basic transaction terms.[41]

The Dodd-Frank Act amended the Exchange Act definition of "security" to include any "security-based swap."[42] Consequently, SBS, as securities, are fully subject to the Federal securities laws and regulations, including, rule 10b–10.[43] The Commission anticipates that some SBS Entities may also be registered broker-dealers. Therefore, in the absence of an exemption, an SBS Entity that is also a broker or dealer would be required to comply with both rule 10b–10 and proposed rule 15Fi–1. This could be duplicative and overly burdensome.

The proposed exemption in paragraph (f) would apply solely to transactions in SBS in which an SBS Entity is also a broker or a dealer, and would not apply to a transaction by a broker-dealer that is not also an SBS Entity. In other words, a broker-dealer that is not an SBS Entity would continue to comply with rule 10b–10 to the extent that it effects transactions in SBS with customers.

As noted in Part A.1 above, because the proposed rule would apply solely to an SBS Entity that "purchases" or "sells" an SBS, it is effectively limited to principal transactions in which the SBS Entity is a counterparty to the transaction and is acting for its own account. Thus, the proposed exemption in paragraph (f) would also apply solely to principal transactions. The Commission recognizes that some SBS Entities may also engage in SBS brokerage or agency transactions.[44] Any broker acting as an agent in an SBS transaction, regardless of whether it is also registered as an SBS Entity, would continue to be required to comply with Rule 10b–10.[45]

would then compare the submitted transaction terms. If the submitted SBS terms agreed, the transaction would be verified; otherwise, the matching service would notify the counterparties of the discrepancies, and the counterparties would have the opportunity to resolve them.

[40] 17 CFR 240.10b–10.

[41] Examples of transaction terms included on a rule 10b–10 confirmation include: The date of the transaction; the identity, price, and number of shares bought or sold; the capacity of the broker-dealer; the dollar or yield at which a transaction in a debt security was effected, and under specified circumstances, the compensation paid to the broker-dealer by the customer or other parties. *Id.*

[42] Dodd-Frank Act Sec. 761(a)(2) (codified at Exchange Act Section 3(a)(10)).

[43] The Commission will discuss further the implications of defining "security" to include security-based swaps on the requirement for brokers and dealers to register with its proposed rules for SBS Entity registration.

[44] An SBS Entity's agency activities would be done pursuant to its broker-dealer registration under Section 15(b) of the Exchange Act. 15 U.S.C. 78o(b).

[45] This would include, at a minimum, disclosure of: The date of the transaction; the identity, price and number of units (or the principal amount) bought or sold, and the time of the transaction or the fact that it will be furnished upon written request (17 CFR 240.10b–10(a)(1)); that they are acting in an agent capacity (17 CFR 240.10b–10(a)(2)); and, under specified circumstances, the amount of remuneration to be received by the broker from the customer, and whether the broker is receiving any other remuneration in connection

Continued

Request for Comment

The Commission solicits comment on all aspects of the proposed exemption from rule 10b–10 for SBS Entities that provide a trade acknowledgment pursuant to proposed rule 15Fi–1(f).

54. Is the proposed exemption from rule 10b–10 necessary or appropriate?

55. Is additional interpretive guidance regarding rule 10b–10 necessary?

III. Implementation Timeframes

The Commission proposes that the rule be effective 60 days after publication of the final rule in the **Federal Register**.

Request for Comment

The Commission solicits comment on all aspects of the implementation time frame for proposed rule 15Fi–1.

56. Would the proposed time frame provide sufficient time for SBS Entities to comply with the rule?

57. Should the implementation time be coordinated with the implementation timeframes for proposed Regulation SBSR?

IV. Paperwork Reduction Act

Certain provisions of the proposed rule would result in "collection of information requirements" within the meaning of the Paperwork Reduction Act of 1995 ("PRA").[46] The Commission is therefore submitting proposed rule 15Fi–1 to the Office of Management and Budget ("OMB") for review in accordance with 44 U.S.C. 3507 and 5 CFR 1320.11. Compliance with the collection of information requirements would be mandatory. 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 control number.

A. Summary of Collection of Information

As discussed above, Exchange Act Section 15F(i)(1) provides that SBS Entities "shall conform with such standards as may be prescribed by the Commission, by rule or regulation, that relate to timely and accurate confirmation, processing, netting, documentation, and valuation of all security-based swaps."[47] Section 15F(i)(2) of the Exchange Act further provides that the Commission must adopt rules governing documentation standards for SBS Entities. Accordingly, proposed rule 15Fi–1 would adopt documentation standards for the timely and accurate acknowledgment and verification of SBS transactions by SBS Entities. The proposed rule contains six paragraphs: (a) Definitions of relevant terms; (b) the trade acknowledgment obligations of specific SBS Entities; (c) the prescribed time frames under which a trade acknowledgment must be sent; (d) the form and content requirements of the trade acknowledgment; (e) an SBS Entities' verification obligations; and (f) a limited exemption for brokers from the requirements of Exchange Act Rule 10b–10.[48]

Under paragraph (b)(1) of proposed rule 15Fi–1, sending an SBS trade acknowledgment would be the obligation of a particular SBS Entity (*i.e.,* an SBS dealer or major-SBS participant) depending on whether the SBS Entity and its counterparty are SBS dealers or major SBS participants and/or any agreements between the counterparties that delineate the trade acknowledgment responsibility. Paragraph (b)(2) of the proposed rule however, would provide that SBS Entities will satisfy this requirement to the extent that an SBS transaction is cleared through the facilities of clearing agency that matches or compares the terms of the transaction. Regardless of how the trade acknowledgment obligation is satisfied however, a trade acknowledgment would be required to be provided within 15 minutes, 30 minutes or 24 hours following execution, depending on whether the transaction is executed and/or processed electronically.[49]

Paragraph (d) of proposed rule 15Fi–1 would require that trade acknowledgments be provided through electronic means and lists the 22 data elements that must be included on each confirmation.[50] Paragraph (e)(1) of proposed rule 15Fi–1 would require SBS Entities to establish, maintain, and enforce policies and procedures reasonably designed to obtain prompt verification of SBS trade acknowledgments. If a transaction is cleared through a clearing agency, paragraph (e)(2) of the proposed rule would also require SBS Entities to comply with the clearing agency's verification procedures. Regardless of the method of transmittal, when an SBS Entity receives a trade acknowledgment, pursuant to paragraph (e)(3) of the proposed rule, it must promptly verify the accuracy of the trade acknowledgment or dispute the terms with its counterparty. Paragraph (a) of the proposed rule would define relevant terms and would not be a "collection of information" within the meaning of the PRA. Similarly, paragraph (f) is an exemptive provision and would not be a collection of information.

B. Proposed Use of Information

The trade acknowledgment and verification requirements of proposed rule 15Fi–1 would apply to both types of SBS Entities depending on whether the entity and its counterparty are SBS dealers or major SBS participants and on any agreements between counterparties addressing the obligation to send a trade acknowledgment. Generally, the transaction details that would be provided in a proposed rule 15Fi–1 trade acknowledgment would serve as a written record by which the counterparties to a transaction memorialize the economic and related terms of a transaction. In effect, the trade acknowledgment would reflect the contract entered into between the counterparties. In addition, proposed rule 15Fi–1's verification requirements are intended to assure that the written record of the transaction (*i.e.* the trade acknowledgment) accurately reflects the terms of the transaction as understood by the respective counterparties. In situations where an SBS Entity is provided a trade acknowledgment that is not an accurate reflection of the agreement, proposed rule 15Fi–1 would require the SBS Entity to dispute the terms of the transaction.

C. Respondents

Proposed rule 15Fi–1 would only apply to SBS Entities, that is to SBS dealers and major SBS participants, both of which would be registered with the Commission. Based on the Commission staff's discussions with industry participants and incorporated in our other Dodd-Frank Act related rulemaking, we preliminarily believe that approximately 50 entities may fit within the definition of SBS dealer, and up to five entities may fit within the definition of major SBS participant. Thus, approximately 55 entities may be required to register with the Commission as SBS Entities and thus,

with the transaction (17 CFR 240.10b–10(a)(2)(i)(B) and (D)).

[46] 44 U.S.C. 3501 *et seq.*

[47] 15 U.S.C. 78*o*–8.

[48] 17 CFR 240.10b–10.

[49] Under proposed Rule 15Fi–1(c)(1)(i), any transaction that is executed *and* processed electronically would have to be acknowledged within 15 minutes of execution. Transactions that are not electronically executed but processed electronically would have to be acknowledged within 30 minutes of execution. *See* proposed Rule 15Fi–1(c)(1)(ii). Finally, proposed Rule 15Fi–1(c)(1)(ii) would require that all other transactions be acknowledged within 24 hours of execution. Proposed paragraph (c)(2) of the rule however, would require that transactions be processed electronically if the counterparties have the ability to do so. As the market for derivatives develops further however, the Commission believes that most SBS transactions will be processed electronically.

[50] *See* proposed Rule 15Fi–1(d) (1) through (22). *See also* discussion in Section II.C. *supra.*

would be subject to the trade acknowledgment provision and verification requirements of proposed rule 15Fi–1.[51]

D. Total Initial and Annual Reporting and Recordkeeping

Pursuant to proposed rule 15Fi–1, all SBS transactions would have to be acknowledged and verified through the methods and by the timeframes prescribed in the proposed rule. Collectively, paragraphs (b), (c), (d) and (e) of proposed rule 15Fi–1 identify the information that is to be included in a trade acknowledgment; the party responsible for sending the trade acknowledgment; the permissible methods for sending the trade acknowledgment; and criteria for verifying the terms of a trade acknowledgment. According to the Depository Trust and Clearing Corporation ("DTCC"), there are on average 36,000 single-name credit-default swap ("CDS") transactions per day,[52] resulting in a total number of 13,140,000 CDS transactions per year. The Commission preliminarily believes that CDSs represent 85% of all SBS transactions.[53] Assuming that at least one SBS Entity is a party to every SBS transaction, the Commission preliminarily estimates that the total number of SBS transactions that would be subject to proposed 15Fi–1 on an annual basis would be approximately 15,460,000 which is an average of 281,091 transactions per SBS Entity per year.[54]

Based on discussions with industry participants, the Commission estimates that approximately 99 percent, or 15,305,400 transactions,[55] are processed electronically, meaning that these transactions are either cleared through the facilities of a clearing agency,[56] or processed through an SBS Entity's internal electronic systems. The Commission believes that the remaining one percent of SBS transactions, or 154,600 transactions,[57] are currently not processed electronically, but are acknowledged and verified through other means, such as e-mail, facsimile or other similar means.[58]

As discussed above, the Commission believes that most transactions will be electronically executed and cleared through the facilities of a clearing agency. The Commission understands that the clearing of SBS transactions through the facilities of a clearing agency generally includes the matching and verification of such transactions. The Commission has taken this process into account in paragraph (b)(2) of proposed rule 15Fi–1, which provides that SBS Entities will satisfy the requirement to provide a trade acknowledgment if a clearing agency produces a confirmation through its facilities. Nevertheless, the Commission believes that it will be necessary for SBS Entities, if they have not already done so, to develop computerized systems for inputting the terms of an SBS transaction and then transmitting that data to the relevant clearing agency for electronic processing.

The Commission also believes that such computerized systems will necessarily have to be programmed so that SBS transactions that are not electronically processed through the facilities of a clearing agency can be processed internally. Indeed, it is the Commission's understanding, through publicly available information and discussions with industry participants, that many SBS Entities may already have these types of systems in place.

Because this information is anecdotal, for the purposes of the PRA, the Commission assumes that most SBS Entities do not currently have the platforms necessary for processing, acknowledging, and verifying SBS transactions electronically, whether internally or by transmitting the necessary data packages to the facilities of a clearing agency for processing. Therefore, the Commission believes that SBS Entities will have to develop internal order and trade management systems ("OMS") that will be connected or linked to the facilities of a clearing agency and that will also be able to process SBS transactions internally if necessary.[59] The Commission believes that those systems will also have front-office and back-office linkages that will permit the front office to input SBS transaction details[60] and to send these updates in real-time or near real-time to the back-office so that complete packages of information can be sent to the clearing agency for electronic processing and timely acknowledgment, or in the alternative, so that the relevant SBS Entity can itself electronically process the transaction and send the required trade acknowledgment.

Based on our staff's discussions with industry participants and incorporated in our other Commission rulemaking related to the Dodd-Frank Act,[61] the Commission preliminarily estimates that the development of an OMS by SBS Entities for electronic processing of SBS transactions with the capabilities described above would impose a one-time aggregate burden of approximately 19,525 hours, or 355 burden hours per SBS Entity.[62] This estimate assumes that SBS Entities will not have to develop an entirely new OMS but rather, would leverage existing trading and processing platforms and adapt those systems to satisfy the functionalities described above. In addition, the Commission further preliminarily estimates that proposed rule 15Fi–1 would impose an ongoing annual hour burden of approximately 23,980 hours or 436 hours per SBS Entity.[63] This estimate would include day-to-day technical support of the OMS, as well as the

[51] We note that many clearing agencies already have facilities that would permit SBS Entities to acknowledge and verify SBS transactions in addition to other services provided by the clearing agency.

[52] *See, e.g., http://www.dtcc.com/products/derivserv/data_table_iii.php* (weekly data as updated by DTCC).

[53] The Commission's estimate is based on internal analysis of available SBS market data. The Commission is seeking comment about the overall size of the SBS market.

[54] These figures are based on the following: [13,140,000/0.85] = 15,458,824, or approximately 15,460,000. (15,460,000 estimated SBS transactions)/(55 SBS Entities) = 281,091 SBS transactions per SBS Entity per year. The Commission understands that many of these transactions may arise from previously executed SBS transactions.

[55] 15,460,000 SBS transactions × .99 = 15,305,400 transactions.

[56] *See* discussion in Part II.A.2 *supra.*

[57] 15,460,000 SBS transactions × .01 = 154,600 transactions.

[58] We note that proposed rule 15Fi–1(c)(2) would require that SBS transactions be processed electronically if the acknowledging entity has the ability to do so. As noted above, the Commission believes that as this market develops further, fewer SBS Entities will lack the ability to process SBS transactions electronically. *See also* note 50 *supra.*

[59] The Commission believes that systems for acknowledging and verifying SBS transactions will likely be an additional functionality of an OMS that SBS Entities would have to use to report SBS transactions to an SBS data repository. *See* SBSR Proposing Release, note 16 *supra.*

[60] The Commission understands that in some instances, additional transaction details may have to be entered post-execution but prior to processing. In the industry, this process generally referred to as "enrichment."

[61] *See* SBSR Proposing Release, note 16 *supra,* at Section XIII.B.4.a.

[62] This estimate is based on Commission staff discussions with market participants and is calculated as follows: [((Sr. Programmer at 160 hours) + (Sr. Systems Analyst at 160 hours) + (Compliance Manager at 10 hours) + (Director of Compliance at 5 hours) + (Compliance Attorney at 20 hours)) × 55 (SBS Entities)] = 19,525 burden hours at 355 hours per SBS Entity. The Commission understands that many SBS Entities may already have computerized systems in place for electronically processing SBS transactions, whether internally or through a clearing agency. This may result in lesser burdens for those parties.

[63] This estimate is based on Commission staff discussions with market participants and is calculated as follows: [((Sr. Programmer at 32 hours) + (Sr. Systems Analyst at 32 hours) + (Compliance Manager at 60 hours) + (Compliance Clerk at 240 hours) + (Director of Compliance at 24 hours) + (Compliance Attorney at 48 hours)) × (55 SBS Entities)] = 23.980 burden hours, or 436 hours per SBS Entity.

amortized annual burden associated with system or platform upgrades and periodic implementation of significant updates based on new technology, products, or both.

In addition, pursuant to paragraph (e)(1) of proposed rule 15Fi–1, SBS Entities must establish, maintain, and enforce written policies and procedures reasonably designed to obtain prompt verification of transaction terms. While the cost of these policies and procedures will vary, the Commission estimates that such policies and procedures would require an average of 80 hours per respondent to initially prepare and implement, with a total initial burden of 4,400 hours for all respondents.[64] Once these policies and procedures are established, the Commission estimates that it will take an average 40 hours annually to maintain these policies and procedures per respondent, with a total estimated average annual burden of 2,200 hours for all respondents.[65]

E. Recordkeeping Requirements

Pursuant to amendments to the Exchange Act from Title VII of the Dodd-Frank Act, the Commission plans to propose separate rules for SBS transactions that include, among other things, recordkeeping and transaction reporting requirements. Because a trade acknowledgment will serve as a written record of the transaction, the information required by proposed Rule 15Fi–1 would be required to be maintained by an SBS Entity subject to those rules. This requirement will be subject to a separate PRA submission under that rulemaking.

F. Collection of Information Is Mandatory

Each collection of information discussed above would be a mandatory collection of information.

G. Will responses of collection of information be kept confidential?

By its terms, information collected pursuant to proposed rule 15Fi–1 will not be available to the public. Under other rules proposed by the Commission, however, most, if not all, of the information required to be included in a trade acknowledgment, as described in paragraph (d) of the proposed rule, will be otherwise publicly available. In particular, under proposed Regulation SBSR,[66] SBS Entities would be required to report SBS transaction details to a SBS data repository that will in turn, publicly disseminate SBS transaction data. To the extent however, that the Commission receives confidential information pursuant to this collection of information that is otherwise not publicly available, that information will be kept confidential, subject to the provisions of the Freedom of Information Act.

H. Request for Comment

The Commission requests comment on all aspects of its burden estimates. The Commission also solicits comment as follows:

58. Is the proposed collection of information necessary for the performance of the functions of the agency? Would the information have a practical utility?

59. How accurate are the Commission's preliminary estimates of the burdens of the proposed collection of information associated with proposed rule 15Fi–1? How many entities would incur collection of information burdens pursuant to rule 15Fi–1?

60. Would SBS Entities incur any additional burdens associated with designing, creating and implementing a system for the processing, acknowledgment and verification of SBS transactions pursuant to proposed rule 15Fi–1?

61. Would there be different or additional burdens associated with the collection of information under proposed rule 15Fi–1 that an SBS Entity would not undertake in the ordinary course of business?

62. Are there additional burdens that the Commission has not addressed in its preliminary burden estimates?

63. Are there ways to enhance the quality, utility and clarity of the information to be collected?

64. Are there ways to minimize the burden of collection of information on those who would be required to respond, including through the use of automated collection techniques or other forms of information technology?

65. What entities may be subject to proposed rule 15Fi–1? Would specific classes of entities be impacted? How many entities would be impacted? Will any entity or class of entities be impacted differently than others?

V. Cost-Benefit Analysis

The Dodd-Frank Act was enacted, in part, to promote the financial stability of the United States by improving accountability and transparency in the financial system.[67] Title VII of the Dodd-Frank Act designates the Commission to oversee the SBS markets and develop appropriate regulations. In furtherance of this goal, the Dodd-Frank Act added Section 15F(i) to the Exchange Act, which requires SBS Entities to "conform with such standards as may be prescribed by the Commission, by rule or regulation, that relate to timely and accurate confirmation, processing, netting, documentation, and valuation of all security-based swaps," and provides that the Commission must adopt rules governing those documentation standards. Accordingly, proposed rule 15Fi–1 would provide these documentation standards with respect to the timely and accurate provision of trade acknowledgments and verification of SBS transactions by SBS Entities.

The market for OTC derivatives, which has been described as opaque,[68] has grown exponentially in recent years[69] and is capable of affecting significant sectors of the U.S. economy. One of the primary goals of Title VII of the Dodd-Frank Act is to increase the transparency and efficiency of the OTC derivatives market and to reduce the potential for counterparty and systemic risk.[70] With respect to the confirmation of OTC derivatives transactions, the GAO noted that the trading volume of credit derivatives, such as SBS, had expanded so rapidly that the operational infrastructure and confirmation practices of many SBS Entities had failed to keep pace with the increased

[64] This estimate is based on Commission staff discussions with market participants and is calculated as follows: [(Compliance Attorney at 40 hours) (Director of Compliance at 20 hours) + (Deputy General Counsel at 20 hours) × (55 SBS Entities)] = 4,400 burden hours, or 80 hours per SBS Entity.

[65] This estimate is based on Commission staff discussions with market participants and is calculated as follows: [(Compliance Attorney at 20 hours) (Director of Compliance at 10 hours) + (General Counsel at 10 hours) × (55 SBS Entities)] = 2,200 burden hours, or 40 hours per SBS Entity.

[66] *See* SBSR Proposing Release, note 16 *supra*.

[67] *See* Public Law 111–203 Preamble.

[68] With respect to CDSs, for example, the GAO found that "comprehensive and consistent data on the overall market have not been readily available," that "authoritative information about the actual size of the CDS market is generally not available," and that regulators currently are unable "to monitor activities across the market." GAO, "Systemic Risk: Regulatory Oversight and Recent Initiatives to Address Risk Posed by Credit Default Swaps," GAO–09–397T (March 2009), at 2, 5, 27.

[69] The Bank for International Settlements semi-annual reports on the swap markets summarizes developments in the OTC derivatives markets. The report breaks down trading volumes and other statistics for various classes of derivatives, including credit default swaps, interest rate and foreign exchange derivatives, and equity and commodity derivatives. The report covers derivatives trading within the G10 countries. The most recent report, available at *http://www.bis.org/statistics/derstats.htm,* covers the period through the last quarter of 2009.

[70] *See* "Financial Regulatory Reform—A New Foundation: Rebuilding Financial Supervision and Regulation," U.S. Department of the Treasury, at 47–48 (June 17, 2009).

volume.[71] In particular, the GAO noted, among other things, that the lack of automated systems for confirming and verifying the terms of SBS transactions contributed to a significant backlog of unconfirmed transactions, which in turn created significant legal and operation risk for market participants.[72] As a result, these risks and other operational issues associated with OTC derivatives have been the focus of reports and recommendations by the President's Working Group,[73] and of ongoing efforts to by the FRBNY [74] to enhance operational systems in the OTC market, including the reduction of confirmation backlogs and the timely provision of confirmations and verification of transactions in OTC derivatives.

Proposed rule 15Fi–1 would prescribe standards for the documentation and timely provision of SBS trade acknowledgments and the verification of such trade acknowledgments. More specifically, proposed Rule 15Fi–1 would require SBS Entities to provide a trade acknowledgment of an SBS transaction within 15 minutes, 30 minutes or 24 hours following execution of the transactions, depending on whether the transaction is executed and/or processed electronically.[75] In addition, the proposed rule would require SBS Entities to include specified information in the trade acknowledgment,[76] to verify transactions with other SBS Entities, and to establish, maintain, and enforce reasonable written policies and procedures for verifying the transaction terms. The proposed rule would require most SBS transactions to be processed and acknowledged electronically if the SBS Entity has the ability to do so, but also would provide that many of the requirements of the rule can be satisfied through the facilities of the clearing agency that clears an SBS transaction.

A. Benefits

The Commission believes that proposed rule 15Fi–1 would yield substantial benefits to the SBS market and address many of the concerns noted by the GAO regarding the timely and accurate acknowledgment of OTC derivatives transactions. In particular, by requiring SBS Entities to timely provide trade acknowledgments and verify SBS transactions and to use electronic means when possible, the Commission is addressing the concern raised by the GAO regarding the legal and operational risks associated with confirmation backlogs in the OTC derivatives markets. In particular, the GAO noted in its report that the lack of automation was a significant contributor to confirmation backlogs.[77] The Commission believes that requiring SBS transactions to be processed electronically would help reduce what the GAO described as the operational and legal risks accompanying unconfirmed derivatives transactions. In addition, the Commission believes that permitting SBS Entities to rely on the facilities of a clearing agency to satisfy their requirements under the proposed rule will encourage these entities to use clearing agency facilities, thereby promoting efficiency and automation in this market.

B. Costs

Proposed rule 15Fi–1 would impose initial and ongoing costs on SBS Entities. The Commission believes that these costs will be a function of number of SBS transactions entered into by SBS Entities, whether SBS Entities have the ability to electronically process SBS transactions, and whether SBS Entities will enter into SBS transactions that can be, and are, cleared by a clearing agency.

The Commission obtained information from publicly available sources and consulted with industry participants in an effort to quantify the number of aggregate SBS transactions on an annual basis. According to the DTCC, there are on average 36,000 single-name CDS transactions per day,[78] resulting in a total number of 13,140,000 CDS transactions per year. The Commission preliminarily believes that CDSs represent 85% of all SBS transactions.[79] Therefore, the Commission preliminarily believes that there will be a total of approximately 15,460,000 SBS transactions entered into each year. Assuming that at least one SBS Entity is a party to every SBS transaction, the Commission preliminarily estimates that the total number of SBS transactions that would be subject to proposed 15Fi–1 on an annual basis would be approximately 15,460,000 which is an average of 281,091 transactions per SBS Entity per year.[80]

To fulfill the proposed rule's requirements, the Commission believes that SBS Entities would have to develop an OMS with portals to relevant clearing agencies and real-time or near real-time linkages between an SBS Entity's front and back-office operations. The development of an OMS would have to occur regardless of whether an SBS transaction is, or can be, cleared by a clearing agency.

The Commission preliminarily estimates that an SBS Entity's development of an OMS that achieves compliance with proposed rule 15Fi–1 would impose a one-time aggregate cost of $3,665,750,[81] or approximately $66,650 per SBS Entity. This estimate includes the development of an OMS that leverages off of an SBS Entity's existing front-office and back-office operational platforms. The Commission further preliminarily estimates that the requirements of proposed rule 15Fi–1 would impose an ongoing annual aggregate cost of $4,022,920, or approximately $73,144 per SBS Entity.[82] This estimate would include day-to-day technical supports of the OMS, as well as an estimate of the amortized annual burden associated with system or platform upgrades and periodic "re-platforming" (*i.e.,* implementing significant updates based on new technology, products or both). In addition, the Commission estimates that the development and implementation of written policies and procedures as required under paragraph (e)(1) of the proposed rule would impose initial costs of $1,754,500, or

[71] *See* GAO Confirmation Report, *supra,* note 6 and accompanying text.

[72] *Id.* at pages 12–15.

[73] *See, e.g.,* Press Release, President's Working Group on Financial Markets, Progress Summary on OTC Derivatives Operational Improvements (November 2008).

[74] *See,* note 10, *supra.*

[75] *See* note 49 *supra.*

[76] *See* note 50 *supra. See also* proposed Rule 15Fi–1(c)(1).

[77] *See* GAO Confirmation Report, *supra* note 6.

[78] *See, e.g., http://www.dtcc.com/products/derivserv/data_table_iii.php* (weekly data as updated by DTCC).

[79] The Commission's estimate is based on internal analysis of available SBS market data. The Commission is seeking comment about the overall size of the SBS market.

[80] These figures are based on the following: [13,140,000/0.85] = 15,458,424, or approximately 15,460,000. (15,460,000 estimated SBS transactions)/(55 SBS Entities) = 309,200 SBS transactions per SBS Entity per year. The Commission understands that many of these transactions may arise from previously executed SBS transactions.

[81] This estimate is based on the following: [((Sr. Programmer (160 hours) at $285 per hour) + (Sr. Systems Analyst (160 hours) at $251 per hour) + (Compliance Manager (10 hours) at $294 per hour) + (Director of Compliance (5 hours) at $426 per hour) + (Compliance Attorney (20 hours) at $291 per hour) × (50 SBS Entities)] = $3,665,750 or $66,650 per SBS Entity. The Commission understands that many SBS Entities may already have computerized systems in place for electronically processing SBS transactions, whether internally or through a clearing agency.

[82] This estimate is based on Commission staff discussions with market participants and is calculated as follows: [((Sr. Programmer (32 hours) at $285 per hour) + (Sr. Systems Analyst (32 hours) at $251 per hour) + (Compliance Manager (60 hours) at $294 per hour) + (Compliance Clerk (240 hours) at $59 per hour) + (Director of Compliance (24 hours) at $426 per hour) + (Compliance Attorney (48 hours) at $291 per hour) × (55 SBS Entities)] = $4,022,920 burden hours, or $73,144 per SBS Entity.

approximately $31,900 per SBS Entity.[83] Once established, the Commission estimates that it would cost respondents approximately $877,250 per year, or $15,950 per respondent,[84] to update and maintain these policies and procedures.

In sum, the Commission estimates that the initial cost of complying with proposed rule 15Fi–1 will be $5,417,500 for all respondents, or $98,500 per SBS Entity.[85] The Commission estimates that total ongoing costs to respondents would be $4,900,170 for all respondents, or $89,094 per SBS Entity.[86]

C. Request for Comment

The Commission requests comment on the costs and benefits of proposed rule 15Fi–1 discussed above, as well as any costs and benefits not already described that could result. In addition, the Commission requests comment on the following:

66. How can the Commission accurately estimate the costs and benefits of the proposed rule?

67. What are the costs currently borne by SBS Entities that would be subject to proposed rule 15Fi–1 with respect to the acknowledgment and verification of SBS transactions?

68. How many entities would be subject to the proposed rule? How transactions would be subject to the proposed rule?

69. Are there additional costs involved in complying with the rule that have not been identified? What are the types, and amounts, of the costs?

70. Would the obligations imposed on SBS Entities by proposed rule 15Fi–1 be a significant enough barrier to cause some firms not to enter the SBS market? If so, how many firms might decline to enter the market? How could the cost of their not entering the market be measured? How should the Commission weigh those costs, if any, against the anticipated benefits from reducing legal and operational risk to SBS Entities from the proposal, as discussed above?

71. Would there be additional benefits from the proposed rule that have not been identified?

VI. Consideration of Burden on Competition and Promotion of Efficiency, Competition, and Capital Formation

Exchange Act Section 3(f) requires the Commission, when engaging in rulemaking that requires it to consider whether an action is necessary or appropriate in the public interest, to consider, in addition to the protection of investors, whether the action would promote efficiency, competition, and capital formation. In addition, Section 23(a)(2) of the Exchange Act requires the Commission, when making rules under the Exchange Act, to consider the impact of those rules on competition. Section 23(a)(2) also prohibits the Commission from adopting any rule that would impose a burden on competition not necessary or appropriate in furtherance of the purposes of the Exchange Act.

The Commission preliminarily believes that the documentation standards for the provision of trade acknowledgments and verification of SBS transactions, as required by the Dodd-Frank Act and implemented by proposed rule 15Fi–1, would promote efficiency, competition, and capital formation by encouraging SBS Entities to automate their systems for SBS transactions, providing further incentive for SBS Entities to clear SBS transactions through clearing agencies' automated facilities, thus lowering transaction costs, and helping alleviate the legal and operational risks encountered by SBS Entities when SBS transactions are otherwise confirmed through manual methods.

The Commission's experience with the acknowledgment and verification of other types of securities is that the timely resolution of disputes regarding the terms of a transaction are more efficiently handled near in time to when the transaction took place. Timely acknowledgment and verification of SBS transactions will provide counterparties with the appropriate means by which to evaluate their own risk exposures in a timely manner, thereby enabling them to more quickly and efficiently determine whether and how to deploy capital in other asset classes. In addition, the Commission believes that competition will be promoted because market participants would be encouraged to enter into SBS transactions with SBS Entities whose automated operations reduce the amount of time it takes to confirm the terms of a trade. In particular, the Commission believes that the need for speed and efficiency in today's capital markets would encourage market participants in general, and SBS Entities in particular, to provide quicker and more efficient process for confirming SBS transactions because counterparties to an SBS transaction must not only concern themselves with the SBS transaction, but also the underlying reference security that itself is subject to rapid market movements.

VII. Consideration of Impact on the Economy

For purposes of the Small Business Regulatory Enforcement Fairness Act of 1996 ("SBREFA"), the Commission must advise the OMB whether the proposed regulation constitutes a "major" rule. Under SBREFA, a rule is considered "major" when, if adopted, it results or is likely to result in: (1) An annual effect on the economy of $100 million or more (either in the form of an increase or a decrease); (2) a major increase in costs or prices for consumers or individual industries; or (3) significant adverse effect on competition, investment or innovation. If a rule is "major," its effectiveness will generally be delayed for 60 days pending Congressional review.

The Commission requests comment on the potential impact of proposed rule 15Fi–1 on the economy on an annual basis, on the costs or prices for consumers or individual industries, and on competition, investment, or innovation. Commenters are requested to provide empirical data and other factual support for their view to the extent possible.

VIII. Regulatory Flexibility Act Certification

The Regulatory Flexibility Act ("RFA") requires Federal agencies, in promulgating rules, to consider the impact of those rules on small entities. Section 603(a) of the Administrative Procedure Act, as amended by the RFA, generally requires the Commission to undertake a regulatory flexibility analysis of all proposed rules, or proposed rule amendments, to determine the impact of such rulemaking on "small entities." Section 605(b) of the RFA states that this requirement shall not apply to any proposed rule or proposed rule amendment which, if adopted, would not have a significant economic impact

[83] This estimate comes from Commission staff experience regarding the development of policies and procedures and is calculated as follows: [(Compliance Attorney (40 hours) at $294 per hour) + (Director of Compliance (20 hours) at $426 per hour) + (Deputy General Counsel (20 hours) at $581 per hour) × (55 SBS Entities)] = $1,754,500 total, or $31,900 per SBS Entity.

[84] This estimate comes from Commission staff experience regarding the development of policies and procedures and is calculated as follows: [(Compliance Attorney (20 hours) at $294 per hour) + (Director of Compliance (10 hours) at $426 per hour) + (Deputy General Counsel (10 hours) at $581 per hour) × (55 SBS Entities)] = $877,250 total, or $15,950 per SBS Entity.

[85] ($3,665,750 initial cost for developing OMS) + ($1,754,500 for developing policies and procedures) = $5,417,500 for all respondents. ($5,417,500/505 Respondents) = $98,500 per SBS Entity.

[86] ($4,022,920 ongoing cost for maintaining OMS) + ($877,250 for maintaining policies and procedures) = $4,900,170 for all respondents. ($4,900,170/55 Respondents) = $89,094 per SBS Entity.

on a substantial number of small entities.

For purposes of Commission rulemaking in connection with the RFA, a small entity includes: (1) When used with reference to an "issuer" or a "person," other than an investment company, an "issuer" or "person" that, on the last day of its most recent fiscal year, had total assets of $5 million or less; or (2) a broker-dealer with total capital (net worth plus subordinated liabilities) of less than $500,000 on the date in the prior fiscal year as of which its audited financial statements were prepared pursuant to Rule 17a–5(d) under the Exchange Act, or, if not required to file such statements, a broker-dealer with total capital (net worth plus subordinated liabilities) of less than $500,000 on the last day of the preceding fiscal year (or in the time that it has been in business, if shorter); and is not affiliated with any person (other than a natural person) that is not a small business or small organization.

Based on our staff's discussions with SBS market participants, the Commission preliminarily believes that the majority of SBS transactions have at least one counterparty that is either a SBS dealer or major SBS participant, and that these entities—whether registered broker-dealers or not—would exceed the thresholds defining "small entities" set out above. Accordingly, neither of these types of entities would likely qualify as small entities for purposes of the RFA. Moreover, even in situations in which one of the counterparties to a SBS is not covered by these definitions, the Commission preliminarily does not believe that any such entities would be "small entities" as defined in Commission Rule 0–10. Industry participants have indicated to our staff that only persons or entities with assets significantly in excess of $5 million participate in the SBS market. For example, as stated in a current survey conducted by Office of the Comptroller of the Currency, 99.9% of CDS positions by U.S. commercial banks and trusts are held by those with assets over $10 billion.[87] Given the magnitude of this figure, and the fact that it so far exceeds $5 million, the Commission preliminarily believes that the vast majority of, if not all, SBS transactions do not involve small entities for purposes of the RFA.

In addition, the Commission preliminarily believes that the entities likely to register as SBS Entities would not be small entities. Industry participants have indicated to our staff that most if not all of the registered SBS Entities would be part of large business entities, and that all registered SBS Entities would have assets exceeding $5 million and total capital exceeding $500,000. Therefore, the Commission preliminarily believes that none of the SBS Entities would be small entities.

On this basis, the Commission preliminarily believes that the number of SBS transactions involving a small entity as that term is defined for purposes of the RFA would be *de minimis.* Moreover, the Commission does not believe that any aspect of proposed rule 15Fi–1 would be likely to alter the type of counterparties presently engaging in SBS transactions. Therefore, the Commission preliminarily does not believe that proposed rule 15Fi–1 would impact any small entities.

For the foregoing reasons, the Commission certifies that proposed Rule 15Fi–1 would not have a significant economic impact on a substantial number of small entities for purposes of the RFA. The Commission encourages written comments regarding this certification. The Commission requests that commenters describe the nature of any impact on small entities, indicate whether they believe that SBS Entities are unlikely to be small entities, and provide empirical data to support their responses.

IX. Statutory Basis and Text of Proposed Amendments

The Commission is proposing to adopt Rule 15Fi–1 pursuant to Section 15F of the Exchange Act, as amended.

List of Subjects in 17 CFR Part 240

Reporting and recordkeeping requirements, Securities, Security-based swaps, Security-based swap dealers, Major security-based swap participants.

In accordance with the foregoing, the Securities and Exchange Commission is proposing to amend Title 17, chapter II of the Code of Federal Regulations as follows:

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

1. The general authority citation for Part 240 is revised to read as follows:

Authority: 15 U.S.C. 77c, 77d, 77g, 77j, 77s, 77z–2, 77z–3, 77eee, 77ggg, 77nnn, 77sss, 77ttt, 78c, 78d, 78e, 78f, 78g, 78i, 78j, 78j–1, 78k, 78k–1, 78l, 78m, 78n, 78o, 78o–4, 78o–8, 78p, 78q, 78s, 78u–5, 78w, 78x, 78ll, 78mm, 80a–20, 80a–23, 80a–29, 80a–37, 80b–3, 80b–4, 80b–11, and 7201 *et seq.;* and 18 U.S.C. 1350, and 12 U.S.C. 5221(e)(3) unless otherwise noted.

* * * * *

2. Add an undesignated center heading following § 240.15Cc1–1 and add § 240.15Fi–1 to read as follows:

Registration and Regulation of Security-Based Swap Dealers and Major Security-Based Swap Participants

§ 240.15Fi–1 Acknowledgment and verification of security-based swap transactions.

(a) *Definitions.* For the purposes of this section:

(1) The term *asset class* means those security-based swaps in a particular broad category, including, but not limited to, credit derivatives, equity derivatives, and loan-based derivatives.

(2) The term *broker ID* means the UIC assigned to a person acting as a broker for a participant.

(3) The term *clearing agency* means a clearing agency registered pursuant to section 17A of the Securities Exchange Act of 1934 (15 U.S.C. 78q–1).

(4) The term *confirmation* means a trade acknowledgment that has been subject to verification.

(5) The term *desk ID* means the UIC assigned to the trading desk of a participant or of a broker of a participant.

(6) The term *execution* means the point at which the parties become irrevocably bound to a transaction under applicable law.

(7) The term *participant ID* means the UIC assigned to a participant.

(8) The term *price* means the price of a security-based swap transaction, expressed in terms of the commercial conventions used in that asset class.

(9) The term *processed electronically* means entered into a security-based swap dealer or security-based swap participant's computerized processing systems to facilitate clearance and settlement.

(10) The term *trade acknowledgment* means a written or electronic record of a security-based swap transaction sent by one party to the other.

(11) The term *trader ID* means the UIC assigned to a natural person who executes security-based swaps.

(12) The term *unique identification code* or *UIC* means the unique identification code assigned to a person, unit of a person, or product by or on behalf of an internationally recognized standards-setting body that imposes fees and usage restrictions that are fair and reasonable and not unreasonably discriminatory. If no standards-setting body meets these criteria, a registered security-based swap data repository shall assign all necessary UICs using its own methodology. If a standards-setting body meets these criteria but has not

[87] *See* Office of the Comptroller of the Currency, "Quarterly Report on Bank Trading and Derivatives Activities Second Quarter 2010" (2010).

assigned a UIC to a particular person, unit of a person, or product, a registered security-based swap data repository shall assign a UIC to that person, unit of a person, or product using its own methodology.

(13) The term *verification* means the process by which a trade acknowledgment has been manually, electronically, or by some other legally equivalent means, signed by the receiving counterparty.

(b) *Trade acknowledgment requirement.* (1) In any transaction in which a security-based swap dealer or major security-based swap participant purchases from or sells to any counterparty a security-based swap, a trade acknowledgment must be provided by:

(i) The security-based swap dealer, if the transaction is between a security-based swap dealer and a major security-based swap participant;

(ii) The security-based swap dealer or major security-based swap participant, if only one counterparty in the transaction is a security-based swap dealer or major security-based swap participant; or

(iii) The counterparty that the counterparties have agreed will provide the trade acknowledgment in any transaction other than one described in paragraph (b)(1)(i) or (ii) of this section.

(2) A security-based swap dealer or major security-based swap participant will have satisfied the requirements of paragraph (b)(1) of this section if a clearing agency through its facilities produces a confirmation of each security-based swap transaction.

(c) *Prescribed time.* (1) Any trade acknowledgment required by paragraph (b) of this section must be provided promptly, but in any event:

(i) For any transaction that has been executed and processed electronically, within 15 minutes of execution;

(ii) For any transaction that is not executed electronically, but that will be processed electronically, within 30 minutes of execution; or

(iii) For any transaction that cannot be processed electronically by the security-based swap dealer or security-based swap participant, within 24 hours following execution.

(2) A transaction must be processed electronically if the security-based swap dealer or major security-based swap participant has the ability to do so.

(d) *Form and content of trade acknowledgment.* Any trade acknowledgment required in paragraph (b) of this section must be provided through electronic means that provide reasonable assurance of delivery and a record of transmittal, and must disclose:

(1) The asset class of the security-based swap and, if the security-based swap is an equity derivative, whether it is a total return swap or is otherwise designed to offer risks and returns proportional to a position in the equity security or securities on which the security-based swap is based;

(2) Information that identifies the security-based swap instrument and the specific asset(s) or issuer of a security on which the security-based swap is based;

(3) The notional amount(s), and the currenc(ies) in which the notional amount(s) is expressed;

(4) The date and time, to the second, of execution expressed using Coordinated Universal Time (UTC);

(5) The effective date;

(6) The scheduled termination date;

(7) The price;

(8) The terms of any fixed or floating rate payments, and the frequency of any payments;

(9) Whether or not the security-based swap will be cleared by a clearing agency;

(10) If both counterparties to a security-based swap are security-based swap dealers, an indication to that effect;

(11) If the transaction involved an existing security-based swap, an indication that the transaction did not involve an opportunity to negotiate a material term of the contract, other than the counterparty;

(12) If the security-based swap is customized to the extent that the information provided in paragraphs (d)(1) through (11) of this section does not provide all of the material information necessary to identify such customized security-based swap or does not contain the data elements necessary to calculate the price, an indication to that effect;

(13) The participant ID of each counterparty;

(14) As applicable, the broker ID, desk ID, and trader ID of the reporting party;

(15) The amount(s) and currenc(ies) of any up-front payment(s) and a description of the terms and contingencies of the payment streams of each counterparty to the other;

(16) The title of any master agreement, or any other agreement governing the transaction (including the title of any document governing the satisfaction of margin obligations), incorporated by reference and the date of any such agreement;

(17) The data elements necessary for a person to determine the market value of the transaction;

(18) If the security-based swap will be cleared, the name of the clearing agency;

(19) If the security-based swap is not cleared, whether the exception in Section 3C(g) of the Exchange Act (15 U.S.C. 78c–3(g)) was invoked;

(20) If the security-based swap is not cleared, a description of the settlement terms, including whether the security-based swap is cash-settled or physically settled, and the method for determining the settlement value;

(21) The venue where the security-based swap was executed; and

(22) If the transaction is to be cleared, any additional information that is required for the transaction to be cleared by a clearing agency.

(e) *Trade verification.* (1) A security-based swap dealer or major security-based swap participant must establish, maintain, and enforce written policies and procedures that are reasonably designed to obtain prompt verification of the terms of a trade acknowledgment provided pursuant to paragraph (b) of this section.

(2) In any security-based swap transaction to be cleared through a clearing agency, a security-based swap dealer or major security-based swap participant must comply with the verification process prescribed by the clearing agency. Such compliance shall satisfy the requirements of paragraph (e)(1) of this section with respect to the transaction.

(3) A security-based swap dealer or major security-based swap participant must promptly verify the accuracy of, or dispute with its counterparty, the terms of a trade acknowledgment it receives pursuant to paragraph (b) of this section.

(f) *Exemption from § 240.10b–10.* A security-based swap dealer or major security-based swap participant who is also a broker or dealer and who complies with paragraph (b) of this section with respect to a security-based swap transaction is exempt from the requirements of § 240.10b–10 of this chapter with respect to the security-based swap transaction.

Dated: January 14, 2011.

By the Commission.

Elizabeth M. Murphy,

Secretary.

[FR Doc. 2011–1218 Filed 1–20–11; 8:45 am]

BILLING CODE 8011–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 10–2426; MB Docket No. 10–264; RM–11615]

Television Broadcasting Services; Decatur, IL

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission has before it a petition for rulemaking filed by WAND(TV) Partnership, the licensee of station WAND(TV), channel 18, Decatur, Illinois, requesting the substitution of channel 17 for channel 18 at Decatur.

DATES: Comments must be filed on or before February 22, 2011, and reply comments on or before March 7, 2011.

ADDRESSES: Federal Communications Commission, Office of the Secretary, 445 12th Street, SW., Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve counsel for petitioner as follows: Scott S. Patrick, Esq., Dow Lohnes PLLC, 1200 New Hampshire Avenue, NW., Suite 800, Washington, DC 20036–6802.

FOR FURTHER INFORMATION CONTACT: Adrienne Y. Denysyk, *adrienne.denysyk@fcc.gov,* Media Bureau, (202) 418–1600.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MB Docket No. 10–264, adopted December 29, 2010, and released December 30, 2010. The full text of this document is available for public inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY–A257, 445 12th Street, SW., Washington, DC 20554. This document will also be available via ECFS (*http://www.fcc.gov/cgb/ecfs/*). (Documents will be available electronically in ASCII, Word 97, and/or Adobe Acrobat.) This document may be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY–B402, Washington, DC 20554, telephone 1–800–478–3160 or via e-mail *http://www.BCPIWEB.com.* To request this document in accessible formats (computer diskettes, large print, audio recording, and Braille), send an e-mail to *fcc504@fcc.gov* or call the Commission's Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY). This document does not contain proposed information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, therefore, it does not contain any proposed information collection burden "for small business concerns with fewer than 25 employees," pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4).

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding. Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts (other than *ex parte* presentations exempt under 47 CFR 1.1204(a)) are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1208 for rules governing restricted proceedings.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Television, Television broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, 336.

§ 73.622 [Amended]

2. Section 73.622(i), the Post-Transition Table of DTV Allotments under Illinois, is amended by adding channel 17 and removing channel 18 at Decatur.

Federal Communications Commission.

Barbara A. Kreisman,

Chief, Video Division, Media Bureau.

[FR Doc. 2011–1168 Filed 1–20–11; 8:45 am]

BILLING CODE 6712–01–P

Notices

Federal Register

Vol. 76, No. 14

Friday, January 21, 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.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

[OMB Control Number 3002–0003]

Information Collection Request Submitted to Office of Management and Budget

AGENCY: Administrative Conference of the United States.

ACTION: Thirty-day notice requesting comments.

SUMMARY: Pursuant to the Paperwork Reduction Act of 1995, the Administrative Conference of the United States will submit an Information Collection Request (ICR) to the Office of Management and Budget (OMB) requesting approval for the following collection of information: 3002–0003, Substitute Confidential Employment and Financial Disclosure. This form is a substitute for Standard Form 450, issued by the Office of Government Ethics (OGE), which non-government members of the Conference would otherwise be required to file. OGE has approved the use of this substitute form. This proposed information collection was previously published in the **Federal Register** at 75 FR 60404 (September 30, 2010), allowing for a 60-day comment period. The purpose of this notice is to allow an additional 30 days for public comment.

DATES: Comments must be received by February 22, 2011.

ADDRESSES: Interested persons may submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the attention of the Desk Officer, Administrative Conference of the United States, and sent via electronic mail to *oira_submission@omb.eop.gov,* or faxed to 202–395–5806, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: David Pritzker, Deputy General Counsel, Administrative Conference of the United States, Suite 706 South, 1120 20th Street, NW., Washington, DC 20036; Telephone 202–480–2080, *E-mail: dpritzker@acus.gov.*

SUPPLEMENTARY INFORMATION: The Administrative Conference of the United States (ACUS) is charged with developing recommendations for the improvement of Federal administrative procedures (5 U.S.C. 591). Its recommendations are the product of a research process overseen by a small staff, but ultimately adopted by a membership of 101 experts, including approximately 45 non-government members—5 Council members and up to 40 others (5 U.S.C. 593(b) and 5 U.S.C. 595(b)). These individuals are deemed to be "special government employees" within the meaning of 18 U.S.C. 202(a) and, therefore, are subject to confidential financial disclosure requirements of the Ethics in Government Act (5 U.S.C. App. 107) and regulations of the Office of Government Ethics (OGE). The ACUS "Substitute Confidential Employment and Financial Disclosure" form submitted ("Substitute Disclosure Form") is a substitute for OGE Standard Form 450, which ACUS non-government members would otherwise be required to file.

In addition to the non-government members of the Conference, the Chairman, with the approval of the Council established under 5 U.S.C. 595(b) and appointed by the President, may appoint additional persons in various categories, for participation in Conference activities, but without voting privileges. These categories include senior fellows, special counsels, and liaison representatives from other government entities or professional associations. The estimated maximum number of such individuals that may also be required to submit the Substitute Disclosure Form at any particular time is 45.

Prior to the termination of funding for ACUS in 1995, the agency was authorized to use for this purpose a simplified form that was a substitute for OGE Standard Form 450. The simplified substitute form was approved by OGE following a determination by the ACUS Chairman, pursuant to 5 CFR 2634.905(a), that greater disclosure is not required because the limited nature of the agency's authority makes very remote the possibility that a real or apparent conflict of interest will occur. ACUS received OMB approval for the simplified substitute form in 1994.

ACUS was re-established in 2010. On June 10, 2010, OGE renewed its approval for this simplified substitute form, which ACUS must provide to its non-government members in advance of membership meetings. ACUS received emergency approval from OMB under 5 CFR 1320.13 for use of this form through March 31, 2011, so that there would be no delay in commencing the committee and Conference activities of the non-government members necessary to the implementation of its statutory responsibilities to identify and recommend improvements of Federal administrative procedures. This proposed information collection was previously published in the **Federal Register** at 75 FR 60404 (September 30, 2010), allowing for a 60-day comment period. The purpose of this notice is to allow an additional 30 days for public comment.

As required by the Ethics in Government Act, 5 U.S.C. App. 107(a); Executive Order 12674, section 201(d); and OGE regulations, 5 CFR 2634.901(d), copies of the substitute form submitted to ACUS by its members are confidential and may not be released to the public.

The proposed "Substitute Confidential Employment and Financial Disclosure" form and the Supporting Statement submitted to OMB may be viewed at: *http://www.reginfo.gov/public/do/PRAMain.* To view these documents, select "Administrative Conference of the United States" under Current Inventory; click on the ICR Reference Number; then click on either "View Information Collection (IC) List" or "View Supporting Statement and Other Documents."

The total annual burden on respondents is estimated to be 135 hours, based on estimates of 90 persons submitting the form an average of 6 times per year, requiring no more than 15 minutes per response.

Interested persons are invited to submit comments regarding this burden estimate or any other aspect of this

information collection, including its necessity, utility and clarity for the proper performance of the Conference's functions.

Dated: January 14, 2011.

Shawne C. McGibbon,

General Counsel.

[FR Doc. 2011–1217 Filed 1–20–11; 8:45 am]

BILLING CODE 6110–01–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 emergency provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: Minority Business Development Agency (MBDA).

Title: Minority Business Center Program: Communication and Outreach.

OMB Control Number: None.

Form Number(s): None.

Type of Request: Emergency submission (new information collection).

Number of Respondents: 775 (25 interviews and 750 on-line surveys).

Average Hours per Response: Interview, 45 minutes; on-line survey, 15 minutes.

Burden Hours: 207.

Needs and Uses: This emergency review request will give authorization to MBDA to conduct two surveys (telephone interviews and on-line) of its clients, stakeholders, and the public to ascertain their views, perceptions, and opinions of MBDA's logo, programs, and collateral materials. The collected information will be used to revise/update its collateral materials, outreach strategies and program services in a manner that effectively matches the interests and needs of its core constituency and outreach strategies.

On April 1, 2011, MBDA will announce the recipients of its most recent grant competition. The recipients of the MBDA grant will operate a minority business center and will provide direct service to minority business owners. Approval of this request will make it possible for MBDA to use the findings from the collected information to make decisions about the collateral materials used for informing clients, stakeholders and the public about MBDA's programs, as well as to assist in developing more effective outreach strategies and business programming for the centers' openings.

Affected Public: Business or other for-profit organizations.

Frequency: One-time only.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Nicholas Fraser, (202) 395–5887.

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 by January 25, 2011 to Nicholas Fraser, OMB Desk Officer, FAX number (202) 395–5806 or via the Internet at *Nicholas_A._Fraser@omb.eop.gov.*

Dated: January 18, 2011.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2011–1271 Filed 1–20–11; 8:45 am]

BILLING CODE 3510–21–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

[Docket Number 0909100442–1012–03]

Effectiveness of Federal Agency Participation in Standardization in Select Technology Sectors for National Science and Technology Council's Sub-Committee on Standardization; Extension of Comment Period

AGENCY: National Institute of Standards and Technology, U.S. Department of Commerce.

ACTION: Request for information, extension of comment period.

SUMMARY: The National Institute of Standards and Technology, on behalf of the National Science and Technology Council's Sub-Committee on Standards, announces the extension of the period for submission of comments responsive to the December 8, 2010 Request for Information on the effectiveness of Federal agencies' participation in the development and implementation of standards and conformity assessment activities and programs. The new comment period deadline is 5 p.m. Eastern Time on March 7, 2011.

DATES: Comments are due by 5 p.m. Eastern Time on March 7, 2011.

ADDRESSES: Comments will be accepted by e-mail only. Comments should be sent to *SOS_RFI@nist.gov* with the subject line "Standardization feedback for Sub-Committee on Standards." All comments received will be posted at: *http://standards.gov/standards_gov/nstcsubcommitteeonstandards.cfm.*

FOR FURTHER INFORMATION CONTACT: Ajit Jillavenkatesa, 100 Bureau Drive, Stop 1060, Gaithersburg, MD 20899–1060, 301–975–8519, *ajit.jilla@nist.gov.* Media inquiries may be directed to the National Institute of Standards and Technology's Office of Public and Business Affairs at *inquiries@nist.gov* or 301–975–NIST (6478).

SUPPLEMENTARY INFORMATION: On December 8, 2010, the National Institute of Standards and Technology (NIST), on behalf of the Sub-Committee on Standards under the National Science and Technology Council's Committee of Technology, published in the **Federal Register** a Request for Information with the objective of informing the development of case studies that will examine the effectiveness of Federal agencies' participation in standards-setting efforts led by the private sector (75 FR 76397) and to solicit public comment on this issue.

The original comment period was scheduled to end on February 7, 2011. As set forth in the Request for Information, the Sub-Committee on Standards is specifically interested in comments that address questions set out in the Request for Information, as they relate to the following technologies:

1. Smart Grid.

2. Health Information Technology.

3. Cyber Security.

4. Emergency Communications Interoperability.

5. Radioactivity Detectors and Radiation Monitors (ANSI N42.3x and N42.4x).

6. Other technologies involving significant Federal agency participation in standards setting.

NIST announces that the period for submission of comments responsive to the December 8, 2010 notice has been extended until 5 p.m. Eastern Time on March 7, 2011 to allow the public additional time to submit input on the above subjects.

Dated: January 12, 2011.

Patrick Gallagher,

Director, National Institute of Standards and Technology, Co-Chair, National Science and Technology Council's Sub-Committee on Technology.

[FR Doc. 2011–1005 Filed 1–20–11; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XA164

Mid-Atlantic Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The Mid-Atlantic Fishery Management Council's (MAFMC) Scientific and Statistical Committee (SSC) will hold a webinar.

DATES: The meeting will be held on Monday, February 7, 2011, from 10 a.m. to 12 p.m.

ADDRESSES: The webinar will be held at Mid-Atlantic Fishery Management Council, 800 N. State Street, Suite 201, Dover, DE 19901; *telephone:* (302) 674–2331.

Council address: Mid-Atlantic Fishery Management Council, 800 N. State Street, Suite 201, Dover, DE 19901; *telephone:* (302) 674–2331.

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore, PhD, Executive Director, Mid-Atlantic Fishery Management Council, 800 N. State Street, Suite 201, Dover, DE 19901; *telephone:* (302) 526–5255.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to review and discuss the most recent butterfish abundance information generated from the NEFSC autumn bottom trawl survey in relation to the SSC's ABC recommendation for butterfish for the 2011 fishing year. The public may obtain information about accessing the webinar by visiting the Mid-Atlantic Council's Web site at *http://www.mafmc.org.* In addition, a listening station will be located at the Council's office located at Suite 201, 800 N. State Street, Dover, DE 19901.

Although non-emergency issues not contained in this agenda may come before this group for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), those issues may not be the subject of formal action during this meeting. Actions will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to M. Jan Saunders at the Mid-Atlantic Council Office, (302) 526–5251, at least 5 days prior to the meeting date.

Dated: January 18, 2011.

William D. Chappell,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2011–1239 Filed 1–20–11; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XA161

Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The Pacific Fishery Management Council's (Pacific Council) Tule Chinook Workgroup (TCW) will hold a meeting to review initial work products and revise future work plans relative to developing an abundance-based harvest management approach for Columbia River natural tule Chinook. This meeting of the TCW is open to the public.

DATES: The meeting will be held Thursday, February 10, 2011, from 9 a.m. to 4 p.m.

ADDRESSES: The meeting will be held at the Pacific Council Office, Large Conference Room, 7700 NE. Ambassador Place, Suite 101, Portland, OR 97220–1384; telephone: (503) 820–2280.

FOR FURTHER INFORMATION CONTACT: Mr. Chuck Tracy, Salmon Management Staff Officer, Pacific Fishery Management Council; telephone: (503) 820–2280.

SUPPLEMENTARY INFORMATION: This meeting of the TCW will involve review of initial work products and refining future work plans. Eventually, TCW work products will be reviewed by the Council, and if approved, would be submitted to NMFS for possible consideration in the next Lower Columbia River tule biological opinion for ocean salmon seasons in 2012 and beyond, and distributed to State and Federal recovery planning processes. In the event a usable approach emerges from this process, the Council may consider a fishery management plan (FMP) amendment process beginning after November 2011 to adopt the approach as a formal conservation objective in the Salmon FMP.

Although non-emergency issues not contained in the meeting agenda may come before the TCW for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Ms. Carolyn Porter at (503) 820–2280 at least 5 days prior to the meeting date.

Dated: January 18, 2011.

William D. Chappell,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2011–1254 Filed 1–20–11; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XA162

Mid-Atlantic Fishery Management Council; Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The Mid-Atlantic Fishery Management Council (Council) and its Squid, Mackerel, Butterfish Committee with Advisors, its Surfclam/Ocean Quahog/Tilefish Committee, its Ecosystem/Ocean Planning Committee, its Research Set-Aside (RSA) Committee and its, Executive Committee will hold public meetings.

DATES: The meetings will be held Tuesday, February 8, 2011 through Thursday, February 10, 2011. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

ADDRESSES: The meetings will be held at the Hilton New Bern, 100 Middle Street, New Bern, NC 28560; telephone: (252) 638–3585.

Council address: Mid-Atlantic Fishery Management Council, 800 N. State St., Suite 201, Dover, DE 19901; telephone: (302) 674–2331.

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore, PhD, Executive Director, Mid-Atlantic Fishery Management Council; telephone: (302) 526–5255.

SUPPLEMENTARY INFORMATION:

Tuesday, February 8, 2011

1 p.m. until 5 p.m.—The Squid, Mackerel, Butterfish Committee with Advisors will meet.

Wednesday, February 9, 2011

8 a.m. until 9 a.m.—The Surfclam/Ocean Quahog/Tilefish Committee will meet.

9 a.m. until 10:30 a.m.—The Ecosystem Committee will meet.

10:30 a.m. until 12 noon—The RSA Committee with meet.

1 p.m.—The Council will convene.

1 p.m. until 2:30 p.m.—The Council will receive a presentation entitled *Lessons Learned from the Transition to Sectors.*

2:30 p.m. until 3:30 p.m.—The Shad/River Herring Committee will meet as a Committee of the Whole.

3:30 p.m. until 4 p.m.—The 51st Stock Assessment Review will be held.

4 p.m. until 4:30 p.m.—The Council will discuss Framework Adjustment 7 to the Monkfish FMP.

4:30 p.m. until 6 p.m.—A Monkfish Scoping Meeting will be held.

Thursday, February 10, 2011

8 a.m. until 9 a.m.—The Executive Committee will meet.

9 a.m. until 1 p.m.—The Council will hold its regular Business Session to approve the December minutes, receive Organizational Reports, the New England Liaison Report, the Executive Director's Report, the status of the FMP's, Committee Reports, and conduct any continuing and/or new business.

Agenda items by day for the Council's Committees and the Council itself are:

Tuesday, February 8—The Squid, Mackerel, and Butterfish Committee with Advisors will review the Fishery Management Action Team (FMAT) and the staff's work to date on Amendment 14 and provide feedback to the FMAT and staff for continued development of alternatives and consider the fall 2010 NEFSC butterfish trawl data.

Wednesday, February 9—The Surfclam/Ocean Quahog/Tilefish Committee will review development of Amendment 15 and discuss PSP monitoring for opening of George's Bank. The Ecosystem/Ocean Planning Committee will review the recommendations from the December Habitat-Ecosystem Workshop and develop recommendations for project priorities. The RSA Committee will discuss the RSA program review. The Council will convene to hear a presentation provided by Gulf of Maine Research Institute regarding the *Lessons Learned from the Transition to Sectors.* The Shad/River Herring Committee will meet as a Committee of the Whole to review the progress to date and provide direction to the Committee/Staff as necessary. The Council will hear the 51st Stock Assessment Review of the *Loligo* and Hake fisheries. Final action will be taken on Framework Adjustment 7 to the Monkfish FMP to include revised biomass reference points and a Northern Management Area Annual Catch Target (ACT), as well as days-at-sea and trip limits for the 2011–13 fishing years. A Monkfish Scoping Meeting for Amendment 6 regarding catch shares will be held.

Thursday, February 10—The Executive Committee will discuss the AP Fishery performance report development update, an MREP update with Council engagement, a visioning update, a communications update, and the selection of the Ricks E Savage Award. The Council will hold its regular Business Session to approve the December minutes, receive Organizational Reports, the New England Liaison Report, the Executive Director's Report, Status of the FMP's, Committee Reports, and conduct any continuing and/or new business including possible action on SSC member nominations.

Although non-emergency issues not contained in this agenda may come before this group for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), those issues may not be the subject of formal action during these meetings. Actions will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aid should be directed to M. Jan Saunders, (302) 526–5251, at least 5 days prior to the meeting date.

Dated: January 18, 2011.

William D. Chappell,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2011–1255 Filed 1–20–11; 8:45 am]

BILLING CODE 3510–22–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List Proposed Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed additions to and deletions from the Procurement List.

SUMMARY: The Committee is proposing to add services to the Procurement List that will be provided by nonprofit agencies employing persons who are blind or have other severe disabilities and to delete the products and service previously furnished by such agencies.

Comments Must Be Received on or Before: 2/21/2011.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia 22202–3259.

For Further Information or to Submit Comments Contact: Patricia Briscoe, Telephone: (703) 603–7740, Fax: (703) 603–0655, or e-mail *CMTEFedReg@AbilityOne.gov*.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Additions

If the Committee approves the proposed additions, the entities of the Federal Government identified in this notice will be required to procure the services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. If approved, the action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will provide the services to the Government.

2. If approved, the action will result in authorizing small entities to provide the services to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the services proposed for addition to the Procurement List.

Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

End of Certification

The following services are proposed for addition to Procurement List for production by the nonprofit agencies listed:

Services

Service Type/Location: Contract Cook Support & Dining Facility Attendant, White Sands Missile Range, New Mexico.
NPA: Tresco, Inc., Las Cruces, NM.
Contracting Activity: Dept of the Army, XR W6BB ACA White Sands Missile Range, NM.
Service Type/Location: Laundry & Dry Cleaning Service, F.E. Warren AFB, WY.
NPA: Goodwill Industrial Services Corporation, Colorado Springs, CO.
Contracting Activity: Dept of the Air Force, FA4613 90 CONS LGC, F.E. Warren AFB, WY.
Service Type/Location: Custodial Service, 185th Air Refueling Wing, Buildings 234 and 241, 2920 Headquarters Avenue, Sioux City, IA.
NPA: Goodwill Community Rehabilitation Services, Inc., Sioux City, IA.
Contracting Activity: Dept of the Army, XRAW7M8 USPFO Activity IA ARNG, Johnston, IA.

Deletions

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. If approved, the action will not result in additional reporting, recordkeeping or other compliance requirements for small entities.

2. If approved, the action may result in authorizing small entities to furnish the products and service to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the products and service proposed for deletion from the Procurement List.

End of Certification

The following products and service are proposed for deletion from the Procurement List:

Products

Floor Care Products

NSN: 7930–01–486–4050.
NSN: 7930–01–486–5928.
NSN: 7930–01–486–5930.
NPA: Lighthouse for the Blind of Houston, Houston, TX.
Contracting Activity: GSA/FAS Southwest Supply Center (QSDAC), Fort Worth, TX.

Service

Service Type/Location: Laundry Service, Atlanta VA Medical Center, 1670 Clairmont Road, Decatur, GA.
NPA: GINFL Services, Inc., Jacksonville, FL.
Contracting Activity: Department of Veterans Affairs, VISN 7 Consolidated Contracting, Augusta, GA.

Patricia Briscoe,

Deputy Director, Business Operations.

[FR Doc. 2011–1229 Filed 1–20–11; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to and deletions from the Procurement List.

SUMMARY: This action adds a product and services to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes a product and service from the Procurement List previously furnished by such agencies.

DATES: *Effective Date:* 2/21/2011.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia 22202–3259.

FOR FURTHER INFORMATION CONTACT: Patricia Briscoe, Telephone: (703) 603–7740, Fax: (703) 603–0655, or e-mail *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION:

Additions

On 9/10/2010 (75 FR 55309–55310); 11/15/2010 (75 FR 69639–69640); and 11/19/2010 (75 FR 70909–70910), the Committee for Purchase From People Who Are Blind or Severely Disabled published notices of proposed additions to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the product and services and impact of the additions on the current or most recent contractors, the Committee has determined that the product and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the product(s) and/or service(s) to the Government.

2. The action will result in authorizing small entities to furnish the product and services to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the product and services proposed for addition to the Procurement List.

End of Certification

Accordingly, the following product and services are added to the Procurement List:

Product

NSN: 7350–00–838–3919—Toothpicks.
NPA: Volunteers of America, Dakotas, Sioux Falls, SD.
Contracting Activity: General Services Administration, Ft. Worth, TX
Coverage: B-List for the Broad Government Requirement as aggregated by the General Services Administration.

Services

Service Type/Location: Janitorial Service, Customs and Border Protection, Riverside Air and Marine Branch, 373 Graeber Street, March ARB, CA.
NPA: ARC Riverside, Riverside, CA.
Contracting Activity: Dept of Homeland Security, Bureau of Customs and Border Protection, Washington, DC.
Service Type/Location: Base Supply Center, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC.
NPA: Winston-Salem Industries for the Blind, Winston-Salem, NC.
Contracting Activity: Federal Energy Regulatory Commission, Division of Procurement, Washington, DC.
Service Type/Location: Custodial Service, Isle Royale National Park & Ranger III Vessel (adjacent to the Headquarter Buildings), 800 East Lakeshore Drive,

Houghton, MI.
NPA: Goodwill Industries of Northern Wisconsin & Upper Michigan, Inc., Marinette, WI Contracting Activity: Dept of the Interior, National Park Service, Midwest Region, Omaha, NE.

Deletions

On 10/22/2010 (FR 65305) and 11/19/2010 (75 FR 70909–70910), the Committee for Purchase From People Who Are Blind or Severely Disabled published notices of proposed deletions from the Procurement List.

After consideration of the relevant matter presented, the Committee has determined that the products listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action may result in authorizing small entities to furnish the products to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the products deleted from the Procurement List.

End of Certification

Accordingly, the following products are deleted from the Procurement List:

Products

NSN: 6230–01–513–3267—Flashlight, Aluminum, 3D, Black.
NSN: 6230–01–513–3284—Flashlight, Aluminum, 4D, Black.
NSN: 6230–01–513–3286—Flashlight, Aluminum, 5D, Black.
NPA: Central Association for the Blind & Visually Impaired, Utica, NY.
Contracting Activity: General Services Administration, Fort Worth, TX.

Dispenser, Glue Tape & Refill Cartridge

NSN: 8040–01–441–0169.
NSN: 8040–01–441–0173.
NSN: 8040–01–441–0175.
NSN: 8040–01–441–0178.
NPA: Industries for the Blind, Inc., West Allis, WI.
Contracting Activities: General Services Administration Regional Fleet Management Office, Kansas City, MO. General Services Administration Tools Acquisition Division II, Kansas City, MO.

Patricia Briscoe,
Deputy Director, Business Operations.
[FR Doc. 2011–1230 Filed 1–20–11; 8:45 am]
BILLING CODE 6353–01–P

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meeting

The following notice of a scheduled meeting is published pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, 5 U.S.C. 552b.

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.

TIME AND DATE: The Commission has scheduled a meeting for the following date: January 26, 2011 at 9:30 a.m.

PLACE: Three Lafayette Center, 1155 21st St., NW., Washington, DC, Lobby Level Hearing Room (Room 1000).

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission has scheduled this meeting to consider the issuance of proposed rules regarding Investment Advisor Reporting under the Dodd-Frank Act. The agenda for this scheduled meeting will be made available to the public and posted on the Commission's Web site at *http://www.cftc.gov* at least seven (7) days prior to the meeting. In the event that the time or date of this meeting changes, an announcement of the change, along with the new time and place of the meeting will be posted on the Commission's Web site.

CONTACT PERSON FOR MORE INFORMATION: David A. Stawick, Secretary of the Commission, 202–418–5071.

David A. Stawick,
Secretary of the Commission.
[FR Doc. 2011–1318 Filed 1–19–11; 11:15 am]
BILLING CODE 6351–01–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Intent To Grant Exclusive Patent License; PNI Corporation

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: The Department of the Navy hereby gives notice of its intent to grant to PNI Sensor Corporation a revocable, nonassignable, exclusive license to practice the Government-owned inventions described in U.S. Patent No. 6,820,025: Method and Apparatus for Motion Tracking of an Articulated Rigid Body, Navy Case No. 82,816.//U.S. Patent No. 7,089,148: Method and Apparatus for Motion Tracking of an Articulated Rigid Body, Navy Case No. 96,580.// and any continuations, divisionals or re-issues thereof in the field of use of consumer electronics in the United States.

DATES: Anyone wishing to object to the grant of this license must file written objections along with supporting evidence, if any, not later than February 7, 2011.

ADDRESSES: Written objections are to be filed with the Naval Postgraduate School, Code 41, 699 Dyer Road, Bldg. HA, Room 222, Monterey, CA 93943.

FOR FURTHER INFORMATION CONTACT: Danielle Kuska, Director, Research and Sponsored Programs Office, NPS Code 41, 699 Dyer Road, Bldg. HA, Room 222, Monterey, CA 93943, telephone 831–656–2099. Due to U.S. Postal delays, please fax 831–656–2038, e-mail: *dkuska@nps.edu* or use courier delivery to expedite response.

Authority: 35 U.S.C. 207, 37 CFR Part 404.

Dated: January 14, 2011.

H.E. Higgins,
Lieutenant, Office of the Judge Advocate General, U.S. Navy, Alternate Federal Register Liaison Officer.
[FR Doc. 2011–1220 Filed 1–20–11; 8:45 am]
BILLING CODE 3810–FF–P

DEPARTMENT OF ENERGY

[OE Docket No. EA–216–C]

Application To Export Electric Energy; TransAlta Energy Marketing (U.S.) Inc.

AGENCY: Office of Electricity Delivery and Energy Reliability, DOE.

ACTION: Notice of application.

SUMMARY: TransAlta Energy Marketing (U.S.) Inc. (TEMUS) has applied to renew its authority to transmit electric energy from the United States to Canada pursuant to section 202(e) of the Federal Power Act (FPA).

DATES: Comments, protests, or requests to intervene must be submitted to DOE and received on or before February 22, 2011.

ADDRESSES: Comments, protests, or requests to intervene should be addressed to: Christopher Lawrence, Office of Electricity Delivery and Energy Reliability, *Mail Code:* OE–20, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585–0350. Because of delays in handling conventional mail,

it is recommended that documents be transmitted by overnight mail, by electronic mail to *Christopher.Lawrence@hq.doe.gov,* or by facsimile to 202–586–8008.

FOR FURTHER INFORMATION CONTACT: Christopher Lawrence (Program Office) 202–586–5260.

SUPPLEMENTARY INFORMATION: Exports of electricity from the United States to a foreign country are regulated by the Department of Energy (DOE) pursuant to sections 301(b) and 402(f) of the Department of Energy Organization Act (42 U.S.C. 7151(b), 7172(f)) and require authorization under section 202(e) of the FPA (16 U.S.C.824a(e)).

On August 31, 1999 the Department of Energy (DOE) issued Order No. EA–216, which authorized TEMUS to transmit electric energy from the United States to Canada as a power marketer for a two-year term using existing international transmission facilities. DOE renewed the TEMUS export authorization two additional times: On August 16, 2001 in Order No. EA–216–A and again on May 17, 2006 in Order No. EA–216–B. Order No. EA–216–B will expire on May 17, 2011. On December 22, 2010, TEMUS filed an application with DOE for renewal of the export authority contained in Order No. EA–216–B for a five-year term.

The electric energy that TEMUS proposes to export to Canada would be surplus energy purchased from electric utilities, Federal power marketing agencies, and other entities within the United States. The existing international transmission facilities to be utilized by TEMUS have previously been authorized by Presidential permits issued pursuant to Executive Order 10485, as amended, and are appropriate for open access transmission by third parties.

Procedural Matters: Any person desiring to become a party to these proceedings or to be heard by filing comments or protests to this application should file a petition to intervene, comment, or protest at the address provided above in accordance with §§ 385.211 or 385.214 of the Federal Energy Regulatory Commission's Rules of Practice and Procedures (18 CFR 385.211, 385.214). Fifteen copies of each petition and protest should be filed with DOE and must be received on or before the date listed above.

Comments on the TEMUS application to export electric energy to Canada should be clearly marked with Docket No. 216–C. Additional copies (one each) are to be filed directly with Sterling Koch, TransAlta Corporation, 110–12th Avenue, SW., Calgary Alberta, Canada T2P 2M1 and Stephen Angle, Vinson & Elkins L.L.P, The Willard Office Building, 1455 Pennsylvania Avenue, NW., Washington, DC 20004. A final decision will be made on this application after the environmental impacts have been evaluated pursuant to DOE's National Environmental Policy Act Implementing Procedures (10 CFR Part 1021) and after a determination is made by DOE that the proposed action will not have an adverse impact on the reliability of the U.S. electric power supply system.

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above, by accessing the program Web site at *http://www.oe.energy.gov/permits_pending.htm,* or by e-mailing Odessa Hopkins at *Odessa.Hopkins@hq.doe.gov.*

Issued in Washington, DC, on January 13, 2011.

Anthony J. Como,

Director, Permitting and Siting, Office of Electricity Delivery and Energy Reliability.

[FR Doc. 2011–1240 Filed 1–20–11; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[OE Docket No. EA–289–B]

Application To Export Electric Energy; Intercom Energy, Inc.

AGENCY: Office of Electricity Delivery and Energy Reliability, DOE.

ACTION: Notice of application.

SUMMARY: Intercom Energy, Inc. (Intercom) has applied to renew its authority to transmit electric energy from the United States to Mexico pursuant to section 202(e) of the Federal Power Act (FPA).

DATES: Comments, protests, or requests to intervene must be submitted to DOE and received on or before February 22, 2011.

ADDRESSES: Comments, protests, or requests to intervene should be addressed to: Christopher Lawrence, Office of Electricity Delivery and Energy Reliability, *Mail Code:* OE–20, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585–0350. Because of delays in handling conventional mail, it is recommended that documents be transmitted by overnight mail, by electronic mail to *Christopher.Lawrence@hq.doe.gov,* or by facsimile to 202–586–8008.

FOR FURTHER INFORMATION CONTACT: Christopher Lawrence (Program Office) 202–586–5260.

SUPPLEMENTARY INFORMATION: Exports of electricity from the United States to a foreign country are regulated by the Department of Energy (DOE) pursuant to sections 301(b) and 402(f) of the Department of Energy Organization Act (42 U.S.C. 7151(b), 7172(f)) and require authorization under section 202(e) of the FPA (16 U.S.C. 824a(e)).

On May 19, 2004, the Department of Energy (DOE) issued Order No. EA–289, which authorized Intercom to transmit electric energy from the United States to Mexico as a power marketer for a two-year term using existing international transmission facilities. DOE renewed the Intercom export authorization on May 17, 2006 in Order No. EA–289–B. That Order will expire on May 17, 2011. On December 15, 2010, Intercom filed an application with DOE for renewal of the export authority contained in Order No. EA–289 for a five-year term.

The electric energy that Intercom proposes to export to Mexico would be surplus energy purchased from electric utilities, Federal power marketing agencies, and other entities within the United States. The existing international transmission facilities to be utilized by Intercom have previously been authorized by Presidential permits issued pursuant to Executive Order 10485, as amended, and are appropriate for open access transmission by third parties.

Procedural Matters: Any person desiring to become a party to these proceedings or to be heard by filing comments or protests to this application should file a petition to intervene, comment, or protest at the address provided above in accordance with §§ 385.211 or 385.214 of the Federal Energy Regulatory Commission's Rules of Practice and Procedures (18 CFR 385.211, 385.214). Fifteen copies of each petition and protest should be filed with DOE and must be received on or before the date listed above.

Comments on the Intercom application to export electric energy to Mexico should be clearly marked with Docket No. 289–B. Additional copies (one each) are to be filed directly with Ernesto Pallares, CEO, Intercom Energy, Inc., 1330 Orange Ave., Suite 327, Coronado, CA 92118 and Joelle K. Ogg, Brunenkant Law Firm, LLP, 805 15th Street, NW., Suite 510, Washington, DC 20005. A final decision will be made on this application after the environmental impacts have been evaluated pursuant to DOE's National Environmental Policy Act Implementing Procedures (10 CFR

Part 1021) and after a determination is made by DOE that the proposed action will not adversely impact on the reliability of the U.S. electric power supply system.

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above, by accessing the program Web site at *http://www.oe.energy.gov/permits_pending.htm,* or by e-mailing Odessa Hopkins at *Odessa.Hopkins@hq.doe.gov.*

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

Anthony J. Como,

Director, Permitting and Siting, Office of Electricity Delivery and Energy Reliability.

[FR Doc. 2011–1242 Filed 1–20–11; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OW–2010–0595; FRL–9255–6; EPA ICR No. 2402.01; OMB Control No. 2040–NEW]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Willingness To Pay Survey for § 316(b) Existing Facilities Cooling Water Intake Structures (New)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), this document announces that an Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval. This is a request for a new collection. The ICR, which is abstracted below, describes the nature of the information collection and its estimated burden and cost.

DATES: Additional comments may be submitted on or before February 22, 2011.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OW–2010–0595 to:

(1) EPA by one of the following methods:

- *http://www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *E-mail: OW–Docket@epa.gov,* Attention Docket ID No. EPA–HQ–OW–2010–0595.
- *Mail:* Water Docket, Environmental Protection Agency, Mailcode: 28221T, 1200 Pennsylvania Ave., NW., Washington, DC 20460, Attention Docket ID No. EPA–HQ–OW–2010–0595. Please include a total of 3 copies.
- *Hand Delivery:* Water Docket, EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC, Attention Docket ID No. EPA–HQ–OW–2010–0595. Such deliveries are only accepted during the Docket's normal hours of operation and special arrangements should be made.

(2) OMB by mail to: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Erik Helm, Office of Water, Office of Science and Technology, Engineering and Analysis Division, Economic and Environmental Assessment Branch, 4303T, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: 202–566–1049; fax number: 202–566–1053; e-mail address: *Helm.Erik@epa.gov.*

SUPPLEMENTARY INFORMATION: EPA has submitted the following ICR to OMB for review and approval according to the procedures prescribed in 5 CFR 1320.12. On July 21, 2010 (74 FR 42438), EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). EPA received five comments during the comment period, which are addressed in the ICR. Any additional comments on this ICR should be submitted to EPA and OMB within 30 days of this notice.

EPA has established a public docket for this ICR under Docket ID No. EPA–HQ–OW–2010–0595 which is available for online viewing at *http://www.regulations.gov,* or in person viewing at the Water Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The EPA/DC Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is 202–566–1744, and the telephone number for the Water Docket is 202–566–1752.

Use EPA's electronic docket and comment system at *http://www.regulations.gov,* to submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the docket that are available electronically. Once in the system, select "docket search," then key in the docket ID number identified above. Please note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing at *http://www.regulations.gov* as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose public disclosure is restricted by statute. For further information about the electronic docket, go to *http://www.regulations.gov.*

Title: Willingness to Pay Survey for Section 316(b) Existing Facilities Cooling Water Intake Structures: Instrument, Pre-test, and Implementation.

ICR numbers: EPA ICR No. 2402.01, OMB Control No. 2040–NEW.

ICR status: This ICR is for a new information collection activity. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: Section 316(b) of the Clean Water Act (CWA) requires EPA to ensure that the location, design, construction, and capacity of cooling water intake structures (CWIS) reflect the best technology available (BTA) to protect aquatic organisms from being killed or injured by impingement or entrainment. At question here is the regulation of the existing steam electric and manufacturing facilities.

Under Executive Order 12866, EPA is required to estimate the potential benefits and costs to society of proposed rule options of significant rules. To assess the importance of the ecological gains from the section 316(b) regulation, EPA requests approval from the OMB to conduct a stated preference survey. Data from the associated stated preference survey will be used to estimate values (willingness to pay, or WTP) derived by households for changes related to the reduction of fish losses at CWIS, and to provide information to assist in the interpretation and validation of survey responses. EPA has designed the survey to provide data to support the following specific objectives: [a] The estimation of the total values that individuals place on preventing losses of fish and other aquatic organisms caused by 316(b) facilities; [b] to understand how much individuals value preventing fish losses,

increasing fish populations, and increasing commercial and recreational catch rates; [c] to understand how such values depend on the current baseline level of fish populations and fish losses, the scope of the change in those measures, and the certainty level of the predictions; and [d] to understand how such values vary with respect to individuals' economic and demographic characteristics.

The key elicitation questions ask respondents whether or not they would vote for policies that would increase their cost of living, in exchange for specified multi-attribute changes in [a] impingement and entrainment losses of fish, [b] commercial fish populations, [c] long-term populations of all fish, and [d] condition of aquatic ecosystems. The respondents' stated preferences with respect to levels of environmental goods and cost to households, when used in conjunction with other information collected in the survey on the use of the affected aquatic resources, household income, and other demographics, can be analyzed statistically (using a mixed logit framework) to estimate total WTP for the quantified environmental benefits of the 316(b) rulemaking. Data analysis and interpretation is grounded in a standard random utility model.

The welfare values that can be derived from this stated preference survey along with those that are estimated apart from the survey effort will offer insight into the composition of the value people place on the 316(b) environmental impacts. WTP estimates derived from the survey may overlap—to a potentially substantial extent—with estimates that can be provided through some other methods. Therefore, particular care will be given to avoid any possible double counting of values that might be derived from alternative valuation methods.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 5 minutes per telephone screening participant and 30 minutes per mail survey respondent including the time necessary to complete and mail back the questionnaire. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements which have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

The ICR provides a detailed explanation of the Agency's estimate, which is only briefly summarized here:

Respondents: Individuals from U.S. households.

Estimated total number of potential respondents: 9,533 for telephone screening and 2,288 for mailed questionnaires.

Frequency of response: One-time response.

Estimated total average number of responses for each respondent: One-time response.

Estimated total burden hours: 1,938 hours.

Estimated total costs: $39,583. EPA estimates that there will be no capital and operating and maintenance cost burden to respondents.

Dated: January 14, 2011.

John Moses,

Director, Collection Strategies Division.

[FR Doc. 2011–1257 Filed 1–20–11; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–8994–8]

Environmental Impacts Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–1399 or *http://www.epa.gov/compliance/nepa/.*

Weekly Receipt of Environmental Impact Statements Filed 01/10/2011 Through 01/14/2011 Pursuant to 40 CFR 1506.9

Notice: In accordance with Section 309(a) of the Clean Air Act, EPA is required to make its comments on EISs issued by other Federal agencies public. Historically, EPA met this mandate by publishing weekly notices of availability of EPA comments, which includes a brief summary of EPA's comment letters, in the **Federal Register**. Since February 2008, EPA has included its comment letters on EISs on its Web site at: *http://www.epa.gov/compliance/nepa/eisdata.html.* Including the entire EIS comment letters on the Web site satisfies the Section 309(a) requirement to make EPA's comments on EISs available to the public. Accordingly, on March 31, 2010, EPA discontinued the publication of the notice of availability of EPA comments in the **Federal Register**.

EIS No. 20110011, Final EIS, FHWA, NC, Gaston East-West Connector Project, Construction (from I–85 west Gastonia to I–485/NC 160 near the Charlotte-Douglas International Airport, Gaston and Mecklenburg Counties, NC, Wait Period Ends: 02/22/2011, Contact: Jennifer Harris, 919–571–3004.

EIS No. 20110012, Final EIS, NRC, AZ, GENERIC EIS—License Renewal of Nuclear Plants, Regarding Palo Verde Nuclear Generating Station, Supplement 43, NUREG–1437, Maricopa County, AZ, Wait Period Ends: 02/22/2011, Contact: David Drucker, 301–415–6223.

EIS No. 20110013, Final EIS, NPS, VA, Cedar Creek and Belle Grove National Historical Park, General Management Plan, Implementation, Frederick, Shenandoah, Warren Counties, VA, Wait Period Ends: 02/22/2011, Contact: Peter Iris-Williams, 215–597–6479.

EIS No. 20110014, Draft EIS, USFS, ID, Forest Plan Amendments Proposed to Facilitate Implementation of the 2011 Plan-Scale Wildlife Conservation Strategy Phase 1: Forested Biological Community, Payette National Forest, Adam, Idaho, Valley and Washington Counties, ID, Comment Period Ends: 04/20/2011, Contact: Sue Dixon, 208–634–0700.

EIS No. 20110015, Draft EIS, USFWS, WA, Willapa National Wildlife Refuge Draft Comprehensive Conservation Plan, Implementation, Pacific County, WA, Comment Period Ends: 03/07/2011, Contact: Charles Houghten, 503–231–6207.

Amended Notices

EIS No. 20110009, Draft EIS, GSA, DC, Nebraska Avenue Complex Master Plan, Propose to Consolidate Over 28,000 DHS Employees, Location 3801 Nebraska Ave., NW., Washington, DC, Comment Period Ends: 03/01/2011, Contact: Suzanne Hill, 202–205–5821. Revision to FR Notice 01/14/2011. Correction to the Status from Final EIS to Draft EIS.

Dated: January 18, 2011.

Cliff Rader,

Environmental Protection Specialist, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2011–1259 Filed 1–20–11; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2009–0609; FRL–8855–4]

Notice of Receipt of a Pesticide Petition Filed for Residues of Pesticide Chemicals in or on Various Commodities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the Agency's receipt of an initial filing of a pesticide petition proposing the establishment or modification of regulations for residues of pesticide chemicals in or on various commodities.

DATES: Comments must be received on or before February 22, 2011.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2009–0609 and the pesticide petition number (PP), by one of the following methods:

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

Instructions: Direct your comments to docket ID number EPA–HQ–OPP–2009–0609 and the pesticide petition number (PP). EPA's policy is that all comments received will be included in the docket without change and may be made available on-line at *http://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through regulations.gov or e-mail. The regulations.gov 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 regulations.gov, your e-mail address will be automatically captured and included as part of the comment that is placed in the docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the docket are listed in the docket index available at *http://www.regulations.gov.* Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. 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 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.

FOR FURTHER INFORMATION CONTACT: Mike Mendelsohn, Biopesticides and Pollution Prevention Division (7511P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; *telephone number:* (703) 308–8715; *e-mail address: mendelsohn.mike@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

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

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

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

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through regulations.gov or e-mail. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When submitting comments, remember to:

i. Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).

ii. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

iv. Describe any assumptions and provide any technical information and/or data that you used.

v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

vi. Provide specific examples to illustrate your concerns and suggest alternatives.

vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

viii. Make sure to submit your comments by the comment period deadline identified.

3. *Environmental justice.* EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low-income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticides discussed in this document, compared to the general population.

II. What action is the agency taking?

EPA is announcing receipt of a pesticide petition filed under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, proposing the establishment or modification of regulations in 40 CFR part 174 or part 180 for residues of pesticide chemicals in or on various food commodities. EPA has determined that the pesticide petition described in this notice contains data or information prescribed in FFDCA section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data supports granting of the pesticide petition. Additional data may be needed before EPA can make a final determination on this pesticide petition.

In accordance with 40 CFR 180.7(f), a summary of the petition that is the subject of this notice, prepared by the petitioner, is included in a docket EPA has created for this rulemaking. The docket for this petition is available on-line at *http://www.regulations.gov*.

As specified in FFDCA section 408(d)(3), (21 U.S.C. 346a(d)(3)), EPA is publishing notice of the petition so that the public has an opportunity to comment on this request for the establishment or modification of regulations for residues of pesticides in or on food commodities. Further information on the petition (PP 0G7756), for an extension of the temporary exemption from the requirement of a tolerance for residues of *Bacillus thuringiensis* eCry3.1Ab protein under 40 CFR 174.532, may be obtained through the petition summary referenced in this unit.

PP 0G7756. Syngenta Seeds, Inc., P.O. Box 12257, Research Triangle Park, North Carolina 27709, proposes to extend an exemption from the requirement of a tolerance for residues of the plant-incorporated protectant *Bacillus thuringiensis* eCry3.1Ab protein in corn, in or on the food and feed commodities of corn; corn, field; corn, sweet; and corn, pop in 40 CFR 174.532; when *Bacillus thuringiensis* eCry3.1Ab protein in corn is used as a plant-incorporated protectant in accordance with the terms of Experimental Use Permit 67979–EUP–8. The petitioner believes no analytical method is needed because a temporary exemption from the requirement of a tolerance is being sought.

List of Subjects

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: January 6, 2011.

Keith A. Matthews,

Acting Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.

[FR Doc. 2011–1123 Filed 1–20–11; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9255–4]

Proposed Administrative Settlement Agreement Under Section 122(h) of the Comprehensive Environmental Response, Compensation, and Liability Act for the D'Imperio Property Superfund Site, Located in Hamilton Township, Atlantic County, NJ

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed administrative settlement and opportunity for public comment.

SUMMARY: The United States Environmental Protection Agency ("EPA") is proposing to enter into an administrative settlement agreement ("Settlement Agreement") with Air Products and Chemicals, Inc., Alco Industries, Inc., Bayer CropScience Inc., Colonial Heights Packaging, Inc., Continental Holdings, Inc., Croda Inks Corporation, Henkel Corporation, Kimberly-Clark Tissue Company, Sonoco Products Company, Stepan Company, Union Carbide Corporation, USG Corporation, and United States Steel Corporation ("Respondents") pursuant to Section 122(h) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. 9622(h). The Settlement Agreement provides for Respondents' payment of certain costs incurred and to be incurred at the D'Imperio Property Superfund Site, located in Hamilton Township, Atlantic County, New Jersey ("Site").

In accordance with Section 122(i) of CERCLA, 42 U.S.C. 9622(i), this notice is being published to inform the public of the proposed Settlement Agreement and of the opportunity to comment. For thirty (30) days following the date of publication of this notice, EPA will receive written comments relating to the proposed Settlement Agreement. EPA will consider all comments received and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations that indicate that the proposed settlement is inappropriate, improper or inadequate. EPA's response to any comments received will be available for public inspection at EPA Region 2, 290 Broadway, 17th floor New York, New York 10007–1866.

DATES: Comments must be provided by February 22, 2011.

ADDRESSES: Comments should reference the D'Imperio Superfund Site, EPA Docket No. CERCLA–02–2010–2024 and should be sent to the U.S. Environmental Protection Agency, Region 2, Office of Regional Counsel, New Jersey Superfund Branch, 290 Broadway—17th Floor, New York, NY 10007.

FOR FURTHER INFORMATION CONTACT: Michael J. van Itallie, Assistant Regional Counsel, New Jersey Superfund Branch, Office of Regional Counsel, U.S. Environmental Protection Agency, Region 2, 17th Floor, 290 Broadway, New York, New York 10007–1866. *Telephone:* 212–637–3151.

SUPPLEMENTARY INFORMATION: A copy of the proposed administrative settlement, as well as background information relating to the settlement, may be obtained from Michael J. van Itallie, Assistant Regional Counsel, New Jersey Superfund Branch, Office of Regional Counsel, U.S. Environmental Protection Agency, Region 2, 17th Floor, 290 Broadway, New York, New York 10007–1866. *Telephone:* 212–637–3151.

Dated: January 11, 2011.

John E. Lapadula,

Acting Director, Emergency and Remedial Response Division.

[FR Doc. 2011–1256 Filed 1–20–11; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection Being Reviewed by the Federal Communications Commission for Extension Under Delegated Authority, Comments Requested

January 11, 2011.

SUMMARY: The Federal Communications Commission (FCC), as part of its continuing effort to reduce paperwork burdens, invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act (PRA) of 1995, 44 U.S.C. 3501–3520. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and (e) ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

DATES: Written PRA comments should be submitted on or before March 22, 2011. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, OMB, via fax at (202) 395–5167, or via e-mail to *Nicholas_A._Fraser@omb.eop.gov* and to Cathy Williams, FCC, via e-mail to *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–1043.

Title: Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, CG Docket No. 03–123, FCC 04–137.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 10 respondents and 19 responses.

Estimated Time per Response: 10 hours.

Frequency of Response: Annual reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for the information collection requirement is contained in section 225 of the Communications Act of 1934, as amended [47 U.S.C. 225], Telecommunications Services for Hearing-Impaired and Speech-Impaired Individuals; The Americans with Disabilities Act of 1990 (ADA), Public Law 101–336, 104 Stat. 327, 366–69, was enacted on July 26, 1990.

Total Annual Burden: 190 hours.

Total Annual Cost: None.

Nature and Extent of Confidentiality: An assurance of confidentiality is not offered because this information collection does not require the collection of personally identifiable information from individuals.

Privacy Impact Assessment: No Impact(s).

Needs and Uses: The reporting requirements included under OMB Control Number 3060–1043 enable the Commission to collect waiver reports from Telecommunications Relay Service (TRS) providers requesting waivers from certain TRS mandatory minimum standards. On June 30, 2004, the Commission released a Report and Order and Order on Reconsideration in Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, FCC 04–137, published at 69 FR 53346, September 1, 2004 and at 69 FR 53382, September 1, 2004. In the Report and Order, the Commission harmonized the expiration dates of waivers for Video Relay Service and Internet-Protocol (IP) Relay providers of the following TRS mandatory minimum requirements, amongst others: (1) 47 CFR 64.604(a)(3)(vi)—call release; and (2) 47 CFR 64.604(b)(3)—equal access to interexchange carriers. The Commission also conditioned these waivers on providers submitting annual reports to the Commission, in a narrative form, detailing: (1) The provider's plan or general approach to meet the waived standards; (2) any additional costs that would be required to meet the standards; (3) the development of any new technology that may affect the particular waivers; (4) the progress made by the provider to meet the standards; (5) the specific steps taken to resolve any technical problems that prohibit the provider from meeting the standards; and (6) any other factors relevant to whether the waiver should continue in effect. On January 11, 2007, the Commission released a Declaratory Ruling in Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Internet-based Captioned Telephone Service, FCC 06–182, published at 72 FR 6960, February 14, 2007. The ruling applied several of the waivers to IP captioned telephone relay service, also conditioned on the filing of annual reports, as described above.

Federal Communications Commission.

Bulah P. Wheeler,

Deputy Manager, Office of the Secretary, Office of Managing Director.

[FR Doc. 2011–1206 Filed 1–20–11; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Submitted for Review and Approval to the Office of Management and Budget (OMB), Comments Requested

January 11, 2011.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden, invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act (PRA) of 1995, 44 U.S.C. 3501–3520. Comments are requested concerning: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and (e) ways to further reduce the information collection burden for small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a currently valid OMB control number.

DATES: Written Paperwork Reduction Act (PRA) comments should be submitted on or before February 22, 2011. If you anticipate that you will be submitting PRA comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the FCC contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, Office of Management and Budget, via fax at 202–395–5167 or via e-mail to *Nicholas_A._Fraser@omb.eop.gov* and to the Federal Communications Commission via e-mail to *PRA@fcc.gov.* To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the Web page *http://reginfo.gov/public/do/PRAMain,* (2) look for the section of the Web page called "Currently Under Review", (3) click on the downward-pointing arrow in the "Select Agency" box below the "Currently Under Review" heading, (4) select "Federal Communications Commission" from the list of agencies presented in the "Select Agency" box, (5) click the "Submit" button to the right of the "Select Agency" box, and (6) when the list of FCC ICRs currently under review appears, look for the title of this ICR (or its OMB Control Number, if there is one) and then click on the ICR Reference Number to view detailed information about this ICR.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections, contact Cathy Williams on (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0311.

Title: 47 CFR 76.54, Significantly Viewed Signals, Method To Be Followed for Special Showings.

Form Number: Not applicable.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 500 respondents and 1,274 responses.

Frequency of Response: On occasion reporting requirement; third party disclosure requirement.

Estimated Time per Response: 1–60 hours.

Total Annual Burden: 20,610 hours.

Total Annual Costs: $200,000.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection of information is contained in Sections 4(i) and 340 of the Communications Act of 1934, as amended.

Nature and Extent of Confidentiality: This collection of information does not require confidentiality.

Privacy Impact Assessment: No impact(s).

Needs and Uses: 47 CFR 76.54(b) states significant viewing in a cable television or satellite community for signals not shown as significantly viewed under 47 CFR 76.54(a) or (d) may be demonstrated by an independent professional audience survey of over-the-air television homes that covers at least two weekly periods separated by at least thirty days but no more than one of which shall be a week between the months of April and September. If two surveys are taken, they shall include samples sufficient to assure that the combined surveys result in an average figure at least one standard error above the required viewing level.

47 CFR 76.54(c) is used to notify interested parties, including licensees or permittees of television broadcast stations, about audience surveys that are being conducted by an organization to demonstrate that a particular broadcast station is eligible for significantly viewed status under the Commission's rules. The notifications provide interested parties with an opportunity to review survey methodologies and file objections.

47 CFR 76.54(e) and (f), are used to notify television broadcast stations about the retransmission of significantly viewed signals by a satellite carrier into these stations' local market.

OMB Control Number: 3060–0652.

Title: Section 76.309, Customer Service Obligations; Section 76.1602; Customer Service—General Information; Section 76.1603, Customer Service—Rate and Service Changes—General Information, and Section 76.1619, Information on Subscriber Bills.

Form Number: Not applicable.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities; State, Local or Tribal Government.

Number of Respondents and Responses: 8,260 respondents and 117,510 responses.

Estimated Time per Response: 10 minutes to 1 hour.

Frequency of Response: On occasion reporting requirement; third party disclosure requirement.

Total Annual Burden: 29,235 hours.

Total Annual Cost: None.

Privacy Impact Assessment: No impact(s).

Nature of Response: Required to obtain or retain benefits. The statutory authority for this collection is contained in Sections 4(i) and 632 of the Communications Act of 1934, as amended.

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Needs and Uses: 47 CFR 76.309 set forth various customer service obligations and notification requirements for changes in rates, programming services and channel positions.

47 CFR 76.1602(a) states that franchise authorities must provide affected cable operators 90 days written notice of their intent to enforce customer services standards.

47 CFR 76.1603(b) states that customers will be notified of any changes in rates, programming services or channel positions as soon as possible in writing. Notice must be given to subscribers a minimum of thirty (30) days in advance of such changes if the change is within the control of the cable operator. In addition, the cable operator shall notify subscribers 30 days in advance of any significant changes in the other information required by Section 76.1602.

47 CFR 76.1603(c) states that in addition to the requirement set forth in Section 76.1603(b) regarding advance notification to customers of any changes in rates, programming services or channel positions, cable systems shall give 30 days written notice to both subscribers and local franchising authorities before implementing any rate or service change. Such notice shall state the precise amount of any rate change and briefly explain in readily understandable fashion the cause of the rate change (*e.g.* inflation, changes in external costs or the addition/deletion of channels). When the change involves the addition or deletion of channels, each channel added or deleted must be separately identified.

47 CFR 76.1619(b) states that in case of a billing dispute, the cable operator must respond to a written complaint from a subscriber within 30 days. In addition, Section 76.1619 sets forth requirements for information on subscriber bills.

OMB Control Number: 3060–0667.

Title: Section 76.630 Compatibility with Consumer Electronic Equipment; Section 76.1621 Equipment compatibility offer; Section 76.1622

Consumer Education of Equipment Compatibility.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 8,250 respondents and 266,505 responses.

Estimated Hours per Response: 1–3 hours.

Frequency of Response: Recordkeeping and third party disclosure requirements; On occasion reporting requirement.

Total Annual Burden: 266,515 hours.

Total Annual Cost: $5,800.

Privacy Impact Assessment: No impact(s).

Obligation To Respond: Required to obtain or retain benefits. The statutory authority for this collection is contained in Section 4(i) and 632 of the Communications Act of 1934, as amended.

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Needs and Uses: 47 CFR 76.630(a) states a cable system operator shall not scramble or otherwise encrypt signals carried on the basic service tier. Requests for waivers of this prohibition must demonstrate either a substantial problem with theft of basic tier service or a strong need to scramble basic signals for other reasons. As part of this showing, cable operators are required to notify subscribers by mail of waiver requests. The notice to subscribers must be mailed no later than thirty calendar days from the date the request waiver was filed with the Commission, and cable operators must inform the Commission in writing, as soon as possible, of that notification date.

Individuals who wish to comment on this request for waiver should mail comments to the Federal Communications Commission by no later than 30 days from (the date the notification was mailed to subscribers). Those comments should be addressed to the: Federal Communications Commission, Media Bureau, Washington, DC 20554, and should include the name of the cable operator to whom the comments are applicable. Individuals should also send a copy of their comments to (the cable operator at its local place of business). Cable operators may file comments in reply no later than 7 days from the date subscriber comments must be filed.

47 CFR 76.1621 states that cable system operators that use scrambling, encryption or similar technologies in conjunction with cable system terminal devices, as defined in § 15.3(e) of this chapter, that may affect subscribers' reception of signals shall offer to supply each subscriber with special equipment that will enable the simultaneous reception of multiple signals. The equipment offered shall include a single terminal device with dual descramblers/decoders and/or timers and bypass switches. Other equipment, such as two independent set-top terminal devices may be offered at the same time that the single terminal device with dual tuners/descramblers is offered. For purposes of this rule, two set-top devices linked by a control system that provides functionality equivalent to that of a single device with dual descramblers is considered to be the same as a terminal device with dual descramblers/decoders.

(a) The offer of special equipment shall be made to new subscribers at the time they subscribe and to all subscribers at least once each year.

(b) Such special equipment shall, at a minimum, have the capability:

(1) To allow simultaneous reception of any two scrambled or encrypted signals and to provide for tuning to alternative channels on a pre-programmed schedule; and

(2) To allow direct reception of all other signals that do not need to be processed through descrambling or decryption circuitry (this capability can generally be provided through a separate by-pass switch or through internal by-pass circuitry in a cable system terminal device).

(c) Cable system operators shall determine the specific equipment needed by individual subscribers on a case-by-case basis, in consultation with the subscriber. Cable system operators are required to make a good faith effort to provide subscribers with the amount and types of special equipment needed to resolve their individual compatibility problems.

(d) Cable operators shall provide such equipment at the request of individual subscribers and may charge for purchase or lease of the equipment and its installation in accordance with the provisions of the rate regulation rules for customer premises equipment used to receive the basic service tier, as set forth in § 76.923. Notwithstanding the required annual offering, cable operators shall respond to subscriber requests for special equipment for reception of multiple signals that are made at any time.

47 CFR 76.1622 states that Cable system operators shall provide a consumer education program on compatibility matters to their subscribers in writing, as follows:

(a) The consumer information program shall be provided to subscribers at the time they first subscribe and at least once a year thereafter. Cable operators may choose the time and means by which they comply with the annual consumer information requirement. This requirement may be satisfied by a once-a-year mailing to all subscribers. The information may be included in one of the cable system's regular subscriber billings.

(b) The consumer information program shall include the following information:

(1) Cable system operators shall inform their subscribers that some models of TV receivers and videocassette recorders may not be able to receive all of the channels offered by the cable system when connected directly to the cable system. In conjunction with this information, cable system operators shall briefly explain, the types of channel compatibility problems that could occur if subscribers connected their equipment directly to the cable system and offer suggestions for resolving those problems. Such suggestions could include, for example, the use of a cable system terminal device such as a set-top channel converter. Cable system operators shall also indicate that channel compatibility problems associated with reception of programming that is not scrambled or encrypted programming could be resolved through use of simple converter devices without descrambling or decryption capabilities that can be obtained from either the cable system or a third party retail vendor.

(2) In cases where service is received through a cable system terminal device, cable system operators shall indicate that subscribers may not be able to use special features and functions of their TV receivers and videocassette recorders, including features that allow the subscriber to: View a program on one channel while simultaneously recording a program on another channel; record two or more consecutive programs that appear on different channels; and, use advanced picture generation and display features such as "Picture-in-Picture," channel review and other functions that necessitate channel selection by the consumer device.

(3) In cases where cable system operators offer remote control capability with cable system terminal devices and other customer premises equipment that is provided to subscribers, they shall advise their subscribers that remote control units that are compatible with that equipment may be obtained from

other sources, such as retail outlets. Cable system operators shall also provide a representative list of the models of remote control units currently available from retailers that are compatible with the customer premises equipment they employ. Cable system operators are required to make a good faith effort in compiling this list and will not be liable for inadvertent omissions. This list shall be current as of no more than six months before the date the consumer education program is distributed to subscribers. Cable operators are also required to encourage subscribers to contact the cable operator to inquire about whether a particular remote control unit the subscriber might be considering for purchase would be compatible with the subscriber's customer premises equipment.

OMB Control Number: 3060–0960.

Title: 47 CFR 76.122, Satellite Network Non-duplication Protection Rules; 47 CFR 76.123, Satellite Syndicated Program Exclusivity Rules; 47 CFR 76.124, Requirements for Invocation of Non-duplication and Syndicated Exclusivity Protection; 47 CFR 76.127, Satellite Sports Blackout Rules.

Form Number: Not applicable.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 12,686 respondents and 12,402 responses.

Estimated Time per Response: 0.5–1 hour.

Frequency of Response: On occasion reporting requirement; Third party disclosure requirement.

Total Annual Burden: 12,402 hours.

Total Annual Costs: None.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection is contained in Sections 4(i), 4(j), 303(r), 339 and 340 of the Communications Act of 1934, as amended.

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Privacy Impact Assessment: No impact(s).

Needs and Uses: 47 CFR 76.122, 76.123, 76.124 and 76.127 are used to protect exclusive contract rights negotiated between broadcasters, distributors, and rights holders for the transmission of network, syndicated, and sports programming in the broadcasters' recognized market areas. Rule sections 76.122 and 76.123 implement statutory requirements to provide rights for in-market stations to assert non-duplication and exclusivity rights.

Bulah P. Wheeler,

Deputy Manager, Office of the Secretary, Office of Managing Director, Federal Communications Commission.

[FR Doc. 2011–1207 Filed 1–20–11; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission for Extension Under Delegated Authority, Comments Requested

January 12, 2011.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden, invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act (PRA) of 1995, 44 U.S.C. 3501–3520. Comments are requested concerning: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology, and (e) ways to further reduce the information collection burden for small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a currently valid OMB control number.

DATES: Written Paperwork Reduction Act (PRA) comments should be submitted on or before March 22, 2011. If you anticipate that you will be submitting PRA comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the FCC contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, Office of Management and Budget, via fax at 202–395–5167 or via e-mail to *Nicholas_A._Fraser@omb.eop.gov* and to the Federal Communications Commission via e-mail to *PRA@fcc.gov* and *Cathy.Williams@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information, contact Cathy Williams (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0707.

Title: Over-the-Air Reception Devices (OTARD).

Type of Review: Extension of a currently approved collection.

Respondents: State or Local, or Tribal Government.

Number of Respondents and Responses: 77 respondents; 77 responses.

Estimated Time per Response: 2–5 hours.

Frequency of Response: On occasion reporting requirement; Third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection is contained in Section 207 of the Communications Act of 1934, as amended.

Total Annual Burden: 288 hours.

Total Annual Cost: $17,100.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Needs and Uses: Section 207 of the Telecommunications Act of 1996 ("1996 Act") directs the Commission to promulgate rules prohibiting restrictions on viewers' ability to receive over-the-air signals by television broadcast, multichannel multipoint distribution, or direct broadcast satellite services.

In a *Report and Order, Memorandum Opinion and Order and Further Notice of Proposed Rulemaking,* CS Docket No. 96–83, FCC 96–328, released August 6, 1996, the Commission fully implemented Section 207 of the 1996 Act by adopting final rules for a preemption of State, local and non-governmental regulations that impair viewers' ability to receive over-the-air signals. In doing so, the FCC acknowledged the necessity of allowing State, local and non-governmental entities to continue to enforce certain regulations and restrictions, such as those serving safety purposes, and therefore exempted them from its prohibition. Also, State, local and non-governmental entities were permitted to file petitions for waivers.

On September 25, 1998, the Commission released an *Order on Reconsideration,* FCC 98–214, in this proceeding that further modified and

clarified Section 207 rules. Among other things, the *Order on Reconsideration* clarified how declaratory rulings and waivers in this matter are to be served on all interested parties. If a local government seeks a declaratory ruling or a waiver, it must take steps to afford reasonable, constructive notice to residents in its jurisdiction (*e.g.,* by placing notices in a local newspaper of general circulation). Certificates of service and proof of constructive notice also must be provided to the Commission with the petition. In this regard, the petitioner should provide the Commission with a copy of the notice and an explanation of where the notice was placed and how many people the notice might reasonably have reached.

OMB Control Number: 3060–1105.

Title: Digital TV Transition Status Report, FCC Form 387.

Form Number: FCC Form 387.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities; Not-for-profit institutions.

Number of Respondents and Responses: 20 respondents and 20 responses.

Estimated Time per Response: 2 hours.

Frequency of Response: One-time reporting requirement.

Total Annual Burden: 40 hours.

Total Annual Cost: $22,000.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection of information is contained in Sections 1, 4(i) and (j), 7, 301, 302, 303, 307, 308, 309, 312, 316, 318, 319, 324, 325, 336, and 337 of the Communications Act of 1934, 47 U.S.C. 151, 154(i) and (j), 157, 301, 302a, 303, 307, 308, 309, 312, 316, 318, 319, 324, 325, 336, and 337.

Nature and Extent of Confidentiality: Confidentiality is not required for this collection of information.

Privacy Impact Assessment: No impact(s).

Needs and Uses: FCC Form 387 is used by licensees and permittees of full-power television stations to detail their digital television (DTV) transition status and to report the completion of their transition—specifically, that they have begun operating their full facility as authorized by the post-transition DTV Table Appendix B. The DTV transition deadline passed on June 12, 2009, meaning that full-power television stations may now broadcast only in digital. However, there are still some full-power TV stations that, because of a "tolling" event, have not commenced digital broadcasting (and so are off-the-air) or that are not operating at their full, authorized digital facility. Therefore, such stations are required to file the FCC Form 387 if and when they commence full, authorized digital operations.

Bulah P. Wheeler,

Deputy Manager, Office of the Secretary, Office of Managing Director, Federal Communications Commission.

[FR Doc. 2011–1209 Filed 1–20–11; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection Being Reviewed by the Federal Communications Commission, Comments Requested

January 11, 2011.

SUMMARY: The Federal Communications Commission (FCC), as part of its continuing effort to reduce paperwork burdens, invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act (PRA) of 1995, 44 U.S.C. 3501–3520. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and (e) ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

DATES: Written PRA comments should be submitted on or before March 22, 2011. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via e-mail *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0833.

Title: Implementation of Section 255 of the Telecommunications Act of 1996: Complaint Filings.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Individuals or households; businesses or other for-profit entities; not-for-profit institutions; Federal government; State, local or tribal governments.

Number of Respondents and Responses: 7,854 respondents and 85,154 responses.

Estimated Time per Response: 0.25–5 hours.

Frequency of Response: On occasion and one-time reporting requirements; third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for the information collection requirements are contained in section 255 [47 U.S.C. 255] Access By Persons with Disabilities, Public Law 104–104, 110 Stat. 56, added to the Communications Act by the Telecommunications Act of 1996; and section 4(i) (47 U.S.C. 154(i)) of the Communications Act.

Total Annual Burden: 80,184 hours.

Total Annual Cost: $160,000.

Nature and Extent of Confidentiality: Confidentiality is an issue to the extent that individuals and households provide personally identifiable information, which is covered under the FCC's system of records notice (SORN), FCC/CGB–1, "Informal Complaints and Inquiries." As required by the Privacy Act, 5 U.S.C. 552a, the Commission also published a SORN, FCC/CGB–1 "Informal Complaints and Inquiries", in the **Federal Register** on December 15, 2009 (74 FR 66356) which became effective on January 25, 2010.

Privacy Impact Assessment: Yes. The Privacy Impact Assessment (PIA) was completed on June 28, 2007. It may be reviewed at: *http://www.fcc.gov/omd/privacyact/Privacy_Impact_Assessment.html.* The Commission is in the process of updating the PIA to incorporate various revisions made to the SORN.

Needs and Uses: The information collection requirements included under this OMB Control Number 3060–0833 governs the filing of complaints with the Commission as part of the

implementation of section 255 of the Telecommunications Act of 1996, which seeks to ensure that telecommunications equipment and services are available to all Americans, including those individuals with disabilities. As with any complaint procedure, a certain number of regulatory and information burdens are necessary to ensure compliance with FCC rules. The information collection requirements also give full effect to the accessibility policies embodied in section 255. They do so by requiring telecommunications equipment manufacturers and service providers to make end-user product documentation available in alternate formats, including providing contact information to request such documentation, and by requiring them to demonstrate how they considered accessibility during product development.

Federal Communications Commission.

Bulah P. Wheeler,

Deputy Manager, Office of the Secretary, Office of Managing Director.

[FR Doc. 2011–1208 Filed 1–20–11; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission, Comments Requested

January 11, 2011.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act (PRA) of 1995, 44 U.S.C. 3501–3520. Comments are requested concerning: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology, and (e) ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a currently valid OMB control number.

DATES: Written Paperwork Reduction Act (PRA) comments should be submitted on or before March 22, 2011. If you anticipate that you will be submitting PRA comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the FCC contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, Federal Communications Commission, via e-mail to *PRA@fcc.gov* and *Cathy.Williams@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For further information on this collection contact Cathy Williams on (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–xxxx.

Title: Satellite Digital Audio Radio Service (SDARS).

Form No.: Not applicable.

Type of Review: New information collection.

Respondents: Business and other for-profit.

Number of Respondents/Responses: 1 respondent; 74 responses.

Estimated Time per Response: 4–12 hours per response.

Frequency of Response: On occasion reporting requirement; recordkeeping requirement: Third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection is contained in Sections 47 U.S.C. 701–744; Sections 4, 301, 302, 303, 307, 309, and 332 of the Communications Act, as amended, 47 U.S.C. 154, 301, 302a, 303, 307, 309, and 332.

Total Annual Burden: 400 hours.

Annual Cost Burden: $175,020.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: In general, there is no need for confidentiality with this collection of information.

Needs and Uses: The Federal Communications Commission ("Commission") is requesting approval from the Office of Management and Budget (OMB) to establish a new information collection titled, "Satellite Digital Audio Radio Service (SDARS), Rule Sections: 25.144(e)(3), (e)(8), (e)(9); 25.263(b), (c)."

The Commission released a Second Report and Order (FCC 10–82; IB Docket No. 95–91) on May 20, 2010, in which the agency accomplished three goals: (1) Adopted technical rules governing the operation of SDARS repeaters that will not constrain their function or deployment but will limit the potential for harmful interference to adjacent Wireless Communications Service (WCS) spectrum users by requiring SDARS licensees to notify WCS licensees prior to the deployment of new or modified SDARS terrestrial repeaters; (2) established a blanket-licensing regime for repeaters up to 12 kilowatts (kW) average equivalent isotropically radiated power (EIRP) to facilitate the flexible deployment of SDARS repeaters while ensuring that such repeater operations comply with the Commission's rules regarding RF safety, antenna marking and lighting, equipment authorization and international agreements; and, (3) established site-by-site licensing regime for repeaters operating above 12 kW (average) EIRP, or otherwise not in compliance with the rules adopted for SDARS terrestrial repeater operations.

The information collection requirements accounted for in this collection are necessary to determine the technical and legal qualifications of SDARS applicants or licensees to operate a station, transfer or assign a license, and to determine whether the authorization is in the public interest, convenience and necessity. Without such information, the Commission could not determine whether to permit respondents to provide SDARS services in the U.S. Therefore, the Commission would be unable to fulfill its statutory responsibilities in accordance with the Communications Act of 1934, as amended.

Bulah P. Wheeler,

Deputy Manager, Office of the Secretary, Office of Managing Director, Federal Communications Commission.

[FR Doc. 2011–1210 Filed 1–20–11; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[AU Docket No. 10–183; DA 10–2253]

Auction of FM Broadcast Construction Permits Rescheduled for April 27, 2011; Notice and Filing Requirements, Minimum Opening Bids, Upfront Payments, and Other Procedures for Auction 91

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: This document announces the procedures and minimum opening bids for the upcoming auction of certain FM Broadcast construction permits. This document is intended to familiarize prospective bidders with the procedures and minimum opening bids for the auction. This auction, which is designated as Auction 91, is now scheduled to start on April 27, 2011.

DATES: Applications to participate in Auction 91 must be filed prior to 6 p.m. Eastern Time (ET) on February 10, 2011. Bidding for construction permits in Auction 91 is scheduled to begin on April 27, 2011.

FOR FURTHER INFORMATION CONTACT: *Wireless Telecommunications Bureau, Auctions and Spectrum Access Division:* For legal questions: Lynne Milne or Howard Davenport at (202) 418–0660. For general auction questions: Roy Knowles or Linda Sanderson at (717) 338–2829. *Media Bureau, Audio Division:* For licensing information and service rule questions: Lisa Scanlan or Tom Nessinger at (202) 418–2700. To request materials in accessible formats (Braille, large print, electronic files or audio format) for people with disabilities, send an e-mail to *fcc504@fcc.gov* or call the Consumer and Governmental Affairs Bureau at (202) 418–0530 or (202) 418–0432 (TTY).

SUPPLEMENTARY INFORMATION: This is a summary of the *Auction 91 Procedures Public Notice,* which was released on December 3, 2010. The complete text of the *Auction 91 Procedures Public Notice,* including attachments, as well as related Commission documents, are available for public inspection and copying from 8 a.m. to 4:30 p.m. ET Monday through Thursday and from 8 a.m. to 11:30 a.m. ET on Friday in the FCC Reference Information Center, 445 12th Street, SW., Room CY–A257, Washington, DC 20554. The *Auction 91 Procedures Public Notice* and related Commission documents may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC 20554, telephone 202–488–5300, facsimile 202–488–5563, or Web site: *http://www.BCPIWEB.com,* using document number DA 10–2253 for the *Auction 91 Procedures Public Notice.* The *Auction 91 Procedures Public Notice* and related documents are also available on the Internet at the Commission's Web site: *http://wireless.fcc.gov/auctions/91/.*

I. General Information

A. Introduction

1. The Wireless Telecommunications and the Media Bureaus (collectively, the Bureaus) announce a new start date and pre-auction deadlines for the upcoming auction of certain FM broadcast construction permits and establish the procedures and minimum opening bid amounts for the auction. On September 21, 2010, the Bureaus released a public notice seeking comment on competitive bidding procedures to be used in Auction 91. Five parties submitted five comments in response to the *Auction 91 Comment Public Notice,* 75 FR 61752, October 6, 2010, and two entities submitted filings by the reply comment deadline.

i. Construction Permits in Auction 91

2. Auction 91 will offer 144 construction permits in the FM broadcast service as listed in Attachment A of the *Auction 91 Procedures Public Notice.* The construction permits to be auctioned are for 144 new FM allotments, including 37 construction permits that were offered but not sold in Auction 79. These construction permits are for vacant FM allotments, reflecting FM channels assigned to the FM Table of Allotments (Table), pursuant to the Commission's established rulemaking procedures, and are designated for use in the indicated communities.

3. Attachment A to the *Auction 91 Procedures Public Notice* reflects certain changes to the list of construction permits that were proposed for inclusion in this auction in the *Auction 91 Comment Public Notice.* The Bureaus removed three construction permits that were listed in Attachment A to the *Auction 91 Comment Public Notice:* (1) MM–FM767–C1 on Channel 250C1 at Tuba City, Arizona; (2) MM–FM859–A on Channel 285A at Union Gap, Washington; and (3) MM–FM807–C2 on Channel 254C2 at Ennis, Montana. The correct listing for the Ennis vacant FM allotment is MM–FM411–C2. In addition, the correct allotment coordinates for MM–FM797–A, Adams, Massachusetts, Channel 255A are listed in Attachment A to the *Auction 91 Procedures Public Notice.* The Bureaus will not offer allotments sought to be added by two commenters and will instead make them available in an upcoming auction of FM broadcast construction permits.

4. Applicants may apply for any vacant FM allotment listed in Attachment A of the *Auction 91 Procedures Public Notice.* When two or more short-form applications (FCC Form 175) specifying the same FM allotment are accepted for filing, mutual exclusivity (MX) exists for auction purposes, and thus, that construction permit for the FM allotment will be awarded by competitive bidding procedures. Once mutual exclusivity exists for auction purposes, even if only one applicant for a particular construction permit submits an upfront payment, that applicant is required to submit a bid in order to obtain the construction permit.

5. One commenter contends that the Commission's rules should be revised to automatically delete allotments that are offered at auction but receive no bids. The commenter suggests that such vacant allotments may hinder efforts by existing licensees to change channels or cities of license. The commenter also argues that, in the event that only one applicant places a bid on a permit, that applicant should not be required to submit a payment for the permit. Adoption of this proposal would require reversal of the Commission's determination that mutual exclusivity is determined in the auction context by the filing of short-form applications for the same permit. These proposed changes would require amendment of the Commission's rules and are thus outside of the scope of this proceeding, which is confined to establishing procedures for the conduct of this auction of FM construction permits. Because these proposals are outside of the scope of this proceeding, the Bureaus are unable to consider them here.

B. Rules and Disclaimers

i. Relevant Authority

6. Prospective applicants must familiarize themselves thoroughly with the Commission's general competitive bidding rules, including recent amendments and clarifications, as well as Commission decisions in proceedings regarding competitive bidding procedures, application requirements, and obligations of Commission licensees. Broadcasters should also familiarize themselves with the Commission's rules relating to the FM broadcast service contained in 47 CFR 73.201–73.333 and 73.1001–73.5009. Prospective bidders must also be familiar with the rules relating to broadcast auctions and competitive bidding proceedings contained in 47 CFR 1.2101–1.2112 and 73.5000–73.5009. Prospective bidders must also be thoroughly familiar with the procedures, terms and conditions contained in the *Auction 91 Procedures*

Public Notice, and the authorities cited therein.

7. The terms contained in the Commission's rules, relevant orders, and public notices are not negotiable. The Commission may amend or supplement the information contained in the Bureaus public notices at any time, and will issue public notices to convey any new or supplemental information to applicants. It is the responsibility of all applicants to remain current with all Commission rules and with all public notices pertaining to this auction.

ii. Prohibited Communications and Compliance With Antitrust Laws

8. To ensure the competitiveness of the auction process, 47 CFR 1.2105(c) prohibits auction applicants for construction permits in any of the same geographic license areas from communicating with each other about bids, bidding strategies, or settlements unless such applicants have identified each other on their short-form applications (FCC Form 175) as parties with whom they have entered into agreements pursuant to 47 CFR 1.2105(a)(2)(viii).

a. Entities Subject to Section 1.2105

9. 47 CFR 1.2105(c)'s prohibition on certain communications will apply to any applicants that submit short-form applications seeking to participate in a Commission auction for construction permits in the same geographic license area. Thus, unless they have identified each other on their short-form applications as parties with whom they have entered into agreements under 47 CFR 1.2105(a)(2)(viii), applicants for any of the same geographic license areas must affirmatively avoid all communications with or disclosures to each other that affect or have the potential to affect bids or bidding strategy. In some instances, this prohibition extends to communications regarding the post-auction market structure. This prohibition applies to all applicants regardless of whether such applicants become qualified bidders or actually bid. In broadcast services, the geographic license area is the market designation of the particular service. For the FM service, the market designation is the particular vacant FM allotment (*e.g.,* Whitehall, Montana, Channel 274A, MM–FM185A). In Auction 91, this rule would apply to applicants designating on the short-form application any of the same FM allotments.

10. Applicants are also reminded that, for purposes of this prohibition on certain communications, 47 CFR 1.2105(c)(7)(i) defines applicant as including all officers and directors of the entity submitting a short-form application to participate in the auction, all controlling interests of that entity, as well as all holders of partnership and other ownership interests and any stock interest amounting to 10 percent or more of the entity, or outstanding stock, or outstanding voting stock of the entity submitting a short-form application. For example, where an individual served as an officer for two or more applicants, the Bureaus have found that the bids and bidding strategies of one applicant are necessarily conveyed to the other applicant, and, absent a disclosed bidding agreement, an apparent violation of 47 CFR 1.2105(c) occurs.

11. Individuals and entities subject to 47 CFR 1.2105(c) should take special care in circumstances where their employees may receive information directly or indirectly from a competing applicant relating to any competing applicant's bids or bidding strategies. The Bureaus have not addressed situations where non-principals (*i.e.,* those who are not officers or directors and thus not considered to be the applicant) receive information regarding a competing applicant's bids or bidding strategies and whether that information might be deemed to necessarily convey to the applicant. An exception to the prohibition on certain communications allows non-controlling interest holders to obtain interests in more than one competing applicant without violating 47 CFR 1.2105(c) provided specified conditions are met (including a certification that no prohibited communications have occurred or will occur), but that exception does not extend to controlling interest holders.

12. Moreover, Auction 91 applicants are encouraged not to use the same individual as an authorized bidder. A violation of 47 CFR 1.2105(c) could occur if an individual acts as the authorized bidder for two or more competing applicants, and conveys information concerning the substance of bids or bidding strategies between such applicants. Also, if the authorized bidders are different individuals employed by the same organization (*e.g.,* law firm or engineering firm or consulting firm), a violation similarly could occur. In such a case, at a minimum, applicants should certify on their applications that precautionary steps have been taken to prevent communication between authorized bidders and that applicants and their bidding agents will comply with 47 CFR 1.2105(c).

b. Prohibition Applies Until Down Payment Deadline

13. The 47 CFR 1.2105(c) prohibition on certain communications begins at the short-form application filing deadline and ends at the down payment deadline after the auction, which will be announced in a future public notice.

c. Prohibited Communications

14. Applicants should note that they must not communicate directly or indirectly about bids or bidding strategy to other applicants in this auction. 47 CFR 1.2105(c) prohibits not only a communication about an applicant's own bids or bidding strategy, but also a communication of another applicant's bids or bidding strategy. While 47 CFR 1.2105(c) does not prohibit non-auction-related business negotiations among auction applicants, applicants must remain vigilant so as not to communicate directly or indirectly information that affects, or could affect, bids or bidding strategy, or the negotiation of settlement agreements.

15. The Commission remains vigilant about prohibited communications taking place in other situations. Public disclosure of information relating to bids, or bidding strategies, or to post auction market structures, may violate 47 CFR 1.2105(c). For example, the Commission has warned that prohibited communications concerning bids and bidding strategies may include communications regarding capital calls or requests for additional funds in support of bids or bidding strategies to the extent such communications convey information concerning the bids and bidding strategies directly or indirectly. The use of the Commission's bidding system to disclose an applicant's bidding strategy or market information will not be tolerated. Similarly, an applicant's public statement of intent not to participate in bidding in this auction also could violate this rule.

d. Disclosure of Bidding Agreements and Arrangements

16. The Commission's rules do not prohibit applicants from entering into otherwise lawful bidding agreements before filing their short-form applications, as long as they disclose the existence of the agreement(s) in their short-form applications. If parties agree in principle on all material terms prior to the short-form application filing deadline, each party to the agreement must identify the other party or parties to the agreement on its short-form application under 47 CFR 1.2105(c), even if the agreement has not been reduced to writing. If the parties have

not agreed in principle by the short-form filing deadline, they should not include the names of parties to discussions on their applications, and they may not continue negotiation, discussion or communication with any other applicants after the short-form application filing deadline.

e. Section 1.2105(c) Certification

17. By electronically submitting a short-form application, each applicant in Auction 91 certifies its compliance with 47 CFR 1.2105(c) and 73.5002. However, the Bureau cautions that merely filing a certifying statement as part of an application will not outweigh specific evidence that a prohibited communication has occurred, nor will it preclude the initiation of an investigation when warranted. The Commission has stated that it intends to scrutinize carefully any instances in which bidding patterns suggest that collusion may be occurring. Any applicant found to have violated 47 CFR 1.2105(c) may be subject to sanctions.

f. Duty To Report Prohibited Communications: Reporting Procedure

18. 47 CFR 1.2105(c)(6) provides that any applicant that makes or receives a communication that appears to violate 47 CFR 1.2105(c) must report such communication in writing to the Commission immediately, and in no case later than five business days after the communication occurs. The Commission has clarified that each applicant's obligation to report any such communication continues beyond the five-day period after the communication is made, even if the report is not made within the five-day period.

19. In addition, 47 CFR 1.65 requires an applicant to maintain the accuracy and completeness of information furnished in its pending application and to notify the Commission of any substantial change that may be of decisional significance to that application. Thus, 47 CFR 1.65 requires an auction applicant to notify the Commission of any substantial change to the information or certifications included in its pending short-form application. An applicant is therefore required by 47 CFR 1.65 to report to the Commission any communication the applicant has made to or received from another applicant after the short-form application filing deadline that affects or has the potential to affect bids or bidding strategy, unless such communication is made to or received from a party to an agreement identified under 47 CFR 1.2105(a)(2)(viii).

20. 47 CFR 1.65(a) and 1.2105(c) require applicants in competitive bidding proceedings to furnish additional or corrected information within five days of a significant occurrence, or to amend their short-form applications no more than five days after the applicant becomes aware of the need for amendment. These rules are intended to facilitate the auction process by making the information available promptly to all participants and to enable the Bureaus to act expeditiously on those changes when such action is necessary.

21. A party reporting any communication pursuant to 47 CFR 1.65, 1.2105(a)(2), or 1.2105(c)(6) must take care to ensure that any report of a prohibited communication does not itself give rise to a violation of 47 CFR 1.2105(c). For example, a party's report of a prohibited communication could violate the rule by communicating prohibited information to other applicants through the use of Commission filing procedures that would allow such materials to be made available for public inspection.

22. 47 CFR 1.2105(c) requires parties to file only a single report concerning such communication and to file that report with Commission personnel expressly charged with administering the Commission's auctions. This rule is designed to minimize the risk of inadvertent dissemination of information in such reports. Pursuant to the amended rule, any reports required by 47 CFR 1.2105(c) must be filed consistent with the instructions set forth in the Auction 91 Procedures *Public Notice.* For Auction 91, such reports must be filed with the Chief of the Auctions and Spectrum Access Division, Wireless Telecommunications Bureau, by the most expeditious means available. Specifically, any such report must be submitted by e-mail to *auction91@fcc.gov* or delivered to the following address: Margaret W. Wiener, Chief, Auctions and Spectrum Access Division, Wireless Telecommunications Bureau, Federal Communications Commission, 445 12th Street, SW., Room 6423, Washington, DC 20554.

23. A party seeking to report such a prohibited communication should consider submitting its report with a request that the report or portions of the submission be withheld from public inspection pursuant to 47 CFR 0.459. Such parties also are encouraged to coordinate with the Auctions and Spectrum Access Division staff if they have any questions about the procedures for submitting such reports. The *Auction 91 Procedures Public Notice* provides additional guidance on procedures for submitting application-related information.

g. Winning Bidders Must Disclose Terms of Agreements

24. Applicants that are winning bidders will be required to disclose in their long-form applications the specific terms, conditions, and parties involved in any bidding consortia, joint venture, partnership, or agreement, understanding, or other arrangement entered into relating to the competitive bidding process, including any agreement relating to the post-auction market structure. Applicants must be aware that failure to comply with the Commission's rules can result in enforcement action.

h. Additional Information Concerning Rule Prohibiting Certain Communications

25. A summary listing of documents issued by the Commission and the Bureaus addressing the application of 47 CFR 1.2105(c) may be found in Attachment D of the *Auction 91 Procedures Public Notice.*

i. Antitrust Laws

26. Applicants are also reminded that, regardless of compliance with the Commission's rules, they remain subject to the antitrust laws, which are designed to prevent anticompetitive behavior in the marketplace. Compliance with the disclosure requirements of 47 CFR 1.2105(c) will not insulate a party from enforcement of the antitrust laws. For instance, a violation of the antitrust laws could arise out of actions taking place well before any party submitted a short-form application. If an applicant is found to have violated the antitrust laws or the Commission's rules in connection with its participation in the competitive bidding process, it may be subject to forfeiture of its upfront payment, down payment, or full bid amount and may be prohibited from participating in future auctions, among other sanctions. See 47 CFR 1.2109(d).

ii. Due Diligence

27. Potential applicants are reminded that they are solely responsible for investigating and evaluating all technical and marketplace factors that may have a bearing on the value of the construction permits for broadcast facilities they are seeking in this auction. Bidders are responsible for assuring themselves that, if they win a construction permit, they will be able to build and operate facilities in accordance with the Commission's rules. The FCC makes no representations or warranties about the use of this spectrum for particular services. Applicants should be aware that an FCC auction represents an

opportunity to become an FCC construction permittee in a broadcast service, subject to certain conditions and regulations. An FCC auction does not constitute an endorsement by the FCC of any particular service, technology, or product, nor does an FCC construction permit or license constitute a guarantee of business success.

28. Applicants should perform their individual due diligence before proceeding, as they would with any new business venture. In particular, potential applicants are strongly encouraged to review all underlying Commission orders, such as the specific report and order amending the FM Table of Allotments and allotting the FM channel(s) on which they plan to bid. Reports and orders adopted in FM allotment rulemaking proceedings often include restrictions, including site restrictions or expense reimbursement requirements. Additionally, potential bidders should perform technical analyses or refresh their previous analyses to assure themselves that, should they be a winning bidder for any Auction 91 construction permit, they will be able to build and operate facilities that will fully comply with the Commission's technical and legal requirements. Applicants are strongly encouraged to inspect any prospective transmitter sites located in, or near, the service area for which they plan to bid, confirm the availability of such sites, and also to familiarize themselves with the Commission's rules regarding the National Environmental Policy Act at 47 CFR chapter 1, part 1, subpart I.

29. Applicants are strongly encouraged to conduct their own research prior to Auction 91 in order to determine the existence of any pending administrative or judicial proceedings, including pending allocation rulemaking proceedings that might affect their decision to participate in the auction. Participants in Auction 91 are strongly encouraged to continue such research throughout the auction. The due diligence considerations mentioned in the *Auction 91 Procedures Public Notice* do not comprise an exhaustive list of steps that should be undertaken prior to participating in this auction. As always, the burden is on the potential bidder to determine how much research to undertake, depending upon specific facts and circumstances.

30. Applicants should also be aware that certain pending and future proceedings before the Commission—including applications, applications for modification, petitions for rulemaking, requests for special temporary authority, waiver requests, petitions to deny, petitions for reconsideration, informal objections, and applications for review—may relate to particular applicants, incumbent permittees, incumbent licensees, or the construction permits available in Auction 91. In addition, pending and future judicial proceedings may relate to particular applicants, incumbent permittees, incumbent licensees, or the construction permits available in Auction 91. Prospective applicants are responsible for assessing the likelihood of the various possible outcomes and for considering their potential impact on construction permits available in this auction.

31. Applicants should perform due diligence to identify and consider all proceedings that may affect the construction permits being auctioned and that could have an impact on the availability of spectrum for Auction 91. In addition, although the Commission may continue to act on various pending applications, informal objections, petitions, and other requests for Commission relief, some of these matters may not be resolved by the beginning of bidding in the auction. Applicants are solely responsible for identifying associated risks and for investigating and evaluating the degree to which such matters may affect their ability to bid on, otherwise acquire, or make use of the construction permits available in Auction 91.

32. The Commission makes no representations or guarantees regarding the accuracy or completeness of information in its databases or any third party databases, including for example, court docketing systems. To the extent the Commission's databases may not include all information deemed necessary or desirable by an applicant, applicants may obtain or verify such information from independent sources or assume the risk of any incompleteness or inaccuracy in said databases. Furthermore, the Commission makes no representations or guarantees regarding the accuracy or completeness of information that has been provided by incumbent licensees and incorporated into its databases.

33. A commenter contended that the Bureaus should provide additional information in the Auction 91 public notices about the history of the allotments being offered and suggests that the Media Bureau's Consolidated Data Base System (CDBS) should contain information as to whether a permit was previously offered at auction, as well as details concerning cancellation of a permit due to a failure to construct or licensee default. The Bureaus noted that Attachment A to the *Auction 91 Procedures Public Notice* indicates whether a permit was previously offered at auction. Further, the Commission makes various databases and other sources of information, including CDBS, the auctions databases and copies of Commission decisions, available to the public without charge. Potential bidders may research the background of allotments using this information as well as other sources, just as this commenter has done. The Bureaus rejected this commenter's claim that absent the affirmative disclosure of such background information, the Commission fails to meet a due diligence obligation. It is the responsibility of each potential bidder to undertake research to ensure that any permits won in this auction will be suitable for its business plans and needs. Each potential bidder must undertake its own assessment of the relevance and importance of information gathered as part of its due diligence efforts.

iii. Use of Integrated Spectrum Auction System

34. The Commission will make available a browser-based bidding system to allow bidders to participate in Auction 91 over the Internet using the Commission's Integrated Spectrum Auction System (ISAS or FCC Auction System). The Commission makes no warranty whatsoever with respect to the FCC Auction System. In no event shall the Commission, or any of its officers, employees, or agents, be liable for any damages whatsoever (including, but not limited to, loss of business profits, business interruption, loss of business information, or any other loss) arising out of or relating to the existence, furnishing, functioning, or use of the FCC Auction System that is accessible to qualified bidders in connection with this auction. Moreover, no obligation or liability will arise out of the Commission's technical, programming, or other advice or service provided in connection with the FCC Auction System.

iv. Environmental Review Requirements

35. Permittees or licensees must comply with the Commission's rules regarding implementation of the National Environmental Policy Act and other Federal environmental statutes. The construction of a broadcast facility is a Federal action and the permittee or licensee must comply with the Commission's environmental rules for each such facility. Additional information about such Commission requirements is provided in the *Auction 91 Procedures Public Notice.*

C. Auction Specifics

i. Auction Start Date

36. Bidding in Auction 91 has been rescheduled and will begin on Wednesday, April 27, 2011. The Bureaus have postponed the originally scheduled start of the auction for reasons of administrative and bidder convenience. Although one commenter requested a later starting date, the Bureaus concluded that rescheduling the starting date for Auction 91 from March 29, 2011 to April 27, 2011, will help ensure optimum participation and an efficient auction process, as well as provide prospective applicants with additional time for planning and preparation.

37. The initial schedule for bidding rounds will be announced by public notice at least one week before the start of the auction. Moreover, unless otherwise announced, bidding on all construction permits will be conducted on each business day until bidding has stopped on all construction permits.

ii. Bidding Methodology

38. The bidding methodology for Auction 91 will be simultaneous multiple round bidding. The Commission will conduct this auction over the Internet using the FCC Auction System, and telephonic bidding will be available as well. Qualified bidders are permitted to bid electronically via the Internet or by telephone. All telephone calls are recorded.

iii. Pre-Auction Dates and Deadlines

39. The following dates and deadlines apply:

Auction Tutorial Available (via Internet)—January 31, 2011
Short-Form Application (FCC Form 175) Filing Window Opens—January 31, 2011; 12 noon ET
Short-Form Application (FCC Form 175) Filing Window Deadline—February 10, 2011; prior to 6 p.m. ET
Upfront Payments (via wire transfer)—March 21, 2011; 6 p.m. ET
Mock Auction—April 25, 2011
Auction Begins—April 27, 2011

II. Short-Form Application (FCC Form 175) Requirements

A. General Information Regarding Short-Form Applications

40. An application to participate in an FCC auction, referred to as a short-form application or FCC Form 175, provides information used in determining whether the applicant is legally, technically, and financially qualified to participate in Commission auctions for licenses or permits. The short-form application is the first part of the Commission's two-phased auction application process. In the first phase of this process, parties desiring to participate in the auction must file streamlined, short-form applications in which they certify under penalty of perjury as to their qualifications. Each applicant must take seriously its duties and responsibilities and carefully determine before filing an application that the applicant has the legal, technical and financial resources to participate in Auction 91, as well as construct and operate an FM station if the auction applicant becomes a licensee as a result of its participation in this auction. Eligibility to participate in bidding is based on the applicants' short-form applications and certifications as well as their upfront payments. In the second phase of the process, winning bidders must file more comprehensive long-form applications.

41. Entities and individuals seeking construction permits available in Auction 91 must file a short-form application electronically via the FCC Auction System prior to 6 p.m. ET on February 10, 2011, following the procedures prescribed in Attachment B to the *Auction 91 Procedures Public Notice.* If an applicant claims eligibility for a bidding credit, the information provided in its FCC Form 175 will be used in determining whether the applicant is eligible for the claimed bidding credit. Beginning on the application filing deadline, applicants filing a short-form application are subject to 47 CFR 1.2105(c) and 73.5002.

42. Applicants bear full responsibility for submitting accurate, complete and timely short-form applications. All applicants must certify on their short-form applications under penalty of perjury that they are legally, technically, financially and otherwise qualified to hold a license. Applicants should read carefully the instructions set forth in Attachment B to the *Auction 91 Procedures Public Notice* and should consult the Commission's rules to ensure that all information and materials required in that public notice and under the Commission's rules is included within their short-form applications.

43. An individual or entity may not submit more than one short-form application for a single auction. If a party submits multiple short-form applications, only one application may be accepted for filing.

44. Applicants also should note that submission of a short-form application (and any amendments thereto) constitutes a representation by the certifying official that he or she is an authorized representative of the applicant, that he or she has read the form's instructions and certifications, and that the contents of the application, its certifications, and any attachments are true and correct. Applicants are not permitted to make major modifications to their applications; such impermissible changes include a change of the certifying official to the application. Submission of a false certification to the Commission may result in penalties, including monetary forfeitures, license forfeitures, ineligibility to participate in future auctions, and/or criminal prosecution.

B. Permit Selection

45. An applicant must select the construction permits on which it wants to bid from the *Eligible Permits* list on its short-form application. To assist applicants in identifying construction permits of interest that will be available in Auction 91, the FCC Auction System includes a filtering mechanism that allows an applicant to filter the Eligible Permits list. The applicant will make selections for one or more of the filter criteria and the system will produce a list of construction permits satisfying the specified criteria. The applicant may select all the construction permits in the customized list or select individual construction permits from the list. Applicants also will be able to select construction permits from one customized list and then create additional customized lists to select additional construction permits.

46. Applicants interested in participating in Auction 91 must have selected construction permit(s) available in this auction by the short-form application filing deadline. Applicants must review and verify their construction permit selections before the deadline for submitting short-form applications. Applicants will not be able to change their construction permit selections after the short-form application filing deadline. The FCC Auction System will not accept bids from an applicant on construction permits that the applicant has not selected on its short-form application.

C. New Entrant Bidding Credit

47. Under the tiered New Entrant Bidding Credit for broadcast auction applicants with no, or very few, other media interests, the interests of the applicant, and of any individuals or entities with an attributable interest in the applicant, in other media of mass communications are considered when determining an applicant's eligibility for the New Entrant Bidding Credit. In Auction 91, the bidder's attributable interests are determined as of the short-

form application filing deadline. Thus, the applicant's maximum new entrant bidding credit eligibility will be determined as of the short-form application filing deadline. Applicants intending to divest a media interest or make any other ownership changes, such as resignation of positional interests, in order to avoid attribution for purposes of qualifying for the New Entrant Bidding Credit must have consummated such divestment transactions or have completed such ownership changes by no later than the short-form filing deadline. Prospective bidders are reminded, however, that events occurring after the short-form filing deadline, such as the acquisition of attributable interests in media of mass communications, may cause diminishment or loss of the bidding credit, and must be reported immediately.

48. Under traditional broadcast attribution rules, those entities or individuals with an attributable interest in a bidder include: (1) All officers and directors of a corporate bidder; (2) Any owner of 5 percent or more of the voting stock of a corporate bidder; (3) All partners and limited partners of a partnership bidder, unless the limited partners are sufficiently insulated; and (4) All members of a limited liability company, unless sufficiently insulated.

49. In cases where an applicant's spouse or close family member holds other media interests, such interests are not automatically attributable to the bidder. The Commission decides attribution issues in this context based on certain factors traditionally considered relevant. Applicants should note that the mass media attribution rules were revised in 1999.

50. The Commission further refined the eligibility standards for the New Entrant Bidding Credit, judging it appropriate to attribute the media interests held by very substantial investors in, or creditors of, an applicant claiming new entrant status. Specifically, the attributable mass media interests held by an individual or entity with an equity and/or debt interest in an applicant shall be attributed to that bidder for purposes of determining its eligibility for the New Entrant Bidding Credit, if the equity and debt interests, in the aggregate, exceed 33 percent of the total asset value of the applicant, even if such an interest is non-voting.

51. The Commission relaxed the equity/debt plus (EDP) attribution standard, to allow for higher investment opportunities in entities meeting the definition of eligible entities. An eligible entity is defined in Note 2(i) of 47 CFR 73.3555. The Commission allows the holder of an equity or debt interest in the applicant to exceed the above-noted 33 percent threshold without triggering attribution provided (1) the combined equity and debt in the eligible entity is less than 50 percent; or (2) the total debt in the eligible entity does not exceed 80 percent of the asset value, and the interest holder does not hold any equity interest, option, or promise to acquire an equity interest in the eligible entity or any related entity.

52. Generally, media interests will be attributable for purposes of the New Entrant Bidding Credit to the same extent that such other media interests are considered attributable for purposes of the broadcast multiple ownership rules. However, attributable interests held by a winning bidder in existing low power television, television translator or FM translator facilities will not be counted among the bidder's other mass media interests in determining its eligibility for a New Entrant Bidding Credit. Any bidder asserting new entrant bidding status must have *de facto* as well as *de jure* control of the entity claiming the bidding credit. *See* 47 CFR 73.5007.

D. Application Requirements

53. In addition to the ownership information required pursuant to 47 CFR 1.2112, applicants seeking a New Entrant Bidding Credit are required to establish on their short-form applications that they satisfy the eligibility requirements to qualify for the bidding credit. In those cases, a certification under penalty of perjury must be provided in completing the applicant's short-form application. An applicant claiming that it qualifies for a 35 percent New Entrant Bidding Credit must certify that neither it nor any of its attributable interest holders have any attributable interests in any other media of mass communications. An applicant claiming that it qualifies for a 25 percent New Entrant Bidding Credit must certify that neither it nor any of its attributable interest holders has any attributable interests in more than three media of mass communications, and must identify and describe such media of mass communications. A medium of mass communications is defined in 47 CFR 73.5008(b). Full service noncommercial educational stations, on both reserved and nonreserved channels, are included among media of mass communications as defined in 47 CFR 73.5008(b).

E. Bidding Credits

54. Applicants that qualify for the New Entrant Bidding Credit, as specified in the applicable rule, are eligible for a bidding credit that represents the amount by which a bidder's winning bid is discounted. The size of a New Entrant Bidding Credit depends on the number of ownership interests in other media of mass communications that are attributable to the bidder-entity and its attributable interest-holders. A 35 percent bidding credit will be given to a winning bidder if it, and/or any individual or entity with an attributable interest in the winning bidder, has no attributable interest in any other media of mass communications, as defined in 47 CFR 73.5008. A 25 percent bidding credit will be given to a winning bidder if it, and/or any individual or entity with an attributable interest in the winning bidder, has an attributable interest in no more than three mass media facilities, as defined in 47 CFR 73.5008. No bidding credit will be given if any of the commonly owned mass media facilities serve the same area as the broadcast permit proposed in the auction, as defined in 47 CFR 73.5007(b), or if the winning bidder, and/or any individual or entity with an attributable interest in the winning bidder, has attributable interests in more than three mass media facilities. For purposes of determining whether a broadcast permit identified for bidding in the auction is in the same area as an applicant's existing mass media facilities, the coverage area of the to-be-auctioned facility is calculated using maximum class facilities at the allotment reference coordinates, NOT applicant-specified preferred site coordinates.

55. Bidding credits are not cumulative; qualifying applicants receive either the 25 percent or the 35 percent bidding credit, but not both. Attributable interests are defined in 47 CFR 73.3555 and note 2 of that section. Applicants should note that unjust enrichment provisions apply to a winning bidder that utilizes a bidding credit and subsequently seeks to assign or transfer control of its license or construction permit to an entity not qualifying for the same level of bidding credit.

F. Disclosure of Bidding Arrangements

56. Applicants will be required to identify in their short-form application all parties with whom they have entered into any agreements, arrangements, or understandings of any kind relating to the construction permits being auctioned, including any agreements relating to post-auction market structure.

G. Ownership Disclosure Requirements

57. All applicants to participate in a broadcast auction must comply with the uniform Part 1 ownership disclosure standards and provide information required by 47 CFR 1.2105 and 1.2112. Specifically, in completing the short-form application, applicants will be required to fully disclose information on the real party- or parties-in-interest and ownership structure of the applicant, including both direct and indirect ownership interests of 10 percent or more. The ownership disclosure standards for the short-form application are prescribed in 47 CFR 1.2105 and 1.2112. Each applicant is responsible for information submitted in its short-form application being complete and accurate.

58. Each applicant is responsible for ensuring that the information submitted in its short-form application for Auction 91 is complete and accurate. In certain circumstances, an applicant's most current ownership information on file with the Commission, if in an electronic format compatible with the short-form application (FCC Form 175) (such as information submitted in an on-line FCC Form 602 or in an FCC Form 175 filed for a previous auction using ISAS) will automatically be entered into the applicant's short-form application. Applicants should carefully review any information automatically entered to confirm that it is complete and accurate as of the deadline for filing the short-form application.

H. Provisions Regarding Former and Current Defaulters

59. Current defaulters or delinquents are not eligible to participate in Auction 91, but former defaulters or delinquents can participate so long as they are otherwise qualified and make upfront payments that are 50 percent more than the normal upfront payment amounts. An applicant is considered a current defaulter or a current delinquent when it, any of its affiliates, any of its controlling interests, or any of the affiliates of its controlling interests, is in default on any payment for any Commission construction permit or license (including a down payment) or is delinquent on any non-tax debt owed to any Federal agency as of the filing deadline for short-form applications. An applicant is considered a former defaulter or a former delinquent when it, any of its affiliates, any of its controlling interests, or any of the affiliates of its controlling interests, have defaulted on any Commission construction permit or license or been delinquent on any non-tax debt owed to any Federal agency, but have since remedied all such defaults and cured all of the outstanding non-tax delinquencies.

60. On the short-form application, an applicant must certify under penalty of perjury that it, its affiliates, its controlling interests, and the affiliates of its controlling interests, as defined by 47 CFR 1.2110, are not in default on any payment for a Commission construction permit or license (including down payments) and that it is not delinquent on any non-tax debt owed to any Federal agency. Each applicant must also state under penalty of perjury whether it, its affiliates, its controlling interests, and the affiliates of its controlling interests, have ever been in default on any Commission construction permit or license or have ever been delinquent on any non-tax debt owed to any Federal agency. Prospective applicants are reminded that submission of a false certification to the Commission is a serious matter that may result in severe penalties, including monetary forfeitures, license revocations, exclusion from participation in future auctions, and/or criminal prosecution. These statements and certifications are prerequisites to submitting an application to participate in an FCC auction.

61. The *Auction 91 Procedures Public Notice* also reviews the Bureaus' previous guidance on default and delinquency disclosure requirements in the context of the short-form application process.

62. The Commission considers outstanding debts owed to the United States Government, in any amount, to be a serious matter. The Commission adopted rules, including a provision referred to as the red light rule, that implement the Commission's obligations under the Debt Collection Improvement Act of 1996, which governs the collection of claims owed to the United States. Under the red light rule, the Commission will not process applications and other requests for benefits filed by parties that have outstanding debts owed to the Commission. In the same rulemaking order, the Commission explicitly declared, however, that the Commission's competitive bidding rules are not affected by the red light rule. As a consequence, the Commission's adoption of the red light rule does not alter the applicability of any of the Commission's competitive bidding rules, including the provisions and certifications of 47 CFR 1.2105 and 1.2106, with regard to current and former defaults or delinquencies.

63. Applicants are reminded, however, that the Commission's Red Light Display System, which provides information regarding debts currently owed to the Commission, may not be determinative of an auction applicant's ability to comply with the default and delinquency disclosure requirements of 47 CFR 1.2105. Thus, while the red light rule ultimately may prevent the processing of long-form applications by auction winners, an auction applicant's lack of current red light status is not necessarily determinative of its eligibility to participate in an auction or of its upfront payment obligation.

64. Moreover, prospective applicants in Auction 91 should note that any long-form applications filed after the close of bidding will be reviewed for compliance with the Commission's red light rule, and such review may result in the dismissal of a winning bidder's long-form application. Applicants that have their long-form applications dismissed will be deemed to have defaulted and will be subject to the default payments under 47 CFR 1.2104(g) and 1.2109(c).

I. Optional Applicant Status Identification

65. Applicants owned by members of minority groups and/or women, as defined in 47 CFR 1.2110(c)(3), and rural telephone companies, as defined in 47 CFR 1.2110(c)(4), may identify themselves regarding this status in filling out their short-form applications. This applicant status information is collected for statistical purposes only and assists the Commission in monitoring the participation of designated entities in its auctions.

J. Noncommercial Educational Status Election

66. In the *NCE Second Report and Order,* 68 FR 26220, May 15, 2003, the Commission held that applications for noncommercial educational (NCE) FM stations on nonreserved spectrum, filed during an FM auction filing window, will be returned as unacceptable for filing if mutually exclusive with any application for a commercial station. If an FCC Form 175 filed during the Auction 91 filing window identifying the application's proposed station as noncommercial educational is mutually exclusive with any application filed during that window for a commercial station, the former will be returned as unacceptable for filing. For this reason, each prospective applicant in this auction should consider carefully if the applicant wishes to propose operation for any NCE FM station acquired in this auction. This NCE election cannot be

reversed after the initial application filing deadline.

K. Minor Modifications to Short-Form Applications

67. After the deadline for filing initial applications, an Auction 91 applicant is permitted to make only minor changes to its application. Permissible minor changes include, among other things, deletion and addition of authorized bidders (to a maximum of three) and revision of addresses and telephone numbers of the applicants and their contact persons. An applicant is not permitted to make a major modification to its application (*e.g.,* change of construction permit selection, change control of the applicant, change the certifying official, claim eligibility for a higher percentage of bidding credit, or change the identification of the application's proposed facilities as noncommercial educational) after the initial application filing deadline. Thus, any change in control of an applicant, resulting from a merger for example, will be considered a major modification to the applicant's application, which will consequently be dismissed. The Bureaus reiterated that, even if an applicant's short-form application is dismissed, the application will remain subject to 47 CFR 1.2105(c)'s prohibition on certain communications until the down payment deadline, which will be established after the auction closes.

68. If an applicant wishes to make permissible minor changes to its short-form application, such changes should be made electronically to its short-form application using the FCC Auction System whenever possible. Applicants are reminded to click on the SUBMIT button in the FCC Auction System for the change to be submitted and considered by the Commission. After the revised application has been submitted, a confirmation page will be displayed that states the submission time, submission date, and a unique file number. The Bureaus advise applicants to print and retain a copy of the confirmation page.

69. An applicant cannot use the FCC Auction System outside of the initial and resubmission filing windows to make changes to its short-form application other than administrative changes (*e.g.* changing certain contact information or the name of an authorized bidder). If these or other permissible minor changes need to be made outside of these windows, the applicant must submit a letter briefly summarizing the changes and subsequently update its short-form application in ISAS once the system is available. Moreover, after the filing window has closed, ISAS will not permit applicants to make certain changes, such as the applicant's legal classification and the identification of the application's proposed facilities as noncommercial educational.

70. Any letter describing changes to an applicant's short-form application should be submitted by e-mail to *auction91@fcc.gov.* The e-mail summarizing the changes must include a subject or caption referring to Auction 91 and the name of the applicant.

71. According to 47 CFR 1.917, any application amendment and related statements of fact must be certified by (1) the applicant, if the applicant is an individual; (2) one of the partners if the applicant is a partnership; (3) an officer, director, or duly authorized employee, if the applicant is a corporation; (4) a member who is an officer, if the applicant is an unincorporated association; (5) the trustee, if the applicant is an amateur radio service club; or (6) a duly elected or appointed official who is authorized to make such certifications under the laws of the applicable jurisdiction, if the applicant is a governmental entity.

72. Applicants must not submit application-specific material through the Commission's Electronic Comment Filing System, which was used for submitting comments regarding Auction 91.

L. Maintaining Current Information in Short-Form Applications

73. 47 CFR 1.65 and 1.2105(b) require an applicant to maintain the accuracy and completeness of information furnished in its pending application and in competitive bidding proceedings to furnish additional or corrected information to the Commission within five days of a significant occurrence, or to amend a short form application no more than five days after the applicant becomes aware of the need for the amendment. Changes that cause a loss of or reduction in the percentage of bidding credit specified on the originally submitted application must be reported immediately, and no later than five business days after the change occurs. For example, if ownership changes result in the attribution of new interest holders that affect the applicant's qualifications for a new entrant bidding credit, such information must be clearly stated in the bidder's amendment. Events occurring after the application filing deadline, such as the acquisition of attributable interests in media of mass communications, also may cause diminishment or loss of the bidding credit, and must be reported immediately.

74. If an amendment reporting substantial changes is a major amendment, as defined by 47 CFR 1.2105, the major amendment will not be accepted and may result in the dismissal of the application. After the application filing deadline, applicants may make only minor changes to their applications.

75. Applicants must click on the Submit button in the FCC Auction System for the changes to be submitted and considered by the Commission. If 47 CFR 1.65 submissions are needed after the initial filing and resubmission windows close, applicants must submit a letter, briefly summarizing the changes, by e-mail to *auction91@fcc.gov.* The e-mail summarizing the changes must include a subject or caption referring to Auction 91 and the name of the applicant.

III. Pre-Auction Procedures

A. Online Auction Tutorial—Available January 31, 2011

76. On Monday, January 31, 2011, the Commission will post an educational auction tutorial on the Auction 91 web page for prospective bidders to familiarize themselves with the auction process. This online tutorial will provide information about pre-auction procedures, completing short-form applications, auction conduct, the FCC Auction Bidding System, auction rules, and broadcast services rules. The tutorial will also provide an avenue to ask FCC staff questions about the auction, auction procedures, filing requirements, and other matters related to this auction. The online tutorial will be accessible using a web browser with Adobe Flash Player from the FCC's Auction 91 Web page at *http://wireless.fcc.gov/auctions/91/* through an Auction Tutorial link.

B. Short-Form Applications—Due Prior to 6:00 p.m. ET on February 10, 2011

77. In order to be eligible to bid in this auction, applicants must follow the procedures set forth in Attachment B to the *Auction 91 Procedures Public Notice* to submit a short-form application (FCC Form 175) electronically via the FCC Auction System. This short-form application must be submitted through the FCC Auction System prior to 6 p.m. ET on February 10, 2011. Late applications will not be accepted. Applicants are strongly encouraged to file early and are responsible for allowing adequate time for filing their applications. An applicant always must click on the SUBMIT button on the

certify and submit screen to successfully submit its FCC Form 175 and any modifications; otherwise the application or changes to the application will not be received or reviewed. There is no application fee required when filing an FCC Form 175, but an applicant must submit a timely upfront payment to be eligible to bid. Any applicant that submits a short-form application but fails to timely submit an upfront payment will retain its status as an applicant in Auction 91 and will remain subject to the Commission's rules prohibiting certain communications, 47 CFR 1.2105(c) and 73.5002(d), but, having purchased no bidding eligibility, will be not be eligible to bid.

C. Application Processing and Minor Corrections

78. After the deadline for filing FCC Form 175 applications, the Commission will process all timely submitted applications to determine which are complete, and subsequently will issue a public notice identifying (1) those applications that are complete; (2) those applications that are rejected; and (3) those applications that are incomplete because of minor defects that may be corrected. The public notice will include the deadline for resubmitting corrected applications.

79. Applications specifying the same FM station construction permit are considered mutually exclusive. Non-mutually exclusive applications will be listed in a subsequent public notice to be released by the Bureaus. Such applications will not proceed to auction, but will proceed in accordance with instructions set forth in that public notice. All mutually exclusive applications will be considered under the relevant procedures for conflict resolution. Mutually exclusive applications proposing commercial stations will proceed to auction.

80. Commission staff will communicate only with an applicant's contact person or certifying official, as designated on the applicant's short-form application, unless the applicant's certifying official or contact person notifies the Commission in writing that applicant's counsel or other representative is authorized to speak on its behalf. Authorizations may be sent by e-mail to auction91@fcc.gov.

D. Upfront Payments—Due March 21, 2011

81. In order to be eligible to bid in this auction, applicants must submit an upfront payment accompanied by an FCC Remittance Advice Form (FCC Form 159). After completing its short-form application, an applicant will have access to an electronic version of the FCC Form 159 that can be printed and sent by fax to the Commission's auction payment lockbox bank, the U.S. Bank in St. Louis, Missouri. All upfront payments must be made as instructed in the *Auction 91 Procedures Public Notice* and must be received in the proper account at U.S. Bank before 6 p.m. ET on March 21, 2011. All payments must be made in U.S. dollars. All payments must be made by wire transfer. An applicant must initiate the wire transfer through its bank, authorizing the bank to wire funds from the applicant's account to the U.S. Bank in St. Louis, Missouri. Upfront payments for Auction 91 go to a lockbox number different from the lockboxes used in previous FCC auctions. Failure to deliver a sufficient upfront payment, as instructed, by the deadline on March 21, 2011 will result in dismissal of the short-form application and disqualification from participation in the auction.

i. Making Upfront Payments by Wire Transfer

82. Wire transfer payments must be received before 6 p.m. ET on March 21, 2011. No other payment method is acceptable. The Commission will not accept checks, credit cards, or automated clearing house payments.

83. At least one hour before placing the order for the wire transfer (but on the same business day), applicants must fax a completed FCC Form 159 (Revised 2/03) to U.S. Bank at (314) 418–4232. On the fax cover sheet, applicants must write Wire Transfer—Auction Payment for Auction 91. In order to meet the Commission's upfront payment deadline, an applicant's payment must be credited to the Commission's account for Auction 91 before the deadline.

84. Each applicant is responsible for ensuring timely submission of its upfront payment and for timely filing of an accurate and complete FCC Form 159. To avoid untimely payments, an applicant should coordinate with its financial institution well ahead of the due date regarding its wire transfer, including a discussion of bank closing schedules, and allow sufficient time for the transfer to be initiated and completed prior to the deadline. The Commission repeatedly has cautioned auction participants about the importance of planning ahead to prepare for unforeseen last-minute difficulties in making payments by wire transfer. Each applicant also is responsible for obtaining confirmation from its financial institution that its wire transfer to U.S. Bank was successful and from Commission staff that the Commission has timely received the applicant's upfront payment and deposited it into the proper account.

ii. FCC Form 159

85. A completed FCC Form 159 (Revised 2/03) must be faxed to U.S. Bank to accompany each upfront payment. Proper completion of FCC Form 159 is critical to ensuring correct crediting of upfront payments. Detailed instructions for completion of FCC Form 159 are included in Attachment C to the *Auction 91 Procedures Public Notice.* An electronic pre-filled version of the FCC Form 159 is available after submitting the FCC Form 175. Payers using the pre-filled FCC Form 159 are responsible for ensuring that all of the information on the form, including payment amounts, is accurate. The FCC Form 159 can be completed electronically, but must be filed with U.S. Bank by fax.

iii. Upfront Payments and Bidding Eligibility

86. The Commission has delegated to the Bureaus the authority and discretion to determine appropriate upfront payments for each auction. Upfront payments help deter frivolous or insincere bidding, and provide the Commission with a source of funds in the event that the bidder incurs liability during the auction.

87. Applicants that are former defaulters must pay upfront payments 50 percent greater than non-former defaulters. For purposes of this calculation, the applicant includes the applicant itself, its affiliates, its controlling interests, and affiliates of its controlling interests, as defined by 47 CFR 1.2110.

88. Applicants must make upfront payments sufficient to obtain bidding eligibility on the construction permits on which they will bid. The amount of the upfront payment determines a bidder's initial bidding eligibility, the maximum number of bidding units on which a bidder may place bids. In order to bid on a particular construction permit, a qualified bidder must have selected the construction permit on its FCC Form 175 and must have a current eligibility level that meets or exceeds the number of bidding units assigned to that construction permit. At a minimum, therefore, an applicant's total upfront payment must be enough to establish eligibility to bid on at least one of the construction permits selected on its FCC Form 175, or else the applicant will not be eligible to participate in the auction. An applicant does not have to make an upfront payment to cover all

construction permits the applicant selected on its FCC Form 175, but only enough to cover the maximum number of bidding units that are associated with construction permits on which the bidder wishes to place bids and hold provisionally winning bids in any given round. (Provisionally winning bids are bids that would become final winning bids if the auction were to close after the given round.) A bidder's total upfront payment does not affect the total dollar amount the bidder may bid on any given construction permit.

89. The Bureaus adopted upfront payments and bidding units for each construction permit in Auction 91. Upfront payment amounts and bidding units are set forth in Attachment A of the *Auction 91 Procedures Public Notice.*

90. In calculating its upfront payment amount, an applicant should determine the maximum number of bidding units on which it may wish to be active (bid on or hold provisionally winning bids on) in any single round, and submit an upfront payment amount covering that number of bidding units. In order to make this calculation, an applicant should add together the bidding units for all construction permits on which it seeks to be active in any given round. Applicants should check their calculations carefully, as there is no provision for increasing a bidder's eligibility after the upfront payment deadline.

91. If an applicant is a former defaulter, according to 47 CFR 1.2106(a), it must calculate its upfront payment for all of its identified construction permits by multiplying the number of bidding units on which it wishes to be active by 1.5. In order to calculate the number of bidding units to assign to former defaulters, the Commission will divide the upfront payment received by 1.5 and round the result up to the nearest bidding unit. If a former defaulter fails to submit a sufficient upfront payment to establish eligibility to bid on at least one of its construction permits selected on its FCC Form 175, the applicant will not be eligible to participate in the auction.

E. Applicant's Wire Transfer Information for Purposes of Refunds of Upfront Payments

92. To ensure that refunds of upfront payments are processed in an expeditious manner, the Commission is requesting that all pertinent information be supplied. Applicants can provide the information electronically during the initial short-form application filing window after the form has been submitted. (Applicants are reminded that information submitted as part of an FCC Form 175 will be available to the public; for that reason, wire transfer information should not be included in an FCC Form 175.) Wire Transfer Instructions can also be manually faxed to the FCC, Financial Operations, Auctions Accounting Group, Attn: Gail Glasser, at (202) 418–2843 (fax). All refunds will be returned to the payer of record as identified on the FCC Form 159 unless the payer submits written authorization instructing otherwise.

F. Auction Registration

93. Approximately ten days before the auction, the Bureaus will issue a public notice announcing all qualified bidders for the auction. Qualified bidders are those applicants with submitted FCC Form 175 applications that are deemed timely-filed, accurate, and complete, provided that such applicants have timely submitted an upfront payment that is sufficient to qualify them to bid.

94. All qualified bidders are automatically registered for the auction. Registration materials will be distributed prior to the auction by overnight mail. The mailing will be sent only to the contact person at the contact address listed in the FCC Form 175 and will include the SecurID® tokens that will be required to place bids, the Integrated Spectrum Auction System (ISAS) Bidder's Guide, and the Auction Bidder Line phone number.

95. Qualified bidders that do not receive this registration mailing will not be able to submit bids. Therefore, any qualified bidder that has not received this mailing by noon on Wednesday, April 20, 2011, should call (717) 338–2868. Receipt of this registration mailing is critical to participating in the auction, and each applicant is responsible for ensuring it has received all of the registration material.

96. In the event that SecurID® tokens are lost or damaged, only a person who has been designated as an authorized bidder, the contact person, or the certifying official on the applicant's short-form application may request replacements. Qualified bidders requiring the replacement of these items must call Technical Support at (877) 480–3201, option nine; (202) 414–1250; or (202) 414–1255 (TTY).

G. Remote Electronic Bidding

97. The Commission will conduct this auction over the Internet, and telephonic bidding will be available as well. Only qualified bidders are permitted to bid. Each applicant should indicate its bidding preference—electronic or telephonic—on its FCC Form 175. In either case, each authorized bidder must have its own SecurID® token, which the Commission will provide at no charge. Each applicant with one authorized bidder will be issued two SecurID® tokens, while applicants with two or three authorized bidders will be issued three tokens. For security purposes, the SecurID® tokens, the telephonic bidding telephone number, and the Integrated Spectrum Auction System (ISAS) Bidder's Guide are only mailed to the contact person at the contact address listed on the FCC Form 175. Each SecurID® token is tailored to a specific auction. SecurID® tokens issued for other auctions or obtained from a source other than the FCC will not work for Auction 91.

H. Mock Auction—April 25, 2011

98. All qualified bidders will be eligible to participate in a mock auction on Monday, April 25, 2011. The mock auction will enable qualified bidders to become familiar with the FCC Auction System prior to the auction. Participation by all bidders is strongly recommended. Details will be announced by public notice.

IV. Auction

99. The first round of bidding for Auction 91 will begin on Wednesday, April 27, 2011. The initial bidding schedule will be announced in a public notice listing the qualified bidders, which is to be released approximately 10 days before the start of the auction.

A. Auction Structure

i. Simultaneous Multiple Round Auction

100. All construction permits in Auction 91 will be auctioned in a single auction using the Commission's standard simultaneous multiple-round auction format. This type of auction offers every construction permit for bid at the same time and consists of successive bidding rounds in which eligible bidders may place bids on individual construction permits. A bidder may bid on, and potentially win, any number of construction permits. Unless otherwise announced, bids will be accepted on all construction permits in each round of the auction until bidding stops on every construction permit.

ii. Eligibility and Activity Rules

101. The Bureaus will use upfront payments to determine each bidder's initial (maximum) eligibility (as measured in bidding units) for Auction 91. The amount of the upfront payment submitted by a bidder determines initial bidding eligibility, the maximum

number of bidding units on which a bidder may be active. Each construction permit was assigned a specific number of bidding units as listed in Attachment A of the *Auction 91 Procedures Public Notice.* Bidding units for a given construction permit do not change as prices rise during the auction. A bidder's upfront payment is not attributed to specific construction permits. Rather, a bidder may place bids on any of the construction permits selected on its FCC Form 175 as long as the total number of bidding units associated with those construction permits does not exceed its current eligibility.

102. In order to ensure that an auction closes within a reasonable period of time, an activity rule requires bidders to bid actively throughout the auction, rather than wait until late in the auction before participating. Bidders are required to be active on a specific percentage of their current bidding eligibility during each round of the auction.

103. A bidder's activity level in a round is the sum of the bidding units associated with any construction permits covered by new and provisionally winning bids. A bidder is considered active on a construction permit in the current round if it is either the provisionally winning bidder at the end of the previous bidding round or if it submits a bid in the current round.

104. Failure to maintain the requisite activity level will result in the use of an activity rule waiver, if any remain, or a reduction in the bidder's eligibility, possibly curtailing or eliminating the bidder's ability to place additional bids in the auction.

iii. Auction Stages

105. Auction 91 will be conducted in two stages and employ an activity rule. A bidder desiring to maintain its current bidding eligibility is required to be active on construction permits representing at least 75 percent of its current bidding eligibility, during each round of Stage One, and at least 95 percent of its current bidding eligibility in Stage Two. The Bureaus retain the discretion to alter the activity requirements before and/or during the auction as circumstances warrant.

106. Stage One: During the first stage of the auction, a bidder desiring to maintain its current bidding eligibility will be required to be active on construction permits representing at least 75 percent of its current bidding eligibility in each bidding round. Failure to maintain the required activity level will result in the use of an activity rule waiver or, if the bidder has no activity rule waivers remaining, a reduction in the bidder's bidding eligibility in the next round. During Stage One, reduced eligibility for the next round will be calculated by multiplying the bidder's current round activity (the sum of bidding units of the bidder's provisionally winning bids and bids during the current round) by four-thirds (4/3).

107. Stage Two: During the second stage of the auction, a bidder desiring to maintain its current bidding eligibility is required to be active on 95 percent of its current bidding eligibility. Failure to maintain the required activity level will result in the use of an activity rule waiver or, if the bidder has no activity rule waivers remaining, a reduction in the bidder's bidding eligibility in the next round. During Stage Two, reduced eligibility for the next round will be calculated by multiplying the bidder's current round activity (the sum of bidding units of the bidder's provisionally winning bids and bids during the current round) by twenty-nineteenths (20/19).

108. CAUTION: Since activity requirements increase in Stage Two, bidders must carefully check their activity during the first round following a stage transition to ensure that they are meeting the increased activity requirement. This is especially critical for bidders that have provisionally winning bids and do not plan to submit new bids. In past auctions, some bidders have inadvertently lost bidding eligibility or used an activity rule waiver because they did not re-verify their activity status at stage transitions. Bidders may check their activity against the required activity level by logging into the FCC Auction System.

iv. Stage Transitions

109. The auction will start in Stage One. The Bureaus will regulate the pace of the auction by announcement. The Bureaus retain the discretion to change the activity requirements during the auction, including transition the auction from Stage One to Stage Two, to add an additional stage with a higher activity requirement, not to transition to Stage Two, and to transition to Stage Two with an activity requirement that is higher or lower than 95 percent. This determination will be based on a variety of measures of auction activity, including, but not limited to, the number of new bids and the percentages of construction permits (as measured in bidding units) on which there are new bids.

v. Activity Rule Waivers

110. Each bidder in the auction will be provided with three activity rule waivers. Bidders may use an activity rule waiver in any round during the course of the auction. Use of an activity rule waiver preserves the bidder's eligibility despite the bidder's activity in the current round being below the required minimum activity level. An activity rule waiver applies to an entire round of bidding and not to a particular construction permit. Activity rule waivers can be either proactive or automatic and are principally a mechanism for auction participants to avoid the loss of bidding eligibility in the event that exigent circumstances prevent them from placing a bid in a particular round.

111. The FCC Auction System assumes that bidders with insufficient activity would prefer to apply an activity rule waiver (if available) rather than lose bidding eligibility. Therefore, the system will automatically apply a waiver at the end of any bidding round where a bidder's activity level is below the minimum required unless (1) there are no activity rule waivers available or (2) the bidder overrides the automatic application of a waiver by reducing eligibility. If a bidder has no waivers remaining and does not satisfy the activity requirement, the FCC Auction System will permanently reduce the bidder's eligibility, possibly curtailing or eliminating the bidder's ability to place additional bids in the auction.

112. A bidder with insufficient activity that wants to reduce its bidding eligibility rather than use an activity rule waiver must affirmatively override the automatic waiver mechanism during the bidding round by using the reduce eligibility function in the FCC Auction System. In this case, the bidder's eligibility is permanently reduced to bring the bidder into compliance with the activity rule. Once eligibility has been reduced, a bidder will not be permitted to regain its lost bidding eligibility even if the round has not yet ended.

113. Finally, a bidder may apply an activity rule waiver proactively as a means to keep the auction open without placing a bid. If a bidder proactively applies an activity waiver (using the apply waiver function in the FCC Auction System) during a bidding round in which no bids are placed the auction will remain open and the bidder's eligibility will be preserved. However, an automatic waiver applied by the FCC Auction System in a round in which there are no new bids or proactive waivers will not keep the auction open.

A bidder cannot submit a proactive waiver after submitting a bid in a round, and submitting a proactive waiver will preclude a bidder from placing any bids in that round. It is important for bidders to understand that applying a waiver is irreversible. Once a bidder submits a proactive waiver, the bidder cannot unsubmit the waiver even if the round has not yet ended.

vi. Auction Stopping Rules

114. For Auction 91, the Bureaus will employ a simultaneous stopping rule approach. A simultaneous stopping rule means that all construction permits remain available for bidding until bidding closes simultaneously on all construction permits. More specifically, bidding will close simultaneously on all construction permits after the first round in which no bidder submits any new bids or applies a proactive waiver.

115. As explained in the *Auction 91 Procedures Public Notice,* the Bureaus retain the discretion to exercise any alternative version of the simultaneous stopping rule for Auction 91 with or without prior announcement during the auction. For example, under Option 1, the auction would close for all construction permits after the first round in which no bidder applies a waiver or places any new bids on any construction permit on which it is not the provisionally winning bidder. Thus, absent any other bidding activity, a bidder placing a new bid on a construction permit for which it is the provisionally winning bidder would not keep the auction open under this modified stopping rule. Under Option 2, the auction would close for all construction permits after the first round in which no bidder applies a waiver or places any new bids on any construction permit that is not FCC held. Thus, absent any other bidding activity, a bidder placing a new bid on a construction permit that does not already have a provisionally winning bid (an FCC-held construction permit) would not keep the auction open under this modified stopping rule. Under Option 3, the auction would close using a modified version of the simultaneous stopping rule that combines Option 1 and Option 2. Under Option 4, the auction would end after a specified number of additional rounds. If the Bureaus invoke this special stopping rule, it will accept bids in the specified final round(s) and the auction will close. Under Option 5, the auction would remain open even if no bidder places any new bids or applies a waiver. In this event, the effect will be the same as if a bidder had applied a waiver. Thus, the activity rule will apply as usual, and a bidder with insufficient activity will either lose bidding eligibility or use a waiver.

vii. Auction Delay, Suspension, or Cancellation

116. The Bureaus, by public notice or by announcement during the auction, may delay, suspend, or cancel the auction in the event of natural disaster, technical obstacle, administrative or weather necessity, evidence of an auction security breach or unlawful bidding activity, or for any other reason that affects the fair and efficient conduct of competitive bidding. In such cases, the Bureaus, in their sole discretion, may elect to resume starting from the beginning of the current round, resume the auction starting from some previous round, or cancel the auction in its entirety. Network interruption may cause the Bureaus to delay or suspend the auction. The Bureaus emphasize that exercise of this authority is solely within the discretion of the Bureaus, and its use is not intended to be a substitute for situations in which bidders may wish to apply their activity rule waivers.

B. Bidding Procedures

i. Round Structure

117. The initial schedule of bidding rounds will be announced in the public notice listing the qualified bidders, which is released approximately 10 days before the start of the auction. Each bidding round is followed by the release of round results. Multiple bidding rounds may be conducted in a given day.

118. The Bureaus have the discretion to change the bidding schedule in order to foster an auction pace that reasonably balances speed with the bidders' need to study round results and adjust their bidding strategies. The Bureaus may increase or decrease the amount of time for the bidding rounds, the amount of time between rounds, or the number of rounds per day, depending upon bidding activity and other factors.

ii. Reserve Price and Minimum Opening Bids

119. There will be no reserve price for the construction permits offered in Auction 91. After consideration of one commenter's request for a reduction of the proposed minimum opening bid for the FM station construction permit for Blanket, Texas, Channel 284A, the Bureaus adopted a minimum opening bid for MM–FM837–A, Blanket, Texas, of $7,500. After further consideration of the specific circumstances concerning the FM station construction permit at Charlo, Montana, Channel 251C3, as presented by a second commenter, the Bureaus adopted a minimum opening bid of $5,000 for MM–FM808–C3, Charlo, Montana.

120. Another commenter contended that generally the minimum opening bids for re-auctioned allotments are too high, and that those allotments that were unsold in previous auctions should all be assigned a uniform minimum opening bid of $1,000. Similarly, a fourth commenter suggests an across-the-board decrease of 75 percent of the minimum opening bids proposed in the *Auction 91 Comment Public Notice.* The Bureaus declined to adopt for minimum opening bids in this auction either the proposed across-the-board 75 percent reduction or the proposed uniform minimum bid amount for all permits because those proposals do not take into account the various factors that were used in developing these amounts.

121. The specific minimum opening bid amounts adopted by the Bureaus for the construction permits available in Auction 91 are set forth in Attachment A of the *Auction 91 Procedures Public Notice.*

iii. Bid Amounts

122. In each round of Auction 91, eligible bidders will be able to place a bid on a given construction permit in any of up to nine different amounts, if the bidder has sufficient eligibility to place a bid on the particular construction permit. The FCC Auction System interface will list the nine acceptable bid amounts for each construction permit.

123. The first of the acceptable bid amounts is called the minimum acceptable bid amount. The minimum acceptable bid amount for a construction permit will be equal to its minimum opening bid amount until there is a provisionally winning bid on the construction permit. After there is a provisionally winning bid for a permit, the minimum acceptable bid amount will be a percentage higher. That is, the minimum acceptable bid amount will be calculated by multiplying the provisionally winning bid amount times one plus the minimum acceptable bid percentage. For example, if the minimum acceptable bid percentage is 10 percent, the minimum acceptable bid amount will equal (provisionally winning bid amount) * (1.10), rounded.

124. The Bureaus will begin the auction with a minimum acceptable bid percentage of 10 percent. The eight additional bid amounts are calculated using the minimum acceptable bid amount and a bid increment percentage.

The Bureaus will begin the auction with a bid increment percentage of 5 percent. The first additional acceptable bid amount equals the minimum acceptable bid amount times one plus the bid increment percentage, rounded. With a bid increment percentage is 5 percent, the calculation is (minimum acceptable bid amount) * (1 + 0.05), rounded, or (minimum acceptable bid amount) * 1.05, rounded; the second additional acceptable bid amount equals the minimum acceptable bid amount times one plus two times the bid increment percentage, rounded, or (minimum acceptable bid amount) * 1.10, rounded; the third additional acceptable bid amount equals the minimum acceptable bid amount times one plus three times the bid increment percentage, rounded, or (minimum acceptable bid amount) * 1.15, rounded; *etc.* The Bureaus will round the results of these calculations using the standard rounding procedures for auctions. The Bureaus retain the discretion to change the minimum acceptable bid amounts, the minimum acceptable bid percentage, the bid increment percentage, and the number of acceptable bid amounts if the Bureaus determine that circumstances so dictate. Further, the Bureaus retain the discretion to do so on a construction permit-by-construction permit basis. The Bureaus also retain the discretion to limit (a) the amount by which a minimum acceptable bid for a construction permit may increase compared with the corresponding provisionally winning bid, and (b) the amount by which an additional bid amount may increase compared with the immediately preceding acceptable bid amount. For example, the Bureaus could set a $10,000 limit on increases in minimum acceptable bid amounts over provisionally winning bids. Thus, if calculating a minimum acceptable bid using the minimum acceptable bid percentage results in a minimum acceptable bid amount that is $12,000 higher than the provisionally winning bid on a construction permit, the minimum acceptable bid amount would instead be capped at $10,000 above the provisionally winning bid. If the Bureaus exercise this discretion, they will alert bidders by announcement in the FCC Auction System during the auction.

iv. Provisionally Winning Bids

125. At the end of each bidding round, a provisionally winning bid will be determined based on the highest bid amount received for each construction permit. A provisionally winning bid will remain the provisionally winning bid until there is a higher bid on the same construction permit at the close of a subsequent round. Provisionally winning bids at the end of the auction become the winning bids. Bidders are reminded that provisionally winning bids count toward activity for purposes of the activity rule.

126. The Bureaus will use a random number generator to select a single provisionally winning bid in the event of identical high bid amounts being submitted on a construction permit in a given round (*i.e.,* tied bids). The FCC Auction System will assign a random number to each bid upon submission. The tied bid with the highest random number wins the tiebreaker, and becomes the provisionally winning bid. Bidders, regardless of whether they hold a provisionally winning bid, can submit higher bids in subsequent rounds. However, if the auction were to end with no other bids being placed, the winning bidder would be the one that placed the provisionally winning bid.

v. Bidding

127. All bidding will take place remotely either through the FCC Auction System or by telephonic bidding. There will be no on-site bidding during Auction 91. Telephonic bid assistants are required to use a script when entering bids placed by telephone. Telephonic bidders were reminded to allow sufficient time to bid by placing their calls well in advance of the close of a round. The length of a call to place a telephonic bid may vary; applicants should allow a minimum of ten minutes.

128. A bidder's ability to bid on specific construction permits is determined by two factors: (1) The construction permits selected on the bidder's FCC Form 175 and (2) the bidder's eligibility. The bid submission screens will allow bidders to submit bids on only those construction permits the bidder selected on its FCC Form 175.

129. In order to access the bidding function of the FCC Auction System, bidders must be logged in during the bidding round using the passcode generated by the SecurID® token and a personal identification number (PIN) created by the bidder. Bidders are strongly encouraged to print a round summary for each round after they have completed all of their activity for that round.

130. In each round, eligible bidders will be able to place bids on a given construction permit in any of up to nine pre-defined bid amounts, if the bidder has sufficient eligibility to place a bid on the particular construction permit. For each construction permit, the FCC Auction System will list the acceptable bid amounts in a drop-down box. Bidders use the drop-down box to select from among the acceptable bid amounts. The FCC Auction System also includes an upload function that allows bidders to upload text files containing bid information.

131. Until a bid has been placed on a construction permit, the minimum acceptable bid amount for that construction permit will be equal to its minimum opening bid amount. Once there are bids on a construction permit, minimum acceptable bids for a construction permit for the following round will be determined.

132. During a round, an eligible bidder may submit bids for as many construction permits as it wishes (providing that it is eligible to bid), remove bids placed in the current bidding round, or permanently reduce eligibility. If a bidder submits multiple bids for the same construction permit in the same round, the system takes the last bid entered as that bidder's bid for the round. Bidders should note that the bidding units associated with construction permits for which the bidder has removed bids do not count towards the bidder's current activity.

vi. Bid Removal and Bid Withdrawal

133. In Auction 91, each bidder has the option of removing any bids placed in a round provided that such bids are removed before the close of that bidding round. By using the remove bids function in the FCC Auction System, a bidder may effectively unsubmit any bid placed within that round. A bidder removing a bid placed in the same round is not subject to withdrawal payments. Removing a bid will affect a bidder's activity for the round in which it is removed, *i.e.,* a bid that is removed does not count toward bidding activity. Once a round closes, a bidder may no longer remove a bid.

134. In the *Auction 91 Comment Public Notice,* the Bureaus proposed to prohibit bidders from withdrawing any bids after the round in which the bids were placed has closed. The Bureaus declined to adopt one commenter's proposal to allow, on a case-by-case basis, a bidder in this auction to withdraw a bid where the bidder has a legitimate reason and is not encouraging unethical process that would result in personal gains for the bidder or disqualifying of eligible bidders.

135. The Bureaus will prohibit bid withdrawals in Auction 91. Bidders are cautioned to select bid amounts carefully because no bid withdrawals will be allowed in Auction 91, even if

a bid was mistakenly or erroneously made.

vii. Round Results

136. Reports reflecting bidders' identities for Auction 91 will be available before and during the auction. Thus, bidders will know in advance of this auction the identities of the bidders against which they are bidding.

137. Bids placed during a round will not be made public until the conclusion of that round. After a round closes, the Bureaus will compile and post for public access reports of all bids placed, current provisionally winning bids, new minimum acceptable bid amounts for the following round, whether the construction permit is FCC held, and bidder eligibility status (bidding eligibility and activity rule waivers), and post the reports for public access.

viii. Auction Announcements

138. The Commission will use auction announcements to report necessary information such as schedule changes. All auction announcements will be available by clicking a link in the FCC Auction System.

V. Post-Auction Procedures

139. Shortly after bidding has ended, the Commission will issue a public notice declaring the auction closed, identifying the winning bidders, and establishing the deadlines for submitting down payments, final payments, and the long-form applications (FCC Forms 301).

A. Down Payments

140. Within ten business days after release of the auction closing public notice, each winning bidder must submit sufficient funds (in addition to its upfront payment) to bring its total amount of money on deposit with the Commission for Auction 91 to 20 percent of the net amount of its winning bids (gross bids less any applicable new entrant bidding credits).

B. Final Payments

141. Each winning bidder will be required to submit the balance of the net amount of its winning bids within ten business days after the applicable deadline for submitting down payments.

C. Long-Form Application (FCC Form 301)

142. The Commission's rules currently provide that within thirty days after release of the auction closing notice, winning bidders must electronically submit a properly completed long-form application (FCC Form 301, Application for Construction Permit for Commercial Broadcast Station), and required exhibits for each construction permit won through Auction 91. Winning bidders claiming new entrant status must include an exhibit demonstrating their eligibility for the bidding credit. Further instructions on these and other filing requirements will be provided to winning bidders in the auction closing public notice.

D. Default and Disqualification

143. Any winning bidder that defaults or is disqualified after the close of the auction (*i.e.,* fails to remit the required down payment within the prescribed period of time, fails to submit a timely long-form application, fails to make full payment, or is otherwise disqualified) will be subject to the payments described in 47 CFR 1.2104(g)(2). The payments include both a deficiency payment, equal to the difference between the amount of the bidder's bid and the amount of the winning bid the next time a construction permit covering the same spectrum is won in an auction, plus an additional payment equal to a percentage of the defaulter's bid or of the subsequent winning bid, whichever is less. The Bureaus set the additional default payment for this auction at twenty percent of the applicable bid.

144. Finally, if a default or disqualification involves gross misconduct, misrepresentation, or bad faith by an applicant, the Commission may declare the applicant and its principals ineligible to bid in future auctions, and may take any other action that it deems necessary, including institution of proceedings to revoke any existing authorizations held by the applicant.

E. Refund of Remaining Upfront Payment Balance

145. After the auction, applicants that are not winning bidders or are winning bidders whose upfront payment exceeded the total net amount of their winning bids may be entitled to a refund of some or all of their upfront payment. All refunds will be returned to the payer of record, as identified on the FCC Form 159, unless the payer submits written authorization instructing otherwise. Bidders that drop out of the auction completely (have exhausted all of their activity rule waivers and have no remaining bidding eligibility) may request a refund of their upfront payments before the close of the auction.

Federal Communications Commission.

Gary D. Michaels,

Deputy Chief, Auction and Spectrum Access Division, WTB.

[FR Doc. 2011–1375 Filed 1–20–11; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Sunshine Act Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 4:10 p.m. on Tuesday, January 18, 2011, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider matters related to the Corporation's supervision, corporate and resolution activities.

In calling the meeting, the Board determined, on motion of Director John E. Bowman (Acting Director, Office of Thrift Supervision), seconded by Director Thomas J. Curry (Appointive), concurred in by Vice Chairman Martin J. Gruenberg, Director John G. Walsh (Acting Comptroller of the Currency), and Chairman Sheila C. Bair, that Corporation business required its consideration of the matters which were to be the subject of this meeting on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10)).

The meeting was held in the Board Room of the FDIC Building located at 550 17th Street, NW., Washington, DC.

Dated: January 18, 2011.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2011–1315 Filed 1–19–11; 11:15 am]

BILLING CODE P

FEDERAL MARITIME COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Federal Maritime Commission.

TIME AND DATE: January 26, 2011–10 a.m.

PLACE: 800 North Capitol Street, NW., First Floor Hearing Room, Washington, DC.

STATUS: Part of the meeting will be in Open Session and the remainder of the meeting will be in Closed Session.

MATTERS TO BE CONSIDERED:

Open Session

1. Proposed Notice of Inquiry Concerning the Effects of Slow Steaming on the U.S. Supply Chain and Environment.

Closed Session

1. Staff Briefing on Economic Conditions and Impact on Stakeholders.
2. Docket No. 96–20: Port Restrictions and Requirements in the United States-Japan Trade.
3. Staff Briefing and Discussion Regarding Passenger Vessel Financial Responsibility Requirements.

CONTACT PERSON FOR MORE INFORMATION: Karen V. Gregory, Secretary, (202) 523–5725.

Karen V. Gregory,

Secretary.

[FR Doc. 2011–1380 Filed 1–19–11; 4:15 pm]

BILLING CODE 6730–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Designation of a Class of Employees for Addition to the Special Exposure Cohort

AGENCY: National Institute for Occupational Safety and Health (NIOSH), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: HHS gives notice of a decision to designate a class of employees from Texas City Chemicals, Inc., Texas City, Texas, as an addition to the Special Exposure Cohort (SEC) under the Energy Employees Occupational Illness Compensation Program Act of 2000. On January 6, 2011, the Secretary of HHS designated the following class of employees as an addition to the SEC:

All Atomic Weapons Employer employees who worked at Texas City Chemicals, Inc., from October 5, 1953, through September 30, 1955, for a number of work days aggregating at least 250 work days, occurring either solely under this employment or in combination with work days within the parameters established for one or more other classes of employees included in the Special Exposure Cohort.

This designation will become effective on February 5, 2011, unless Congress provides otherwise prior to the effective date. After this effective date, HHS will publish a notice in the **Federal Register** reporting the addition of this class to the SEC or the result of any provision by Congress regarding the decision by HHS to add the class to the SEC.

FOR FURTHER INFORMATION CONTACT: Stuart L. Hinnefeld, Director, Division of Compensation Analysis and Support, National Institute for Occupational Safety and Health (NIOSH), 4676 Columbia Parkway, MS C–46, Cincinnati, OH 45226, Telephone 877–222–7570. Information requests can also be submitted by e-mail to *DCAS@CDC.GOV.*

John Howard,

Director, National Institute for Occupational Safety and Health.

[FR Doc. 2011–1227 Filed 1–20–11; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Designation of a Class of Employees for Addition to the Special Exposure Cohort

AGENCY: National Institute for Occupational Safety and Health (NIOSH), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: HHS gives notice of a decision to designate a class of employees from Simonds Saw and Steel Co., Lockport, New York, as an addition to the Special Exposure Cohort (SEC) under the Energy Employees Occupational Illness Compensation Program Act of 2000. On January 6, 2011, the Secretary of HHS designated the following class of employees as an addition to the SEC:

All Atomic Weapons Employer employees who worked at Simonds Saw and Steel Co. from January 1, 1948 through December 31, 1957, for a number of work days aggregating at least 250 work days, occurring either solely under this employment or in combination with work days within the parameters established for one or more other classes of employees included in the Special Exposure Cohort.

This designation will become effective on February 5, 2011, unless Congress provides otherwise prior to the effective date. After this effective date, HHS will publish a notice in the **Federal Register** reporting the addition of this class to the SEC or the result of any provision by Congress regarding the decision by HHS to add the class to the SEC.

FOR FURTHER INFORMATION CONTACT: Stuart L. Hinnefeld, Director, Division of Compensation Analysis and Support, National Institute for Occupational Safety and Health (NIOSH), 4676 Columbia Parkway, MS C–46, Cincinnati, OH 45226, Telephone 877–222–7570. Information requests can also be submitted by e-mail to *DCAS@CDC.GOV.*

John Howard,

Director, National Institute for Occupational Safety and Health.

[FR Doc. 2011–1231 Filed 1–20–11; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Designation of a Class of Employees for Addition to the Special Exposure Cohort

AGENCY: National Institute for Occupational Safety and Health (NIOSH), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: HHS gives notice of a decision to designate a class of employees from BWX Technologies, Inc., Lynchburg, Virginia, as an addition to the Special Exposure Cohort (SEC) under the Energy Employees Occupational Illness Compensation Program Act of 2000. On January 6, 2011, the Secretary of HHS designated the following class of employees as an addition to the SEC:

All Atomic Weapons Employer employees who worked at BWX Technologies, Inc., in Lynchburg, Virginia during the period from January 1, 1985 through November 30, 1994, for a number of work days aggregating at least 250 work days, occurring either solely under this employment, or in combination with work days within the parameters established for one or more other classes of employees included in the Special Exposure Cohort.

This designation will become effective on February 5, 2011, unless Congress provides otherwise prior to the effective date. After this effective date, HHS will publish a notice in the **Federal Register** reporting the addition of this class to the SEC or the result of any provision by Congress regarding the decision by HHS to add the class to the SEC.

FOR FURTHER INFORMATION CONTACT: Stuart L. Hinnefeld, Director, Division of Compensation Analysis and Support, National Institute for Occupational Safety and Health (NIOSH), 4676 Columbia Parkway, MS C–46, Cincinnati, OH 45226, Telephone 877–222–7570. Information requests can also

be submitted by e-mail to *DCAS@CDC.GOV.*

John Howard,

Director, National Institute for Occupational Safety and Health.

[FR Doc. 2011–1228 Filed 1–20–11; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): The Association of Genetic Biomarkers and Hereditary Hemochromatosis, DD11–008, 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:

Time and Date

11 a.m.–5 p.m., April 12, 2011 (Closed).

Place: Teleconference.

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 "The Association of Genetic Biomarkers and Hereditary Hemochromatosis, DD11–008, initial review."

Contact Person for More Information: Michael Dalmat, DrPH, Scientific Review Officer, CDC, National Center for Chronic Disease Prevention and Health Promotion, Office of the Director, Extramural Research Program Office, 4770 Buford Highway, NE., Mailstop K–92, Atlanta, GA 30341, Telephone: (770) 488–6423, E-mail: *MED1@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: January 7, 2011.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2011–1236 Filed 1–20–11; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Office for State, Tribal, Local and Territorial Support (OSTLTS); Correction

Correction: This notice was published in the **Federal Register** on January 4, 2011, Volume 76, Number 2, page 367. The institute office and place should read as follows:

Office for State, Tribal, Local and Territorial Support (OSTLTS)

Place: CDC, 1600 Clifton Road, NE., Building 19, Atlanta, Georgia 30333.

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: January 7, 2011.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2011–1235 Filed 1–20–11; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Safety and Occupational Health Study Section (SOHSS); National Institute for Occupational Safety and Health (NIOSH); Meeting Notice

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 following meeting of the aforementioned committee:

Times and Dates

8 a.m.–5 p.m., February 15, 2011 (Closed); 8 a.m.–5 p.m., February 16, 2011 (Closed).

Place: Embassy Suites Hotel, 1900 Diagonal Road, Alexandria, Virginia 22314, Telephone: (703) 684–5900, Fax: (703) 684–1403.

Purpose: The Safety and Occupational Health Study Section will review, discuss, and evaluate grant application(s) received in response to the Institute's standard grants review and funding cycles pertaining to research issues in occupational safety and health, and allied areas.

It is the intent of NIOSH to support broad-based research endeavors in keeping with the Institute's program goals. This will lead to improved understanding and appreciation for the magnitude of the aggregate health burden associated with occupational injuries and illnesses, as well as to support more focused research projects, which will lead to improvements in the delivery of occupational safety and health services, and the prevention of work-related injury and illness. It is anticipated that research funded will promote these program goals.

Matters To Be Discussed: The meeting will convene to address matters related to the conduct of Study Section business and for the study section to consider safety and occupational health-related grant applications. These portions of 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, Centers for Disease Control and Prevention, pursuant to Section 10(d) Public Law 92–463.

Agenda items are subject to change as priorities dictate.

Contact Person for More Information: Price Connor, PhD, NIOSH Health Scientist, 1600 Clifton Road, NE., Mailstop E–20, Atlanta, Georgia 30333, Telephone: (404) 498–2511, Fax: (404) 498–2571.

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: January 7, 2011.

Lorenzo J. Falgiano,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2011–1234 Filed 1–20–11; 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): Family History and Diamond Blackfan Anemia, DD11–010, 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:

Time and Date

11 a.m.–5 p.m., April 19, 2011 (Closed).

Place: Teleconference.

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 "Family History and Diamond Blackfan Anemia, DD11–010, initial review."

Contact Person for More Information: Michael Dalmat, DrPH, Scientific Review Officer, CDC, National Center for Chronic Disease Prevention and Health Promotion, Office of the Director, Extramural Research Program Office, 4770 Buford Highway, NE., Mailstop K–92, Atlanta, GA 30341, Telephone: (770) 488–6423, E-mail: *MED1@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: January 7, 2011.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2011–1233 Filed 1–20–11; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Advisory Committee to the Director (ACD), Centers for Disease Control and Prevention (CDC)—Ethics Subcommittee (ES)

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 following meeting of the aforementioned subcommittee:

Times and Dates:

1 p.m.–5 p.m., February 17, 2011; 8:30 a.m.–12:30 p.m., February 18, 2011.

Place: CDC, Thomas R. Harkin Global Communications Center, Distance Learning Auditorium, 1600 Clifton Road, NE., Atlanta, GA 30333. This meeting is also available by teleconference. Please dial (877) 928–1204 and enter code 4305992.

Status: Open to the public, limited only by the space available. The meeting room accommodates approximately 60 people. To accommodate public participation in the meeting, a conference telephone line will be available. The public is welcome to participate during the public comment. The public comment periods are tentatively scheduled for 4 p.m.–4:15 p.m. on February 17, 2011 and from 12 p.m.–12:15 p.m. on February 18, 2011.

Purpose: The ES will provide counsel to the ACD, CDC, regarding a broad range of public health ethics questions and issues arising from programs, scientists and practitioners.

Matter To Be Discussed: Agenda items will include the following: A review of public comments submitted on the ethical considerations document for the allocation of ventilators during a severe pandemic; finalizing the presentation for the ACD on ethical issues related to non-communicable disease prevention and control; and a review of the outcome of discussions with state, tribal, local, and territorial health officers on public health ethics challenges, including an assessment of available options towards the development of practical tools to assist health departments in their efforts to address these challenges.

The agenda is subject to change as priorities dictate.

Contact Person for More Information: For security reasons, members of the public interested in attending the meeting should contact Drue Barrett, PhD, Designated Federal Officer, ACD, CDC–ES, 1600 Clifton Road, NE., M/S D–50, Atlanta, Georgia 30333. Telephone (404) 639–4690. *E-mail: dbarrett@cdc.gov.* The deadline for notification of attendance is February 11, 2011.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both CDC and the Agency for Toxic Substances and Disease Registry.

Dated: January 14, 2011.

Lorenzo J. Falgiano,

Acting Director, Management Analysis and Service Office, Centers for Disease Control and Prevention.

[FR Doc. 2011–1232 Filed 1–20–11; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–R–148, CMS–R–266, and CMS–216]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Centers for Medicare & Medicaid Services (CMS) is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

1. *Type of Information Collection Request:* Extension without change of a currently approved collection; *Title of Information Collection:* Limitations on Provider Related Donations and Health Care Related Taxes; Limitation on Payments for Disproportionate Share Hospitals and Supporting Regulations in 42 CFR 433.68, 433.74 and 447.272; *Use:* This information collection is necessary to ensure compliance with Sections 1903 and 1923 of the Social Security Act for the purpose of preventing payments of Federal financial participation on amounts prohibited by statute; *Form Number:* CMS–R–148 (OMB#: 0938–0618); *Frequency:* Quarterly and occasionally; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:* 50; *Total Annual Responses:* 40; *Total Annual Hours:* 3,200. (For policy questions regarding this collection

contact Rory Howe at 410–786–4878. For all other issues call 410–786–1326.)

2. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Medicaid Disproportionate Share Hospital Annual Reporting; *Use:* Section 1923(j)(i) of the Social Security Act requires States to submit an annual report that identifies each disproportionate share hospital (DSH) that received a DSH payment under the State's Medicaid program in the preceding fiscal year and the amount of DSH payments paid to that hospital in the same year and such other information as the Secretary determines necessary to ensure the appropriateness of DSH payments. The information supplied will also satisfy the requirements under section 1923(a)(2)(D) of the Act; *Form Number:* CMS–R–266 (OMB#: 0938–0746); *Frequency:* Yearly; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:* 52; *Total Annual Responses:* 52; *Total Annual Hours:* 1,976. (For policy questions regarding this collection contact Rory Howe at 410–786–4878. For all other issues call 410–786–1326.)

3. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Organ Procurement Organization/ Histocompatibility Laboratory Statement of Reimbursable Costs, manual instructions and supporting regulations contained in 42 CFR 413.20 and 413.24; *Use:* This form is required by the statute and regulation for participation in the Medicare program. The information is used to determine payment for Medicare. Organ Procurement Organizations and Histocompatibility Laboratories are the users. *Form Number:* CMS–216–94 (OMB# 0938–0102); *Frequency:* Yearly; *Affected Public:* Business or other for-profit, not-for-profit institutions; *Number of Respondents:* 115; *Total Annual Responses:* 115; *Total Annual Hours:* 5,175.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access CMS' Web site at *http://www.cms.hhs.gov/PaperworkReductionActof1995,* or e-mail your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov,* or call the Reports Clearance Office on (410) 786–1326.

In commenting on the proposed information collections please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in one of the following ways by *March 22, 2011:*

1. *Electronically.* You may submit your comments electronically to *http://www.regulations.gov.* Follow the instructions for "Comment or Submission" or "More Search Options" to find the information collection document(s) accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Martique Jones,

Director, Regulations Development Group, Division B, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2011–1265 Filed 1–20–11; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2011–N–0015]

Agency Information Collection Activities; Proposed Collection; Comment Request; Orphan Drugs; Common European Medicines Agency/ Food and Drug Administration Application Form for Orphan Medicinal Product Designation (Form FDA 3671)

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the procedures by which sponsors of orphan drugs may request eligibility for the incentives by implementing a program as outlined in the Orphan Drug Act and the joint adoption by FDA and the European Medicines Agency (EMA) of the Common EMA/FDA Application Form for Orphan Medicinal Product Designation (form FDA 3671).

DATES: Submit either electronic or written comments on the collection of information by March 22, 2011.

ADDRESSES: Submit electronic comments on the collection of information to *http://www.regulations.gov.* Submit written comments on the collection of information to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Jonna Capezzuto, Office of Information Management, Food and Drug Administration, 1350 Piccard Dr., PI50–400B, Rockville, MD 20850. 301–796–3794. *Jonnalynn.Capezzuto@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. "Collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Orphan Drugs; Common EMA/FDA Application Form for Orphan Medicinal Product Designation (Form FDA 3671)—21 CFR Part 316 (OMB Control Number 0910–0167)—Extension

Sections 525 through 528 of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 360aa through 360dd) give FDA statutory authority to do the following: (1) Provide recommendations on investigations required for approval of marketing applications for orphan drugs, (2) designate eligible drugs as orphan drugs, (3) set forth conditions under which a sponsor of an approved orphan drug obtains exclusive approval, and (4) encourage sponsors to make orphan drugs available for treatment on an "open protocol" basis before the drug has been approved for general marketing. The implementing regulations for these statutory requirements have been codified under part 316 (21 CFR part 316) and specify procedures that sponsors of orphan drugs use in availing themselves of the incentives provided for orphan drugs in the FD&C Act and sets forth procedures FDA will use in administering the FD&C Act with regard to orphan drugs. Section 316.10 specifies the content and format of a request for written recommendations concerning the non-clinical laboratory studies and clinical investigations necessary for approval of marketing applications. Section 316.12 provides that, before providing such recommendations, FDA may require results of studies to be submitted for review. Section 316.14 contains provisions permitting FDA to refuse to provide written recommendations under certain circumstances. Within 90 days of any refusal, a sponsor may submit additional information specified by FDA. Based on past experience, FDA estimates that there will be two respondents to §§ 316.10, 316.12, and 316.14 requiring 200 hours of human resources annually.

Section 316.20 specifies the content and format of an orphan drug application which includes requirements that an applicant document that the disease is rare (affects fewer than 200,000 persons in the United States annually) or that the sponsor of the drug has no reasonable expectation of recovering costs of research and development of the drug. Section 316.21 specifies content of a request for orphan drug designation required for verification of orphan-drug status. Section 316.26 allows an applicant to amend the applications under certain circumstances. The Common EMA/FDA Application Form for Orphan Medicinal Product Designation (form FDA 3671) is intended to benefit sponsors who desire to seek orphan designation of drugs intended for rare diseases or conditions from both the European Commission and FDA by reducing the burden of preparing separate applications to meet the regulatory requirements in each jurisdiction. It highlights the regulatory cooperation between the United States (U.S.) and the European Union (EU) mandated by the Transatlantic Economic Council (TEC). FDA does not believe the new form will result in any increased burden on the respondents and therefore we estimate no additional burden. Based on past experience, FDA estimates there will be 214 respondents requiring 64,200 hours of human resources annually. Section 316.22 specifies requirement of a permanent resident agent for foreign sponsors. Based on past experience, FDA estimates 55 respondents requiring 110 hours of human resources annually. Section 316.27 specifies content of a change in ownership of orphan-drug designation. Based on past experience, FDA estimates 43 respondents requiring 215 hours of human resources annually. Section 316.30 requires submission of annual reports, including progress reports on studies, a description of the investigational plan, and a discussion of changes that may affect orphan status. Based on number of orphan-drug designations, the number of respondents is estimated as 1,652 requiring 4,956 hours of human resources annually. Finally, § 316.36 describes information required of sponsor when there is insufficient quantity of approved orphan drug. Based on past experience, FDA estimates one respondent requiring 45 hours of human resources annually.

The information requested will provide the basis for an FDA determination that the drug is for a rare disease or condition and satisfies the requirements for obtaining orphan drug status. Secondly, the information will describe the medical and regulatory history of the drug. The respondents to this collection of information are biotechnology firms, drug companies, and academic clinical researchers.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

21 CFR Section and FDA Form	Number of respondents	Annual frequency per response	Total annual responses	Hours per response	Total hours
316.10, 316.12, and 316.14	2	1	2	100	200
316.20, 316.21, and 316.26; Form FDA 3671	214	2	428	150	64,200
316.22	55	1	55	2	110
316.27	43	1	43	5	215
316.30	1,652	1	1,652	3	4,956
316.36	1	3	3	15	45
Total					69,726

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Dated: January 18, 2011.

Leslie Kux,

Acting Assistant Commissioner for Policy.

[FR Doc. 2011–1270 Filed 1–20–11; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2011–N–0002]

Peripheral and Central Nervous System Drugs Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committee: Peripheral and Central Nervous System Drugs Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the Agency on FDA's regulatory issues.

Date and Time: The meeting will be held on March 10, 2011, from 8 a.m. to 5 p.m.

Location: Hilton Washington DC/Silver Spring, The Ballrooms, 8727 Colesville Rd., Silver Spring, MD. The hotel telephone number is 301–589–5200.

Contact Person: Diem-Kieu Ngo, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., WO31–2417, Silver Spring, MD 20993–0002, 301–796–9001, FAX: 301–847–8533, e-mail: *diem.ngo@fda.hhs.gov,* or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), and follow the prompts to the desired center or product area. Please call the Information Line for up-to-date information on this meeting. A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the Agency's Web site and call the appropriate advisory committee hot line/phone line to learn about possible modifications before coming to the meeting.

Agenda: On March 10, 2011, the committee will discuss, in general, the use of historical-controlled trials for the approval of anticonvulsant monotherapy for seizures of partial origin for antiepileptic drug products that are already approved for adjunctive therapy. The committee will also discuss how this may specifically apply to the approval of the supplemental new drug application 022115/S–011, LAMICTAL XR (lamotrigine extended-release tablets), sponsored by SmithKline Beecham Corp. d/b/a GlaxoSmithKline, for monotherapy in patients 13 years of age and older with partial seizures who are receiving therapy with a single antiepileptic drug.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its Web site prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's Web site after the meeting. Background material is available at *http://www.fda.gov/AdvisoryCommittees/Calendar/default.htm.* Scroll down to the appropriate advisory committee link.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person on or before February 24, 2011. Oral presentations from the public will be scheduled between approximately 1 p.m. and 2 p.m. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before February 15, 2011. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by February 16, 2011.

Persons attending FDA's advisory committee meetings are advised that the Agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Diem-Kieu Ngo at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our Web site at *http://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: January 18, 2011.

Jill Hartzler Warner,

Acting Associate Commissioner for Special Medical Programs.

[FR Doc. 2011–1264 Filed 1–20–11; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2011–N–0002]

Advisory Committee for Pharmaceutical Science and Clinical Pharmacology; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committee: Advisory Committee for Pharmaceutical Science and Clinical Pharmacology.

General Function of the Committee: To provide advice and recommendations to the Agency on FDA's regulatory issues.

Date and Time: The meeting will be held on March 2, 2011, from 7:15 a.m. to 3 p.m.

Location: Hyatt Regency Dallas at Reunion, Landmark Ballroom, 300 Reunion Blvd., Dallas, TX 75207. The hotel phone number is 214–651–1234.

Contact Person: Yvette Waples, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 31, rm. 2417, Silver Spring, MD 20993–0002, 301–796–9001, FAX: 301–847–8540, e-mail: *yvette.waples@fda.hhs.gov,* or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), and follow prompts to the desired center or product area. Please call the Information Line for up-to-date information on this meeting. A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you

should always check the Agency's Web site and call the appropriate advisory committee hot line/phone line to learn about possible modifications before coming to the meeting.

Agenda: The committee will discuss innovative approaches to the development of drugs for orphan and rare diseases to support decisions such as dose and trial design selection. FDA will seek input and comment on how to optimally utilize mechanistic biomarkers and apply clinical pharmacology tools, such as pharmacogenetics and modeling and simulation, to facilitate efficient and informative drug development and regulatory review. FDA will present and seek input from the committee on how lessons learned from other applications of clinical pharmacology tools in pediatrics and oncology can be applied to orphan and rare disease drugs. The committee will be asked to comment on the current status and future direction for clinical pharmacology studies (*e.g.,* dose-response, drug-drug interactions, pharmacokinetics in patients with renal or hepatic impairment) as they pertain to drug development for orphan and rare diseases.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its Web site prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's Web site after the meeting. Background material is available at *http://www.fda.gov/AdvisoryCommittees/Calendar/default.htm.* Scroll down to the appropriate advisory committee link.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person on or before February 15, 2011. Oral presentations from the public will be scheduled between approximately 1 p.m. and 2 p.m. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before February 7, 2011. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by February 8, 2011.

Persons attending FDA's advisory committee meetings are advised that the Agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Yvette Waples, at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our Web site at *http://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: January 18, 2011.

Jill Hartzler Warner,

Acting Associate Commissioner for Special Medical Programs.

[FR Doc. 2011–1223 Filed 1–20–11; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Advisory Council on Blood Stem Cell Transplantation; Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of the following meeting:

Name: Advisory Council on Blood Stem Cell Transplantation.

Date and Time: February 4, 2011, from 3 p.m. to 5 p.m. EST.

ACTION: Notice of Advisory Council on Blood Stem Cell Transplantation (ACBSCT) Meeting to be Held by Conference Call.

SUMMARY: The ACBSCT will be conducting a conference call to discuss:

(1) Final language of recommendations from November 15, 2010, Council meeting; and

(2) Interim Report to Congress.

DATES: The conference call will be held on February 4, 2011, at 3 p.m. to 5 p.m. EST. Participants must dial: (800) 988–9536 and enter the corresponding pass code 2741198. Patricia A. Stroup, MBA, MPA, is the call leader. Participants should call no later than 2:50 p.m. EST in order for the logistics to be set up. Participants are asked to register for the conference by contacting Passy Tongele at (301) 443–0437 or e-mail *ptongele@hrsa.gov.* The registration deadline is February 2, 2011. The Department will try to accommodate those wishing to participate in the call.

Any member of the public can submit written materials that will be distributed to Council members prior to the conference call. Parties wishing to submit written comments should ensure that the comments are received no later than February 2, 2011, for consideration. Comments should be submitted to Passy Tongele, Healthcare Systems Bureau, HRSA, Parklawn Building, Room 12C–06, 5600 Fishers Lane, Rockville, Maryland 20857; telephone (301) 443–0437; fax (301) 594–6095; or e-mail to *ptongele@hrsa.gov.*

Members of the public can present oral comments during the conference call during the public comment period. If a member of the public wishes to speak, the Department should be notified at the time the participant registers. Others members of the public will be allocated time if time permits.

FOR FURTHER INFORMATION CONTACT: Patricia A. Stroup, MBA, MPA, Executive Secretary, ACBSCT, Healthcare Systems Bureau, HRSA, Parklawn Building, Room 12C–06, 5600 Fishers Lane, Rockville, Maryland 20857; telephone (301) 443–1127; fax (301) 594–6095; or e-mail to *pstroup@hrsa.gov.*

SUPPLEMENTARY INFORMATION: The purpose of this call is to hear discussion from the ACBSCT members on the final language of the eight recommendations approved at the November 15, 2010, Council meeting and to discuss the Interim Report to Congress. Public Law 111–264 states that "* * * the Secretary of Health and Human Services * * * in consultation with the Advisory Council * * * shall submit to Congress an interim report not later than 180 days after the date of enactment of this Act describing (A) the methods to distribute Federal funds to cord blood banks used at the time of submission of the report; (B) how cord blood banks contract with collection sites for the collection of cord blood units; and (C) recommendations for improving the methods to distribute Federal funds described in subparagraph (A) in order to encourage the efficient collection of high-quality and diverse cord blood units."

Dated: January 14, 2011.

Robert Hendricks,

Director, Division of Policy and Information Coordination.

[FR Doc. 2011–1266 Filed 1–20–11; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the Board of Scientific Counselors, NIDA. 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 on Drug Abuse, 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: Board of Scientific Counselors, NIDA.

Date: February 11, 2011.

Closed: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: Intramural Research Program, National Institute on Drug Abuse, NIH, Johns Hopkins Bayview Campus, Baltimore, MD 21223.

Contact Person: Stephen J. Heishman, PhD, Research Psychologist, Clinical Pharmacology Branch, Intramural Research Program, National Institute on Drug Abuse, National Institutes of Health, DHHS, 5500 Nathan Shock Drive, Baltimore, MD 21224, (410) 550–1547.

(Catalogue of Federal Domestic Assistance Program Nos.: 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: January 14, 2011.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2011–1250 Filed 1–20–11; 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: Tumor Biology and Therapy.

Date: February 1–2, 2011.

Time: 9 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: Manzoor Zarger, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6208, MSC 7804, Bethesda, MD 20892. (301) 435–2477. *zargerma@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: Molecular, Cellular and Developmental Neuroscience Integrated Review Group, Neurodifferentiation, Plasticity, and Regeneration Study Section.

Date: February 15–16, 2011.

Time: 8 a.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn San Francisco Fisherman's Wharf, 1300 Columbus Avenue, San Francisco, CA 94133.

Contact Person: Carole L. Jelsema, PhD, Chief and Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4176, MSC 7850, Bethesda, MD 20892. (301) 435–1248. *jelsemac@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, PAR–10–112: Development of Outcome Measures to Determine Success of Hearing Health Care.

Date: February 18, 2011.

Time: 2 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: Baltimore Marriott Waterfront, 700 Aliceanna Street, Baltimore, MD 21202.

Contact Person: Lynn E. Luethke, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5166, MSC 7844, Bethesda, MD 20892. (301) 806–3323. *luethkel@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, RFA Panel: Methodology and Measurement in the Behavioral and Social Sciences.

Date: February 21, 2011.

Time: 8 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: The Ritz Carlton, 1150 22nd Street, NW., Washington, DC 20037.

Contact Person: Jose H. Guerrier, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5218, MSC 7852, Bethesda, MD 20892. 301–435–1137. *guerriej@csr.nih.gov.*

Name of Committee: Cell Biology Integrated Review Group, Biology and Diseases of the Posterior Eye Study Section.

Date: February 22–23, 2011.

Time: 8 a.m. to 5:30 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: Michael H. Chaitin, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5202, MSC 7850, Bethesda, MD 20892. (301) 435–0910. *chaitinm@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Member Conflict: Nutrition, Metabolism, Endocrinology and Pregnancy.

Date: February 22–23, 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: Gary Hunnicutt, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6164, MSC 7892, Bethesda, MD 20892. 301–435–0229. *gary.hunnicutt@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Chronic Fatigue Syndrome, Fibromyalgia Syndrome, Temporomandibular Disorders.

Date: February 22–23, 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: Brian Hoshaw, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5181, MSC 7844, Bethesda, MD 20892. 301–435–1033. *hoshawb@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Vision Sciences and Technology.

Date: February 22–23, 2011.

Time: 8 a.m. to 1 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: George Ann McKie, DVM, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5192, MSC 7846, Bethesda, MD 20892. 301–996–0993. *mckiegeo@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Member Conflict: Epidemiology and Genetics of Cancer.

Date: February 22–23, 2011.

Time: 8 a.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Fungai Chanetsa, MPH, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3135, MSC 7770, Bethesda, MD 20892. 301–408–9436. *fungai.chanetsa@nih.hhs.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Member Conflict: Lung Fibrosis and Injury.
Date: February 22–23, 2011.
Time: 9 a.m. to 6 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: George M. Barnas, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4220, MSC 7818, Bethesda, MD 20892. 301–435–0696. *barnasg@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Fellowships: Reproductive Sciences and Development.
Date: February 22–23, 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: Krish Krishnan, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6164, MSC 7892, Bethesda, MD 20892. (301) 435–1041. *krishnak@csr.nih.gov.*

Name of Committee: Emerging Technologies and Training Neurosciences Integrated Review Group, Neurotechnology Study Section.
Date: February 23, 2011.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Renaissance Washington, DC Dupont Circle Hotel, 1143 New Hampshire Avenue, NW., Washington, DC 20037.
Contact Person: Robert C. Elliott, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3130, MSC 7850, Bethesda, MD 20892. 301–435–3009. *elliotro@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Neurotechnology 3.
Date: February 23, 2011.
Time: 1 p.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Renaissance Washington, DC Dupont Circle Hotel, 1143 New Hampshire Avenue, NW., Washington DC 20037.
Contact Person: Robert C. Elliott, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3130, MSC 7850, Bethesda, MD 20892. 301–435–3009. *elliotro@csr.nih.gov*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Review of Resource for Quantitative Functional MRI.
Date: February 23–25, 2011.
Time: 7 p.m. to 12 p.m.
Agenda: To review and evaluate grant applications.
Place: Holiday Inn Inner Harbor Hotel, 301 W. Lombard Street, Baltimore, MD 21201.
Contact Person: Khalid Masood, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5120, MSC 7854, Bethesda, MD 20892. 301–435–2392. *masoodk@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Fellowships: Psychopathology, Disabilities, Stress and Aging.
Date: February 24, 2011.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Washington Marriott Wardman Park Hotel, 2660 Woodley Road, NW., Washington, DC 20008.
Contact Person: Hilary D. Sigmon, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5222, MSC 7852, Bethesda, MD 20892. (301) 594–6377. *sigmonh@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Small Business: Medical Imaging.
Date: February 24–25, 2011.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Doubletree Guest Suites Santa Monica, 1707 Fourth Street, Santa Monica, CA 90401.
Contact Person: Leonid V. Tsap, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5128, MSC 7854, Bethesda, MD 20892. (301) 435–2507. *tsapl@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Small Business: Risk Prevention and Health Behavior.
Date: February 24–25, 2011.
Time: 8:30 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Mandarin Oriental Hotel, 1330 Maryland Avenue, SW., Washington, DC 20024.
Contact Person: Claire E. Gutkin, PhD, MPH, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3106, MSC 7808, Bethesda, MD 20892. 301–594–3139. *gutkincl@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Member Conflict: Health Services and Methodologies.
Date: February 24, 2011.
Time: 12 p.m. to 4 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Katherine Bent, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3160, MSC 7770, Bethesda, MD 20892. 301–435–0695. *bentkn@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Biomedical Sensing, Measurement and Instrumentation.
Date: February 25, 2011.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Doubletree Guest Suites Santa Monica, 1707 Fourth Street, Santa Monica, CA 90401.
Contact Person: Guo Feng Xu, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5122, MSC 7854, Bethesda, MD 20892. 301–237–9870. *xuguofen@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Fellowships: Biophysical and Physiological Neuroscience.
Date: February 28–March 1, 2011.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Sheraton Delfina Hotel, 530 Pico Boulevard, Santa Monica, CA 90405.
Contact Person: Eugene Carstea, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5194, MSC 7846, Bethesda, MD 20892. (301) 408–9756. *carsteae@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Member Conflict: Auditory Neuroscience.
Date: February 28–March 1, 2011.
Time: 8 a.m. to 6 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: John Bishop, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5182, MSC 7844, Bethesda, MD 20892. (301) 408–9664. *bishopj@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Small Business: Clinical Neurophysiology, Devices, Auditory Devices and Neuroprosthesis.
Date: February 28–March 1, 2011.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Sheraton Delfina Hotel, 530 Pico Boulevard, Santa Monica, CA 90405.
Contact Person: Keith Crutcher, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5207, MSC 7846, Bethesda, MD 20892. 301–435–1278. *crutcherka@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Small Business: Visual Systems.
Date: February 28–March 1, 2011.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Sheraton Delfina Hotel, 530 Pico Boulevard, Santa Monica, CA 90405.
Contact Person: George Ann McKie, DVM, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5192, MSC 7846, Bethesda, MD 20892. 301–996–0993. *mckiegeo@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Cardiovascular Devices.

Date: February 28, 2011.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Guest Suites Santa Monica, 1707 Fourth Street, Santa Monica, CA 90401.

Contact Person: John Firrell, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5118, MSC 7854, Bethesda, MD 20892. 301–435–2598. *firrellj@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Small Business: Dermatology, Rheumatology and Inflammation.

Date: February 28, 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: Center for Scientific Review Special Emphasis Panel, Neurodegenerative Disorders.

Date: February 28–March 1, 2011.

Time: 11 a.m. to 1 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Alexander Yakovlev, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5206, MSC 7846, Bethesda, MD 20892. 301–435–1254. *yakovleva@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: January 14, 2011.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2011–1252 Filed 1–20–11; 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: Adult Psychopathology and Disorders of Aging.

Date: January 27–28, 2011.

Time: 8 a.m. to 11 a.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Jane A Doussard-Roosevelt, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3184, MSC 7848, Bethesda, MD 20892, (301) 435–4445, *doussarj@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: Risk Prevention and Health Behavior.

Date: January 28, 2011.

Time: 10 a.m. to 12 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: Lee S Mann, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3186, MSC 7848, Bethesda, MD 20892, 301–435–0677, *mannl@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.

(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: January 14, 2011.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2011–1253 Filed 1–20–11; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Institute on Drug Abuse Special Emphasis Panel, February 22, 2011, 8 a.m. to February 25, 2011, 5 p.m., Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road, NW., Washington, DC 20015 which was published in the **Federal Register** on October 15, 2010, 75; 199 FR 2010–26025.

The date and time of the meeting were changed to February 22, 2011, 9 a.m. to February 23, 2011, 5 p.m. The meeting is closed to the public.

Dated: January 14, 2011.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2011–1241 Filed 1–20–11; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; 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 USC, as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable materials, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; NIDA B/START R03 Small Grant Review.

Date: February 9, 2011.

Time: 9 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting).

Contact Person: Gerald L. McLaughlin, PhD, Scientific Review Administrator, Office of Extramural Affairs, National Institute on Drug Abuse, NIH, DHHS, Room 4238, MSC 9550, 6001 Executive Blvd., Bethesda, MD

20892–9550, 301–402–6626, *gm145a@nih.gov*.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; Seek, Test, Treat, and Retain: Addressing HIV Among Vulnerable Populations (R01).

Date: February 9, 2011.

Time: 9 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road, NW., Washington, DC 20015.

Contact Person: Nadine Rogers, PhD, Scientific Review Administrator, Office of Extramural Affairs, National Institute on Drug Abuse, NIH, DHHS, Room 4229, MSC 9550, 6001 Executive Blvd., Bethesda, MD 20892–9550, 301–402–2105, *rogersn2@nida.nih.gov*.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; Multi-site Clinical Trial.

Date: February 10, 2011.

Time: 1 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Minna Liang, PhD, Scientific Review Officer, Training and Special Projects Review Branch, Office of Extramural Affairs, National Institute on Drug Abuse, NIH, Room 4226, MSC 9550, 6001 Executive Blvd., Bethesda, MD 20892–9550, 301–435–1432, *liangm@nida.nih.gov*.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; NIDA I/START R03 Small Grant Review.

Date: February 16, 2011.

Time: 9 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting).

Contact Person: Gerald L. McLaughlin, PhD, Scientific Review Administrator, Office of Extramural Affairs, National Institute on Drug Abuse, NIH, DHHS, Room 4238, MSC 9550, 6001 Executive Blvd., Bethesda, MD 20892–9550, 301–402–6626, *gm145a@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos.: 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: January 14, 2011.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2011–1251 Filed 1–20–11; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Eye Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Eye Institute Special Emphasis Panel, Training Grants.

Date: February 23–24, 2011.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Eye Institute, 5635 Fishers Lane, Rockville, MD 20852 (Virtual Meeting).

Contact Person: Daniel R. Kenshalo, PhD, Scientific Review Officer, Division of Extramural Research, National Eye Institute, National Institutes of Health, 5635 Fishers Lane, Suite 1300, MSC 9300, 301–451–2020, *kenshalod@nei.nih.gov*.

Name of Committee: National Eye Institute Special Emphasis Panel, Core Grants.

Date: February 28, 2011.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites Hotel at the Chevy Chase Pavilion, 4700 Military Road, NW., Washington, DC 20015.

Contact Person: Daniel R. Kenshalo, PhD, Scientific Review Officer, Division of Extramural Research, National Eye Institute, National Institutes of Health, 5635 Fishers Lane, Suite 1300, MSC 9300, 301–451–2020, *kenshalod@nei.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.867, Vision Research, National Institutes of Health, HHS)

Dated: January 14, 2011.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2011–1249 Filed 1–20–11; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Human Genome Research Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Human Genome Research Institute Special Emphasis Panel, TRND—RFP Contract Review.

Date: March 4, 2011.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate contract proposals.

Place: Bethesda Residence Inn by Marriott, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Rudy O. Pozzatti, PhD, Scientific Review Officer, Scientific Review Branch, National Human Genome Research Institute, 5635 Fishers Lane, Suite 4076, MSC 9306, Rockville, MD 20852, (301) 402–0838, *pozzattr@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.172, Human Genome Research, National Institutes of Health, HHS)

Dated: January 14, 2011.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2011–1247 Filed 1–20–11; 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 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 Allergy and Infectious Diseases Special Emphasis Panel; Characterization of Pandemic Flu.

Date: February 11, 2011.

Time: 12 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6700B Rockledge Drive, Bethesda, MD 20817 (Telephone Conference Call).

Contact Person: Ellen S. Buczko, PhD, Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institutes of Health/NIAID, 6700B Rockledge Drive, Room 3145 MSC 7616, Bethesda, MD 20892–7616, 301–451–2676, *ebuczko1@niaid.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: January 14, 2011.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2011–1246 Filed 1–20–11; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of Biotechnology Activities, Office of Science Policy, Office of the Director; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the meeting of the National Science Advisory Board for Biosecurity (NSABB).

Name of Committee: National Science Advisory Board for Biosecurity.

Date: February 10, 2011.

Time: 8:30 a.m. to 4 p.m. Eastern Daylight Time (Times are approximate and subject to change).

Agenda: Presentations and discussions regarding: (1) Update on NSABB Working Group activities on Codes of Conduct; Culture of Responsibility; International Engagement; Journal Review Policies; and Outreach and Education activities, including as well as possible Board review/approval of Working Group reports; (2) planning for future NSABB meetings and activities; and (3) other business of the Board.

Place: National Institutes of Health, Building 31, Center Drive, 6th Floor, Conference Room 6, Bethesda, Maryland 20892.

Contact Person: Ronna Hill, NSABB Program Assistant NIH Office of Biotechnology Activities, 6705 Rockledge Drive, Suite 750, Bethesda, Maryland 20892, (301) 496–9838, *hillro@od.nih.gov.*

Under the authority of 42 U.S.C. 217a, Section 222 of the Public Health Service Act, as amended, the Department of Health and Human Services established the NSABB to provide advice, guidance and leadership regarding federal oversight of dual use research, defined as biological research that generates information and technologies that could be misused to pose a biological threat to public health and/or national security.

The meeting will be open to the public, however pre-registration is strongly recommended due to space limitations. Persons planning to attend should register online at: *http://oba.od.nih.gov/biosecurity/biosecurity_meetings.html* or by calling Palladian Partners, Inc. (Contact: Joel Yaccarino at 301–650–8660*).* Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, please contact the person listed under Contact Person at least 10 days in advance of the meeting, to allow NIH as much time as possible to process your request.

This meeting will also be webcast. To access the webcast, as well as the draft meeting agenda and pre-registration information, connect to: *http://oba.od.nih.gov/biosecurity/biosecurity_meetings.html.* Please check this site for updates or contact the person listed under Contact Person.

Any member of the public interested in presenting oral comments relevant to the mission of the NSABB at the meeting may notify the Contact Person listed on this notice at least 10 days in advance of the meeting. Interested individuals and representatives of an organization should submit, their name, professional title, name of the organization represented, and the topic of their oral comments. Only one representative of an organization will be permitted to present oral comments. Presenters should submit to OBA both printed and electronic copies of their comments. In addition, any interested person may file written comments relevant to the mission of the NSABB. In order to be distributed to Board members in advance of the meeting, written comments must be received at least 10 days in advance of the meeting and should be sent via e-mail to *nsabb@od.nih.gov* with "NSABB Public Comment" as the subject line or by regular mail to the person listed on this **Federal Register** notice.

Dated: January 14, 2011.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2011–1244 Filed 1–20–11; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Advisory General Medical Sciences Council, January 27, 2011, 8:30 a.m. to January 28, 2011, 5 p.m., National Institutes of Health, Natcher Building, Conference Rooms E1 & E2, 45 Center Drive, Bethesda, MD 20892 which was published in the **Federal Register** on December 20, 2010, 75 FR 79386.

The open session of the meeting, held on January 28, 2011, has been changed to begin at 8 a.m.

The meeting is partially closed to the public.

Dated: January 10, 2011.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2011–1198 Filed 1–20–11; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Deafness and Other Communication Disorders; 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 Institute on Deafness and Other Communication Disorders Special Emphasis Panel; P30 Review.

Date: February 3, 2011.

Time: 12 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6120 Executive Blvd., Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Susan L Sullivan, PhD, Scientific Review Officer, National Institute of Deafness and Other Communication

Disorders, 6120 Executive Blvd., Ste. 400C, Rockville, MD 20852, 301–496–8683, *sullivas@mail.nih.gov*.

Name of Committee: National Institute on Deafness and Other Communication Disorders; Special Emphasis Panel; Translational Research.

Date: February 8, 2011.

Time: 12 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6120 Executive Blvd., Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Sheo Singh, PhD, Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities, Executive Plaza South, Room 400C, 6120 Executive Blvd., Bethesda, MD 20892, 301–496–8683, *singhs@nidcd.nih.gov*.

Name of Committee: Communication Disorders Review Committee.

Date: February 17–18, 2011.

Time: February 17, 2011, 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Baltimore Marriott Waterfront, 700 Aliceanna Street, Baltimore, MD 21202.

Time: February 18, 2011, 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Baltimore Marriott Waterfront, 700 Aliceanna Street, Baltimore, MD 21202.

Contact Person: Christopher A. Moore, PhD, Scientific Review Officer, National Institute of Health, NIDCD, 6120 Executive Blvd., MSC 7180, Bethesda, MD 20892, 301–496–8683, *moorechristopher@nidcd.nih.gov*.

Name of Committee: National Institute on Deafness and Other Communication Disorders Special Emphasis Panel; R03 Hearing and Balance.

Date: March 1, 2011.

Time: 11 a.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Contact Person: National Institutes of Health, 6120 Executive Blvd., Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Shiguang Yang, DVM, PhD, Scientific Review Officer, Division of Extramural Activities, NIDCD, NIH, 6120 Executive Blvd., Bethesda, MD 20892, 301–496–8683.

Name of Committee: National Institute on Deafness and Other Communication Disorders Special Emphasis Panel; Voice Speech and Language Small Grants.

Date: March 2, 2011.

Time: 11 a.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6120 Executive Blvd., Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Sheo Singh, PhD, Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities, Executive Plaza South, Room 400C, 6120 Executive Blvd., Bethesda, MD 20892, 301–496–8683, *singhs@nidcd.nih.gov*.

Name of Committee: National Institute on Deafness and Other Communication Disorders Special Emphasis Panel; Chemosensory R03.

Date: March 3, 2011.

Time: 1 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6120 Executive Blvd., Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Susan L Sullivan, PhD, Scientific Review Officer, National Institute of Deafness and Other Communication Disorders, 6120 Executive Blvd., Ste. 400C, Rockville, MD 20852, 301–496–8683, *sullivas@mail.nih.gov*.

Name of Committee: National Institute on Deafness and Other Communication Disorders Special Emphasis Panel; Otopathology Research Network.

Date: March 23, 2011.

Time: 12 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6120 Executive Blvd., Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Sheo Singh, PhD, Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities, Executive Plaza South, Room 400C, 6120 Executive Blvd., Bethesda, MD 20892, 301–496–8683, *singhs@nidcd.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.173, Biological Research Related to Deafness and Communicative Disorders, National Institutes of Health, HHS)

Dated: January 14, 2011.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2011–1248 Filed 1–20–11; 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 Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the AIDS Research Advisory Committee, NIAID.

The meeting will be open to the public, 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.

Name of Committee: AIDS Research Advisory Committee, NIAID; AIDS Vaccine Research Subcommittee.

Date: February 8–9, 2011.

Time: 8:30 a.m. to 5 p.m.

Agenda: Providing information on follow-up studies to define the correlates of protection observed in the RV144 vaccine efficacy trial, and to discuss the use of recombinant adenovirus vectors in AIDS vaccine development.

Place: Bethesda North Marriott Hotel & Conference Center, 5701 Marinelli Road, Salon A–C, Bethesda, MD 20852.

Contact Person: James A. Bradac, PhD, Program Official, Preclinical Research and Development Branch, Division of AIDS, Room 5116, National Institutes of Health/NIAID, 6700B Rockledge Drive, Bethesda, MD 20892–7628, 301–435–3754, *jbradac@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: January 14, 2011.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2011–1245 Filed 1–20–11; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Virology—A Study Section, February 10, 2011, 8 a.m. to February 11, 2011, 5 p.m., Hilton Alexandria Old Town, 1767 King Street, Alexandria, VA 22314 which was published in the **Federal Register** on January 11, 2011, 76 FR 1622–1624.

The starting time of the meeting on February 10, 2011 has been changed to 8:30 a.m. until adjournment. The meeting dates and location remain the same. The meeting is closed to the public.

Dated: January 14, 2011.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2011–1243 Filed 1–20–11; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[USCG–2010–1050]

National Offshore Safety Advisory Committee

AGENCY: Coast Guard, DHS.

ACTION: Notice of teleconference meeting.

SUMMARY: The Coast Guard is issuing this notice to reschedule the

teleconference meeting of the National Offshore Safety Advisory Committee (NOSAC). The teleconference meeting, originally scheduled for Wednesday, January 12, 2011, from 11 a.m. to 12:30 p.m. EST, was cancelled due to telephone dial-in technical difficulties. NOSAC will meet by teleconference to discuss items related to safety of operations and other matters affecting the oil and gas offshore industry. The purpose of this meeting is to review and discuss reports and recommendations received from the two NOSAC subcommittees and to address two new tasks for the Committee. This meeting will be open to the public.

DATES: The teleconference meeting will take place on Wednesday, February 9, 2011, from 11 a.m. to 12:30 p.m. EST. This meeting may close early if all business is finished.

ADDRESSES: The Committee will meet via telephone conference, on February 9, 2011. Public participation is welcome and members of the public wishing to participate may contact Commander P.W. Clark at 202–372–1410, for call-in information, or they may participate in person by coming to Room 5–0622, U.S. Coast Guard Headquarters Building, 2100 Second Street, SW., Washington, DC 20593. As there are a limited number of teleconference lines, public participation will be on a first come basis. Written material and requests to make oral presentations should be sent to Commander P.W. Clark, Designated Federal Officer of NOSAC, Commandant (CG–5224), 2100 Second Street, SW., Stop 7126, Washington, DC 20593–001 or by fax to 202–372–1926 on or before February 7, 2011. Requests to have a copy of your material distributed to each member of the committee should reach the Coast Guard on or before February 1, 2011. This notice and supporting documentation is available in our online docket, USCG–2010–1050, at *http://www.regulations.gov.* This meeting is re-scheduled from the NOSAC teleconference meeting published in online docket, USCG–2010–1050, and previously scheduled for January 12, 1100 EST.

FOR FURTHER INFORMATION CONTACT: Commander P.W. Clark, Designated Federal Officer (DFO) of NOSAC, or Mr. Kevin Pekarek, Assistant Designated Federal Officer (ADFO), telephone 202–372–1386, fax 202–372–1926.

SUPPLEMENTARY INFORMATION: Notice of this meeting is given under the Federal Advisory Committee Act (FACA), 5 U.S.C. App. (Pub. L. 92–463). NOSAC provides advice and makes recommendations to the Coast Guard on safety and other concerns affecting the offshore oil and gas industry and assists the Coast Guard in formulating U.S. positions for discussion and presentation at the International Maritime Organization (IMO).

Agenda of Meeting

The agenda for the February 9, 2011, Committee meeting is as follows:

(1) Roll call of committee members and the public participating in the teleconference.

(2) Approval of minutes from the November 9, 2010, meeting.

(3) Presentation and discussion of interim reports and recommendations on:

(a) Medical Evacuation of Injured Divers

(b) Marine Portable Quarters

(4) Review and discuss a task statement which requests the Committee review the recommendations from the Mississippi Canyon Block 252 marine casualty investigation and provide safety and environmental improvement recommendations with respect to Coast Guard regulations and policies as appropriate.

(5) Review and discuss a task statement that requests NOSAC review their previous report on recommendations for standards for Offshore Supply Vessels with an International Tonnage Convention tonnage greater than 6000 Gross Tons in light of the recently passed Coast Guard Authorization Act and determine if the recommendations are complete or if additional recommendations should be provided to the Coast Guard for use in the development of regulations for large OSVs.

(6) Period for public comment.

Procedural

The DFO will use the following procedures to facilitate the meeting.

(1) This meeting is open to the public. Please note that the meeting may close early if all business is finished.

(2) Members of the public may make oral presentations during the meeting concerning the matters being discussed. If you would like to make an oral presentation during the teleconference, please notify the DFO listed in the **FOR FURTHER INFORMATION CONTACT** section above, no later than February 7, 2011. Written material for distribution to Committee members should reach the Coast Guard no later than February 1, 2011.

(3) An individual, whether speaking in a personal or a representative capacity on behalf of an organization, will be limited to a three-minute statement and scheduled on a first-come, first-served basis. If a large number of persons register to present comments, this amount of time may be shortened to provide all registered persons an opportunity to present their comments.

Minutes

Minutes from the meeting will be available for public review and copying 30 days following the meeting at the *http://www.fido.gov* Web site. The meeting minutes may be accessed via this Web site by using the Committee Search function and searching for the Committee by name or by using the Committee number of "68". Once you have accessed the Committee page, click on the meetings tab and then the "View" button for the meeting dated January 12, 2011 to access the information for this meeting. Minutes and documents applicable for this meeting can also be found at an alternative site using the following web address: *https://homeport.uscg.mil* and use these key strokes: Missions>Port and Waterways>Safety Advisory Committee>NOSAC and then use the event key.

Information on Services for Individuals With Disabilities

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact Mr. Kevin Pekarek at 202–372–1386 as soon as possible.

Dated: January 14, 2011.

J.G. Lantz,

Director of Commercial Regulations and Standards.

[FR Doc. 2011–1216 Filed 1–20–11; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

Agency Information Collection Activities: New Information Collection: Comment Request

ACTION: 60-Day Notice of Information Collection Under Review: OMB 58, Civics and Citizenship Toolkit/Teacher Training Registration; OMB Control No. 1615–New.

The Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS) will be submitting the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection is published to

obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for sixty days until March 22, 2011.

Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Department of Homeland Security (DHS), USCIS, Chief, Regulatory Products Division, Office of the Executive Secretariat, Clearance Officer, 20 Massachusetts Avenue, NW., Washington, DC 20529–2020. Comments may also be submitted to DHS via facsimile to 202–272–0997 or via e-mail at *rfs.regs@dhs.gov.* When submitting comments by e-mail, please make sure to add Civics and Citizenship Toolkit in the subject box.

Note: The address listed in this notice should only be used to submit comments concerning OMB 58, Civics and Citizenship Toolkit/Teacher Training Registration. Please do not submit requests for individual case status inquiries to this address. If you are seeking information about the status of your individual case, please check "My Case Status" online at *https://egov.uscis.gov/cris/Dashboard.do,* or call the USCIS National Customer Service Center at 1–800–375–5283 (TTY 1–800–767–1833).

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* New information collection.

(2) *Title of the Form/Collection:* Civics and Citizenship Toolkit/Teacher Training Registration.

(3) *Agency form number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection:* No Agency Form Number; File No. OMB–58. U.S. Citizenship and Immigration Services.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or Households. This information collection is necessary to register for training and to obtain a toolkit.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: Citizenship Toolkit:* 7,000 responses at 10 minutes (.166 hours) per response. *Teacher Training Registration:* 1,100 responses at 10 minutes (.166 hours) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 1,344 annual burden hours.

If you need a copy of the information collection instrument, please visit the Web site at: *http://www.regulations.gov/.*

We may also be contacted at: USCIS, Regulatory Products Division, Office of the Executive Secretariat, 20 Massachusetts Avenue, NW., Washington, DC 20529–2020, Telephone number 202–272–8377.

Dated: January 14, 2011.

Stephen Tarragon,

Deputy Chief, Regulatory Products Division, Office of the Executive Secretariat, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2011–1176 Filed 1–20–11; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5477–N–03]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

FOR FURTHER INFORMATION CONTACT: Juanita Perry, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 7266, Washington, DC 20410; telephone (202) 708–1234; TTY number for the hearing- and speech-impaired (202) 708–2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with 24 CFR part 581 and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless* v. *Veterans Administration,* No. 88–2503–OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Where property is described as for "off-site use only" recipients of the property will be required to relocate the building to their own site at their own expense. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Theresa Rita, Division of Property Management, Program Support Center, HHS, room 5B–17, 5600 Fishers Lane, Rockville, MD 20857; (301) 443–2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 24 CFR part 581.

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by

GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available. Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1–800–927–7588 for detailed instructions or write a letter to Mark Johnston at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the **Federal Register**, the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (*i.e.,* acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: *Coast Guard:* Commandant, United States Coast Guard, Attn: Jennifer Stomber, 2100 Second St., SW., Stop 7901, Washington, DC 20593–0001; (202) 475–5609; *GSA:* Mr. Gordon Creed, General Services Administration, Office of Property Disposal, 18th and F Streets, NW., Washington, DC 20405; (202) 501–0084; *Interior:* Mr. Michael Wright, Acquisition & Property Management, Department of the Interior, 1849 C Street, NW., Washington, DC 20240: (202) 208–5399; *Navy:* Mr. Albert Johnson, Department of the Navy, Asset Management Division, Naval Facilities Engineering Command, Washington Navy Yard, 1330 Patterson Ave., SW., Suite 1000, Washington, DC 20374; (202) 685–9305 (These are not toll-free numbers).

Dated: January 13, 2011.

Mark R. Johnston,

Deputy Assistant Secretary for Special Needs.

TITLE V, FEDERAL SURPLUS PROPERTY PROGRAM FEDERAL REGISTER REPORT FOR 01/21/2011

Suitable/Available Properties

Building

Arizona

Willcox Patrol Station
200 W. Downew Street
Willcox AZ 85643–2742
Landholding Agency: GSA
Property Number: 54201110004
Status: Surplus
GSA Number: 9–X–AZ–0860
Comments: 2,448 sq. ft., most recent use: Detention facility

Connecticut

USCG Academy's Visitor Ctr.
31 Monhegan Ave.
New London CT 06320
Landholding Agency: Coast Guard
Property Number: 88201110001
Status: Underutilized
Comments: Off-Site Removal Only, 2,300 sq. ft., most recent use: Storage, HVAC system needs major repair

Unsuitable Properties

Building

California

Naval Base Ventura County
Point MUGU
Point MUGU CA 93043
Landholding Agency: Navy
Property Number: 77201110001
Status: Unutilized
Directions: Bldgs. 4–20 and 126
Reasons: Secured Area, Floodway, Extensive deterioration

Hawaii

Bldgs. 1258 and 1259
Joint Base Pearl Harbor Hickam
Pearl Harbor HI 96860
Landholding Agency: Navy
Property Number: 77201110002
Status: Excess
Reasons: Extensive deterioration

Oregon

Klamath Project
City of Klamath
Klamath Falls OR 97603
Landholding Agency: Interior
Property Number: 61201110001
Status: Excess
Reasons: Floodway

[FR Doc. 2011–1055 Filed 1–20–11; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R1–R–2010–N083; 1265–0000–10137–S3]

Willapa National Wildlife Refuge, Pacific County, WA

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability: Draft comprehensive conservation plan and draft environmental impact statement; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce the availability of our draft comprehensive conservation plan and draft environmental impact statement (Draft CCP/EIS) for the Willapa National Wildlife Refuge (refuge) for public review and comment. In the Draft CCP/EIS, we described our alternatives, including our preferred alternative, for managing the refuge for 15 years following approval of the final CCP.

DATES: To ensure consideration, we must receive your written comments by March 7, 2011.

ADDRESSES: You may submit comments, request a copy of the Draft CCP/EIS, or request more information by any of the following methods.

E-mail: FW1PlanningComments@fws.gov. Include "Willapa CCP" in the subject line of the message.

U.S. Mail: Charlie Stenvall, Project Leader, Willapa National Wildlife Refuge Complex, 3888 SR 101, Ilwaco, WA 98624.

Web site: http://www.fws.gov/willapa; select "Contact Us."

FOR FURTHER INFORMATION CONTACT: Charlie Stenvall, Project Leader, (360) 484–3482.

SUPPLEMENTARY INFORMATION:

Introduction

The Willapa National Wildlife Refuge was established in 1937 to protect migrating and wintering populations of Brant, waterfowl, shorebirds, and other migratory birds, and for conservation purposes. The refuge encompasses approximately 16,000 acres of tidelands, temperate rainforest, ocean beaches, sand dunes, rivers, and small streams. It also preserves several rare remnants of old growth coastal cedar forest, and habitat for spawning wild salmon, hundreds of thousands of migrating shorebirds, and threatened and endangered species such as the Western snowy plover and Marbled murrelet. This notice announces the availability of the refuge's Draft CCP/EIS.

Background

The CCP Process

The National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd–668ee) (Refuge Administration Act), as amended by the National Wildlife Refuge System Improvement Act of 1997, requires us to develop a CCP for each national wildlife refuge. The purpose for developing a CCP is to provide refuge managers with a 15-year plan for achieving refuge purposes and contributing toward the mission of the National Wildlife Refuge System, consistent with sound principles of fish and wildlife management and conservation, legal mandates, and our policies. In addition to outlining broad management direction for conserving

wildlife and their habitats, CCPs identify wildlife-dependent recreational opportunities available to the public, including opportunities for hunting, fishing, wildlife observation and photography, and environmental education and interpretation. We will review and update the CCP at least every 15 years in accordance with the Refuge Administration Act.

Public Outreach

In March 2008, we distributed Planning Update 1 to our project mailing list and public outlets located near the refuge. We announced the initiation of our planning process, provided background information on the refuge, requested comments on refuge management issues, and invited the public to open house meetings in the update. We also announced the public open house meetings in a press release and on Service Web sites. We held the meetings on March 25 and 26, 2008, in South Bend and Ilwaco, Washington, respectively, to obtain comments on refuge management issues. In April 2008 we published a Notice of Intent in the **Federal Register** (73 FR 19238; April 9, 2008), announcing our intention to complete a CCP/EIS and inviting public comments. We distributed Planning Updates 2 and 3 in August 2008 and July 2009, respectively. In the updates we summarized public comments and management goals, and displayed our draft preliminary alternatives.

Draft CCP Alternatives We Are Considering

We are considering three CCP alternatives for managing the refuge; brief descriptions follow.

Alternative 1 (No Action)

Under Alternative 1 the current refuge management programs and operations would not change. The refuge would continue to maintain, and where feasible restore, habitats, including forest stand improvements, wetlands enhancements, and beach dune enhancements. Habitat improvements for imperiled species, State or federally listed as threatened or endangered, would continue. Existing public uses, including hunting, fishing, wildlife observation, photography, interpretation, environmental education, and boating and camping would continue.

Alternative 2 (Preferred Alternative)

Under Alternative 2, the Service's preferred alternative, current wildlife and habitat management programs would continue, plus this alternative includes the highest level of refuge habitat improvement of the three alternatives. Intensively managed pastures and impoundments would be restored to historic estuarine habitats, and approximately 749 acres of open water, intertidal flats, and salt marsh would be created. On the refuge's Leadbetter Point Unit, a predator management program would be implemented to manage avian and mammalian predators and increase the Western snowy plover population to meet recovery plan goals for the species. Grassland restoration on up to 33 acres would include establishment of the early-blue violet; this host plant would serve the future reintroduction of the endangered Oregon silverspot butterfly.

Improvements to the wildlife-dependent public use program would include: A new interpretive trail and wildlife observation deck along the South Bay, connected to the proposed visitor-center/office/maintenance facility to be located on the Tarlett Unit. Waterfowl hunting opportunities, in accordance with the State's season, would expand to include approximately 6,058 acres after the proposed estuarine restoration is completed. A boat launch access point (car-top boats only) would be developed to access the South Bay. An expanded, special-permit-only elk hunt would occur on the Leadbetter Point Unit. Elk and deer hunting would expand in South Bay units in accordance with the State's seasons.

An expansion of the refuge's land acquisition boundary is proposed to include 1,908 acres in the Nemah and Naselle areas; 561 acres in South Bay; and 4,334 acres in the East Hills. We would also consider divesting the Cape Shoalwater and Wheaton properties from the refuge.

Alternative 3

Under Alternative 3, intensively managed pastures and impoundments would be restored to historic estuarine habitats, creating approximately 429 acres of open water, intertidal flats, and salt marsh on the refuge. The proposed estuarine restoration project would occur on the Lewis and Porter Point units only. Approximately 30 acres of managed freshwater wetlands would remain on the Riekkola and Tarlatt units. Predator management for protection of the threatened Western snowy plover on the Leadbetter Point Unit would occur on an as needed basis to control avian predators only. Grassland restoration on up to 33 acres would include the successful establishment of the early-blue violet; this host plant would serve the future reintroduction of the endangered Oregon silverspot butterfly.

Wildlife-dependent public use activities under Alternative 3 would include expanded waterfowl hunting in accordance with the State's season, after estuarine restoration efforts are completed. A new interpretive trail and wildlife observation deck along the South Bay would be connected to the proposed visitor-center/office/maintenance facility to be located on the Tarlett Unit. Expansion of hunting opportunities would occur at the Leadbetter Point Unit to include a permit-only regulated elk hunt. Elk and deer hunting opportunities would occur in the South Bay units in accordance with the State's seasons.

An expanded land acquisition boundary is proposed to include: 561 acres in South Bay and 4,334 acres in the East Hills. We would also consider divesting the Cape Shoalwater and Wheaton properties from the refuge.

Public Availability of Documents

You can request copies of the Draft CCP/EIS on CD–ROM from Charlie Stenvall, Project Leader, Willapa National Wildlife Refuge, 3888 SR 101, Ilwaco, WA 98624; phone (360) 484–3482. The Draft CCP/EIS will also be available for viewing and downloading on the Internet at *http://www.fws.gov/lc.* Printed copies of the Draft CCP/EIS may be reviewed at the refuge and at the following libraries.

- Ilwaco Timberland Regional Library, 158 1st Ave. North, Ilwaco, WA 98624.
- South Bend Timberland Library, West 1st and Pacific, South Bend, WA 98586.
- Ocean Park Timberland Library, 1308 256th Pl., Ocean Park, WA 98640.
- Astoria Public Library, 450 10th St., Astoria, OR 97103.

Next Steps

After this comment period ends, we will analyze the comments and address them in the form of a final CCP/EIS.

Public Availability of Comments

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 we will be able to do so.

Dated: January 6, 2011.

David Patte,

Acting Regional Director, Region 1, Portland, Oregon.

[FR Doc. 2011–887 Filed 1–20–11; 8:45 am]

BILLING CODE 4310–55–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 Radio Control Hobby Transmitters and Receivers and Products Containing Same,* DN 2779; 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 Horizon Hobby, Inc. on January 11, 2011. 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 radio control hobby transmitters and receivers and products containing same. The complaint names as respondents Koko Technology Ltd. of Guangdong, China and Cyclone Toy & Hobby of Guangdong, China.

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.

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. 2779") 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)).

Issued: January 14, 2011.

By order of the Commission.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 2011–1195 Filed 1–20–11; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that on January 14, 2011, a Consent Decree was lodged in *United States and the State of Kansas* v. *Blue Tee Corp.,* Civ. A. No. 5:11–civ–04004. The Consent Decree settles claims asserted by the United States and the State of Kansas ("the Trustees") for natural resource damages under Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. 9607, against Blue Tee Corp. ("Blue Tee"). The claims arise from the releases of smelting wastes containing heavy metals, specifically cadmium, lead and arsenic, from three smelters owned and operated by a predecessor in interest of the Blue Tee in Dearing, Caney and Neodesha, Kansas.

Under the Consent Decree, Blue Tee will arrange for the purchase of a specified 80 acre parcel of property with natural resources equivalent to those injured, lost and destroyed by the releases of hazardous substances at the smelters. That property will be transferred to The Nature Conservancy, a non profit entity that will maintain the property and preserve it in perpetuity. Blue Tee will also pay to the Trustees a total of $180,298.27 to reimburse the Trustees for past assessment costs, and future restoration planning costs and operation and maintenance costs for the property.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Consent Decree.

Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to *pubcomment-ees.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 and State of Kansas* v. *Blue Tee Corp.,* (D. Kan.) and DOJ Case No. 90–11–2–06280/4.

During the public comment period, the Consent Decree may be examined at the Office of the United States Attorney, District of Kansas, 500 State Ave. Suite 360, Kansas City, KS 66101, (913) 551–6730. 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 $11.75 (25 cents per page reproduction cost) payable to the U.S. Treasury.

Maureen Katz,

Assistant Section Chief.

[FR Doc. 2011–1213 Filed 1–20–11; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Federal Bureau of Prisons

Notice of Intent To Prepare a Draft Environmental Impact Statement (DEIS) for Housing Approximately 1,750 Low-Security, Adult Male Inmates, That Are Predominantly Criminal Aliens at a Privately-Owned and Operated Institution in Either Hinton, OK; McRae, GA; Baldwin, MI; or Scott County, MS

AGENCY: Federal Bureau of Prisons, U.S. Department of Justice.

ACTION: Notice of Intent to Prepare a Draft Environmental Impact Statement.

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969, as implemented by the Council on Environmental Quality Regulations (40 Code of Federal Regulations [CFR] Parts 1500–1508), the Federal Bureau of Prisons (BOP) intends to prepare a Draft Environmental Impact Statement (DEIS) and conduct Public Scoping Meetings for the proposed housing of inmates under the Criminal Alien Requirement 12 (CAR 12) solicitation, at a facility located in either Hinton, Oklahoma; McRae, Georgia; Baldwin, Michigan; or Scott County, Mississippi.

SUPPLEMENTARY INFORMATION: The mission of the United States Department of Justice, BOP, is to protect society by confining offenders in the controlled environments of prison and community-based facilities that are safe, humane, cost-efficient, and appropriately secure, and that provide work and other self-improvement opportunities to assist offenders in becoming law-abiding citizens. The BOP accomplishes its mission through the appropriate use of community correction, detention, and correctional facilities that are either: Federally-owned and operated; federally-owned and non-federally operated; and non-federally owned and operated.

Proposed Action

The BOP is facing a period of growth in its inmate population. Projections show the federal inmate population increasing from approximately 212,000 inmates at the end of fiscal year 2010 to over 231,756 inmates by the end of fiscal year 2013. As such, the demand for bed space within the federal prison system continues to grow at a significant rate. To accommodate a portion of the growing inmate population, the BOP proposes to contract with a privately-owned and operated correctional facility that can house approximately 1,750 low-security, adult male inmates, that are predominantly criminal aliens.

Proposals received by the BOP from private contractors include existing facilities located in Hinton, Oklahoma; McRae, Georgia; Baldwin, Michigan; and a new facility proposed for development in Scott County, Mississippi. The BOP has preliminarily evaluated these proposals and determined that the prospective facility/sites appear to be of sufficient size to provide space for inmate housing, programs, administrative services and other support facilities associated with the correctional facility. The DEIS to be prepared by the BOP will analyze the potential impacts of correctional facility construction and/or operation at these locations.

The Process

In the process of evaluating the sites, several aspects will receive detailed examination including, but not limited to: Topography, geology/soils, hydrology, biological resources, utility services, transportation services, cultural resources, land uses, socio-economics, hazardous materials, and air and noise quality, among others.

Alternatives

In developing the DEIS, the options of "no action" and "alternative sites" for the proposed facility will be fully and thoroughly examined.

Scoping Process

During the preparation of the DEIS, there will be opportunities for public involvement in order to determine the issues to be examined in the DEIS. Four Scoping Meetings will be held for the proposed action: The first at 6 p.m., February 9, 2011 at the Hinton Fire Station, 115 E. Main Street, Hinton, Oklahoma; the second at 7 p.m., February 15, 2011 at the Morton City Board Room, 19 West 1st Avenue, Morton, Mississippi; the third at 6 p.m. February 17, 2011 at McRae City Hall, 301 N. 1st Avenue, McRae, Georgia; and the final at 6 p.m. on February 24, 2011 at Webber Township Hall, 2286 Spring Time Street in Baldwin, Michigan.

The meeting locations, dates, and times will be well publicized and will be arranged to allow for public involvement, as well as interested agencies and organizations to attend. The meetings will be held to allow interested persons to formally express their views on the scope and significant issues to be studied as part of the DEIS process. The meetings will provide for timely public comments and understanding of federal plans and programs with possible environmental consequences as required by the NEPA of 1969, as amended, and the National Historic Preservation Act of 1966, as amended.

DEIS Preparation

Public notice will be given concerning the availability of the DEIS for public review and comment at a later date.

Address

All are encouraged to provide comments on the proposed action and alternatives at the Public Scoping Meetings and anytime during the public scoping period and until March 11, 2011. There are three ways in which comments may be submitted: (1) By attending one of the scoping meetings, (2) by mail or (3) by FAX.

Contact

Questions concerning the proposed action and the DEIS may be directed to: Richard A. Cohn, Chief or Issac J. Gaston, Site Selection Specialist, Capacity Planning and Site Selection Branch, Federal Bureau of Prisons, 320

First Street, NW., Washington, DC 20534, *Telephone:* 202–514–6470/ *Facsimile:* 202–616–6024/*E-mail: racohn@bop.gov.*

Dated: January 4, 2011.

Richard A. Cohn,

Chief, Capacity Planning and Site Selection Branch.

[FR Doc. 2011–294 Filed 1–20–11; 8:45 am]

BILLING CODE P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Funding Opportunity and Solicitation for Grant Application (SGA) for Trade Adjustment Assistance Community College and Career Training Grants Program

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice of Solicitation for Grant Applications (SGA).

Funding Opportunity Number: SGA/ DFA PY 10–03.

SUMMARY: Through this notice, the Department of Labor's Employment and Training Administration (ETA) announces the availability of approximately $500 million in grant funds authorized in the Health Care and Education Reconciliation Act of 2010 (Reconciliation Act) from the Trade Adjustment Assistance Community College and Career Training Grants funding source to provide community colleges and other eligible institutions of higher education with funds to expand and improve their ability to deliver education and career training programs that can be completed in two years or less, are suited for workers who are eligible for training under the Trade Adjustment Assistance for Workers program, and prepare program participants for employment in high-wage, high-skill occupations. ETA intends to fund grants ranging from $2.5 million to $5 million for individual applicants and from $2.5 million to $20 million for consortium applicants with this SGA.

The complete SGA and any subsequent SGA amendments, in connection with the Workforce Investment Act and Health Care and Education Reconciliation Act of 2010 (Reconciliation Act) is described in further detail on ETA's Web site at *http://www.doleta.gov* or on *http://www.grants.gov.* The Web sites provide application information, eligibility requirements, review and selection procedures and other program requirements governing this solicitation.

DATES: The closing date for receipt of applications is April 21, 2011.

FOR FURTHER INFORMATION CONTACT: Melissa Abdullah, 200 Constitution Avenue, NW., Room N4716, Washington, DC 20210; telephone: 202–693–3346.

Signed at Washington, DC, this 13th day of January 2011.

Donna Kelly,

Grant Officer, Employment and Training Administration.

[FR Doc. 2011–986 Filed 1–20–11; 8:45 am]

BILLING CODE 4510–FM–P

LEGAL SERVICES CORPORATION

Notice and Request for Comments: LSC Elimination of the Nevada, South Dakota, and Wyoming Migrant Service Areas Beginning April 1, 2011

AGENCY: Legal Services Corporation.

ACTION: Notice and Request for Comments—LSC Elimination of the Nevada, South Dakota, and Wyoming Migrant Service Areas.

SUMMARY: The Legal Services Corporation will eliminate the Nevada, South Dakota, and Wyoming migrant service areas: MNV, MSD, and MWY, effective April 1, 2011, because any eligible migrant population in these states can be more effectively and efficiently served through the respective state's basic field-general grant.

DATES: Written comments must be received on or before February 22, 2011.

ADDRESSES: Written comments may be submitted by mail or e-mail to Reginald J. Haley, Office of Program Performance, Legal Services Corporation, 3333 K St., NW., Washington, DC 20007; or *haleyr@lsc.gov.*

FOR FURTHER INFORMATION CONTACT: Reginald J. Haley, Office of Program Performance, Legal Services Corporation, 3333 K St., NW., Washington, DC 20007; or by email at *haleyr@lsc.gov.*

SUPPLEMENTARY INFORMATION: The Legal Services Corporation's (LSC) mission is to promote equal access to justice and to provide for high-quality civil legal assistance to low-income persons. Pursuant to its statutory authority, LSC designates service areas in U.S. states, territories, possessions, and the District of Columbia for which it provides grants to legal aid programs to provide free civil legal services, primarily through "basic field-general" grants based on poverty populations.

In some regions, LSC designates migrant service areas for grants that are designed to specifically serve the legal needs of eligible migrant farmworker populations. The funding for migrant service areas is taken out of the funding for the basic field-general service areas also covering those populations based on the estimated number of eligible migrants as a portion of the total poverty population.

For many years LSC has designated migrant service areas in Nevada, South Dakota, and Wyoming. LSC has been informed that the eligible migrant populations in Nevada, South Dakota, and Wyoming are not sufficient in numbers to maintain a separate migrant service area in those states. LSC has reviewed this matter and determined that, based on the available information; it would be more effective and efficient to serve the legal needs of the eligible migrant populations in Nevada, South Dakota, and Wyoming through the basic field-general grants in those states rather than providing separate migrant grants.

LSC provides grants through a competitive bidding process, which is regulated by 45 CFR part 1634. In 2010, LSC implemented a competitive grants process for 2011 calendar year funding that included, inter alia, the Nevada, South Dakota, and Wyoming migrant service areas. LSC determines the term of grants after applications have been received. For 2011, LSC awarded a three-month migrant grant for Nevada to Nevada Legal Services, for South Dakota to Dakota Plains Legal Services and for Wyoming to Legal Aid of Wyoming. These grants are effective January 1, 2011, through March 31, 2011.

LSC intends to eliminate the Nevada, South Dakota, and Wyoming migrant service areas beginning April 1, 2011. Funding for the eligible migrant populations of Nevada, South Dakota, and Wyoming will be restored to those states' basic field-general grants. LSC expects that the recipients of those grants, i.e., Nevada Legal Services, Dakota Plains Legal Services, and Legal Aid of Wyoming, will continue to provide services to the eligible migrant populations as part of their basic field-general grants.

LSC invites public comment on this decision. Interested parties may submit comments to LSC within a period of thirty (30) days from the date of publication of this notice. More information about LSC can be found at LSC's Web site: *http://www.lsc.gov.*

Dated: December 13, 2010.

Victor M. Fortuno,

President and General Counsel, Legal Services Corporation.

[FR Doc. 2010–32294 Filed 1–20–11; 9:45 am]

BILLING CODE P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts; Proposed Collection: Comment Request

ACTION: Notice.

SUMMARY: The National Endowment for the Arts, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance 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)(A)]. This program helps 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 National Endowment for the Arts, on behalf of the Federal Council on the Arts and the Humanities, is soliciting comments concerning renewal of the Application for Domestic Indemnity. A copy of this collection request can be obtained by contacting the office listed below in the **ADDRESSES** section of this notice.

DATES: Written comments must be submitted to the office listed in the **ADDRESSES** section below on or before April 1, 2011. The National Endowment for the Arts is particularly interested in comments which:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used;

—Enhance the quality, utility and clarity of the information to be collected; and

—Minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting the electronic submissions of responses.

ADDRESSES: Alice Whelihan, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Room 726, Washington, DC 20506–0001, telephone (202) 682–5574 (this is not a toll-free number), fax (202) 682–5603.

Kathleen Edwards,

Director, Administrative Services.

[FR Doc. 2011–1167 Filed 1–20–11; 8:45 am]

BILLING CODE 7536–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 52–037; NRC–2008–0556]

Ameren Missouri; Combined License Application for Callaway Plant Unit 2; Exemption

1.0 Background

Union Electric Company, doing business as Ameren UE, submitted to the U.S. Nuclear Regulatory Commission (NRC) a Combined License (COL) Application for a single unit of AREVA NP's U.S. EPR in accordance with the requirements of Title 10 of the Code of Federal Regulations (10 CFR), subpart C of part 52, "Licenses, Certifications, and Approvals for Nuclear Power Plants." This reactor is to be identified as Callaway Plant (Callaway), Unit 2, and located at the current Callaway County, Missouri site of the Callaway Power Plant. The Callaway, Unit 2, COL application is based upon and linked to the U.S. EPR reference COL (RCOL) application for UniStar's Calvert Cliffs Nuclear Power Plant, Unit 3 (CCNPP3). The NRC docketed the Callaway, Unit 2, COL application on December 12, 2008. In its letter to the NRC dated April 28, 2009, Ameren informed that it was suspending its efforts to build a nuclear power plant in Missouri. Subsequently, by letter dated June 23, 2009, Ameren requested the NRC to suspend all review activities relating to the Callaway, Unit 2, COL application. The NRC informed Ameren by letter dated June 29, 2009, that it had suspended all review activities relating to the Callaway, Unit 2, COL application. The NRC is currently performing a detailed review of the CCNPP3 RCOL application, as well as AREVA NP's application for design certification of the U.S. EPR.

2.0 Request/Action

The regulations specified in 10 CFR 50.71(e)(3)(iii) require that an applicant for a combined license under 10 CFR part 52 shall, during the period from docketing of a COL application until the Commission makes a finding under 10 CFR 52.103(g) pertaining to facility operation, submit an annual update to the application's Final Safety Analysis Report (FSAR), which is a part of the application.

On February 25, 2009, Ameren submitted Revision 1 to the COL application, including updates to the FSAR. Pursuant to 10 CFR 50.71(e)(3)(iii), the next annual update would be due in December 2010. Union Electric Company, doing business as Ameren Missouri (Ameren) as of October 1, 2010, as noted in its letter to the NRC dated October 26, 2010, has requested a one-time exemption from the 10 CFR 50.71(e)(3)(iii) requirements to submit the scheduled 2010 and 2011 COL application FSAR updates, and proposed for approval of a new submittal deadline of December 31, 2012, for the next FSAR update.

In summary, the requested exemption is a one-time schedule change from the requirements of 10 CFR 50.71(e)(3)(iii). The exemption would allow Ameren to submit the next FSAR update at a later date, but still in advance of NRC's reinstating its review of the application and in any event, by December 31, 2012. The current FSAR update schedule could not be changed, absent the exemption. Ameren requested the exemption by letter dated October 26, 2010 (Agencywide Documents Access and Management System (ADAMS) Accession Number ML103090556).

3.0 Discussion

Pursuant to 10 CFR 50.12, the NRC may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR Part 50, including Section 50.71(e)(3)(iii) when: (1) the exemptions are authorized by law, will not present an undue risk to public health or safety, and are consistent with the common defense and security; and (2) special circumstances are present. As relevant to the requested exemption, special circumstances exist if: (1) "Application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule" (10 CFR 50.12(a)(2)(ii)); (2) "Compliance would result in undue hardship or other costs that are significantly in excess of those contemplated when the regulation was

adopted, or that are significantly in excess of those incurred by others similarly situated" (10 CFR 50.12(a)(2)(iii)); or (3) "The exemption would provide only temporary relief from the applicable regulation and the licensee has made good faith efforts to comply with the regulation" (10 CFR 50.12(a)(2)(v)).

The review of the Callaway, Unit 2, COL application FSAR has been suspended since June 29, 2009. Since the COL application FSAR is directly linked to the CCNPP3 RCOL application, many changes in the RCOL application require an associated change to the COL application FSAR and, because the NRC review of the COL application is suspended, the updates to the FSAR will not be reviewed by the NRC staff until the Callaway, Unit 2, COL application review is resumed. Thus, the optimum time to prepare a revision to the COL application FSAR is sometime prior to Ameren requesting the NRC to resume its review. To prepare and submit a COL application FSAR update when the review remains suspended and in the absence of any decision by Ameren to request the NRC to resume the review would require Ameren to spend significant time and effort and would be of no value, particularly due to the fact that the RCOL application and the U.S. EPR FSAR are still undergoing periodic revisions and updates. Furthermore, the adjudicatory proceedings related to the Callaway, Unit 2, COL application were terminated by the Atomic Safety and Licensing Board (ASLB) after agreements were made between Ameren, the NRC, and the petitioners for intervention, as documented in "AMERENUE (Callaway Plant Unit 2) MEMORANDUM AND ORDER (Approving Settlement Agreement and Terminating Contested Adjudicatory Proceeding) LBP–09–23 (August 28, 2009)" (ML092400189). Ameren commits to submit the next FSAR update prior to any request to the NRC to resume review of the COL application and, in any event, by December 31, 2012. Ameren would need to identify all committed changes to the RCOL application since the last revisions to the RCOL application and the U.S. EPR FSAR in order to prepare a COL application FSAR revision that accurately and completely reflects the committed changes to the RCOL application as well as the U.S. EPR FSAR.

The requested one-time exemption to defer submittal of the next update to the Callaway, Unit 2, COL application FSAR would provide only temporary relief from the regulations of 10 CFR 50.71(e)(3)(iii). Ameren has made good faith efforts to comply with 10 CFR 50.71(e)(3)(iii) by submitting Revision 1 to the COL application dated February 25, 2009, prior to requesting the review suspension. Revision 1 incorporated information provided in prior supplements and standardized language with the RCOL application.

Authorized by Law:

The exemption is a one-time schedule exemption from the requirements of 10 CFR 50.71(e)(3)(iii). The exemption would allow Ameren to submit the next Callaway Unit 2 COL application FSAR update on or before December 31, 2012, in lieu of the required scheduled submittals in December 2010, and December 2011. As stated above, 10 CFR 50.12 allows the NRC to grant exemptions. The NRC staff has determined that granting Ameren the requested one-time exemption from the requirements of 10 CFR 50.71(e)(3)(iii) will provide only temporary relief from this regulation and will not result in a violation of the Atomic Energy Act of 1954, as amended, or the NRC's regulations. Therefore, the exemption is authorized by law.

No Undue Risk to Public Health and Safety:

The underlying purpose of 10 CFR 50.71(e)(3)(iii) is to provide for a timely and comprehensive update of the FSAR associated with a COL application in order to support an effective and efficient review by the NRC staff and issuance of the NRC staff's safety evaluation report. The requested exemption is solely administrative in nature, in that it pertains to the schedule for submittal to the NRC of revisions to an application under 10 CFR part 52, for which a license has not been granted. In addition, since the review of the application has been suspended, any update to the application submitted by Ameren will not be reviewed by the NRC at this time.

Based on the nature of the requested exemption as described above, no new accident precursors are created by the exemption; thus, neither the probability nor the consequences of postulated accidents are increased. Therefore, there is no undue risk to public health and safety.

Consistent with Common Defense and Security:

The requested exemption would allow Ameren to submit the next FSAR update prior to requesting the NRC to resume the review and, in any event, on or before December 31, 2012. This schedule change has no relation to security issues. Therefore, the common defense and security is not impacted by this exemption.

Special Circumstances:

Special circumstances, in accordance with 10 CFR 50.12(a)(2), are present whenever: (1) "Application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule" (10 CFR 50.12(a)(2)(ii)); (2) "Compliance would result in undue hardship or other costs that are significantly in excess of those contemplated when the regulation was adopted, or that are significantly in excess of those incurred by others similarly situated" (10 CFR 50.12(a)(2)(iii)); or (3) "The exemption would provide only temporary relief from the applicable regulation and the licensee has made good faith efforts to comply with the regulation" (10 CFR 50.12(a)(2)(v)).

The underlying purpose of 10 CFR 50.71(e)(3)(iii) is to provide for a timely and comprehensive update of the FSAR associated with a COL application in order to support an effective and efficient review by the NRC staff and issuance of the NRC staff's safety evaluation report. As discussed above, the requested one-time exemption is solely administrative in nature, in that it pertains to a one-time schedule change for submittal of revisions to an application under 10 CFR Part 52, for which a license has not been granted. The requested one-time exemption will permit Ameren time to carefully review the most recent revisions of the CCNPP3 RCOL application as well as the U.S. EPR FSAR, and fully incorporate these revisions into a comprehensive update of the Callaway, Unit 2, FSAR associated with the COL application. This one-time exemption will support the NRC staff's effective and efficient review of the COL application when resumed, as well as issuance of the safety evaluation report, and therefore does not affect the underlying purpose of 10 CFR 50.71(e)(3)(iii). Under the circumstances that Ameren has suspended its pursuit of the COL, the NRC has suspended its review of the application, and the adjudicatory proceedings have been terminated by ASLB, application of 10 CFR 50.71(e)(3)(iii) would result in Ameren spending significant time and effort in incorporating changes made to the RCOL application into the Callaway, Unit 2, COL application, but not achieve the underlying purpose of that rule; granting a one-time exemption from 10 CFR 50.71(e)(3)(iii) would provide only temporary relief; and Ameren has made good faith efforts to comply with the regulation; therefore, the special circumstances required by 10 CFR

50.12(a)(2) for the granting of an exemption from 10 CFR 50.71(e)(3)(iii) exist.

4.0 Conclusion

Accordingly, the NRC has determined that, pursuant to 10 CFR 50.12, the exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. Also, special circumstances are present. Therefore, the NRC hereby grants Ameren a one-time exemption from the requirements of 10 CFR 50.71(e)(3)(iii) pertaining to the Callaway, Unit 2, COL application to allow submittal of the next FSAR update prior to any request to the NRC to resume the review and, in any event, no later than December 31, 2012.

Pursuant to 10 CFR 51.32, the NRC has determined that the granting of this exemption will not have a significant effect on the quality of the human environment (76 FR 800).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 11th day of January 2011.

For the Nuclear Regulatory Commission.

Joseph Colaccino,

Chief, EPR Projects Branch, Division of New Reactor Licensing, Office of New Reactors.

[FR Doc. 2011–1263 Filed 1–20–11; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2011–0006]

Sunshine Act Notice

AGENCY HOLDING THE MEETINGS: Nuclear Regulatory Commission.

DATE: Week of January 24, 2011.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

ADDITIONAL ITEMS TO BE CONSIDERED:

Week of January 24, 2011

Monday, January 24, 2011

12:55 p.m. Affirmation Session (Public Meeting) (Tentative)

Request by Petitioners for a Suspension of Renewal Proceedings Pending Completion of Rulemaking in Docket No. PRM–54–6. (Tentative)

This meeting will be Webcast live at the Web address—*http://www.nrc.gov.*

* * * * *

* 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. mailto:dlc@nrc.gov. mailto:aks@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: January 14, 2011.

Richard J. Laufer,

Technical Coordinator, Office of the Secretary.

[FR Doc. 2011–1331 Filed 1–19–11; 4:15 pm]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission will hold an Open Meeting on January 25, 2011 at 10:00 a.m., in the Auditorium, Room L–002.

The subject matter of the Open Meeting will be:

Item 1: The Commission will consider whether to adopt rules to implement Section 951 of the Dodd-Frank Wall Street Reform and Consumer Protection Act, which requires shareholder advisory votes to approve the compensation of executives, or say-on-pay votes, and the frequency of shareholder say-on-pay votes. Section 951 also requires shareholder advisory votes to approve certain agreements and understandings concerning executive compensation that is based on or otherwise relates to the acquisition, merger, consolidation, sale or other disposition of all or substantially all of the assets of an issuer, and requires enhanced disclosure of these golden parachute arrangements.

Item 2: The Commission will consider whether to propose rule amendments that would implement Section 413(a) of the Dodd-Frank Wall Street Reform and Consumer Protection Act regarding the definition of "accredited investor."

Item 3: The Commission will consider whether to propose a rule under the Advisers Act establishing reporting obligations for advisers to private funds to implement the requirements of Sections 404 and 406 of the Dodd-Frank Wall Street Reform and Consumer Protection Act.

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: January 18, 2011.

Elizabeth M. Murphy,

Secretary.

[FR Doc. 2011–1295 Filed 1–19–11; 11:15 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–63721; File No. SR–CBOE–2011–001]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to PULSe Fees

January 14, 2011.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 3, 2011, the Chicago Board Options Exchange, Incorporated ("CBOE" or the "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by CBOE. The Exchange has designated this proposal as one establishing or changing a due, fee, or other charge imposed by CBOE under Section

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

19(b)(3)(A)(ii) of the Act[3] and Rule 19b–4(f)(2) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is proposing to amend its fees schedule as it relates to PULSe workstations. The text of the proposed rule change is available on the Exchange's Web site *http://www.cboe.org/legal*), at the Exchange's Office of the Secretary and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, CBOE included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. CBOE has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, Proposed Rule Change

1. Purpose

The purpose of this proposed rule change is to introduce fees for an on-floor version of the PULSe workstation and to extend the waiver of the PULSe Routing Intermediary fee.

By way of background, the PULSe workstation is a front-end order entry system designed for use with respect to orders that may be sent to the trading systems of CBOE and CBOE Stock Exchange ("CBSX"). In addition, the PULSe workstation provides a user with the capability to send options orders to other U.S. options exchanges and stock orders to other U.S. stock exchanges through a PULSe Routing Intermediary ("away-market routing").[5]

The first purpose of this proposed rule change is introduce fees for a new version of the PULSe workstation that will be configured for use on the CBOE trading floor by CBOE Trading Permit Holders (the "PULSe On-Floor Workstation"). For administrative reasons, the PULSe On-Floor Workstation will be licensed from CBOE to a CBOE Trading Permit Holder.[6] As with the existing PULSe workstation (referred to herein as the "PULSe Off-Floor Workstation"), the PULSe On-Floor Workstation will provide the capability to send orders to CBOE, CBSX and away-market routing functionality. The Exchange proposes a monthly workstation fee of $225 per workstation (referred to in the Fees Schedule as a "login ID") per month for the PULSe On-Floor Workstation effective beginning in the month of January 2011. The Exchange also notes that the existing PULSe Away-Market Routing, Routing Intermediary and Non-Standard Services fees applicable to the PULSe Off-Floor Workstation would also apply to the PULSe On-Floor Workstation.

The second purpose of this proposed rule change is to extend the waiver of the PULSe Routing Intermediary fee. Currently the Exchange has waived the Routing Intermediary fee through December 31, 2010. The Exchange is proposing to extend this waiver through March 31, 2011. Thus this fee will be assessed beginning April 1, 2011.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Act,[7] in general, and furthers the objectives of Section 6(b)(4) of the Act,[8] in particular, in that it is designed to provide for the equitable allocation of reasonable dues, fees, and other charges among Trading Permit Holders in that the same fees are applicable to all Trading Permit Holders that would use the new PULSe On-Floor Workstation and the same fee waiver applies to all PULSe Routing Intermediaries.

B. Self-Regulatory Organization's Statement on Burden on Competition

CBOE does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The proposed rule change is designated by the Exchange as establishing or changing a due, fee, or other charge, thereby qualifying for effectiveness on filing pursuant to Section 19(b)(3)(A)(ii) of the Act[9] and subparagraph (f)(2) of Rule 19b–4[10] thereunder.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml);* or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–CBOE–2011–001 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–CBOE–2011–001. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

[5] For a more detailed description of the PULSe workstation and its other functionalities, *see, e.g.,* Securities Exchange Act Release No. 62286 (June 11, 2010), 75 FR 34799 (June 18, 2010) (SR–CBOE–2010–051).

[6] The PULSe Off-Floor Workstation is licensed directly from Signal Trading Systems, LLC, an affiliate of CBOE, to CBOE Trading Permit Holders. *See* Securities Exchange Act Release No. 63244 (November 4, 2010), 75 FR 69148 (November 10, 2010) (SR–CBOE–2010–100).

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(4).

[9] 15 U.S.C. 78s(b)(3)(A)(ii).

[10] 17 CFR 240.19b–4(f)(2).

change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549 on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of CBOE. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2011–001 and should be submitted on or before February 11, 2011.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Elizabeth M. Murphy,

Secretary.

[FR Doc. 2011–1219 Filed 1–20–11; 8:45 am]

BILLING CODE 8011–01–P

[11] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice 7306]

In the Matter of the Designation of Qari Hussain Also Known as Qari Hussain Mehsud Also Known as Qari Hussain Ahmad Mehsud Also Known as Ustad-e-Fidayeen and Other Aliases as a Specially Designated Global Terrorist Pursuant to Section 1(b) of Executive Order 13224, as Amended

Acting under the authority of and in accordance with section 1(b) of Executive Order 13224 of September 23, 2001, as amended by Executive Order 13268 of July 2, 2002, and Executive Order 13284 of January 23, 2003, I hereby determine that the individual known as Qari Hussain, also known as Qari Hussain Mehsud, also known as Qari Hussain Ahmad Mehsud, also known as Ustad-e-Fidayeen poses a significant risk of committing, acts of terrorism that threaten the security of U.S. nationals or the national security, foreign policy, or economy of the United States.

Consistent with the determination in section 10 of Executive Order 13224 that "prior notice to persons determined to be subject to the Order who might have a constitutional presence in the United States would render ineffectual the blocking and other measures authorized in the Order because of the ability to transfer funds instantaneously," I determine that no prior notice needs to be provided to any person subject to this determination who might have a constitutional presence in the United States, because to do so would render ineffectual the measures authorized in the Order.

This notice shall be published in the **Federal Register**.

Dated: January 4, 2011.

Hillary Rodham Clinton,

Secretary of State.

[FR Doc. 2011–1258 Filed 1–20–11; 8:45 am]

BILLING CODE 4710–10–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Second Meeting RTCA NextGen Advisory Committee (NAC)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: RTCA NextGen Advisory Committee (NAC).

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of RTCA NextGen Advisory Committee (NAC).

DATES: The meeting will be held February 11, 2011 from 8:30 a.m. to 1 p.m.

ADDRESSES: The meeting will be held at Capitol View Business & Conference Center, Rotunda Terrace Conference Room, 9th Floor, 101 Constitution Ave., NW., Washington, DC 20001. Metro using the red line Union Station exit. Clear security at RTCA NAC welcome desk in the lobby.

FOR FURTHER INFORMATION CONTACT: RTCA Secretariat, 1828 L Street, NW., Suite 805, Washington, DC 20036; telephone (202) 833–9339; fax (202) 833–9434; Web site *http://www.rtca.org.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., Appendix 2), notice is hereby given for the NextGen Advisory Committee meeting. The agenda will include:

- Opening Plenary (Welcome and Introductions).
- Official Statement of Designated Federal Official.
- Review and Approval of September 23, 2010 Meeting Summary.
- Chairman's Report.
- FAA Report.
- Subcommittee Report: NAC Subcommittee and Work Groups.
- Break.
- Future of Aviation Advisory Committee NextGen Recommendations.
- Discussion of FAA Equipage Tasking.
- FAA's 2011 NextGen Implementation Plan.
- Understanding NextGen.
  - Committee Interactive Discussion.
- Anticipated Issues for NAC Consideration and Action at May 19, 2011 meeting.
- Adjourn.

Attendance is open to the interested public but limited to space availability. With the approval of the chairmen, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on January 13, 2011.

Robert L. Bostiga,

RTCA Advisory Committee.

[FR Doc. 2011–1267 Filed 1–20–11; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Fourth Meeting: RTCA Special Committee 224: Airport Security Access Control Systems

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of RTCA Special Committee 224 Meeting: Airport Security Access Control Systems (Update to DO–230B).

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of RTCA Special Committee 224: Airport Security Access Control Systems.

DATES: The meeting will be held February 8, 2011, from 10 a.m. to 5 p.m.

ADDRESSES: The meeting will be held at RTCA, Inc., 1828 L Street, NW., Suite 805, Washington, DC 20036 in the MacIntosh-NBAA Room and Hilton-ATA Room.

FOR FURTHER INFORMATION CONTACT: RTCA Secretariat, 1828 L Street, NW., Suite 805, Washington, DC 20036, telephone (202) 833–9339, fax (202) 833–9434, Web site *http://www.rtca.org.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal

Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., and Appendix 2), notice is hereby given for a Special Committee 224, Airport Security Access Control Systems (Update to DO–230B):

Agenda

February 8, 2011

- Welcome/Introductions/Administrative Remarks.
- Review/Approve Summary—Third Meeting.
- Report on Security Construction Guidelines Process.
- Workgroup Reports.
- Credentialing.
- PACS.
- Biometrics.
- Communications.
- Video.
- Other Input from Members.
- Assignments for Final Review.
- Other Business.
- Establish Agenda for Next Meeting.
- Date and Place of Next Meeting.

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on January 14, 2011.

Robert L. Bostiga,

RTCA Advisory Committee.

[FR Doc. 2011–1268 Filed 1–20–11; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Fifty-Third Meeting: RTCA Special Committee 186: Automatic Dependent Surveillance—Broadcast (ADS–B)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of RTCA Special Committee 186: Automatic Dependent Surveillance—Broadcast (ADS–B) meeting.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of RTCA Special Committee 186: Automatic Dependent Surveillance—Broadcast (ADS–B).

DATES: The meeting will be held February 22–25, 2011 from 9 a.m. to 5 p.m., unless stated otherwise in the agenda.

ADDRESSES: The meeting will be held at the RTCA Conference Rooms, 1828 L Street, NW., Suite 805, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: RTCA Secretariat, 1828 L Street, NW., Suite 805, Washington, DC 20036, (202) 833–9339; fax (202) 833–9434; Web site *http://www.rtca.org.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., Appendix 2), notice is hereby given for a Special Committee 186, Automatic Dependent Surveillance—Broadcast (ADS–B) meeting. The agenda will include:

Specific Working Group Sessions:

Tuesday, February 22

- All Day, Requirements Focus Group (RFG), MacIntosh-NBAA Room & Hilton-ATA Room.

Wednesday, February 23

- All Day, Requirements Focus Group (RFG), MacIntosh-NBAA Room & Hilton-ATA Room.
- All Day, WG–6, Application Technical Requirements, Colson Board Room.

Thursday, February 24

- All Day, Requirements Focus Group (RFG), MacIntosh-NBAA Room & Hilton-ATA Room.
- All Day, WG–6, Application Technical Requirements, Colson Board Room.

Friday, February 25 at 8:30 a.m.

Plenary Session

AGENDA—PLENARY SESSION—AGENDA

February 25, 2011

RTCA—Washington, DC—MacIntosh-NBAA Room & Hilton-ATA Room

8:30 a.m.

- Chairman's Introductory Remarks.
- Review of Meeting Agenda.
- Review and Approval of the 52nd Meeting Summary, RTCA Paper No. 007–11/SC186–305.
- Joint SC186/EUROCAE WG51 Business.
  - Consider for Approval—New Document—*Safety, Performance and Interoperability Requirements Document for Aircraft Spacing—Flight-deck Interval Management (ASPA–FIM SPR),* RTCA Paper No. 001–11/SC186–303.
  - Review of EUROCAE WG–51 Activities.
  - Ad-Hoc Committee Proposal for Revised Application Development Process.
  - Date, Place, and Time of Next Meeting.
  - ADS–B IM Coordination with SC–214/WG–78 for Data Link Rqts Discussion and Status.
  - ADS–B Coordination with SC–206 for Wake Vortex Discussion and Status.
- SC186 Business.
  - FAA Surveillance and Broadcast Services (SBS) Program Status.
  - Working Group Reports.
- WG–1—Operations and Implementation.
- WG–2—TIS–B MASPS—no report.
- WG–3—1090 MHz MOPS—no report.
- WG–4—Application Technical Requirements.
- WG–5—UAT MOPS—no report.
- WG–6—ADS–B MASPS.
- RFG—Requirements Focus Group.
- Revised Terms of Reference (TOR) Discussion.
- New Business.
- Other Business.
- Review Action Items/Work Programs.
- Adjourn Plenary.

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on January 14, 2011.

Robert L. Bostiga,

RTCA Advisory Committee.

[FR Doc. 2011–1269 Filed 1–20–11; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2011–03]

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 February 10, 2011.

ADDRESSES: You may send comments identified by Docket Number FAA–2010–1268 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: Kenna Sinclair, ANM–113, (425) 227–1556, Federal Aviation Administration, 1601 Lind Avenue, SW., Renton, WA 98057–3356, or Frances Shaver, (202–267–4059). Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on January 14, 2011.

Pamela Hamilton-Powell,

Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2010–1268.

Petitioner: The Boeing Company.

Section of 14 CFR Affected: §§ 25.1305(c)(6) and 25.1309(c).

Description of Relief Sought: Boeing requests a time-limited exemption from the requirements to provide the flightcrew with an indication of fuel system contamination for 747–8 and 747–8F airplanes powered by General Electric GEnx-2B engines. The request would allow non-compliant airplanes to be delivered until June 30, 2014, and subsequent retrofit of design improvements by December 31, 2018.

[FR Doc. 2011–1192 Filed 1–20–11; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2011–02]

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 February 10, 2011.

ADDRESSES: You may send comments identified by Docket Number FAA–2010–1284 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: Kenna Sinclair, ANM–113, (425) 227–1556, Federal Aviation Administration, 1601 Lind Avenue, SW., Renton, WA 98057–3356, or Frances Shaver, (202–267–4059). Office of Rulemaking (ARM–207), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on January 14, 2011.

Pamela Hamilton-Powell,

Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2010–1284.

Petitioner: The Boeing Company.

Section of 14 CFR Affected: § 25.1309(c).

Description of Relief Sought: Boeing requests a time-limited exemption from the requirement to provide the flightcrew with an indication of gross fuel system contamination on 787–8 airplanes powered by General Electric GEnx-1B engines. The request would allow non-compliant airplanes to be delivered until June 30, 2014 and subsequent retrofit of design improvements by December 31, 2018.

[FR Doc. 2011–1193 Filed 1–20–11; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2010–0176]

Agency Information Collection Activities: Notice of Request for Renewal of a Previously Approved Information Collection

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice and request for comments.

SUMMARY: The FHWA has forwarded the information collection request described in this notice to the Office of Management and Budget (OMB) to renew an information collection. We published a **Federal Register** Notice with a 60-day public comment period on this information collection on August 19, 2010. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by February 22, 2011.

ADDRESSES: You may send comments within 30 days to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW., Washington, DC 20503, Attention DOT Desk Officer. You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FHWA's performance; (2) the accuracy of the estimated burden; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic technology, without reducing the quality of the collected information. All comments should include the Docket number FHWA–2010–0176.

FOR FURTHER INFORMATION CONTACT: Erin Robertson, (202) 366–4814, or Dale Gray, (202) 366–0978, Office of the Chief Financial Officer, Federal Highway Administration, Department of Transportation, 1200 New Jersey Avenue, SE., Washington, DC 20590; Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Title: Request Forms for Fund Transfers to Other Agencies and Among Title 23 Programs.

OMB Control Number: 2125–0620.

Background: Sections 1108, 1119(b), 1935, and 1936 of Public Law 109–59, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU) expanded the transferability of funds to other agencies and among programs. SAFETEA–LU establishes requirements for initiating the transferring of apportioned and allocated funds between entities and between projects and programs to carry out these provisions of law. The types of transfers affected by this notice are:

a. Transfer of funds from a State to the FHWA pursuant to U.S.C. Title 23, § 104(k)(3);

b. Transfer of funds from a State to a Federal Agency other than FHWA;

c. Transfer of funds from a State to another State;

d. Transfer of funds between programs; and,

e. Transfer of funds between projects.

The party initiating the fund transfer must fill out a FHWA transfer request form. Information required to fill out a transfer form will include the requester's contact information, a description of the program/project the transfer will come from and go to, the fiscal year, the program code, a demo identification number or an urban area when applicable, and the amount to be transferred. The form must be approved by the applicable State Department of Transportation and concurred on by the correlating FHWA Division Office.

Respondents: 50 State Transportation Departments, the District of Columbia, and Puerto Rico.

Frequency: As Needed.

Estimated Average Burden per Response: 30 minutes.

Estimated Total Annual Burden Hours: It is estimated that a total of 600 responses will be received annually, which would equal a total annual burden of 300 hours.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued on: January 14, 2011.

Juli Huynh,

Chief, Management Programs and Analysis Division.

[FR Doc. 2011–1204 Filed 1–20–11; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Reports, Forms, and Recordkeeping Requirements; Agency Information Collection Activity Under OMB Review

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

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and the expected burden. The **Federal Register** Notice with a 60-day comment period was published on August 16, 2010 (75 FR 50034–50036).

DATES: Comments must be submitted on or before February 22, 2011.

ADDRESSES: Send comments, within 30 days, to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW., Washington, DC 20503, Attention NHTSA Desk Officer.

FOR FURTHER INFORMATION CONTACT: Jessica Cicchino, PhD, Contracting Officer's Technical Representative, Office of Behavioral Safety Research (NTI–131), National Highway Traffic Safety Administration, 1200 New Jersey Ave, SE., W46–491, Washington, DC 20590. Dr. Cicchino's phone number is 202–366–2752 and her e-mail address is *jessica.cicchino@dot.gov.*

SUPPLEMENTARY INFORMATION:

Title: The Effect of Entry-Level Motorcycle Rider Training on Motorcycle Crashes.

Type of Request: New information collection request.

Abstract: Motorcycle fatalities in the United States decreased in 2009 for the first time after steadily increasing for 11 years. However, even with this decline, the number of motorcycle fatalities in 2009 was nearly double that from a decade ago.

Motorcycle rider training is a part of most States' motorcycle safety programs, and funds are set aside under Section 2010 of SAFETEA–LU in part to help States increase their motorcycle training. A study conducted by Billheimer (1998) found that trained riders with less than 500 miles of riding experience had a lower crash rate than untrained riders during the 6 months after training. Other studies conducted on the effectiveness of motorcycle rider training in the United States, however, have not found an effect of motorcycle rider training on crashes. Thus, the extent to which motorcycle rider training reduces crash involvement is unclear.

The National Highway Traffic Safety Administration (NHTSA) plans on using information from surveys and archival records to examine the impact of entry-level motorcycle rider training on safe motorcycle riding, as one component of

a larger research project evaluating the effectiveness of rider training. Participation by respondents will be voluntary. Surveys will be used to collect information from motorcycle riders on topics such as demographics, miles and years of riding experience, purpose of riding, training history, self-reported crash history, alcohol use prior to riding, use of helmets and other protective gear while riding, and other behaviors pertaining to safe riding. Survey data will be supplemented by archival data on riders' police-reported crashes, injuries, and motor vehicle citations. Data collected from motorcycle riders that have received entry-level rider training will be compared to data from untrained motorcycle riders.

Respondents will be asked to complete a survey three times during this study. The second survey will be completed 6 months after the first, and the third survey will be completed 18 months after the first. Surveys will be conducted electronically over the Internet when possible, with a pen-and-paper option available if preferred by the respondent.

Affected Public: NHTSA plans to recruit 1,250 motorcycle riders (625 trained and 625 untrained) for this study. Respondents will be novice motorcycle riders that have and have not completed an entry-level motorcycle rider training course. Participation will be solicited through motorcycle rider training courses, Departments of Motor Vehicles, motorcycle dealerships, motorcycle accessory shops, motorcycle trade shows, and at other locations where riders congregate. Trained and untrained riders will be matched on a number of characteristics, including demographics, riding experience, and self-reported safe and unsafe riding behaviors (such as speeding). To form matched pairs of 625 trained and 625 untrained riders, a total of up to 16,000 novice motorcycle riders will be screened (thus an additional 14,750 riders).

Estimated Total Burden: The total estimated burden is 1,541.5 hours. The burden for study participants is estimated to be 312.5 hours (1,250 respondents participating in 3 surveys, averaging 5 minutes each to complete), and the estimated burden for the additional riders that will be screened for the study is 1,229 hours (14,750 respondents participating in 1 screening survey, averaging 5 minutes to complete). The respondents would not incur any recordkeeping burden or recordkeeping cost from the information collection.

Comments are invited on the following:

(i) 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;

(ii) The accuracy of the agency's estimate of the burden of the proposed information collection;

(iii) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(iv) Ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

A comment to OMB is most effective if OMB receives it within 30 days of publication.

Authority: 44 U.S.C. 3506(c)(2)(A).

Jeff Michael,

Associate Administrator, Research and Program Development.

[FR Doc. 2011–1205 Filed 1–20–11; 8:45 am]

BILLING CODE 4910–59–P

FEDERAL REGISTER

Vol. 76 Friday

No. 14 January 21, 2011

Part II

Department of the Interior

Fish and Wildlife Service

50 CFR Part 32
2010–2011 Refuge-Specific Hunting and Sport Fishing Regulations;
Final Rule

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 32

[Docket No. FWS–R9–NSR–2010–0036; 93250–1265–0000–4A]

RIN 1018–AX20

2010–2011 Refuge-Specific Hunting and Sport Fishing Regulations

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Fish and Wildlife Service adds one refuge to the list of areas open for hunting and/or sport fishing and increases the activities available at seven other refuges, along with pertinent refuge-specific regulations on other refuges that pertain to migratory game bird hunting, upland game hunting, big game hunting, and sport fishing for the 2010–2011 season.

DATES: This rule is effective January 21, 2011.

FOR FURTHER INFORMATION CONTACT: Leslie A. Marler, (703) 358–2397.

SUPPLEMENTARY INFORMATION: The National Wildlife Refuge System Administration Act of 1966 closes national wildlife refuges in all States except Alaska to all uses until opened. The Secretary of the Interior (Secretary) may open refuge areas to any use, including hunting and/or sport fishing, upon a determination that such uses are compatible with the purposes of the refuge and National Wildlife Refuge System (Refuge System or our/we) mission. The action also must be in accordance with provisions of all laws applicable to the areas, developed in coordination with the appropriate State fish and wildlife agency(ies), consistent with the principles of sound fish and wildlife management and administration, and otherwise in the public interest. These requirements ensure that we maintain the biological integrity, diversity, and environmental health of the Refuge System for the benefit of present and future generations of Americans.

We annually review refuge hunting and sport fishing programs to determine whether to include additional refuges or whether individual refuge regulations governing existing programs need modifications. Changing environmental conditions, State and Federal regulations, and other factors affecting fish and wildlife populations and habitat may warrant modifications to refuge-specific regulations to ensure the continued compatibility of hunting and sport fishing programs and to ensure that these programs will not materially interfere with or detract from the fulfillment of refuge purposes or the Refuge System's mission.

Provisions governing hunting and sport fishing on refuges are in title 50 of the Code of Federal Regulations in part 32 (50 CFR part 32). We regulate hunting and sport fishing on refuges to:

- Ensure compatibility with refuge purpose(s);
- Properly manage the fish and wildlife resource(s);
- Protect other refuge values;
- Ensure refuge visitor safety; and
- Provide opportunities for quality fish- and wildlife-dependent recreation.

On many refuges where we decide to allow hunting and sport fishing, our general policy of adopting regulations identical to State hunting and sport fishing regulations is adequate in meeting these objectives. On other refuges, we must supplement State regulations with more-restrictive Federal regulations to ensure that we meet our management responsibilities, as outlined in the "Statutory Authority" section below. We issue refuge-specific hunting and sport fishing regulations when we open wildlife refuges to migratory game bird hunting, upland game hunting, big game hunting, or sport fishing. These regulations list the wildlife species that you may hunt or fish, seasons, bag or creel (container for carrying fish) limits, methods of hunting or sport fishing, descriptions of areas open to hunting or sport fishing, and other provisions as appropriate. You may find previously issued refuge-specific regulations for hunting and sport fishing in 50 CFR part 32. In this rulemaking, we are also standardizing and clarifying the language of existing regulations.

Statutory Authority

The National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd–668ee, as amended by the National Wildlife Refuge System Improvement Act of 1997 [Improvement Act]) (Administration Act), and the Refuge Recreation Act of 1962 (16 U.S.C. 460k–460k–4) (Recreation Act) govern the administration and public use of refuges.

Amendments enacted by the Improvement Act, built upon the Administration Act in a manner that provides an "organic act" for the Refuge System, are similar to those that exist for other public Federal lands. The Improvement Act serves to ensure that we effectively manage the Refuge System as a national network of lands, waters, and interests for the protection and conservation of our Nation's wildlife resources. The Administration Act states first and foremost that we focus our Refuge System mission on conservation of fish, wildlife, and plant resources and their habitats. The Improvement Act requires the Secretary, before allowing a new use of a refuge, or before expanding, renewing, or extending an existing use of a refuge, to determine that the use is compatible with the purpose for which the refuge was established and the mission of the Refuge System. The Improvement Act established as the policy of the United States that wildlife-dependent recreation, when compatible, is a legitimate and appropriate public use of the Refuge System, through which the American public can develop an appreciation for fish and wildlife. The Improvement Act established six wildlife-dependent recreational uses as the priority general public uses of the Refuge System. These uses are: Hunting, fishing, wildlife observation and photography, and environmental education and interpretation.

The Recreation Act authorizes the Secretary to administer areas within the Refuge System for public recreation as an appropriate incidental or secondary use only to the extent that doing so is practicable and not inconsistent with the primary purpose(s) for which Congress and the Service established the areas. The Recreation Act requires that any recreational use of refuge lands be compatible with the primary purpose(s) for which we established the refuge and not inconsistent with other previously authorized operations.

The Administration Act and Recreation Act also authorize the Secretary to issue regulations to carry out the purposes of the Acts and regulate uses.

We develop specific management plans for each refuge prior to opening it to hunting or sport fishing. In many cases, we develop refuge-specific regulations to ensure the compatibility of the programs with the purpose(s) for which we established the refuge and the Refuge System mission. We ensure initial compliance with the Administration Act and the Recreation Act for hunting and sport fishing on newly acquired refuges through an interim determination of compatibility made at or near the time of acquisition. These regulations ensure that we make the determinations required by these acts prior to adding refuges to the lists of areas open to hunting and sport fishing in 50 CFR part 32. We ensure continued compliance by the development of comprehensive conservation plans and specific plans,

and by annual review of hunting and sport fishing programs and regulations.

Response to Comments Received

In the September 15, 2010, **Federal Register** (75 FR 56360), we published a proposed rulemaking identifying changes pertaining to migratory game bird hunting, upland game bird hunting, big game hunting, and sport fishing to existing refuge-specific language on certain refuges for the 2010–2011 season. We received 14 comments on the proposed rule during a 30-day comment period; seven of those comments were supportive of the rulemaking.

Comment 1: Four commenters expressed opposition to the Service banning lead sinkers on several of our refuges. They feel that this ban would necessitate them having to purchase new nontoxic sinkers and this would be hardship on all anglers, especially in light of current economic conditions. They feel that the amount of lead left in waters is minimal and not the same as that in ammunition used by waterfowl hunters.

Response 1: Three refuges in this rule have language banning lead sinkers on their refuges: Patuxent Research Refuge in Maryland, Seney National Wildlife Refuge in Michigan, and Rappahannock River Valley National Wildlife Refuge in Virginia. Lead is a toxic metal that, in sufficient quantities, has adverse effects on the nervous and reproductive systems of animals, and can be lethal to wildlife if ingested, even in small amounts such as that contained in a fishing weight. According to the American Bird Conservancy and Center for Biological Diversity, an estimated 10 million to 20 million birds and other animals die each year from lead poisoning in the United States. Some animals die a painful death from lead poisoning while others suffer for years from its debilitating effects. Current estimates are that approximately 4,000 tons are lost in ponds and streams as fishing lures and sinkers. This metal is poisoning at least 75 wild bird species, including loons, golden and bald eagles, ravens and endangered California condors. Bald eagles are especially vulnerable to lead. Eagles eat fish, including the bottom-feeding varieties most likely to scoop sinkers from the sediments. It is true that sinkers are only part of the lead problems. Raptors can also pick up bullet fragments from deer carcasses, and other birds can pick up lead shot showered over fields and wetlands by years of hunting activity. But lead shot for waterfowl hunting has been illegal since 1998. There are nontoxic fishing weights (split shot) for use in nontidal waters that are readily available in the marketplace. Many anglers are using fishing tackle made from nontoxic materials such as tin, bismuth, steel, and tungsten, alternatives which are found in all 50 States. The difference in cost between nonlead tackle and lead is not great, especially for basic items. For example, a ⅜ reusable split shot costs $.03 for lead and $.04 for tin.

This ban of lead sinkers is not new to any of these refuges. In the case of Rappahannock River Valley National Wildlife Refuge, they have banned lead sinkers since 2004 in their freshwater ponds, where there is a greater likelihood of lead split shot being ingested by wildlife. They do allow the use of lead sinkers in tidal creeks because to hold bait in a tidal situation anglers need heavier weights, and heavier nontoxic weights are not as available in the marketplace. There is also less likelihood of weights in tidal waters being ingested (larger size, deeper water).

Seney National Wildlife Refuge has banned lead sinkers since 2002. They have several fish-eating predators (bald eagle, osprey, kingfisher, otter, loon) that are susceptible to incidental lead ingestion on the refuge along with swans that may ingest lead weights while feeding in shallow waters. From 1987–2004, lead toxicosis accounted for 22 percent of the 204 Michigan common loon deaths that were necropsied by the Minnesota Department of Natural Resources' Rose Lake Wildlife Disease Lab.

Patuxent Research Refuge banned lead sinkers as of April 12, 2010 (it was effective in the 2009–10 rulemaking). We are making no change to the regulations as a result of these comments.

Comment 2: Two commenters feel that we are making more refuges into killing fields for wildlife and birds. One of these commenters also wishes to extend the comment period by 60 days. Both commenters feel that by spreading lead shot all over the environment it kills a second time and more with other animals feeding from the dead carcass. They feel that the use of the refuge is taken away from nonhunters who cannot use the site when "the wildlife murderers are there shooting," and that hunting is incompatible with any other use of the site.

Response 2: The 1997 National Wildlife Refuge System Administration Act stipulates that hunting (along with fishing, wildlife observation and photography, and environmental education and interpretation), if found to be compatible, is a legitimate and priority general public use of a refuge and should be facilitated. The Administration Act authorizes the Secretary to allow use of any refuge area for any purpose as long as those uses are compatible. In the case of each refuge opening/expansion in this rule, the refuge managers went through the compatibility process (which allows for public comment), in addition to complying with the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) (NEPA) (which also allows for public comment) to make the determination before opening or expanding the refuge to allow for hunting.

We disagree that the comment period is insufficient. The process of opening refuges is done in stages, with the fundamental work being done on the ground at the refuge and in the community where the program is administered. In these stages, the public is provided other opportunities to comment, for example, on the comprehensive conservation plans, the compatibility determinations, and the hunt plans and accompanying NEPA documents. The final stage is when we publish the proposed rule in the **Federal Register** for additional comment, commonly providing a 30-day comment period.

We make every attempt to collect all of the proposals from the refuges nationwide and process them expeditiously to maximize the time available for public review. We believe that a 30-day comment period, through the broader publication following the earlier public involvement, gives the public sufficient time to comment and allows us to establish hunting and fishing programs in time for the upcoming seasons. Many of these rules also relieve restrictions and allow the public to participate in wildlife-dependent recreational activities on a number of refuges. Even after issuance of a final rule, we accept comments, suggestions, and concerns for consideration for any appropriate subsequent rulemaking.

We are and have been phasing out the use of lead shot by hunters on refuge lands. However, we are doing this phase-out of lead shot in a coordinated manner with the respective State wildlife agency. The National Wildlife Refuge Improvement Act of 1997 directs the Service to make refuge regulations as consistent with State regulations as practicable. See additional discussion on the lead shot issue in Response 1. There were no changes to this rulemaking as a result of these comments.

Comment 3: A commenter asked whether a change could be made to Cape May National Wildlife Refuge (NWR), which is opening the Great Cedar Swamp Division section of its refuge to wild turkey hunting, to include the Delaware Bay Division. The commenter explains that he/she understood the reason why Delaware Bay Division was not listed during the time of the comprehensive conservation plan (CCP) approval was that no wild turkeys were likely to be found in that Division, but feels that is not the case today. Also, the commenter feels that the turkey hunting disturbance footprint/impact is far less than other user groups who currently venture onto the refuge—that some of the nonhunting user group activities involve large numbers of individuals, moving as a single group, which creates a much larger disturbance to the wildlife population than a single individual transiting the same area. The commenter goes on to state that other users are not limited in any fashion as to the amount of time spent inside the ecosystem, unlike hunter users who are limited by Federal and State regulations.

Response 3: In accordance with the National Wildlife Refuge System Improvement Act of 1997, the 2004 Comprehensive Conservation Plan (CCP) for Cape May NWR provides a strategic management direction for the refuge over a 15-year period. As described in the 2009 Turkey, Rabbit, Squirrel Hunt Management Plan, the Preferred Alternative implements the strategies as outlined in the CCP for providing new compatible upland game hunting (turkey, rabbit, and squirrel) on the refuge. We consider this activity to be a wildlife-dependent public use activity. The exclusion of the Delaware Bay Division for turkey hunting meets the purposes of the Cape May NWR, as outlined in the 2004 CCP. Opportunities for turkey hunting and other wildlife-dependent public use activities on the refuge will be re-evaluated during the CCP's revision in 2019.

We designed hunting opportunities provided on Cape May NWR to result in minimal disturbance to trust resources. Minimizing disturbance factors and potential impacts are a primary consideration in season and regulation development. Because hunters may only harvest turkey during the spring in the Great Cedar Swamp Division on 4,492 acres, fewer biological impacts would occur than if we allowed turkey hunting in the Delaware Bay Division as well. We allow turkey hunting in limited areas of the refuge in order to reduce the cumulative negative impacts to wildlife and conflicts among other user groups on the refuge. No changes were made to the regulation as a result of this comment.

Comment 4: Another commenter felt that Federal hunting and fishing rules should not only be consistent with State hunting and fishing regulations but provide a practical, easy-to-use structure to permit hunters and anglers on Federal refuges. In particular the commenter suggests that we should provide notice in State hunting and fishing guides of opportunities found in refuges along with permitting requirements, allowing hunters and anglers to obtain required permits in a similar manner as State fishing and hunting licenses or permits.

Response 4: Most State hunting regulation pamphlets identify hunting opportunities on refuges. In addition, many States also assist in and coordinate the issuance of refuge hunting permits, and many assist in running the hunting program on a specific refuge by providing staff. We are seeking additional opportunities to harmonize the refuge and State regulations. In addition, the process of selecting hunters for various hunting opportunities undergoes annual reviews, often in conjunction with State wildlife agency staff, and we are seeking opportunities to improve these processes. However, an important distinction between refuges and other lands within a State is that national wildlife refuges are closed to hunting in the lower 48 States until the Service opens them through a prescribed series of steps set forth both in regulation (50 CFR 32.1) and in policy (605 FW 2). Furthermore, if we do open a refuge, not all lands within a refuge are opened in their entirety, and we are very specific about exactly how this hunt will take place.

The decision to open a refuge to hunting involves numerous steps where each refuge manager determines, after completing a compatibility determination, hunting and/or fishing opening package, appropriate NEPA documentation, section 7 consultation, and consultation with State fish and game agencies, the conduct of the hunting or fishing opportunity. While we make every effort to be consistent with State regulations, there are instances when it is appropriate that we be more restrictive than the State. Our regulations at 50 CFR 32.2(d) state that, "Each person shall comply with the applicable provisions of the laws and regulations of the State wherein any area is located *unless further restricted by Federal law or regulation*." [Emphasis added.]

For example, States may typically allow a longer hunting/angling season or larger bag limits than do many refuges. Most refuges have shorter seasons not only to ensure healthy wildlife populations, but to also allow other users opportunities to visit and observe wildlife on our refuges (*i.e.,* bird watchers, school groups, other refuge visitors) free of any safety concerns related to hunting in particular. We allow refuge managers the latitude to be more restrictive than the State when they deem it necessary and appropriate for a particular refuge.

The commenter also referred to a condition that required hunters wishing to participate in a hunt to submit a Big/Upland Game Hunt Application (FWS Form 3–2356). We recently secured OMB approval of nine new forms allowing the refuges to keep track of various activities on the refuges. The Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) (PRA) determines how we may collect information from 10 or more individuals. We strive with every annual regulation to comply with the PRA and this is an attempt to do so. This law is unique to the Federal Government and compliance is not discretionary. The collection of this information enables refuge managers to more appropriately manage hunts helping to ensure quality opportunities for the hunting and angling public in addition to better managing wildlife populations. We made no changes to the regulation as a result of this comment.

Comment 5: A commenter says that the Service should only propose rules that it reasonably believes it can enforce and that is consistent with the purposes of allowing hunting in refuges. Specifically, the commenter assumes that the requirement for hunters in tree stands to use a safety belt or harness (as proposed at Choctaw NWR) is proposed for safety purposes, but we provide no analysis justifying this rule. Further, the rule is overly prescriptive and will be difficult to enforce without undermining the hunting.

Response 5: This is not a new proposal for Choctaw NWR. The refuge has had this regulation in place since 2004. The commenter states that in order to enforce this regulation, the law enforcement officer would disturb any wildlife. Often officers (Federal or State) make use of spotting scopes and binoculars enabling them to check compliance from a distance and also are able to examine equipment at check-in and check out stations, in addition to field checks. Furthermore, this is a requirement for hunters using State wildlife management areas in Alabama. According to State statistics, falling

from tree stands is the leading cause of injuries to hunters in Alabama. Injuries from tree stand accidents could be minimized or prevented by wearing a safety belt or harness. Alabama regulations now require all hunters using a tree stand on wildlife management areas to wear a safety belt or harness. We make no changes to the regulation as a result of this comment.

Comment 6: A commenter feels that a condition for Bald Knob NWR Arkansas (A6) is overly broad and without reason. Specifically, he/she does not disagree with the requirement for use of only approved nontoxic shot shells for waterfowl hunting, and feels that the proposal to disallow shells in/on vehicles will result in unwarranted searches and seizures and possibly increase the Service's liability.

Response 6: Bald Knob NWR is both a popular waterfowl hunting refuge and known as one of the best areas for waterfowl hunting in the State. Over the years disputes between hunting parties escalated based on various reasons such as hunting too close together, "sky busting" (shooting birds at long ranges when there is only a small chance of taking a bird), and other problems. The refuge addressed those problems in 2001 by implementing a minimum distance between different hunting groups to be at least 100 yards (90 m). They addressed the "sky busting" issue by implementing the 25 shell possession limit, including in vehicles. This significantly reduced "sky busting" forcing hunters to make better judgments and shots in the field. Consequently, hunters are more peacefully coexisting resulting in a more enjoyable and quality hunt. No major hunter conflicts have arisen since the refuge implemented these rules. The logic behind the wording "including in vehicles" is because hunters would bring 25 shells into the field and once expended, the law enforcement officers would find them returning to their vehicles to get another box of 25. If the officers imposed a limit of 25 shells only in the field, as suggested by the commenter, we are not reducing sky busting because there is potentially an unlimited supply of ammunition available to the hunter in his or her vehicle. By limiting hunters' possession to 25 shells, including in their vehicles, we have eliminated (or nearly so) the problem as evidenced by the few disputes in the past 9 to 10 years.

Finally, on Bald Knob NWR all hunters must possess the refuge brochure, which when signed becomes their refuge hunting permit. Their signature indicates that they have read and understood the refuge hunting regulations and willingly agree to allow law enforcement officers to inspect or search their equipment used during the hunt. We made no changes to the rule as a result of this comment.

Comment 7: A commenter feels that hunting and fishing age requirements should be consistent throughout the country and points out that Bayou Cocodrie NWR listed a different age threshold for youth hunters than other Louisiana refuges. The commenter also felt that instead of prescribing Federal hunting supervision laws that the refuge should defer to State law.

Response 7: After submission by the refuge of their regulations, the State proposed an age change for youth hunters. Bayou Cocodrie NWR is effecting that change with this final rule and modifying the age for youth hunters from age 17 and under to age 16 and under. As a general rule, we strive to be consistent with State regulations. As for the comment about supervision of youth hunters and the comparison to other refuges, each refuge manager determines the conduct of a hunt on the individual refuge. They take into consideration such factors as habitat types, endangered species, and public hunting pressure present on their particular refuge. At Bayou Cocodrie NWR, the manager determined that there needs to be a more experienced hunter accompanying and teaching the younger hunter the responsibilities of hunting on the refuge. Other than modifying the age of youth hunters to age 16 and under, we made no changes to the regulation as a result of these comments.

Comment 8: A commenter, though supportive of expanding hunting on Minnesota Valley National Wildlife Refuge in Minnesota, expressed concern about expansion of hunting on wildlife refuges in general. The commenter expressed that the cumulative impact assessment of each refuge was made available online in a prior stage of this process but is not available online now while the regulation is in its final stages.

Response 8: We disagree. We posted on *http://www.regulations.gov* a cumulative impacts assessment report of the entire rulemaking (23 pages) on the day the **Federal Register** published the proposed rule, and we simultaneously posted the proposed rule on that Web site. This report addresses a description of the subject and issues involved and assesses the direct, indirect, and cumulative impacts of the proposed hunting activities on hunted populations of migratory birds and resident wildlife, nonhunted migratory and resident wildlife, threatened and endangered species, plant and habitat resources, other wildlife-dependent recreational uses, physical resources (including air, soil and water) cultural resources, refuge facilities, solitude and socioeconomics. We also assessed impacts of the proposed opening and/or expansion of hunting activities on the seven refuges by evaluating Compatibility Determinations prepared by each refuge for their respective hunting programs, and intra-Service consultations on the effects of hunting on endangered and threatened species conducted for each refuge hunting program as required by section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

When contacted by the commenter, he/she did not inquire about the cumulative impacts assessment, but rather about the general process of the rulemaking, including the 2003 Fund for Animals litigation. We explained to the commenter that this rulemaking was a compilation of the changes needed by refuges for this particular season and that the bulk of the economic analysis is done, appropriately, at the field level. We directed the commenter to contact individual refuges if they wished to receive the NEPA documentation created at the refuge level. The commenter did so, received the information that he/she was seeking, and supports the expansion of hunting in Minnesota Valley NWR. The commenter further stated that he/she felt there should be more information available to the public about proposed hunting regulations, specifically the readily available environmental assessment of each refuge. As discussed in the preamble of the rule, the decision to open or expand a refuge is a public process. All elements of that decision, including the hunt plan, compatibility determination, and appropriate NEPA analysis, are the subject of a public review and comment process and are available upon request. The decision to post online individual refuge-specific environmental analyses lies with the refuge manager; however, we will make the suggestion to refuge managers that they do so in the future to facilitate additional public inspection of documents after the appropriate public review process has ended and we have made a decision. We made no changes to this rulemaking as a result of this comment.

Effective Date

This rule is effective upon publication in the **Federal Register**. We have determined that any further delay in implementing these refuge-specific hunting and sport fishing regulations would not be in the public interest, in that a delay would hinder the effective

planning and administration of the hunting and fishing programs. We provided a 30-day public comment period for the September 15, 2010, proposed rule. An additional delay would jeopardize holding the hunting and/or fishing programs this year or shorten their duration and thereby lessen the management effectiveness of this regulation. This rule does not impact the public generally in terms of requiring lead time for compliance. Rather it relieves restrictions in that it allows activities on refuges that we would otherwise prohibit. Therefore, we find good cause under 5 U.S.C. 553(d)(3) to make this rule effective upon publication.

Amendments to Existing Regulations

This document codifies in the Code of Federal Regulations all of the Service's hunting and/or sport fishing regulations that are applicable at Refuge System units previously opened to hunting and/or sport fishing. We are doing this to better inform the general public of the regulations at each refuge, to increase understanding and compliance with these regulations, and to make enforcement of these regulations more efficient. In addition to now finding these regulations in 50 CFR part 32, visitors to our refuges will usually find them reiterated in literature distributed by each refuge or posted on signs.

We have cross-referenced a number of existing regulations in 50 CFR parts 26, 27, and 32 to assist hunting and sport fishing visitors with understanding safety and other legal requirements on refuges. This redundancy is deliberate, with the intention of improving safety and compliance in our hunting and sport fishing programs.

TABLE 1—CHANGES FOR 2010–2011 HUNTING/FISHING SEASON

National Wildlife Refuge	State	Migratory bird hunting	Upland game hunting	Big game hunting	Fishing
Modoc	CA	C	Already open	Closed	Already open.
Cape May	NJ	Already open	B	D (turkey)	Already open.
Fort Niobrara	NE	Closed	Closed	B	Already open.
Caddo Lake	TX	Closed	Closed	A	Closed.
Deep Fork	OK	Already open	Already open	C	Already open.
Bosque del Apache	NM	Already open	Already open	D (turkey)	Already open.
Rappahannock River Valley	VA	Closed	Closed	Already open	C.
Minnesota Valley	MN	C/D	C/D	C	Already open.

A = New refuge opened.
B = New activity on a refuge previously opened to other activities.
C = Refuge already open to activity but added new land/waters which increased activity.
D = Refuge already open to activity but added new species to hunt.

The changes for the 2010–11 hunting/fishing season noted in the chart above are each based on a complete administrative record which, among other detailed documentation, also includes a hunt plan, a compatibility determination, and the appropriate NEPA analysis, all of which were the subject of a public review and comment process. These documents are available upon request.

Fish Advisory

For health reasons, anglers should review and follow State-issued consumption advisories before enjoying recreational sport fishing opportunities on Service-managed waters. You can find information about current fish consumption advisories on the Internet at: *http://www.epa.gov/waterscience/fish/.*

Plain Language Mandate

In this rule we made some of the revisions to the individual refuge units to comply with a Presidential mandate to use plain language in regulations; as such, these particular revisions do not modify the substance of the previous regulations. These types of changes include using "you" to refer to the reader and "we" to refer to the Refuge System, using the word "allow" instead of "permit" when we do not require the use of a permit for an activity, and using active voice (*i.e.,* "We restrict entry into the refuge" vs. "Entry into the refuge is restricted").

Regulatory Planning and Review

The Office of Management and Budget (OMB) has determined that this rule is not significant under Executive Order 12866 (E.O. 12866). OMB bases its determination on the following four criteria:

(a) Whether the rule will have an annual effect of $100 million or more on the economy or adversely affect an economic sector, productivity, jobs, the environment, or other units of the government.

(b) Whether the rule will create inconsistencies with other Federal agencies' actions.

(c) Whether the rule will materially affect entitlements, grants, use fees, loan programs, or the rights and obligations of their recipients.

(d) Whether the rule raises novel legal or policy issues.

Regulatory Flexibility Act

Under the Regulatory Flexibility Act (as amended by the Small Business Regulatory Enforcement Fairness Act [SBREFA] of 1996) (5 U.S.C. 601, *et seq.*), whenever a Federal agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effect of the rule on small entities (*i.e.,* small businesses, small organizations, and small government jurisdictions). However, no regulatory flexibility analysis is required if the head of an agency certifies that the rule would not have a significant economic impact on a substantial number of small entities. Thus, for a regulatory flexibility analysis to be required, impacts must exceed a threshold for "significant impact" and a threshold for a "substantial number of small entities." *See* 5 U.S.C. 605(b). SBREFA amended the Regulatory Flexibility Act to require Federal agencies to provide a statement of the factual basis for certifying that a rule would not have a significant economic impact on a substantial number of small entities.

This rule adds one national wildlife refuge to the list of refuges open to hunting, increases hunting activities on six national wildlife refuges, and increases fishing activities at one national wildlife refuge. As a result, visitor use for wildlife-dependent recreation on these national wildlife refuges will change. If the refuges establishing new programs were a pure addition to the current supply of such activities, it would mean an estimated

increase of 12,330 user days (one person per day participating in a recreational opportunity) (Table 2). Because the participation trend is flat in these activities since 1991, this increase in supply will most likely be offset by other sites losing participants. Therefore, this is likely to be a substitute site for the activity and not necessarily an increase in participation rates for the activity.

TABLE 2—ESTIMATED CHANGE IN RECREATION OPPORTUNITIES IN 2010/2011

Refuge	Additional days	Additional expenditures
Modoc	130	$13,868
Cape May	1,700	181,356
Fort Niobrara	250	26,670
Caddo Lake	225	24,003
Deep Fork	177	18,882
Bosque del Apache	8	853
Rappahannock River Valley	640	51,510
Minnesota Valley	9,200	981,454
Total	12,330	1,298,596

To the extent visitors spend time and money in the area of the refuge that they would not have spent there anyway, they contribute new income to the regional economy and benefit local businesses. Due to the unavailability of site-specific expenditure data, we use the national estimates from the 2006 National Survey of Fishing, Hunting, and Wildlife Associated Recreation to identify expenditures for food and lodging, transportation, and other incidental expenses. Using the average expenditures for these categories with the maximum expected additional participation of the Refuge System yields approximately $1.3 million in recreation-related expenditures (Table 2). By having ripple effects throughout the economy, these direct expenditures are only part of the economic impact of these recreational activities. Using a national impact multiplier for hunting activities (2.67) derived from the report "Economic Importance of Hunting in America" and a national impact multiplier for fishing activities (2.79) derived from the report "Economic Importance of Fishing in America" yields a total economic impact of approximately $3.5 million (2009 dollars) (Southwick Associates, Inc., 2007). Using a local impact multiplier would yield more accurate and smaller results. However, we employed the national impact multiplier due to the difficulty in developing local multipliers for each specific region.

Since we know that most of the fishing and hunting occurs within 100 miles of a participant's residence, then it is unlikely that most of this spending would be "new" money coming into a local economy; therefore, this spending would be offset with a decrease in some other sector of the local economy. The net gain to the local economies would be no more than $3.5 million, and most likely considerably less. Since 80 percent of the participants travel less than 100 miles to engage in hunting and fishing activities, their spending patterns would not add new money into the local economy and, therefore, the real impact would be on the order of about $695,000 annually.

Small businesses within the retail trade industry (such as hotels, gas stations, taxidermy shops, bait and tackle shops, etc.) may be impacted from some increased or decreased refuge visitation. A large percentage of these retail trade establishments in the local communities around national wildlife refuges qualify as small businesses (Table 3). We expect that the incremental recreational changes will be scattered, and so we do not expect that the rule will have a significant economic effect on a substantial number of small entities in any region or nationally. As noted previously, we expect approximately $695,000 to be spent in total in the refuges' local economies. The maximum increase ($3.5 million if all spending were new money) at most would be less than 1 percent for local retail trade spending.

TABLE 3—COMPARATIVE EXPENDITURES FOR RETAIL TRADE ASSOCIATED WITH ADDITIONAL REFUGE VISITATION FOR 2010/2011

[Thousands, 2009 dollars]

Refuge/County(ies)	Retail trade in 2002 (2009 $)	Estimated maximum addition from new activities	Addition as % of total	Establishments in 2007	Establ. with <10 emp in 2007
Modoc: Modoc, CA	51,719	13.9	0.027	33	22
Cape May: Cape May, NJ	1,649,345	181.4	0.011	746	597
Fort Niobrara: Cherry, NE	80,374	26.7	0.033	44	28
Caddo Lake:					
Caddo, LA	3,329,277	6.0	0.000	999	685
Bossier, LA	1,369,032	6.0	0.000	469	201
Harrison, TX	505,210	6.0	0.001	209	160
Marion, TX	63,964	6.0	0.009	38	30
Deep Fork: Okmulgee, OK	302,176	18.9	0.006	128	98
Bosque del Apache:					
Bernalillo, NM	9,354,821	0.3	0	2,272	1,512
Socorro, NM	91,494	0.3	0	47	35
Sierra, NM	85,374	0.3	0	563	40
Rappahannock River Valley:					

TABLE 3—COMPARATIVE EXPENDITURES FOR RETAIL TRADE ASSOCIATED WITH ADDITIONAL REFUGE VISITATION FOR 2010/2011—Continued

[Thousands, 2009 dollars]

Refuge/County(ies)	Retail trade in 2002 (2009 $)	Estimated maximum addition from new activities	Addition as % of total	Establishments in 2007	Establ. with <10 emp in 2007
Caroline, VA	306,350	2.6	0.001	64	52
Essex, VA	193,558	24.5	0.013	61	39
Richmond, VA	88,581	24.5	0.028	41	29
Minnesota Valley:					
Hennepin MN	20,238,488	245.4	0.001	4,399	2,742
Carver MN	703,601	245.4	0.035	232	142
Scott MN	878,227	245.4	0.028	358	240
Dakota MN	5,787,006	245.4	0.004	1,181	722

This final rule reflects a change for Rappahannock River Valley NWR as being in three different counties in Virginia: Caroline, Essex, and Richmond. The proposed rule incorrectly stated the refuge was located in Northumberland County.

With the small change in overall spending anticipated from this rule, it is unlikely that a substantial number of small entities will have more than a small impact from the spending change near the affected refuges. Therefore, we certify that this rule will not have a significant economic effect on a substantial number of small entities as defined under the Regulatory Flexibility Act (5 U.S.C. 601 *et. seq.*). An initial/final Regulatory Flexibility Analysis is not required. Accordingly, a Small Entity Compliance Guide is not required.

Small Business Regulatory Enforcement Fairness Act

The rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. We anticipate no significant employment or small business effects. This rule:

a. Will not have an annual effect on the economy of $100 million or more. The minimal impact will be scattered across the country and will most likely not be significant in any local area.

b. Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. This rule will have only a slight effect on the costs of hunting opportunities for Americans. If the substitute sites are farther from the participants' residences, then an increase in travel costs will occur. The Service does not have information to quantify this change in travel cost but assumes that, since most people travel less than 100 miles to hunt, the increased travel cost will be small. We do not expect this rule to affect the supply or demand for hunting opportunities in the United States and, therefore, it should not affect prices for hunting equipment and supplies, or the retailers that sell equipment.

c. Will not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises. This rule represents only a small proportion of recreational spending at national wildlife refuges. Therefore, this rule will have no measurable economic effect on the wildlife-dependent industry, which has annual sales of equipment and travel expenditures of $72 billion nationwide.

Unfunded Mandates Reform Act

Since this rule applies to public use of federally owned and managed refuges, it will not impose an unfunded mandate on State, local, or Tribal governments or the private sector of more than $100 million per year. The rule will not have a significant or unique effect on State, local, or Tribal governments or the private sector. A statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

Takings (E.O. 12630)

In accordance with E.O. 12630, this rule will not have significant takings implications. This regulation affects only visitors at national wildlife refuges and describes what they can do while they are on a refuge.

Federalism (E.O. 13132)

As discussed in the Regulatory Planning and Review and Unfunded Mandates Reform Act sections above, this rule will not have sufficient Federalism implications to warrant the preparation of a Federalism Assessment under E.O. 13132. In preparing this rule, we worked with State governments.

Civil Justice Reform (E.O. 12988)

In accordance with E.O. 12988, the Office of the Solicitor has determined that the rule does not unduly burden the judicial system and that it meets the requirements of sections 3(a) and 3(b)(2) of the Order. The regulation clarifies established regulations and results in better understanding of the regulations by refuge visitors.

Energy Supply, Distribution or Use (E.O. 13211)

On May 18, 2001, the President issued E.O. 13211 on regulations that significantly affect energy supply, distribution, and use. E.O. 13211 requires agencies to prepare Statements of Energy Effects when undertaking certain actions. Because this rule increases activities at seven refuges and opens one new refuge, it is not a significant regulatory action under E.O. 12866 and is not expected to significantly affect energy supplies, distribution, and use. Therefore, this action is a not a significant energy action and no Statement of Energy Effects is required.

Consultation and Coordination With Indian Tribal Governments (E.O. 13175)

In accordance with E.O. 13175, we have evaluated possible effects on federally recognized Indian tribes and have determined that there are no effects. We coordinate recreational use on national wildlife refuges with Tribal governments having adjoining or overlapping jurisdiction before we propose the regulations.

Paperwork Reduction Act

This regulation does not contain any information collection requirements other than those already approved by the Office of Management and Budget

under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) (OMB Control Numbers are 1018–0102 and 1018–0140). *See* 50 CFR 25.23 for information concerning that approval. 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.

Endangered Species Act Section 7 Consultation

We comply with section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), when developing Comprehensive Conservation Plans (CCPs) and step-down management plans (which would include hunting and/or fishing plans) for public use of refuges, and prior to implementing any new or revised public recreation program on a refuge as identified in 50 CFR 26.32. We have completed section 7 consultation on each of the affected refuges.

National Environmental Policy Act

We analyzed this rule in accordance with the criteria of the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4332(C)), 43 CFR part 46, and 516 Departmental Manual (DM) 8.

A categorical exclusion from NEPA documentation applies to publication of amendments to refuge-specific hunting and fishing regulations since they are technical and procedural in nature, and the environmental effects are too broad, speculative, or conjectural to lend themselves to meaningful analysis (43 CFR 46.210 and 516 DM 8). Concerning the actions that are the subject of this rulemaking, we have complied with NEPA at the project level when developing each proposal. This is consistent with the Department of the Interior instructions for compliance with NEPA where actions are covered sufficiently by an earlier environmental document (516 DM 3.2A).

Prior to the addition of a refuge to the list of areas open to hunting and fishing in 50 CFR part 32, we develop hunting and fishing plans for the affected refuges. We incorporate these refuge hunting and fishing activities in the refuge CCPs and/or other step-down management plans, pursuant to our refuge planning guidance in 602 Fish and Wildlife Service Manual (FW) 1, 3, and 4. We prepare these CCPs and step-down plans in compliance with section 102(2)(C) of NEPA, and the Council on Environmental Quality's regulations for implementing NEPA in 40 CFR parts 1500–1508. We invite the affected public to participate in the review, development, and implementation of these plans. Copies of all plans and NEPA compliance are available from the refuges at the addresses provided below.

Available Information for Specific Refuges

Individual refuge headquarters have information about public use programs and conditions that apply to their specific programs and maps of their respective areas. To find out how to contact a specific refuge, contact the appropriate Regional offices listed below:

Region 1—Hawaii, Idaho, Oregon, and Washington. Regional Chief, National Wildlife Refuge System, U.S. Fish and Wildlife Service, Eastside Federal Complex, Suite 1692, 911 NE. 11th Avenue, Portland, OR 97232–4181; Telephone (503) 231–6214.

Region 2—Arizona, New Mexico, Oklahoma, and Texas. Regional Chief, National Wildlife Refuge System, U.S. Fish and Wildlife Service, Box 1306, 500 Gold Avenue, Albuquerque, NM 87103; Telephone (505) 248–7419.

Caddo Lake National Wildlife Refuge, P.O. Box 230, Karnack, TX 75661; Telephone (903) 679–9144.

Region 3—Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin. Regional Chief, National Wildlife Refuge System, U.S. Fish and Wildlife Service, 1 Federal Drive, Federal Building, Fort Snelling, Twin Cities, MN 55111; Telephone (612) 713–5401.

Region 4—Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Puerto Rico, and the Virgin Islands. Regional Chief, National Wildlife Refuge System, U.S. Fish and Wildlife Service, 1875 Century Boulevard, Atlanta, GA 30345; Telephone (404) 679–7166.

Region 5—Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia. Regional Chief, National Wildlife Refuge System, U.S. Fish and Wildlife Service, 300 Westgate Center Drive, Hadley, MA 01035–9589; Telephone (413) 253–8306.

Region 6—Colorado, Kansas, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming. Regional Chief, National Wildlife Refuge System, U.S. Fish and Wildlife Service, 134 Union Blvd., Lakewood, CO 80228; Telephone (303) 236–8145.

Region 7—Alaska. Regional Chief, National Wildlife Refuge System, U.S. Fish and Wildlife Service, 1011 E. Tudor Rd., Anchorage, AK 99503; Telephone (907) 786–3545.

Region 8—California and Nevada. Regional Chief, National Wildlife Refuge System, U.S. Fish and Wildlife Service, 2800 Cottage Way, Room W–2606, Sacramento, CA 95825; Telephone (916) 414–6464.

Primary Author

Leslie A. Marler, Management Analyst, Division of Conservation Planning and Policy, National Wildlife Refuge System is the primary author of this rulemaking document.

List of Subjects in 50 CFR Part 32

Fishing, Hunting, Reporting and recordkeeping requirements, Wildlife, Wildlife refuges.

For the reasons set forth in the preamble, we amend title 50, chapter I, subchapter C of the Code of Federal Regulations as follows:

PART 32—[AMENDED]

■ 1. The authority citation for part 32 continues to read as follows:

Authority: 5 U.S.C. 301; 16 U.S.C. 460k, 664, 668dd–668ee, and 715i.

§ 32.7 [Amended]

■ 2. Amend § 32.7 "What refuge units are open to hunting and/or sport fishing?" by:

■ a. Adding Michigan Wetland Management District, in alphabetical order, in the State of Michigan; and

■ b. Adding Caddo Lake National Wildlife Refuge, in alphabetical order, in the State of Texas.

■ 3. Amend § 32.20 Alabama by:

■ a. Revising paragraphs B., C., and D. of Choctaw National Wildlife Refuge; and

■ b. Revising paragraph A.1., adding paragraph A.6., and revising paragraph C.3. of Eufaula National Wildlife Refuge, to read as follows:

§ 32.20 Alabama.

* * * * *

Choctaw National Wildlife Refuge

* * * * *

B. Upland Game Hunting. We allow hunting of squirrel, rabbit, raccoon, and opossum on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We prohibit hunting within 100 yards (90 m) of the fenced-in refuge work center area, hiking trail, and refuge boat ramp.

2. We prohibit marking trees and using flagging tape, reflective tacks, and other similar marking devices.

3. We allow take of incidental species as listed in the refuge hunt permit (signed brochure) during any hunt with those weapons legal during those hunts.

4. Hunters must possess and carry a signed refuge hunt permit (signed brochure) when hunting.

5. All youth hunters age 15 and younger must remain within sight and normal voice contact of an adult age 21 or older, possessing a license and permit. One adult may supervise no more than two youth hunters.

6. We prohibit overnight mooring or storage of boats.

7. We require hunters to check all harvested game at the conclusion of each day at one of the refuge check out stations.

8. A hunter may only use approved nontoxic shot (see § 32.2(k)). We restrict hunting weapons to shotguns with shot size no larger than No. 6 or rifles no larger than .22 standard rimfire or legal archery equipment.

9. We prohibit the use of mules, horses, and ATVs.

10. We allow dogs for upland game hunting except in Middle Swamp. We allow dogs only in Middle Swamp the last 2 weeks of upland game season.

C. Big Game Hunting. We allow hunting of white-tailed deer and feral hog in accordance with State regulations subject to the following conditions:

1. Conditions B1 through B9 apply.

2. We require tree stand users to use a safety belt or harness.

3. We prohibit damaging trees or hunting from a tree that contains an inserted metal object (see § 32.2(i)). We require hunters to remove all tree stands and blinds daily (see § 27.93 of this chapter).

4. We prohibit participation in organized drives.

5. We prohibit hunting by aid or distribution of any feed, salt, or other mineral at any time (see § 32.2(h)).

D. Sport Fishing. We allow fishing in designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We allow fishing year-round, except in the waterfowl sanctuary, which we close from December 1 through March 1.

2. With the exception of the refuge boat ramp, we limit access from ½ hour before legal sunrise to ½ hour after legal sunset.

3. We allow a rod and reel and pole and line. We prohibit all other methods of fishing.

4. We prohibit the taking of frogs and turtles (see § 27.21 of this chapter).

5. We prohibit bow fishing.

6. We prohibit the use of airboats, hovercrafts, and inboard-water-thrust boats such as, but not limited to, personal watercraft, watercycles, and waterbikes.

7. We require a refuge Special Use Permit (FWS Form 3–1383) for commercial fishing. Commercial anglers may use nets, seines, baskets, and boxes legal for use within the State of Alabama.

8. We prohibit mooring or storing of boats from ½ hour after legal sunset to ½ hour before legal sunrise.

Eufaula National Wildlife Refuge

A. Migratory Bird Hunting. * * *

1. You must possess and carry a signed refuge hunt brochure (permit) when hunting.

* * * * *

6. All waterfowl hunting opportunities are spaced-blind and assigned by lottery. Hunters wishing to participate in our waterfowl hunt must submit a Waterfowl Lottery Application (FWS Form 3–2355). Consult the refuge brochure for details.

* * * * *

C. Big Game Hunting. * * *

* * * * *

3. All youth gun hunting opportunities are spaced-blind and assigned by lottery. Hunters wishing to participate in our youth gun hunt must submit a Big/Upland Game Hunt Application (FWS Form 3–2356). Consult the refuge brochure for details.

* * * * *

■ 4. Amend § 32.22 Arizona by:

■ a. Revising paragraphs A.2. through A.6., A.10., C.1., and C.2., adding paragraph C.3., and revising paragraphs D.1. and D.3. of Bill Williams River National Wildlife Refuge;

■ b. Revising the introductory text of paragraph A., and revising paragraphs B. and C.2. of Buenos Aires National Wildlife Refuge; and

■ c. Removing paragraph B.4. and redesignating paragraph B.5. as B.4. of Imperial National Wildlife Refuge.

The revisions and additions read as follows:

§ 32.22 Arizona.

* * *

Bill Williams River National Wildlife Refuge

A. Migratory Game Bird Hunting. * * *

* * * * *

2. You may possess only nontoxic shot while hunting in the field (see § 32.2(k)).

3. We prohibit hunting within 50 yards (45 m) of any building, road, or levee open to public use.

4. We allow hunting/angling on the refuge only in those areas posted or designated as open. The public hunting area is generally described as south of the Bill Williams Road and east of Arizona State Rt. 95 plus the south half of Section 35, T 11N–R 17W as posted. We close the isolated grow-out cove near the visitor center to fishing as posted.

5. We allow hunting/angling in accordance with State regulations only for the listed species.

6. You may retrieve fish or game from an area closed to hunting or entry only upon specific consent from an authorized refuge employee.

* * * * *

10. All refuge visitors must remove all personal items from the refuge at the end of each day's activity, *i.e.,* boats, equipment, cameras, temporary blinds, stands, etc. (see § 27.93 of this chapter).

* * * * *

C. Big Game Hunting * * *

1. Conditions A4 through A11 apply.

2. In Arizona Wildlife Management Unit 44A, we allow hunting on the refuge only in those areas south of the Bill Williams River Road and east of Arizona State Rt. 95 plus the south half of Section 35, T 11N–R 17W as posted.

3. In Arizona Wildlife Management Unit 16A, we allow hunting for desert bighorn sheep only in those areas north of the Bill Williams River.

D. Sport Fishing. * * *

1. Conditions A4 through A11 apply.

* * * * *

3. We designate all refuge waters as wakeless speed zones (as defined by State law).

* * * * *

Buenos Aires National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of goose, duck, coot, and dove on designated areas of the refuge in accordance with State regulations subject to the following conditions:

* * * * *

B. Upland Game Hunting. We allow hunting of rabbit, coyote, and skunk on designated areas of the refuge in accordance with State regulations subject to the following condition: Conditions A1 through A3 apply.

C. Big Game Hunting. * * *

* * * * *

2. Conditions A1 through A3 apply.

* * * * *

■ 5. Amend § 32.23 Arkansas by:

■ a. Revising Bald Knob National Wildlife Refuge;

■ b. Revising paragraphs B., C.1., C.3., C.5., C.8., and C.12., removing paragraph C.13., and revising paragraph D. of Big Lake National Wildlife Refuge;

■ c. Revising Cache River National Wildlife Refuge;

■ d. Revising paragraphs A., B., C.1., C.3. through C.9., C.13. through C.15., and D. of Felsenthal National Wildlife Refuge;

■ e. Removing paragraph B.4., redesignating paragraphs B.5. through B.14. as paragraphs B.4. through B.13., revising newly redesignated paragraphs B.6., B.11., and B.13., and revising paragraphs C.1., C.2., and D.1. of Holla Bend National Wildlife Refuge;

■ f. Revising the introductory text of paragraph A., revising paragraphs A.1., A.3., A.5., A.7., A.9., A.10., and A.12. through A.17., removing paragraph A.20. and redesignating paragraphs A.21. through A.24. as paragraphs A.20. through A.23., revising the introductory text of paragraph B., revising paragraphs B.1., B.3. through B.5., C.1. through C.5., and C.8. through C.11. of Overflow National Wildlife Refuge;

■ g. Revising paragraphs A.1., A.3., A.5., A.7., and A.11. through A.18., removing paragraph A.19., redesignating paragraphs A.20. through A.24. as paragraphs A.19. through A.23., and revising paragraphs B., C.2., C.4. through C.8., and C.12. through C.16. of Pond Creek National Wildlife Refuge;

■ h. Revising paragraph A.1., adding paragraphs A.5. through A.11., revising paragraphs B., C.1., C.2., C.7. through C.9., D.1., and D.5. through D.8., and removing paragraph D.9. of Wapanocca National Wildlife Refuge; and

■ i. Revising paragraphs A., B.1. through B.4., and B.7., adding paragraphs B.9. through B.11. and revising paragraphs C. and D. of White River National Wildlife Refuge.

The revisions and additions read as follows:

§ 32.23 Arkansas.

* * * * *

Bald Knob National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of duck, goose, coot, snipe, woodcock, and dove on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We require refuge hunting permits. The permits (found on the front cover of the annual hunt brochure/permit—signature required) are nontransferable, and anyone on refuge land in possession of hunting equipment must sign, possess, and carry the permits at all times.

2. We allow hunting of duck, goose, coot, dove, and snipe daily until 12 p.m. (noon) throughout the State seasons, except for season closures on the Farm Unit during the Quota Gun Deer Hunt and for the exception provided in A3.

3. We allow hunting for goose from ½ hour before legal sunrise until ½ hour past legal sunset after the closing of the duck season in January for the remainder of the State goose season(s) and Snow, Blue, and Ross' Goose Conservation Orders.

4. We allow hunting for woodcock daily throughout the State seasons, except for season closures during the Quota Gun Deer Hunt.

5. We prohibit commercial hunting/guiding.

6. You may possess only approved nontoxic shot shells for hunting while in the field (see § 32.2(k)) in quantities of 25 or less. The possession limit includes shells located in/on vehicles and other personal equipment. The field possession limit for shells does not apply to goose hunting after the closing of the duck season in January.

7. We prohibit hunting closer than 100 yards (90 m) to another hunter or hunting party.

8. You must remove decoys, blinds, boats, and all other equipment (see § 27.93 of this chapter) daily by 1 p.m.

9. Waterfowl hunters may enter the refuge at 4 a.m.

10. Boats with the owner's name and address permanently displayed or valid registration may be left on the refuge from March 1 through October 31. We prohibit the use of boats from 12 p.m. (midnight) to 4 a.m. during duck season.

11. Hunters may use and possess only biodegradable materials to mark trails.

12. We prohibit building or hunting from permanent blinds. We prohibit driving or screwing any metal object into a tree or hunting from a tree in which a metal object has been driven or screwed to support a hunter (see § 32.2(i)).

13. We prohibit cutting of holes or manipulation of vegetation (i.e., cutting bushes, mowing, weed-eating, herbicide use, etc.) and hunting from manipulated areas (see § 27.51 of this chapter).

14. We allow use of dogs for migratory game bird hunting.

15. We allow waterfowl hunting from refuge roads and levees.

16. Any hunter born after 1968 must carry a valid hunter education card. An adult at least age 21 must supervise hunters under age 16 who have a valid hunter education card and remain within sight and normal voice contact with the youth. Hunters under age 16 do not need to have a card if they are under the direct supervision (within arm's reach) of an adult (at least age 21) holder of a valid hunting license. An adult may supervise up to two youths for migratory bird and upland game hunting but may supervise only one youth for big game hunting. We will honor home State hunter education cards.

17. We prohibit target practice or nonhunting discharge of firearms (see § 27.42 of this chapter).

18. We allow vehicle use only on established roads and trails (see § 27.31 of this chapter). We limit vehicle access on the Mingo Creek unit to ATV use only, only on marked ATV trails, September 1 through February 28, and only to provide access for hunting beyond Parking Areas. Hunters may use conventional vehicles on the Farm Unit from March 1 through November 14 only. Hunters may only use ATVs from September 1 through February 28 and only to provide access for hunting beyond Parking Areas. We prohibit driving around a locked gate, barrier, or beyond a sign closing a road to vehicular traffic (see § 27.31 of this chapter).

19. We prohibit entry into or hunting in waterfowl sanctuaries from November 15 through February 28.

20. Hunters must adhere to all public use special conditions and regulations on the annual hunt brochure/permit.

21. We prohibit airboats, hovercraft, and personal watercraft (Jet Ski, etc.).

22. We prohibit the possession or use of alcoholic beverages while hunting (see § 32.2(j)).

B. Upland Game Hunting. We allow hunting of squirrel, rabbit, quail, raccoon, opossum, beaver, muskrat, nutria, armadillo, coyote, and feral hog on designated areas of the refuge in accordance with State regulations subject to the following special conditions:

1. Conditions A1, A5, A10 through A12, and A16 through A22 apply.

2. Hunters may use shotguns only with approved nontoxic shot (see § 32.2(k)) and rifles chambered for rimfire cartridges.

3. We allow squirrel hunting September 1 through February 28 on the Mingo Creek Unit and on the Farm Unit, except for season closure on the Farm Unit during the Quota Gun Deer Hunt. We prohibit dogs, except for the period of December 1 through February 28.

4. We allow rabbit hunting in accordance with the State season on the Mingo Creek Unit and on the Farm Unit, except for season closure on the Farm Unit during the Quota Gun Deer Hunt. We prohibit dogs, except for the period of December 1 through February 28.

5. We allow quail hunting in accordance with the State season except for season closure on the Farm Unit during the Quota Gun Deer Hunt. We allow dogs.

6. We allow hunting of raccoon and opossum with dogs on all refuge hunt

units. We require dogs for hunting of raccoon/opossum at night. We list annual season dates in the refuge hunting brochure/permit. We prohibit field trials and organized training events.

7. We prohibit the use of horses and mules.

8. Hunters may take beaver, muskrat, nutria, armadillo, feral hog, and coyote during any refuge hunt with the device allowed for that hunt subject to State seasons.

9. We prohibit hunting from refuge roads except by waterfowl hunters.

10. We prohibit hunting from a vehicle.

11. We limit nighttime use to fishing, frogging, and/or raccoon/opossum hunting, and the angler or hunter must possess the appropriate tackle or gear.

C. Big Game Hunting. We allow hunting of deer and turkey on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A1, A5, A10 through A12, A16 through A22, and B8 through B11 apply.

2. We divide the refuge into two hunting units: Farm Unit and Mingo Creek Unit.

3. The archery/crossbow hunting season for deer begins on the opening day of the State season and continues throughout the State season in the Mingo Creek Unit and Farm Unit except for the season closure on the Farm Unit during the Quota Gun Deer Hunt. We provide annual season dates and bag limits on the hunt brochure/permit (signature required).

4. Muzzleloader hunting season for deer will begin in October and continue for a period of up to 9 days in all hunting units with annual season dates and bag limits provided on the hunt brochure/permit.

5. The modern gun hunting season for deer will begin in November and continue for a period of up to 9 days on the Farm Unit with annual season dates and bag limits provided on the hunt brochure/permit. We close the Mingo Creek Unit.

6. The fall archery/crossbow hunting season for turkey will begin on the opening day of the State season and continue throughout the State season on the Mingo Creek Unit only.

7. We prohibit spring and fall gun hunting for turkey.

8. Immediately record the zone 002 on your hunting license and later at an official check station for all deer and turkey harvested on the refuge.

9. You may use only shotguns with rifled slugs, muzzleloaders, and legal pistols for modern gun deer hunting.

10. We allow only portable deer stands capable of being carried by a single individual. Hunters may erect stands 7 days prior to the refuge deer season and must remove them from the waterfowl sanctuaries prior to November 15, except for stands used by Quota Gun Deer Hunt permit holders (signature required), which must be removed by the last day of the Quota Gun Deer Hunt. Hunters must remove all stands on the remainder of the refuge within 7 days of the closure of archery season (see § 27.93 of this chapter). Hunters must permanently affix their name and address to their deer stands on the refuge.

11. We prohibit hunting from a vehicle or use of a vehicle as a deer stand.

12. We prohibit the use of dogs.

13. We prohibit the possession or use of buckshot for hunting on all refuge lands.

14. We prohibit hunting from mowed and/or graveled road right-of-ways.

15. Refuge lands are located in State-designated Flood Prone Region B, and we will close them to all deer hunting when the White River Gauge at Augusta reaches 31 feet (9.3 m), as reported by the National Weather Service at *http://www.srh.noaa.gov/data/LZK/RVSLZK* and reopen them when the same gauge reading falls below 30 feet (9.1 m) and the White River Gauge at Georgetown falls to, or below, 19 feet (5.7 m).

16. We allow only Quota Gun Deer Hunt permit holders on the Farm Unit during the Quota Gun Deer Hunt and only for the purposes of deer hunting. We close the refuge to all other entry and public use during the Quota Gun Deer Hunt.

17. We close waterfowl sanctuaries to all entry and hunting from November 15 to February 28 except for Quota Gun Deer Hunt permit holders who may hunt the sanctuary when the season overlaps with these dates.

D. Sport Fishing. We allow fishing and frogging in accordance with State regulations subject to the following conditions:

1. Conditions A10, A18 through A21, B11, and C16 apply.

2. We close waterfowl sanctuaries to all entry and fishing/frogging from November 15 to February 28. We also close the Farm Unit to all entry and fishing during the Quota Gun Deer Hunt.

3. We prohibit commercial fishing.

4. We prohibit the take or possession of turtles and/or mollusks (see § 27.21 of this chapter).

5. We prohibit mooring houseboats to the refuge bank on the Little Red River.

Big Lake National Wildlife Refuge

* * * * *

B. Upland Game Hunting. We allow hunting of squirrel, rabbit, raccoon, nutria, coyote, beaver, and opossum on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We require refuge hunt permits. The permits (found on the front cover of the annual hunt brochure/permit—signature required) are nontransferable and anyone on refuge land in possession of hunting equipment must sign and carry the permit at all times.

2. We provide annual season dates for squirrel, rabbit, raccoon, and opossum hunting in the refuge hunting brochure/permit.

3. We allow take of nutria, beaver, and coyote during any refuge hunt with the device allowed for that hunt subject to State seasons.

4. Any hunter born after 1968 must carry a valid hunter education card. An adult age 21 or older must supervise and remain within sight and normal voice contact with hunters under age 16 who have a valid hunter education card. Hunters under age 16 do not need to have a card if they are under the direct supervision (within arm's reach) of an adult (age 21 or older) holder of a valid hunting license. An adult may supervise up to two youths for upland game hunting but may supervise only one youth for big game hunting. We will honor home State hunter education cards.

5. We prohibit target practice or any nonhunting discharge of firearms (see § 27.42 of this chapter).

6. You may take opossum when hunting raccoon.

7. We require dogs for night hunting of raccoon and opossum. We prohibit field trials and organized training events.

8. When hunting, you may only use shotguns with approved nontoxic shot (see § 32.2(k)) and rifles chambered for rimfire cartridges.

9. We prohibit boats from November 1 through February 28, except on that portion of the refuge open for public fishing with electric motors and Ditch 28.

10. We prohibit hunting from mowed and/or gravel road right-of-ways.

11. We prohibit ATVs (see § 27.31(f) of this chapter).

12. We prohibit horses and mules.

13. We limit nighttime use to fishing, frogging, and/or raccoon/opossum hunting, and the angler or hunter must possess the appropriate tackle or gear.

14. We prohibit driving around a locked gate, barrier, or beyond a sign

closing a road to vehicular traffic (see § 27.31 of this chapter).

15. We prohibit the possession or use of alcoholic beverages while hunting (see § 32.2(j)).

16. You must adhere to all public use special conditions and regulations on the annual hunt brochure/permit.

C. Big Game Hunting. * * *

1. Conditions B1, B3 through B5, and B9 through B16 apply.

* * * * *

3. Hunters may use only bows or crossbows.

* * * * *

5. Hunters may possess or use only biodegradable materials to mark trails.

* * * * *

8. We allow only portable deer stands capable of being carried by a single individual. Hunters may erect stands 7 days prior to the refuge deer season and must remove them within 7 days of the closure of archery season (see § 27.93 of this chapter). Hunters must permanently affix their name and address to their deer stands on the refuge.

* * * * *

12. Hunters may enter the refuge no earlier than 4 a.m.

D. Sport Fishing. We allow fishing and frogging on designated areas of the refuge subject to the following conditions:

1. Conditions B9, B11 through B14, and B16 apply.

2. Anglers may launch boats only in designated areas.

3. We prohibit airboats, personal watercraft, Jet Skis, and hovercraft (see § 27.31 of this chapter).

4. We allow frogging from the beginning of the State frogging season through October 31.

5. We allow the take of largemouth bass in accordance with State regulations.

6. We prohibit the take or possession of turtles and/or mollusks (see § 27.21 of this chapter).

7. We require a Special Use Permit (FWS Form 3–1383) for all commercial fishing activities on the refuge.

Cache River National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of duck, goose, coot, snipe, woodcock, and dove on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We require refuge hunting permits. These permits (found on the front cover of the annual hunt brochure/permit—signature required) are nontransferable, and anyone on the refuge in possession of hunting equipment must sign and carry the permit at all times.

2. We allow hunting of duck, goose, coot, dove, and snipe daily until 12 p.m. (noon) throughout the State seasons, except for refuge-wide season closures during Quota Gun Deer Hunt and the exception provided in A3.

3. We allow hunting for goose from ½ hour before legal sunrise until ½ hour after legal sunset after the close of duck season in January for the remainder of the State goose season(s) and Snow, Blue, and Ross' Goose Conservation Order.

4. We allow hunting for woodcock daily throughout the State seasons except for season closures during the Quota Gun Deer Hunt.

5. We prohibit commercial hunting and/or guiding.

6. You may possess only approved nontoxic shot while hunting in the field (see § 32.2(k)).

7. You must remove decoys, blinds, boats, and all other equipment (see § 27.93 of this chapter) daily by 1 p.m.

8. Waterfowl hunters may enter the refuge at 4 a.m.

9. Boats with the owner's name and address permanently displayed or valid registration may be left on the refuge from March 1 through October 31. We prohibit boats on the refuge from 12 p.m. (midnight) to 4 a.m. during duck season.

10. Hunters may possess or use only biodegradable materials to mark trails.

11. We prohibit building or hunting from permanent blinds. We prohibit driving or screwing any metal object into a tree or hunting from a tree in which a metal object has been driven or screwed to support a hunter (see § 32.2(i)).

12. We prohibit cutting of holes or other manipulation of vegetation (e.g., cutting bushes, mowing, weed-eating, herbicide use, and other actions) or hunting from manipulated areas (see § 27.51 of this chapter).

13. We allow use of dogs for migratory game bird hunting.

14. We allow waterfowl hunting on flooded refuge roads.

15. Any hunter born after 1968 must carry a valid hunter education card. An adult at least age 21 must supervise and remain within sight and normal voice contact with hunters younger than age 16 who have a valid hunter education card. Hunters younger than age 16 do not need to have a card if they are under the direct supervision (within arm's reach) of a holder of a valid hunting license of at least age 21. An adult may supervise up to two youths for migratory bird and upland game hunting but may supervise only one youth for big game hunting. We will honor home State hunter education cards.

16. We prohibit target practice or any nonhunting discharge of firearms (see § 27.42 of this chapter).

17. We prohibit ATVs except from September 1 through February 28, on designated roads, trails, or established parking areas, and only to provide access for hunting. We prohibit driving around a locked gate, barrier, or beyond a sign closing a road to vehicular traffic (see § 27.31 of this chapter).

18. We prohibit entry into or hunting in waterfowl sanctuaries from November 15 through February 28.

19. You must adhere to all public use special conditions and regulations on the annual hunt brochure/permit.

20. We close all other hunts during the Quota Gun Deer Hunt. We allow only Quota Gun Deer Hunt permit (signature only required) holders to enter the refuge during this hunt and only for the purpose of deer hunting.

21. We prohibit airboats, hovercraft, and personal watercraft (Jet Ski, etc.) (see § 27.31 of this chapter).

B. Upland Game Hunting. We allow hunting of squirrel, rabbit, quail, raccoon, opossum, beaver, muskrat, nutria, armadillo, coyote, and feral hog on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A1, A5, A9 through A11, and A15 through A21 apply.

2. We allow squirrel hunting September 1 through February 28 on all refuge hunt units except for refuge-wide season closure during the Quota Gun Deer Hunt. We prohibit dogs, except during the period December 1 through February 28.

3. Rabbit season corresponds with the State season on all refuge hunt units except for refuge-wide season closure during the Quota Gun Deer Hunt. We prohibit dogs except during the period December 1 through February 28.

4. Quail season corresponds with the State season on all refuge hunt units except for refuge-wide season closure during the Quota Gun Deer Hunt. We allow dogs.

5. We allow hunting of raccoon and opossum with dogs on all refuge hunt units. We require dogs for hunting of raccoon/opossum at night. We provide annual season dates in the refuge hunting brochure/permit. We prohibit field trials and organized training events.

6. We prohibit horses and mules.

7. You may take beaver, muskrat, nutria, armadillo, feral hog, and coyote during any refuge hunt with the device allowed for that hunt.

8. We prohibit hunting from mowed and/or graveled refuge roads except by waterfowl hunters during flooded conditions.

9. We prohibit hunting from a vehicle.

10. You may use only shotguns with approved nontoxic shot (see § 32.2(k)) and rifles chambered for rimfire cartridges when hunting.

11. We limit nighttime use to fishing, frogging, and/or raccoon/opossum hunting, and the angler or hunter must possess appropriate tackle or gear.

C. Big Game Hunting. We allow hunting of deer and turkey on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A1, A5, A9 through A11, A15 through A21, B6 through B9, and B11 apply.

2. We divide the refuge into the following three hunting units: Unit I—refuge lands between Highway 79 and Interstate 40; Unit II—all refuge lands east of Highway 33 between Interstate 40 and Highway 18 at Grubbs, Arkansas; and Unit III—all refuge lands west of Highway 33, from Interstate 40 to Highway 64.

3. Archery/crossbow hunting season for deer begins on the opening day of the State season and continues throughout the State season in all refuge hunting units except for refuge-wide season closure during the Quota Gun Deer Hunt. We provide annual season dates and bag limits on the hunt brochure/permit.

4. Muzzleloader hunting season for deer will begin in October and will continue for a period of up to 9 days in all hunting units with annual season dates and bag limits provided on the hunt brochure/permit.

5. Modern gun deer hunting will begin in November and continue for a period of up to 11 days in all hunting units with annual season dates and bag limits provided on the hunt brochure/permit.

6. The fall archery/crossbow hunting season for turkey will begin on the opening day of the State season and continue throughout the State season in Hunt Units I, III, and those Unit II lands that are located within the State fall archery/crossbow turkey zone. We close Unit II lands outside the fall archery/crossbow turkey zone. We prohibit turkey hunting during the refuge-wide season closure during the Quota Gun Deer Hunt. We do not open for fall gun hunting for turkeys.

7. The spring gun hunt for turkey will begin on the opening day of the State season and continue throughout the State season in Hunt Units I and III. We close Unit II lands with the exception of those refuge lands included in the combined Black Swamp Wildlife Management Area/Cache River National Wildlife Refuge quota permit hunts administered by the State.

8. Immediately record the zone 095 on your hunting license and later at an official check station for all deer and turkey harvested on the refuge.

9. Hunters may only use shotguns with rifled slugs, muzzleloaders, or legal pistols for modern gun deer hunting on the Dixie Farm Unit Waterfowl Sanctuary, adjacent waterfowl hunt area, and the Plunkett Farm Unit Waterfowl Sanctuary.

10. We allow only portable deer stands capable of being carried by a single individual.

11. We prohibit use of a vehicle as a deer stand.

12. You must permanently affix the owner's name and address to all deer stands on the refuge.

13. Hunters may erect stands 7 days prior to the refuge deer season and must remove them from the waterfowl sanctuaries prior to November 15, and from the rest of the refuge within 7 days of the closure of archery season (see § 27.93 of this chapter).

14. We prohibit the use of dogs.

15. We prohibit the possession or use of buckshot for hunting on all refuge lands.

16. We prohibit hunting from mowed and/or graveled road right-of-ways.

17. We will close refuge lands located in State-designated Flood Prone Region B to all deer hunting when the White River gauge at Augusta reaches 31 feet (9.3 m), as reported by the National Weather Service at *http://www.srh.noaa.gov/data/LZK/RVSLZK* and reopen them when the same gauge reading falls below 30 feet (9.1 m) and the White River gauge at Georgetown falls to, or below, 19 feet (5.7 m).

18. We will close refuge lands located in State-designated Flood Prone Region C to all deer hunting when the Cache River gauge at Patterson exceeds 10 feet (3 m), as reported by the National Weather Service at *http://www.srh.noaa.gov/data/LZK/RVSLZK* and reopen them when the same gauge reading falls below 8.5 feet (2.6 m).

19. We will close refuge lands located in Flood Prone Region D to all deer and turkey hunting when the White River gauge at Clarendon reaches 28 feet (8.4 m), as reported by the National Weather Service at *http://www.srh.noaa.gov/data/LZK/RVSLZK* and reopen them when the same gauge reading falls to, or below, 27 feet (8.1 m).

D. Sport Fishing. We allow fishing and frogging on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A9, A17, A19, A21, and B11 apply.

2. We close waterfowl sanctuaries to all entrance and fishing/frogging from November 15 to February 28. We prohibit refuge-wide entry and fishing during the Quota Gun Deer Hunt.

3. We require a Special Use Permit (FWS Form 3–1383) for all commercial fishing activities on the refuge.

4. We prohibit the take or possession of turtles and/or mollusks (see § 27.21 of this chapter).

5. We prohibit the mooring of houseboats to refuge property.

Felsenthal National Wildlife Refuge

A. Hunting of Migratory Game Birds. We allow hunting of duck, goose, and coot on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We allow hunting of duck, goose, and coot during the State waterfowl season except during scheduled quota refuge Gun Deer Hunts.

2. Hunting of duck, goose, and coot ends at 12 p.m. (noon) each day.

3. We allow only portable blinds. You must remove all duck hunting equipment (portable blinds, boats, guns, and decoys) (see § 27.93 of this chapter) from the hunt area by 1:30 p.m. each day.

4. You may possess only approved nontoxic shells when hunting (see § 32.2(k)) in quantities of 25 or less each day during waterfowl season; hunters may not discharge more than 25 shells per day.

5. We close areas of the refuge posted with "Area Closed" signs and identify them on the refuge hunt brochure map as a waterfowl sanctuary. Waterfowl sanctuaries are closed to all public entry and public use during waterfowl hunting season.

6. No person will utilize the services of a guide, guide service, outfitter, club, organization, or other person who provides equipment, services, or assistance on Refuge System lands for compensation. Failure to comply with this provision subjects each hunter in the party to a fine if convicted of this violation.

7. Hunters must possess and carry a signed refuge hunt brochure permit while hunting. These hunt brochure permits are available at the refuge office, brochure dispensers at multiple locations throughout the refuge, and area businesses.

8. We prohibit possession and/or use of herbicides.

9. We prohibit marking trails with tape, ribbon, paint, or any other

substance other than biodegradable paper flagging, reflective twist ties, or reflective tacks (see § 27.93 of this chapter).

10. We prohibit possession or use of alcoholic beverage(s) while hunting (see § 32.2(j)). We prohibit consumption or possession of opened container(s) of alcoholic beverage(s) in parking lots, on roadways, and in plain view in campgrounds.

11. All persons born after 1968 must possess a valid hunter education card in order to hunt.

12. All youth hunters age 15 and younger must remain within sight and normal voice contact of an adult age 21 or older, possessing a valid hunting license. One adult may supervise no more than two youth hunters.

13. We allow only all-terrain vehicles/utility-type vehicles (ATVs/UTVs) for hunting and fishing activities. We restrict ATVs/UTVs to designated times and designated trails (see § 27.31 of this chapter) marked with signs and paint. We identify these trails and the dates they are open for use in the refuge hunt brochure. We limit ATVs/UTVs to those having an engine displacement size not exceeding 700cc. We limit ATV/UTV tires to those having a centerline lug depth not exceeding 1 inch (2.5 cm). You may use horses on roads and ATV/UTV trails (when open to motor vehicle and ATV/UTV traffic respectively) as a mode of transportation for on-refuge, hunting and fishing activities.

14. We prohibit hunting within 150 feet (45 m) of roads and trails open to motor vehicle use (including ATV/UTV trails).

15. We prohibit target practice with any firearm, archery tackle, or crossbow or any nonhunting discharge of firearms (see § 27.42 of this chapter).

16. We allow camping only at designated primitive campground sites identified in the refuge hunt brochure, and we restrict camping to individuals involved in wildlife-dependent refuge activities. Campers may stay no more than 14 days during any 30 consecutive-day period in any campground and must occupy camps daily. We prohibit all disturbances, including use of generators, after 10 p.m. You must unload all hunting weapons (see § 27.42(b) of this chapter) within 100 yards (90 m) of a campground.

17. You may take beaver, nutria, feral hog, and coyote during any daytime refuge hunt with weapons and ammunition allowed for that hunt. There is no bag limit. You may not transport or possess live hog.

18. We prohibit blocking of gates, roadways, and boat ramps (see § 27.31(h) of this chapter).

19. We allow the use of retriever dogs.

20. We prohibit the use or possession of any electronic call or other electronic device used for producing or projecting vocal sounds of any wildlife species.

B. Upland Game Hunting. We allow hunting of quail, squirrel, rabbit, and furbearers (as defined by State law) on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A4 through A18 and A20 apply.

2. We allow hunting for the species listed above on the refuge during State seasons for this zone through January 31. We list specific hunting season dates annually in the refuge hunt brochure. We close upland game hunting during refuge quota deer hunts. We annually publish dates for these quota deer hunts in the refuge hunt brochure.

3. We do not open for spring squirrel hunting season, summer/early fall raccoon hunting season, or spring bobcat hunting season.

4. We prohibit possession of lead ammunition except that you may use rimfire rifle lead ammunition no larger than .22 caliber for upland game hunting. We prohibit possession of shot larger than that legal for waterfowl hunting. During the deer and turkey hunts, hunters may use lead ammunition legal for taking deer and turkey. We prohibit buckshot for gun deer hunting.

5. You may use dogs for squirrel and rabbit hunting from the opening of furbearer (as defined by State law) hunting season through January 31. You may also use dogs for quail hunting and for raccoon/opossum hunting during open season on the refuge for these species. At other times, you must keep dogs and other pets on a leash or confined (see § 26.21(b) of this chapter).

C. Big Game Hunting. * * *

1. Conditions A6 through A11, A13 through A18, and A20 apply.

* * * * *

3. We close archery deer hunting during the quota gun deer hunts.

4. The refuge will conduct no more than two muzzleloader deer hunts and no more than four quota modern gun deer hunts.

5. We restrict hunt participants for quota hunts to those drawn for a quota permit (Big/Upland Game Hunt Application; FWS Form 3–2356). The permits are nontransferable and permit fees are nonrefundable. If conditions prevent the hunts from occurring, there will not be any refunds or permits carried over from year to year. Hunt dates and application procedures will be available at the refuge office in July.

6. The muzzleloader and modern gun deer hunt bag limit is two deer with no more than one buck on each hunt.

7. Hunters must check all harvested deer during quota hunts at refuge deer check stations on the same day of the kill. We identify the check station locations in the refuge hunt brochure. Carcasses of deer taken must remain intact (except you may field dress) until checked.

8. You may only use portable deer stands erected no earlier than 2 days before the opening of the State deer season and you must remove them no later than February 2 each year (see § 27.93 of this chapter).

9. We prohibit the use of deer decoy(s).

* * * * *

13. The refuge will conduct no more than three quota permit spring turkey gun hunts. Specific hunt dates and application procedures will be available at the refuge office in January. We restrict hunt participants to those selected for a quota permit, except that one nonhunting adult age 21 or older possessing a valid hunting license must accompany the youth hunter age 15 and younger.

14. An adult age 21 or older possessing a valid hunting license must accompany and be within sight and normal voice contact of hunters age 15 and younger. One adult may supervise no more than one youth hunter.

15. We prohibit leaving any tree stand, ground blind, boat, or game camera on the refuge without the owner's name and address clearly written in a conspicuous location.

D. Sport Fishing. We allow fishing, frogging, and crawfishing for personal use on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A6, A8, A9, A13, A16, and A18 apply.

2. We prohibit fishing in the waterfowl sanctuary area during the waterfowl hunting season, with the exception of the main channel of the Ouachita and Saline Rivers and the borrow pits along Highway 82. We post the waterfowl sanctuary area with "Area Closed" signs and identify those areas in refuge hunt brochures.

3. We allow fishing only in areas accessible from the Oauchita and Saline Rivers and Eagle, Jones, and Pereogeethe Lakes during the refuge quota gun hunts.

4. You must reset trotlines when receding water levels expose them.

5. We prohibit consumption or possession of opened container(s) of alcoholic beverage(s) in parking lots, on

roadways, and in plain view in campgrounds (see § 32.5(c)).

Holla Bend National Wildlife Refuge

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B. Upland Game Hunting. * * *

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6. We allow ATVs only for hunters with disabilities. We require a refuge ATV permit (Special Use Permit; FWS Form 3–1383) issued by the refuge manager.

* * * * *

11. We prohibit hunting within 150 feet (45 m) of roads open to motor vehicle use and nature trails.

* * * * *

13. We allow the use of nonmotorized boats during the refuge fishing/boating season (March 1 to October 31), but we prohibit hunters leaving boats on the refuge overnight (see § 27.93 of this chapter).

C. Big Game Hunting. * * *

1. Conditions B1 and B4 through B13 apply.

2. We allow archery/crossbow hunting for white-tailed deer. We provide annual season dates in the hunt brochure/permit (name, address, signature required).

* * * * *

D. Sport Fishing. * * *

1. Conditions B6, B7, and B9 apply.

* * * * *

Overflow National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of duck, goose, and coot on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We allow hunting of duck, goose, and coot during the State waterfowl season. We do not open during the September teal season.

* * * * *

3. We allow only portable blinds. Hunters must remove portable blinds, boats, and decoys from the hunt area by 1:30 p.m. each day (see § 27.93 of this chapter). Exception: Hunters may store boats in designated areas identified on refuge brochure.

* * * * *

5. We close areas of the refuge by posting "Area Closed" signs and identifying them on the refuge hunt brochure map as Sanctuary and closed to all public entry and public use. Exception: We open the area identified as North Sanctuary on refuge hunt brochure map to all authorized public use activities from 2 days prior to opening of deer archery season through October 31. We close the South Waterfowl Sanctuary from December 1 until the end of waterfowl season.

* * * * *

7. You must possess and carry a signed refuge hunt brochure permit while hunting. These hunt brochure permits are available at the refuge office, brochure dispensers at multiple locations throughout the refuge, and area businesses.

* * * * *

9. We prohibit marking trails with tape, ribbon, paint, or any other substance other than biodegradable paper flagging, reflective twist ties, or reflective tacks (see § 27.93 of this chapter).

10. We prohibit possession or use of alcoholic beverage(s) while hunting (see § 32.2(j)). We prohibit consumption or possession of opened container(s) of alcoholic beverage(s) in parking lots and roadways.

* * * * *

12. All youth hunters age 15 and younger must remain within sight and normal voice contact of an adult age 21 or older, possessing a valid hunting license. One adult may supervise no more than two youth hunters.

13. We allow only all-terrain vehicles/utility-type vehicles (ATVs/UTVs) for hunting activities. We restrict ATVs/UTVs to designated times and designated trails (see § 27.31 of this chapter) marked with signs and paint. We identify those trails and the dates they are open for use in the refuge hunt brochure. We limit ATVs/UTVs to those having an engine displacement size not exceeding 700cc. We limit ATV/UTV tires to those having a centerline lug depth not exceeding 1 inch (2.5 cm). You may use horses on roads and ATV/UTV trails (when open to motor vehicle and ATV/UTV traffic respectively) as a mode of transportation for on-refuge, hunting activities. You may use ATVs/UTVs on unmarked roads and levees in the North Sanctuary beginning 2 days prior to the opening of deer archery season through October 31.

14. We prohibit hunting within 150 feet (45 m) of roads and trails open to motor vehicle use (including ATV/UTV trails).

15. We prohibit target practice with any firearm, archery tackle, or crossbow or any nonhunting discharge of firearms (see § 27.42 of this chapter).

16. We prohibit blocking of gates, roadways, and boat ramps (see § 27.31(h) of this chapter).

17. You may take beaver, nutria, feral hog, and coyote during any daytime refuge hunt with weapons and ammunition legal for that hunt. There is no bag limit. We prohibit transportation or possession of live hog.

* * * * *

B. Upland Game Hunting. We allow hunting of quail, squirrel, rabbit, and furbearers (as defined by State law) on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A4 through A17, and A19 apply.

* * * * *

3. We do not open for the spring squirrel hunting season, summer/fall raccoon hunting season, or the spring bobcat hunting season.

4. When upland game hunting, we prohibit possession of lead ammunition except that you may use rimfire rifle lead ammunition no larger than .22 caliber. We prohibit possession of shot larger than that legal for waterfowl hunting. During the deer and turkey hunts, we allow use of lead ammunition legal for taking deer and turkey. We prohibit buckshot for gun deer hunting.

5. You may use dogs for squirrel and rabbit hunting from December 1 through January 31. You may also use dogs for quail hunting and for raccoon/opossum hunting during open season on the refuge for these species. At other times, you must keep dogs and other pets on a leash or confined (see § 26.21(b) of this chapter).

C. Big Game Hunting. * * *

1. Conditions A5 through A11, A13 through A17, and A19 apply.

2. We allow muzzleloader deer hunting during the first State muzzleloader season for this zone (see State regulations for appropriate zone).

3. Bag limit for the muzzleloader deer hunt is two deer, with no more than one buck.

4. You may use only portable deer stands erected no earlier than 2 days before the opening of the State deer season, and you must remove them no later than February 2 each year (see § 27.93 of this chapter).

5. We prohibit the use of deer decoy(s).

* * * * *

8. We do not open for the fall turkey archery season or spring turkey gun season.

9. We do not open for the gun deer season or the second (and December) muzzleloader deer season.

10. An adult age 21 or older possessing a valid hunting license must accompany and be within sight or normal voice contact of hunters age 15 and younger. One adult may supervise no more than one youth hunter.

11. We prohibit leaving any tree stand, ground blind, boat, or game

camera on the refuge without the owner's name and address clearly written in a conspicuous location.

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Pond Creek National Wildlife Refuge

A. Migratory Game Bird Hunting. * * *

1. We allow hunting of migratory game birds during the State waterfowl seasons, except we close during scheduled quota refuge gun deer hunts.

* * * * *

3. We allow only portable blinds. You must remove portable blinds, boats, and decoys from the hunt area by 1:30 p.m. each day (see § 27.93 of this chapter).

* * * * *

5. You must possess and carry a signed refuge hunt brochure permit while hunting. These hunt brochure permits are available at the refuge office, brochure dispensers at multiple locations throughout the refuge, and area businesses.

* * * * *

7. We prohibit marking trails with tape, ribbon, paint, or any other substance other than biodegradable paper flagging, reflective twist ties, or reflective tacks (see § 27.93 of this chapter).

* * * * *

11. We allow only all-terrain vehicles/utility-type vehicles (ATVs/UTVs) for hunting and fishing activities. We restrict ATVs/UTVs to designated times and designated trails (see § 27.31 of this chapter) marked with signs and paint. We identify those trails and the dates they are open for use in the refuge hunt brochure. We limit ATVs/UTVs to those having an engine displacement size not exceeding 700cc and a total width not to exceed 63 inches (160.02 cm). We limit ATV/UTV tires to those having a centerline lug depth not exceeding 1 inch (2.5 cm). You may use horses on roads and ATV/UTV trails (when open to motor vehicle and ATV/UTV traffic respectively) as a mode of transportation for on-refuge, hunting and fishing activities.

12. We prohibit hunting within 150 feet (45 m) of roads and trails open to motor vehicle use (including ATV/UTV trails).

13. We prohibit target practice with any firearm, archery tackle, or crossbow or any nonhunting discharge of firearms (see § 27.42 of this chapter).

14. We allow camping only at designated primitive campground sites identified in the refuge hunt brochure. We restrict camping to the individuals involved in refuge wildlife-dependent activities. Campers may stay no more than 14 days during any consecutive 30-day period in a campground and must occupy the camps daily. We prohibit all disturbances, including use of generators, after 10 p.m. You must unload all hunting firearms and crossbows (see § 27.42(b) of this chapter) within 100 yards (90 m) of a campground.

15. You may take beaver, nutria, feral hog, and coyote during any daytime refuge hunt with weapons and ammunition allowed for that hunt. We prohibit the use of dogs to take these species. There is no bag limit. You may not transport or possess live hog.

16. We prohibit blocking of gates, roadways, and boat ramps (see § 27.31(h) of this chapter).

17. We allow the use of retriever dogs.

18. We prohibit the use or possession of any electronic call or other electronic device used for producing or projecting vocal sounds of any wildlife species.

* * * * *

B. Upland Game Hunting. We allow hunting of squirrel, rabbit, and furbearers (as defined by State law) on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We allow hunting on the refuge during State seasons for this zone for the species listed above through January 31. We list specific hunting season dates annually in the refuge hunt brochure. We close upland game hunting during refuge quota deer hunts. We annually publish dates for these quota deer hunts in the refuge hunt brochure.

2. We do not open to spring squirrel hunting season, summer/early fall raccoon hunting season, or the spring bobcat hunting season.

3. Conditions A4 through A16, and A18 apply.

4. We prohibit possession of lead ammunition when hunting, except that you may use rimfire rifle lead ammunition no larger than .22 caliber for upland game hunting. We prohibit possession of shot larger than that legal for waterfowl hunting. During the deer and turkey hunts, we allow use of lead ammunition legal for taking deer and turkey. We prohibit buckshot for gun deer hunting.

5. You may use dogs for squirrel, rabbit, raccoon, and opossum hunting from the opening of furbearer (as defined by State law) hunting season through January 31. At other times you must keep dogs and other pets on a leash or confined (see § 26.21(b) of this chapter).

C. Big Game Hunting. * * *

* * * * *

2. Conditions A4 through A9, A11 through A16, and A18 apply.

* * * * *

4. We allow muzzleloader deer hunting during the early State muzzleloader season for this deer management zone. The bag limit for the refuge muzzleloader hunt is two deer, with no more than one buck.

5. The refuge will conduct no more than three quota gun deer hunts.

6. We restrict hunt participants for quota hunts to those drawn for a quota permit. These permits are nontransferable and permit fees are nonrefundable. If conditions prevent the hunts from taking place, there will be no refunds or permits carried over from year to year. Hunt dates and application procedures will be available at the refuge office in July.

7. The quota Gun Deer Hunt bag limit is two deer, with no more than one buck (one buck and one doe).

8. You must check all deer at the refuge deer check station on the same day of kill. You must keep carcasses of deer taken intact (you may field dress) until checked.

* * * * *

12. You may use only portable deer stands erected no sooner than 2 days before the opening of the State deer season, and you must remove them no later than February 2 each year (see § 27.93 of this chapter).

13. We prohibit the use of deer decoy(s).

14. The refuge will conduct no more than two quota permit spring turkey gun hunts. Specific hunt dates and application procedures will be available at the refuge office in January. We restrict hunt participants on these hunts to those selected for a quota permit, except that one nonhunting adult age 21 or older and possessing a valid hunting license must accompany a youth hunter.

15. An adult age 21 or older possessing a valid hunting license must accompany and be within sight and normal voice contact of hunters age 15 and younger. One adult may supervise no more than one youth hunter during big game hunts.

16. We prohibit leaving any tree stand, ground blind, boat, or game camera on the refuge without the owner's name and address clearly written in a conspicuous location.

* * * * *

Wapanocca National Wildlife Refuge

A. Migratory Game Bird Hunting. * * *

1. We require refuge hunting permits. The permits (found on the front cover of the annual hunt brochure/permit—signature required) are nontransferable and anyone on refuge land in possession

of hunting equipment must sign and carry them at all times.

* * * * *

5. Hunters may enter the refuge at 4 a.m.

6. We prohibit ATVs.

7. Any hunter born after 1968 must carry a valid hunter education card. An adult age 21 or older must supervise hunters younger than age 16 who have a valid hunter education card and remain within sight and normal voice contact with the adult. Hunters younger than age 16 do not need to have a card if they are under the direct supervision (within arm's reach) of a holder of a valid hunting license of at least age 21. An adult may supervise up to two youths for migratory bird and upland game hunting but may supervise only one youth for big game hunting. We honor home State hunter education cards.

8. Hunters may possess or use only biodegradable materials to mark trails (see § 27.93 of this chapter).

9. We prohibit target practice or any nonhunting discharge of firearms (see § 27.42 of this chapter).

10. We prohibit driving around a locked gate, barrier, or beyond a sign closing a road to vehicular traffic (see § 27.31 of this chapter).

11. We prohibit the possession or use of alcoholic beverages while hunting (see § 32.2(j)).

B. Upland Game Hunting. We allow hunting of squirrel, rabbit, raccoon, nutria, beaver, coyote, feral hog, and opossum in accordance with State regulations subject to the following conditions:

1. Conditions A1 and A3 through A11 apply.

2. You may use only shotguns with approved nontoxic shot (see § 32.2(k)) and rifles chambered for rimfire cartridges when hunting.

3. We provide annual season dates for squirrel, rabbit, raccoon, and opossum hunting on the hunt brochure/permit. We allow dogs.

4. You may take nutria, beaver, feral hog, and coyote during any refuge hunt with the device allowed for that hunt, subject to State seasons, on these species.

5. We require dogs for night hunting of raccoon/opossum. We prohibit field trials and organized training events.

6. We prohibit horses and mules.

7. We limit nighttime use to raccoon/opossum hunting and the hunters must possess appropriate gear.

8. We close all other hunts during the Quota Gun Deer Hunt. We allow only Quota Gun Deer Hunt permit (signature only required) holders to enter the refuge during this hunt and only for the purpose of deer hunting.

C. Big Game Hunting. * * *

1. Conditions A1, A3 through A11, and B4 through B8 apply.

2. We prohibit hunting from mowed and/or graveled road right-of-ways.

* * * * *

7. We only allow portable deer stands capable of being carried by a single individual. Hunters may erect stands 7 days prior to the refuge deer season and must remove them from the waterfowl sanctuaries by December 1. Hunters must remove all stands on the remainder of the refuge within 7 days of the closure of archery season (see § 27.93 of this chapter). You must permanently affix the owner's name and address on stands left on the refuge.

8. We prohibit hunting from a vehicle or use of a vehicle as a deer stand.

9. We prohibit the possession or use of buckshot for hunting on all refuge lands.

D. Sport Fishing. * * *

1. Conditions A4, A6, A10, B6, and B7 apply. We allow fishing from March 15 through October 31 from ½ hour before legal sunrise to ½ hour after legal sunset.

* * * * *

5. We allow bank fishing.

6. We prohibit the take or possession of frogs, mollusks, and/or turtles (see § 27.21 of this chapter).

7. Anglers may launch boats only in designated areas.

8. Anglers must remove all boats daily from the refuge (see § 27.93 of this chapter). We prohibit airboats, personal watercraft, and hovercraft.

White River National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of duck and coot on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We require all refuge users to sign and possess a refuge user brochure/permit (signature required).

2. We allow duck hunting from legal shooting hours until 12 p.m. (noon).

3. We allow retriever dogs for migratory game bird hunting.

4. You must remove blinds, blind material, and decoys (see § 27.93 of this chapter) from the refuge by 1 p.m. each day.

5. You may take duck and coot during the State season in designated areas.

6. North Unit waterfowl season and youth waterfowl hunts are concurrent with State season dates.

7. We restrict the South Unit waterfowl season to the Jack's Bay hunt area as indicated in the refuge user brochure/permit. We open to hunting every Tuesday, Thursday, Saturday, and Sunday of the concurrent State season dates, including State youth waterfowl hunt dates.

8. Waterfowl hunters may enter and access the refuge no earlier than 4 a.m.

9. We prohibit boating December 1 through January 31 in the South Unit Waterfowl Hunt Area, except from 4 am to 1 pm on designated waterfowl hunt days.

10. We prohibit marking trails with materials other than biodegradable paper flagging or reflective tape/tacks (see § 27.93 of this chapter).

11. We prohibit use and/or possession of alcoholic beverages while hunting (see § 32.2(j)) or open alcohol containers on refuge roads, ATV trails, and parking areas.

12. We prohibit cutting of holes in or other manipulation of vegetation or hunting in such areas (see § 27.51 of this chapter).

13. We prohibit waterfowl hunting on Kansas Lake Area (indicated in refuge user brochure/permit).

14. We prohibit loaded hunting weapons in or on a vehicle, ATV, or boat while under power (see § 27.42(b) of this chapter). We define "loaded" as shells in the gun or ignition device on a muzzleloader.

15. We allow duck hunting on specific scattered tracts of land, in accordance with the North Unit regulations. Consult the refuge office for further information.

16. We only allow ATVs for wildlife-dependent hunting and fishing activities. We restrict ATVs to designated yellow-marked trails throughout the refuge, unless marked otherwise. We prohibit the use of ATVs after December 15 each year in designated South Unit areas as shown in refuge user brochure/permit. We define ATV as an off-road vehicle with factory specifications not to exceed the following: A maximum dry weight of 1,550 lbs (697.5 kg), tires having a centerline lug depth of one inch (2.5 cm) or less and a maximum tire pressure of 15 psi as indicated on the tire by the manufacturer. We allow only those vehicles originally designed by their manufacturer to be ATVs; we prohibit mini trucks or other modified off-road vehicles.

17. We require hunters born after 1968 to carry a valid hunter education card. We do not require hunters under age 16 to have a hunter education card while under direct supervision (within arms reach) of a holder of a valid hunting license and at least age 21. Youth hunters under age 16 must remain within sight and normal voice

contact of an adult age 21 or older, possessing a valid hunting license. An adult may supervise only one youth for big game hunting but may supervise up to two youths for waterfowl and small game hunting.

18. We allow take of beaver, nutria, coyote, and feral hog incidental to any daytime refuge hunt with weapons authorized for that hunt. We prohibit take of beaver, nutria, and feral hog with the aid of dogs or after the hunter has taken the daily bag limit for that hunt.

19. No person, including but not limited to, a guide, guide service, outfitter, club, or other organization, will provide assistance, services, or equipment on the refuge to any other person for compensation unless such guide, guide service, outfitter, club, or organization has obtained a Special Use Permit (FWS Form 3–1383) from the refuge. For purposes of this regulation, we will consider any fees or services rendered to a person for lodging, meals, club membership, or similar services as compensation.

20. We prohibit hunting, taking, possessing, or attempting to take wildlife with a guide, guide service, outfitter, club, or organization providing assistance, service, or equipment that does not possess and carry the required refuge Special Use Permit (FWS Form 3–1383).

21. We allow camping only in designated sites and areas identified in the refuge user brochure/permit, and we restrict camping to individuals involved in wildlife-dependent activities. Campers may stay no more than 14 days during any 30 consecutive-day period in any campground site or area and must occupy camps daily. We prohibit all disturbances, including use of generators, after 10 p.m. You must unload all hunting weapons (see § 27.42(b) of this chapter) within 100 yards (90 m) of a campground.

22. We allow refuge users to leave ATVs and boats 16 feet (4.8 m) or less in length unattended overnight as long as the owner clearly displays their complete name and physical address.

23. We prohibit all access in the Demonstration and Dry Lake Waterfowl Rest Areas as indicated in the refuge brochure/permit.

24. We require a refuge Special Use Permit (FWS Form 3–1383) for all commercial use activities including, but not limited to, fishing, trapping, timber management, or collecting acorns.

25. We prohibit hovercraft, personal watercraft (*e.g.,* jet skis, wetbike, etc.) and airboats.

26. You must adhere to all public use special conditions and regulations on the annual refuge user brochure/permit.

B. Upland Game Hunting. * * *

1. Conditions A1, A9, A10, A11, A12, A14, and A16 through A26 apply.

2. You may hunt rabbit and squirrel on the North Unit from opening day of the State squirrel season from September 1 until February 28.

3. We allow dogs for hunting of rabbit and squirrel December 15 through February 28 on the North Unit.

4. You may hunt rabbit and squirrel on the South Unit from September 1 until November 30.

* * * * *

7. We close all upland game hunts during quota Gun Deer Hunt and quota Muzzleloader Deer Hunt.

* * * * *

9. We allow furbearer (as defined by State law) hunting in accordance with season dates posted in the refuge user brochure/permit. We only allow furbearer hunting with rimfire weapons and shotguns.

10. We allow the use of dogs and horses for hunting furbearers from legal sunset to legal sunrise. All dogs and horses used for furbearer hunting must be tethered or penned from legal sunrise to legal sunset and any time not involved in actual hunting.

11. We allow upland game hunting on specific scattered tracts of land, in accordance with State-wide regulations.

C. Big Game Hunting. We allow the hunting of white-tailed deer and turkey on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A1, A9, A10, A11, A12, A14, and A16 through A26 apply.

2. Archery deer and turkey seasons on the North Unit are from the beginning of the State archery season until the end of January except for refuge-wide season closure during quota muzzleloader and quota gun deer hunts. We provide annual season dates and bag limits in the refuge user brochure/permit.

3. Archery deer and turkey seasons on the South Unit are from the beginning of the State archery season until the end of December except for refuge-wide season closure during quota muzzleloader and quota gun deer hunts. We provide annual season dates and bag limits in the refuge user brochure/permit.

4. Muzzleloader season for deer will begin in October and will continue for a period of up to 3 days of quota hunting and 4 days of nonquota hunting in the North and/or South Units with annual season dates and bag limits provided in the annual refuge user brochure/permit.

5. Gun deer hunt will begin in November and will continue for a period of up to 8 days of quota hunting and 4 days of nonquota hunting in the North and/or South Units with annual season dates, bag limits, and areas provided in the annual refuge user brochure/permit.

6. We restrict hunt participants for quota hunts to those drawn for a quota permit. The permits are nontransferable and nonrefundable. Hunt dates and application procedures will be available at the refuge office in April.

7. We do not open for the bear season on all refuge-owned lands, including out-tracts and refuge lands in the Trusten Holder Wildlife Management Area.

8. If you harvest deer or turkey on the refuge, you must immediately record the zone number (Zone 660 South Unit and Zone 661 North Unit) on your hunting license and later check deer and/or turkey through State phone or on-line checking system.

9. We close the refuge to all nonquota hunting during refuge-wide quota muzzleloader and quota gun deer hunts.

10. We close refuge lands on the North Unit to all deer and turkey hunting when the White River gauge at St. Charles (station no. 53) reaches 23 feet (7 m) as reported by the following Web site: *http://www.srh.noaa.gov/lzk/html/whitervr.htm.* The season will reopen when the gauge reading reaches 21 feet (6 m) as reported by the same Web site.

11. We close refuge lands on the South Unit to all deer hunting and fall turkey hunting when the White River gauge reading at St. Charles (station no. 53) reaches 23 feet (7 m) and the gauge at Lock and Dam #1 (station no. 55) reaches 145 feet (msl) (43.5 m) simultaneously as reported by the following Web site: *http://www.srh.noaa.gov/lzk/html/whitervr.htm.* The season will reopen when the same gauge readings reach 21 feet (6 m) and 143 feet msl (mean sea level) (43 m), respectively.

12. We prohibit hunting with the aid of bait, salt, or ingestible attractant (see § 32.2(h)).

13. We prohibit the use of dogs and/or horses other than specified in the refuge user permit.

14. We prohibit all forms of organized deer drives.

15. We prohibit firearm hunting from or across roads, ATV trails, levees, and maintained utility rights-of-way for deer only.

16. We prohibit hunting from a tree into which a metal object has been driven (see § 32.2(i)).

17. You may only use portable deer stands (see § 27.93 of this chapter). You may erect stands up to 7 days before

each hunt, but you must remove them within 7 days after each hunt. All unattended deer stands on the refuge must have the owner's complete name and physical address clearly displayed.

18. We prohibit target practice or any nonhunting discharge of firearms (see § 27.42 of this chapter).

19. We prohibit gun deer hunting on Kansas Lake Area and all other types of hunting after November 30.

20. We prohibit the possession and use of buckshot on the refuge.

D. Sport Fishing. We allow fishing, frogging, and crawfishing for personal use on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A1, A9, A10, A11, A16, and A21 through A26 apply.

2. We allow fishing year-round in LaGrue, Essex, Prairie, Scrubgrass and Brooks Bayous, Big Island Chute, Moon and Belknap Lakes next to Arkansas Highway 1, Indian Bay, the Arkansas Post Canal and adjacent drainage ditches; those borrow ditches located adjacent to the west bank of that portion of the White River Levee north of the Graham Burke pumping station; and all refuge-owned North Unit and scattered tract waters. We open all other South Unit refuge waters to sport fishing from March 1 through November 30 unless posted otherwise.

3. We allow frogging on all refuge-owned waters open for sport fishing as follows: We allow frogging on the South Unit from the beginning of the State season through November 30; we allow frogging on the North Unit for the entire State season.

4. We require a Special Use Permit (FWS Form 3–1383) for all commercial fishing on the refuge in addition to compliance with State regulations governing commercial fishing.

5. We prohibit all commercial and recreational harvest of turtle on all property administered by White River National Wildlife Refuge.

6. We allow commercial fishing on all refuge waters from 12 p.m. (noon) September 30 through 12 p.m. (noon) November 30. However, when the White River exceeds 23.5 feet (7 m) at the St. Charles, Arkansas gauge or 146 feet msl (mean sea level) (43.8 m) at the tailwater gauge at Lock and Dam #1 on the Arkansas Post Canal, we allow commercial fishing on all refuge waters from 12 p.m. (noon) March 1 through 12:00 p.m. (noon) September 30.

7. We prohibit take or possession of any freshwater mussel, and we do not open to mussel shelling.

■ 6. Amend § 32.24 California by revising paragraphs A.1., A.2., A.3., A.5. and the introductory text of paragraph D. of Modoc National Wildlife Refuge to read as follows:

§ 32.24 California.

* * * * *

Modoc National Wildlife Refuge

A. Migratory Game Bird Hunting. * * *

1. On the opening weekend of the hunting season, hunters must possess and carry a Waterfowl Lottery Application (FWS Form 3–2355) as their refuge permit. We will issue this permit through a random drawing to hunters with advanced reservations only. The Waterfowl Lottery Applications are available on the refuge website.

2. After the opening weekend of the hunting season, we allow hunting only on Tuesdays, Thursdays, and Saturdays. Hunters must check-in and out of the refuge by filling out the Migratory Bird Hunt Report (FWS Form 3–2361) and must possess and carry this report while on the refuge. Hunters must fill out the harvest information and turn in the form prior to exiting the hunting area.

3. In the designated spaced blind and assigned pond areas, you must remain within your assigned blind or pond.

* * * * *

5. While in the field, to take wildlife on the refuge, you may possess only nontoxic ammunition and shotshells in quantities of 25 or less.

* * * * *

D. Sport Fishing. We allow fishing (fish and crayfish) only on Dorris Reservoir in accordance with State regulations subject to the following conditions:

* * * * *

■ 7. Amend § 32.28 Florida by:

■ a. Revising paragraph D.20. and adding paragraph D.21. of J. N. "Ding" Darling National Wildlife Refuge;

■ b. Revising paragraphs A.1., A.2., A.6., and A.7., adding paragraphs A.17. and A.18., revising paragraphs B., C.1., C.3., C.5., C.6., C.8., C.11. through C.14., C.19., and C.21. through C.25., and revising paragraph D.4. of Lower Suwannee National Wildlife Refuge;

■ c. Adding paragraphs A.15. and A.16., revising paragraphs D.7. and D.12., and adding paragraphs D.13. through D.16. of Merritt Island National Wildlife Refuge;

■ d. Revising paragraph A., the introductory text of paragraph B., paragraphs B.2. and B.3., removing paragraph B.4., redesignating paragraphs B.5. through B.10. as paragraphs B.4. through B.9., adding a new paragraph B.10., and revising paragraphs C., D.1., D.2., D.4., D.5., D.7., and D.12. of St. Marks National Wildlife Refuge; and

■ e. Revising paragraphs C.1., C.2., and C.8., removing paragraph C.9., redesignating paragraphs C.10. through C.22. as paragraphs C.9. through C.21., and revising paragraph D. of St. Vincent National Wildlife Refuge.

The revisions and additions read as follows:

§ 32.28 Florida.

* * * * *

J. N. "Ding" Darling National Wildlife Refuge

* * * * *

D. Sport Fishing. * * *

* * * * *

20. We close to public entry all refuge islands (including rookery islands) except for designated trails.

21. We prohibit the use of internal combustion engines within the Wulfert Flats Pole/Troll Zone. Combustion engines must be in a nonuse position (out of the water) while the vessel is within the Pole/Troll Zone.

* * * * *

Lower Suwannee National Wildlife Refuge

A. Migratory Game Bird Hunting. * * *

1. We require hunters to possess and carry a signed copy of the refuge annual hunt brochure for all hunts. The signed brochure is a permit to hunt on the refuge.

2. We designate open and closed refuge hunting areas on the map in the refuge hunt brochure which the hunter must possess and carry.

* * * * *

6. Persons possessing, transporting, or carrying firearms on national wildlife refuges must comply with all provisions of State and local law. Persons may only use (discharge) firearms in accordance with refuge regulations (see § 27.42 of this chapter and specific refuge regulations in § 32).

7. We prohibit hunting from or within 150 feet (45 m) of all refuge roads open to public vehicle travel.

* * * * *

17. We prohibit the dumping of game carcasses on the refuge.

18. We prohibit consumption of alcohol or possession of open alcohol containers while hunting (see § 32.2(j)).

B. Upland Game Hunting. We allow hunting of feral hog, gray squirrel, armadillo, opossum, rabbit, raccoon, coyote, and beaver on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A1 through A18 apply.

2. We will print dates for the refuge upland game (small game) hunting season in the annual refuge hunt brochure. Contact the refuge office for specific dates.

3. You may use only .17, .22, and .22 magnum caliber rimfire rifle firearms (see § 27.42 of this chapter), bows, or shotguns with shot no larger than #4 birdshot when hunting.

4. We allow night hunting in accordance with State regulations for raccoon and opossum on Wednesday through Saturday nights from legal sunset until legal sunrise during the month of February.

C. Big Game Hunting. * * *

1. Conditions A1 through A18 apply.

* * * * *

3. We require quota hunt permits (issued through a random draw—name, address, phone number requested) for the limited deer gun hunt, limited hog hunt, and limited youth gun deer hunt. They cost $12.50 for the limited deer gun hunt and limited hog hunt. Instructions on how to apply are printed in the annual refuge hunt brochure.

* * * * *

5. During the refuge archery season, hunters may only use archery equipment in accordance with State archery regulations.

6. During the refuge muzzleloader season, hunters may only use muzzleloading firearms (see § 27.42 of this chapter) in accordance with State muzzleloader regulations.

* * * * *

8. You may leave temporary tree stands on the refuge starting on the last weekend of August, but you must remove them by the last day of the general gun hunting season (see § 27.93 of this chapter). You may also leave temporary tree stands on the refuge beginning the Saturday prior to the limited hog hunt, but you must remove them by the last day of the upland game season.

* * * * *

11. The refuge general gun season lasts 14 days during the Florida State Zone C General Gun Season. We will print dates in the annual refuge hunt brochure. Contact the refuge office for specific dates.

12. The refuge limited either-sex deer hunt coincides with the State's either-sex deer hunting season. We will print dates in the annual refuge hunt brochure. Contact the refuge office for specific dates.

13. The youth limited Gun Deer Hunt follows the refuge general gun season. We will print dates in the annual refuge hunt brochure. Contact the refuge office for specific dates.

14. The refuge limited hog hunt lasts 7 days. We will print dates in the annual refuge hunt brochure. Contact the refuge office for specific dates.

* * * * *

19. Hunters may take hog (no size or bag limit), and a maximum of two deer per day, during the limited deer gun hunt and limited youth gun deer hunt, except only one deer may be antlerless for each of the 2-day limited hunts.

* * * * *

21. Hunters must check all game harvested during all deer and hog hunts.

22. Hunters may take only bearded turkeys and only during the State Zone C youth turkey hunt and spring turkey season.

23. Shooting hours for spring turkey begin ½ hour before legal sunrise and end at 1 p.m.

24. We only allow shotguns with shot no larger than size 2 common shot or bows and arrows for spring turkey hunting.

25. We prohibit the use of crossbows during all refuge hunts except with a State-issued disabled persons crossbow permit.

D. Sport Fishing. * * *

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4. We prohibit consumption of alcohol or possession of open alcohol containers.

Merritt Island National Wildlife Refuge

A. Migratory Game Bird Hunting. * * *

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15. We prohibit boats in impoundments from November 1 through February 28 except in impoundments open to waterfowl hunting on days the refuge is open to hunting. We allow pre-hunt scouting in the impoundments open to waterfowl hunting after 1 p.m. on hunt days. We allow nonmotorized vessels access to the posted canoe trails in M Pond, Peacocks Pocket, and West Bio Lab on days not open to waterfowl hunting.

16. We require all guides to purchase, possess, and carry a Commercial Harvesting Permit (NPS Form 10–930).

* * * * *

D. Sport Fishing. * * *

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7. We prohibit harvesting and possession of horseshoe crab, frog, turtle, snake, and/or other wildlife (see § 27.21 of this chapter).

* * * * *

12. We allow vessels drafting 12″ (30 cm) or less (measured while vessel is fully stopped) to be propelled only by poling, paddling, drifting, or electric trolling motors in the established Pole & Troll Zone(s), except in the posted running channels.

13. We prohibit kite surfing, kite boarding, wind surfing, sail boarding, and other similar nonwildlife-oriented recreational activities.

14. We require all guides to purchase, possess, and carry a Commercial Harvesting Permit (NPS Form 10–930).

15. We will remove abandoned or unchecked crab pots after 72 hours (see § 27.93 of this chapter).

16. We prohibit glass beverage containers.

* * * * *

St. Marks National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of duck and coot on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. You must remove blinds daily (see § 27.93 of this chapter).

2. We allow retriever dogs to recover game.

3. We prohibit migratory game bird hunting in the Executive Closure Area on the refuge.

B. Upland Game Hunting. We allow hunting of grey squirrel, rabbit, raccoon, and feral hog on designated areas of the refuge in accordance with State regulations subject to the following conditions:

* * * * *

2. All visitors must wear 500 square inches (3,250 cm^2) of fluorescent orange above the waistline while in a designated hunting unit during a refuge hunt.

3. You may use .22 caliber or smaller rim-fire rifles, shotguns, with nontoxic shot (#4 bird shot or smaller) (see § 32.2(k)), or muzzleloaders to harvest squirrel, rabbit, and raccoon. In addition, you may use shotgun slugs, buckshot, or archery equipment to take feral hog. We prohibit the use of other weapons.

* * * * *

10. We prohibit the use of flagging, paint, blazes, or reflective trail markers (see § 27.93 of this chapter).

C. Big Game Hunting. We allow hunting of white-tailed deer, feral hog, and turkey in accordance with State regulations subject to the following conditions:

1. We require refuge permits (hunters apply through State for license—fee charged). Permits are nontransferable. There is an additional fee for duplicate permits. Each hunter must possess and carry a signed permit when participating in a hunt. Prior to hunting

each day, you must check-in at a hunt check station as specified in the refuge hunt brochure. You must check out upon completion if hunting each day.

2. Conditions B2 and B4 through B10 apply.

3. You may access the refuge hunt areas by vehicle for pre-hunt scouting 2 days prior to the hunt for which you are drawn (lottery administered by the State).

4. There is a two-deer limit per hunt as specified in condition C8 below, except in the youth hunt, where the limit is one deer per hunt as specified in condition C9 below. The limit for turkey is one per hunt. There is no limit on feral hog.

5. We prohibit the use of deer decoys.

6. There are two fall archery hunts: Hunters may harvest either-sex deer, feral hog, and either-sex turkey during the fall archery hunts. There will be a fall archery hunt on the Panacea and Wakulla Units.

7. There are two modern gun hunts. Hunters may harvest deer, feral hog, and bearded turkey. Modern guns must meet State requirements. We will hold one hunt on the Panacea Unit and one hunt on the Wakulla Unit. See condition C8 for game limits. Contact the refuge office for specific dates.

8. The bag limit for white-tailed deer is two deer per scheduled hunt period. We allow hunters to harvest two antlerless deer per scheduled hunt period. We define antlerless deer per State regulations, *i.e.,* antlers less than 5 inches (12.5 cm), or hunters may harvest one antlerless deer and one antlered deer per hunt. Hunters must ensure that antlered deer have at least three points, 1 inch (2.5 cm) or greater in length on one antler before harvesting them. There is no limit on feral hogs.

9. There is one youth hunt for youth ages 10 to 15 on the St. Marks Unit in an area we will specify in the refuge hunt brochure. Hunters may harvest one deer of either sex or feral hog (no limit). An adult age 21 or older possessing a refuge permit must accompany each youth hunter, and each adult may accompany only one youth. Only the youth hunter may handle or discharge firearms. Contact the refuge office for specific dates.

10. There is one mobility-impaired hunt. Hunters may have an assistant accompany them. You may transfer permits issued to assistants. We limit those hunt teams to harvesting white-tailed deer and feral hog within the limits described in condition C8. Contact the refuge office for specific dates.

11. There is one spring gobbler turkey hunt. You may harvest one bearded turkey per hunt. You may only use shotguns or archery equipment to harvest turkey. Contact the refuge office for specific dates. We prohibit hunting after 1 p.m.

D. Sport Fishing. * * *

1. We prohibit taking blue crabs from impounded water on the St. Marks Unit.

2. We only allow fishing in refuge lakes, ponds, and impoundments from ½ hour before legal sunrise to ½ hour after legal sunset.

* * * * *

4. We prohibit use of boats with motors over 10 hp on any refuge lake or pond.

5. We allow use of hand-launched boats on impoundments on the St. Marks Unit from March 15 through October 15 each year. We prohibit launching of boats from trailers in the impoundments in the St. Marks Unit. We prohibit all gasoline-powered motors in the impoundments in the St. Marks Unit.

* * * * *

7. We prohibit use of cast nets or traps to take fish from any lake, pond, or impoundment on the refuge.

* * * * *

12. We prohibit air-thrust boats, personal watercraft, and commercial guides to launch from Wakulla Beach.

* * * * *

St. Vincent National Wildlife Refuge

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C. Big Game Hunting. * * *

1. We require refuge permits (State license—fee charged). The permits are nontransferable, and the hunter must possess and carry them while hunting. Only signed permits are valid. We only allow people with a signed refuge hunt permit on the island during the hunt periods. Contact the refuge office for details on receiving a permit. We will charge fees for duplicate permits.

2. We restrict hunting to three periods: Sambar deer, raccoon, and feral hog (primitive weapons); white-tailed deer, raccoon, feral hog (archery); and white-tailed deer, raccoon, and feral hog (primitive weapons). Contact the refuge office for specific dates. Hunters may check-in and set up camp sites and stands on the day prior to the scheduled hunt. Hunters must leave the island and remove all equipment by the date and time specified in the brochure.

* * * * *

8. You may retrieve game from the closed areas only if accompanied by a refuge staff member.

* * * * *

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. You may fish from ½ hour before legal sunrise to ½ hour after legal sunset year-round.

2. We allow boats with electric motors. You must remove all other motors from the boats and secure them to a designated motor rack with a lock and chain.

3. We prohibit the use of live minnows as bait.

4. We allow boats in refuge lakes from May 15 through September 30.

5. We allow the use of only rods and reels or poles and lines in the refuge lakes. Anglers must attend their fishing equipment at all times.

6. You may take only fish species and fish limits authorized by State regulations. We prohibit taking of frog and/or turtle.

* * * * *

■ 8. Amend § 32.29 Georgia by:

■ a. Revising paragraphs C.1. and C.9., adding paragraph C.19., and revising paragraphs D.1. and D.5. of Blackbeard Island National Wildlife Refuge;

■ b. Revising paragraphs C.1., C.2., C.8., C.12., C.13., D.1., and D.2., and adding paragraph D.4. of Harris Neck National Wildlife Refuge;

■ c. Revising the introductory text of paragraph A., revising paragraphs A.1., A.3., B.1., and B.3., removing paragraph B.6., redesignating paragraphs B.7. and B.8. as paragraphs B.6. and B.7., and revising paragraphs C.1., C.5., C.6., C.9., C.10., C.11., and D.4. of Savannah National Wildlife Refuge; and

■ d. Revising paragraphs C.1., C.7., C.9., C.15., C.16., D.1., and D.2. of Wassaw National Wildlife Refuge.

The revisions and additions read as follows:

§ 32.29 Georgia.

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Blackbeard Island National Wildlife Refuge

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C. Big Game Hunting. * * *

1. Hunters must possess and carry a signed refuge hunting regulations brochure on their persons at all times. You may obtain information about the quota hunt drawings at the Savannah Coastal Refuges Complex headquarters.

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9. We only allow bows. We prohibit crossbows (see § 27.43 of this chapter).

* * * * *

19. We prohibit mooring boats to the government dock except for loading and unloading purposes.

D. Sport Fishing. * * *

1. We allow freshwater fishing year-round from legal sunrise to legal sunset except during managed deer hunts.

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5. We allow bank/beach saltwater fishing into estuarine waters only from legal sunrise to legal sunset except during managed hunts.

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Harris Neck National Wildlife Refuge

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C. Big Game Hunting. * * *

1. To participate in the refuge bow hunt, hunters must possess and carry a signed refuge hunting regulations brochure on their person at all times. To participate in the refuge gun hunt, hunters must submit the Quota Deer Hunt Application Form (FWS Form 3–2354). If drawn, hunters must submit a permit fee in order to receive the hunt permit. You may obtain information on hunt regulations brochures, quota hunt applications, and quota hunt drawings at the refuge office.

2. Each hunter may place one stand on the refuge during the week preceding each hunt, but you must remove stands by the end of each hunt (see § 27.93 of this chapter).

* * * * *

8. During the hunts, we will restrict vehicles to the auto tour route (see § 27.31 of this chapter) and allow two-way traffic.

* * * * *

12. During the gun hunt, we allow only shotguns (20 gauge or larger; slugs only) and bows. We prohibit crossbows (see § 27.43 of this chapter) for hunting.

13. We prohibit target practice (see § 27.42 of this chapter).

* * * * *

D. Sport Fishing. * * *

1. We allow saltwater fishing year-round in the estuarine waters adjacent to the refuge.

2. We allow bank fishing into estuarine waters only from legal sunrise to legal sunset except during managed hunts.

* * * * *

4. We prohibit freshwater fishing.

* * * * *

Savannah National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of duck and coot on designated areas of the refuge north of Georgia Highway 25/South Carolina Highway 170 in accordance with State regulations subject to the following conditions:

1. You must possess and carry a signed refuge hunt regulations brochure at all times while hunting on the refuge. To participate in the youth waterfowl hunt, hunters must submit the Waterfowl Lottery Application (FWS Form 3–2355). If drawn, youth hunters must submit a permit fee in order to receive the hunt permit. You may obtain information on regulations brochures, quota hunt applications, and quota hunt drawings at the refuge headquarters.

* * * * *

3. We prohibit hunting within 100 yards (90 m) of GA Highway 25/SC Highway 170, and in or on Middle and Steamboat Rivers and Houstown Cut, and closer than 50 yards (45 m) from the shoreline of these waterways.

* * * * *

B. Upland Game Hunting. * * *

1. You must possess and carry a signed refuge hunt regulations brochure at all times while hunting on the refuge. Refuge hunt regulations brochures and other information are available at the refuge headquarters.

* * * * *

3. We prohibit hunting within 100 yards (90 m) of U.S. Highway 17, GA Highway 25/SC Highway 170, refuge facilities, railroad rights of way, and within areas marked as closed.

* * * * *

C. Big Game Hunting. * * *

1. You must possess and carry a signed refuge hunt regulations brochure at all times while hunting on the refuge. To participate in the gun hunt for wheelchair-dependent hunters, hunters must submit the Quota Deer Hunt Application (FWS Form 3–2354). If drawn, hunters must submit a permit fee in order to receive the hunt permit. You may obtain information on hunt regulations brochures, quota hunt applications, and quota hunt drawings at the refuge headquarters.

* * * * *

5. We allow only shotguns (20 gauge or larger; slugs only), muzzleleaders, and bows for deer and hog hunting throughout the designated hunt area during the November gun hunt and the March hog hunt.

6. You must remove hunt stands daily (see § 27.93 of this chapter).

* * * * *

9. Conditions B3, B6, A4, and A5 apply.

10. We allow turkey hunting during a special 16-day turkey hunt in April. Turkey hunters may only harvest three gobblers.

11. We allow shotguns with only #2 shot or smaller and bows for turkey hunting in accordance with State regulations. We prohibit crossbows (see § 27.43 of this chapter) and the use of slugs or buckshot during turkey hunts.

D. Sport Fishing. * * *

* * * * *

4. Anglers may bank fish year-round in the canals adjacent to the Laurel Hill Wildlife Drive.

* * * * *

Wassaw National Wildlife Refuge

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C. Big Game Hunting. * * *

1. Hunters must carry a signed refuge hunting regulations brochure on their persons at all times. You may obtain hunt information and permits at the Savannah Coastal Refuges Complex headquarters.

* * * * *

7. We prohibit target practice (see § 27.42 of this chapter).

* * * * *

9. For hunting, we allow only shotguns (20 gauge or larger; slugs only), centerfire rifles of .22 caliber or larger, bows, and primitive weapons during the gun hunt. We prohibit crossbows (see § 27.43 of this chapter).

* * * * *

15. Hunters may check-in at the refuge dock no more than 1 day in advance of the opening day of the hunt.

16. Hunters must be off the island by 12 p.m. (noon) the day following the last day of the hunt.

* * * * *

D. Sport Fishing. * * *

1. We allow saltwater fishing year-round in the estuarine waters adjacent to the refuge.

2. We allow bank/beach fishing into estuarine waters only from legal sunrise to legal sunset except during managed hunts.

* * * * *

■ 9. Amend § 32.32 Illinois by removing paragraph A.6., redesignating paragraphs A.7. and A.8. as paragraphs A.6. and A.7., revising newly redesignated paragraphs A.7.iv. and A.7.v., removing newly redesignated paragraph A.7.xi., and by further redesignating newly designated paragraph A.7.xii. as paragraph A.7.xi. of Cypress Creek National Wildlife Refuge to read as follows:

§ 32.32 Illinois.

* * * * *

Cypress Creek National Wildlife Refuge

A. Migratory Game Bird Hunting. * * *

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7. * * *

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iv. We allow hunting from ½ hour before legal sunrise until 3 p.m.

v. Hunters must exit the reserve by 4 p.m.

* * * * *

■ 10. Amend § 32.33 Indiana by revising paragraphs B.1. and B.3., adding paragraph B.5., revising paragraphs C.2., C.3., C.4., and C.7., adding paragraph C.8., and revising paragraph D.1. of Muscatatuck National Wildlife Refuge.

The revisions and additions read as follows:

§ 32.33 Indiana.

* * * * *

Muscatatuck National Wildlife Refuge

* * * * *

B. Upland Game Hunting. * * *

1. We prohibit hunting and the discharge of a weapon within 100 yards (90 m) of any dwelling, private property line, or any other building that may be occupied by people, pets, or livestock.

* * * * *

3. We allow only shotguns for upland game hunting.

* * * * *

5. We require hunters to read the current refuge hunting brochure, sign it, and then carry it while hunting.

C. Big Game Hunting. * * *

* * * * *

2. You must possess and carry a State-issued refuge hunting permit to hunt deer during the State early archery and muzzleloader deer seasons.

3. We prohibit deer hunting during the State firearms season except in compliance with condition C2.

4. Our late archery season deer hunt is open from the end of the State muzzleloader season to the conclusion of the State late archery season.

* * * * *

7. We require successful deer and turkey hunters to report their harvest on the Big Game Harvest Report (FWS Form 3–2359) at a box at the entrance gate before leaving the refuge.

8. We allow only spring turkey hunting on the refuge, and hunters must possess a State-issued refuge hunting permit.

D. Sport Fishing. * * *

1. We allow the use of boats (hand- or foot-propelled only) on Stanfield Lake. We prohibit the use of electric or gasoline motors.

* * * * *

■ 11. Amend § 32.35 Kansas by:

■ a. Removing paragraph C.2. and redesignating paragraphs C.3. through C.6. as paragraphs C.2. through C.5. of Flint Hills National Wildlife Refuge.

■ b. Revising paragraph A.8., removing paragraph C.3., redesignating paragraphs C.4. through C.10. as C.3. through C.9., and revising paragraph D.2. of Kirwin National Wildlife Refuge; and

■ c. Removing paragraphs C.4. and C.5. of Marais des Cygnes National Wildlife Refuge.

The revisions read as follows:

§ 32.35 Kansas.

* * * * *

Kirwin National Wildlife Refuge

A. Migratory Game Bird Hunting. * * *

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8. We allow motorized vehicles only on designated roads, parking lots, and boat ramps (see § 27.31 of this chapter).

* * * * *

D. Sport Fishing. * * *

* * * * *

2. We allow motorized vehicles only on designated roads, parking lots, and boat ramps (see § 27.31 of this chapter). We prohibit motorized vehicles on the ice.

* * * * *

■ 12. Amend § 32.36 Kentucky by revising the introductory text of paragraph A., revising paragraphs A.1., and A.9. through A.17., adding paragraphs A.18. through A.20., revising the introductory text of paragraph B., revising paragraphs B.1., B.2., and C.1., adding paragraph C.5., revising the introductory text of paragraph D., and adding paragraph D.2.viii. of Clarks River National Wildlife Refuge.

The revisions and additions read as follows:

§ 32.36 Kentucky.

* * * * *

Clarks River National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of mourning dove, woodcock, common snipe, Canada and snow goose, coot, crow, and waterfowl listed in 50 CFR 10.13 under DUCKS on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Except for raccoon, opossum, and bullfrog hunting, access to the refuge is from 2 hours before legal sunrise to 2 hours after legal sunset.

* * * * *

9. We prohibit discharge of firearms or carrying loaded firearms used for hunting on or within 200 feet (90 m) of any home, the abandoned railroad tracks, graveled roads, and hiking trails.

10. We prohibit possession or use of alcoholic beverages.

11. We prohibit the use of any electronic call or other electronic device used for producing or projecting vocal sounds of any wildlife species.

12. We allow use of trail cameras. Cameras may be used year-round. Cameras must have owner's name, address, and phone number clearly displayed.

13. An adult age 21 or older must supervise all youth hunters age 15 and younger. Youth hunters must remain in sight and normal voice contact with the adult. On small game hunts, the adult may supervise no more than two youths; on big game hunts, the adult may supervise no more than one youth.

14. All persons born after January 1, 1975, must possess a valid hunter education card while hunting.

15. We prohibit the use of centerfire weapons when hunting crow.

16. We allow dogs for waterfowl, small game, and fall turkey hunting. Hunters must control all dogs by leash or chain if they are not legally using them for hunting. Dog owners/handlers must have a collar on each dog with the owner's name, address, and telephone number.

17. Waterfowl hunters must cease hunting and pick up decoys and equipment (see §§ 27.93 and 27.94 of this chapter), unload firearms used for hunting (see § 27.42(b) of this chapter), by 12 p.m. (noon) daily during the State waterfowl season.

18. Waterfowl hunters must remove decoys, blinds, boats, and all other equipment (see § 27.93 of this chapter) and be out of the field daily by 2 p.m.

19. We close to all entry as posted the Sharpe-Elva Water Management Units from November 1 through March 31 with the exception of drawn permit holders (name/address/phone) and their guests.

20. We only allow waterfowl hunting on the Sharpe-Elva Water Management Units on specified days during the State waterfowl season. We only allow hunting by individuals in possession of a refuge draw permit and their guests. State regulations and the following conditions apply:

i. Application procedures and eligibility requirements are available from the refuge office.

ii. We allow permit holders and up to three guests to hunt their assigned zone and/or provided blind on the designated date. We prohibit guests on the Sharpe-Elva Water Management Units without the attendance of the permit holder.

iii. We prohibit selling, trading, or bartering of permits. This permit is nontransferable.

iv. You may place decoys out the first morning of the drawn hunt, and you must remove them at the close of the drawn hunt (see § 27.93 of this chapter).

v. We prohibit watercraft on the Sharpe-Elva Water Management Units,

except for drawn permit holders to access their blinds and retrieve downed birds as needed.

B. Upland Game Hunting. We allow hunting of squirrel, rabbit, quail, raccoon, opossum, and coyote on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A1 through A16 apply.

2. We close squirrel, rabbit, crow, woodcock, snipe, dove, and quail seasons during muzzleloader and modern gun deer hunts.

* * * * *

C. Big Game Hunting. * * *

1. Conditions A1 through A16 and B3 apply.

* * * * *

5. Ground blinds used for the purpose of hunting any species during the deer modern gun, muzzleloader, and youth firearms seasons must display solid, unbroken, hunter orange visible from all sides.

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State law subject to the following conditions:

* * * * *

2. * * *

* * * * *

viii. We prohibit the hunting or harvesting of frog.

* * * * *

■ 13. Amend § 32.37 Louisiana by:

■ a. Revising paragraphs A.1., A.4., A.10., removing paragraph A.11., redesignating paragraphs A.12. through A.15. as paragraphs A.11. through A.14., revising newly redesignated paragraphs A.12. and A.14., adding new paragraphs A.15. and A.16., revising paragraphs B.1. and B.2., removing paragraph B.5., redesignating paragraph B.6. as paragraph B.5., revising paragraphs C.1., C.2., and C.7., removing paragraph C.8., redesignating paragraphs C.9. through C.12. as paragraphs C.8. through C.11., adding a new paragraph C.12., revising paragraph D.3., and adding paragraph D.7. of Bayou Cocodrie National Wildlife Refuge;

■ b. Revising paragraph D.6. and adding paragraphs D.9. and D.10. of Bayou Sauvage National Wildlife Refuge;

■ c. Revising the introductory text of paragraph A., revising paragraphs A.3., and A.8. through A.10., adding paragraphs A.13. through A.17., revising paragraphs B.3., B.4., B.6., and C.3. through C.9., adding paragraphs C.10. and C.11., and revising paragraphs D.4. and D.5. of Bayou Teche National Wildlife Refuge;

■ d. Revising paragraphs A.3., A.6., and A.7., adding paragraph A.8., revising paragraphs A.9., A.10., A.11., and A.12., adding paragraphs A.15. through A.17., revising paragraphs B.2., B.4., C.1., C.4., C.5., C.7., and C.8., adding paragraphs C.9. and C.10., and revising paragraphs D.6. and D.7. of Big Branch Marsh National Wildlife Refuge;

■ e. Revising paragraph A., revising the introductory text of paragraph B., revising paragraphs B.1., B.2., and B.4., revising the introductory text of paragraph C., and revising paragraphs C.1., C.5., and D.8. of Black Bayou Lake National Wildlife Refuge;

■ f. Revising paragraphs A.1., A.3., A.5. through A.7., A.10., and A.11., adding paragraphs A.12. through A.15., revising paragraphs B., C.1. through C.3., C.5., C.7., C.8., C.10., and D.2. through D.4., and adding paragraph D.7. of Bogue Chitto National Wildlife Refuge;

■ g. Revising paragraph D. of Breton National Wildlife Refuge;

■ h. Revising Cameron Prairie National Wildlife Refuge;

■ i. Revising Cat Island National Wildlife Refuge;

■ j. Revising Catahoula National Wildlife Refuge;

■ k. Revising paragraphs A., B.1., B.3., the introductory text of paragraph C., C.1., and C.6. through C.10., and removing paragraph C.11. of D'Arbonne National Wildlife Refuge;

■ l. Revising paragraphs A., B.4., C.1. through C.3., and C.5., adding paragraphs C.7. through C.9., and revising paragraph D.4. of Delta National Wildlife Refuge;

■ m. Revising Grand Cote National Wildlife Refuge;

■ n. Revising paragraphs A., C., D.1., D.10. through D.12., and adding paragraphs D.13. and D.14. of Lacassine National Wildlife Refuge;

■ o. Revising Lake Ophelia National Wildlife Refuge;

■ p. Revising Red River National Wildlife Refuge;

■ q. Revising Sabine National Wildlife Refuge;

■ r. Revising Tensas River National Wildlife Refuge; and

■ s. Revising the introductory text of paragraph A., revising paragraphs A.1. through A.4., and A.11., revising the introductory text of paragraph B., revising paragraphs B.2., B.3., C.1., and C.3., removing paragraph C.5., redesignating paragraphs C.6. through C.12. as paragraphs C.5. through C.11., revising newly redesignated paragraph C.8., revising the introductory text of paragraph D., revising paragraph D.4., and adding paragraphs D.7. and D.8. of Upper Ouachita National Wildlife Refuge.

The revisions and additions read as follows:

§ 32.37 Louisiana.

* * * * *

Bayou Cocodrie National Wildlife Refuge

A. Migratory Game Bird Hunting. * * *

1. We require a $15 Annual Public Use Permit (signature required) for all hunters and anglers age 16 and older. The user must sign and carry the permit.

* * * * *

4. Hunters must remove harvested waterfowl, temporary blinds, and decoys (see § 27.93 of this chapter) used for duck hunting by 1 p.m. daily.

* * * * *

10. Refuge users must check all game taken before leaving the refuge at one of the self-clearing check stations indicated on the map in the Refuge Public Use Brochure.

* * * * *

12. We allow all-terrain vehicles (ATVs) and utility vehicles as per State Wildlife Management Area (WMA) regulations and size specifications on designated trails (see § 27.31 of this chapter) from September 1 through the hunting season. An ATV is an off-road vehicle with factory specifications not to exceed the following: Weight 750 pounds (337.5 kg), length 85 inches (212.5 cm), and width 48 inches (120 cm). We restrict ATV tires to those no larger than 25 x 12 with a maximum 1 inch (2.5 cm) lug height and a maximum allowable tire pressure of 7 psi as indicated on the tire by the manufacturer.

* * * * *

14. You may possess only approved nontoxic shot while hunting on the refuge (see § 32.2(k)). This requirement only applies to the use of shotgun ammunition.

15. Each refuge user must obtain a daily use reporting card (one per person) and place it on the dashboard of their vehicle or in their boat where their personal information is readable and in plain view. Users must complete all the information requested and return the cards to the refuge kiosk/check stations upon departure from the refuge.

16. Refuge users may enter the refuge no earlier than 4 a.m. and must exit the refuge by 2 hours after legal sunset except that raccoon and opossum hunters during the month of February may use the refuge at night.

B. Upland Game Hunting. * * *

1. We allow squirrel and rabbit hunting within the State season. We will list specific refuge season dates annually in the Refuge Public Use Brochure.

2. Conditions A1, A3, and A7 through A16 apply.

* * * * *

C. Big Game Hunting. * * *

1. Conditions A1, A3, and A7 through A16 apply.

2. The bag limit is one deer (of either sex) per day. The State season limit and tagging regulations apply.

* * * * *

7. We allow deer hunting within the State season. We will list specific refuge season dates annually in the Refuge Public Use Brochure.

* * * * *

12. There is a $5 application fee per person for each lottery hunt application.

D. Sport Fishing. * * *

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3. We prohibit commercial fishing.

* * * * *

7. We prohibit wire traps, slat traps, wire nets, hoop nets, trotlines, yo-yos, and jug lines on the refuge.

Bayou Sauvage National Wildlife Refuge

* * * * *

D. Sport Fishing. * * *

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6. We prohibit air-thrust boats, aircraft, mud boats, and air-cooled propulsion engines on the refuge.

* * * * *

9. We prohibit motorized vehicles on all levees.

10. Persons possessing, transporting, or carrying firearms on national wildlife refuges must comply with all provisions of State and local law. Persons may only use (discharge) firearms in accordance with refuge regulations (§ 27.42 of this chapter and refuge-specific regulations in part 32).

Bayou Teche National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of duck, goose, and coot on designated areas of the refuge in accordance with State regulations subject to the following conditions:

* * * * *

3. An adult at least age 21 must supervise youth hunters under age 16 during all hunts. One adult may supervise two youths during small game and migratory game bird hunts but may supervise only one youth during big game hunts. Youth must remain within normal voice contact of the adult who is supervising them. Parents or adult guardians are responsible for ensuring that hunters under age 16 do not engage in conduct that would constitute a violation of refuge regulations.

* * * * *

8. We prohibit possession or distribution of bait while in the field and hunting with the aid of bait, including any grain, salt, minerals, or any nonnaturally occurring food attractant on the refuge (see § 32.2(h)).

9. We allow hunting until 12 p.m. (noon). Hunters may only enter the refuge after 4 a.m.

10. We allow waterfowl hunting in Centerville, Garden City, Bayou Sale, North Bend East, and North Bend West Units during the State waterfowl season. We open no other units to migratory waterfowl hunting.

* * * * *

13. We prohibit horses and ATVs.

14. We prohibit the use of any type of material used as flagging or trail markers except bright eyes.

15. We prohibit target shooting on the refuge.

16. We prohibit any person or group to act as a hunting guide, outfitter, or in any other capacity that any other individual(s) pays or promises to pay directly or indirectly for services rendered to any other person or persons hunting on the refuge, regardless of whether such payment is for guiding, outfitting, lodging, or club membership.

17. Persons possessing, transporting, or carrying firearms on national wildlife refuges must comply with all provisions of State and local law. Persons may only use (discharge) firearms in accordance with refuge regulations (§ 27.42 and specific refuge regulations in part 32).

B. Upland Game Hunting. * * *

* * * * *

3. We allow hunters to enter the refuge after 4 a.m., but they must leave the refuge 1 hour after legal sunset.

4. We allow hunting 7 days per week beginning with the opening of the State season through the last day of the State waterfowl season in the West Zone in the following refuge units: Centerville, Garden City, Bayou Sale, North Bend—East, and North Bend—West Units. We open no other units to the hunting of upland game.

* * * * *

6. Conditions A1 through A3, A5 through A8, and A12 through A17 apply, except we allow the use of .17 and .22 caliber rimfire or smaller while hunting small game.

C. Big Game Hunting. * * *

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3. We allow hunting in the Centerville, Garden City, Bayou Sale, North Bend—East, and North Bend—West. We do not open the Bayou Sale Unit for any big game firearm hunts.

4. We allow each hunter to possess only one deer per day, the deer may be a buck or a doe. State season limits apply.

5. You may take no other native or feral wildlife other than white-tailed deer while engaged in big game hunting (see § 27.21 of this chapter).

6. Hunters may use only portable deer stands. Hunters may erect deer stands one day before the deer archery season and must remove them from the refuge within 1 day after the season closes. Hunters may place only one deer stand on a refuge. Deer stands must have owner's name, address, and phone number clearly printed on the stand. Hunters must place stands in a nonhunting position when not in use (see § 27.93 of this chapter).

7. All hunters (including archery hunters) except waterfowl hunters must wear and display 400 square inches (2,600 cm^2) of unbroken hunter orange as the outermost layer of clothing on the chest and back and a hunter-orange cap during deer gun seasons. Deer hunters hunting from concealed ground blinds must display a minimum of 400 square inches of hunter orange above or around their blinds which is visible from 360 degrees.

8. Conditions A1 through A3, A5 through A8, A13 through A17, B3, and B5 apply.

9. We prohibit the use of trail cameras.

10. We prohibit the use of deer decoys.

11. We prohibit dogs and driving deer.

D. Sport Fishing. * * *

* * * * *

4. The Franklin Unit canals (birdfoot canals) will be open for motorized boats between April 15 and August 31. This unit is open to nonmotorized boats all year.

5. Conditions A6, A13, A15, and A17 apply.

Big Branch Marsh National Wildlife Refuge

A. Migratory Game Bird Hunting. * * *

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3. We allow only temporary blinds, and hunters must remove the blinds and decoys by 1 p.m. (see § 27.93 of this chapter).

* * * * *

6. We prohibit air-thrust boats, aircraft, motorized pirogues, mud boats, and air-cooled propulsion engines on the refuge.

7. An adult age 21 or older must supervise youth hunters under age 16 during all hunts. One adult may supervise two youths during small game and migratory bird hunts but may supervise only one youth during big game hunts. Youth must remain within normal voice contact of the adult who is supervising them. Parents or adult

guardians are responsible for ensuring that hunters under age 16 do not engage in conduct that would constitute a violation of refuge regulations.

8. We prohibit camping.

9. Persons possessing, transporting, or carrying firearms on national wildlife refuges must comply with all provisions of State and local law. Persons may only use (discharge) firearms in accordance with refuge regulations (§ 27.42 and specific refuge regulations in part 32).

10. We prohibit hunting within 150 feet (45 m) from the centerline of any road open to vehicle travel, Boy Scout Road, any maintained trails, or from any residence. We prohibit hunting in refuge-designated closed areas which we post on the refuge and identify in the refuge hunt permits (see § 27.31 of this chapter).

11. Hunters may possess only approved nontoxic shot while hunting on the refuge (see § 32.2(k)).

12. Hunters may not enter the refuge before 4 a.m. and must exit the refuge no later than 2 hours after legal sunset for that day.

* * * * *

15. We prohibit all-terrain vehicles.

16. We prohibit target shooting on the refuge.

17. We prohibit the use of any type of material used as flagging or trail markers except bright eyes.

B. Upland Game Hunting. * * *

* * * * *

2. You may only use dogs for hunting squirrel and rabbit after the close of the State archery deer season.

* * * * *

4. Conditions A5 through A10, A11 except nontoxic shot must be shot size 4 or smaller, and we allow .17 and .22 caliber rimfire rifles, and A12 through A17 apply.

C. Big Game Hunting. * * *

1. We are open only during the State season for archery hunting of deer.

* * * * *

4. You may take deer of either sex in accordance with State-approved archery equipment and regulations. The State season limits apply. Longbow, compound bow, and crossbow or any bow drawn, held, or released by mechanical means will be a legal means of take during the deer archery season.

5. Hunters may erect temporary deer stands 1 day prior to the start of deer archery season. Hunters must remove all deer stands within 1 day after the archery deer season closes. Hunters may place only one deer stand on a refuge. Deer stands must have the owner's name, address and phone number clearly printed on the stand. Hunters must place stands in a nonhunting position when not in use (see § 27.93 of this chapter).

* * * * *

7. We prohibit possession or distribution of bait while in the field and hunting with the aid of bait, including any grain, salt, minerals, or any nonnaturally occurring food attractant on the refuge (see § 32.2(h)).

8. Conditions A5 through A10 and A12 through A17 apply.

9. We prohibit the use of trail cameras.

10. We prohibit the use of deer decoys.

D. Sport Fishing. * * *

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6. Conditions A6, A8, and A13 through A16 apply.

7. We prohibit the taking of turtle (see § 27.21 of this chapter).

Black Bayou Lake National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of duck, goose, coot, and woodcock on designated areas of the refuge as indicated in the refuge brochure in accordance with State regulations subject to the following conditions:

1. You must possess and carry a signed refuge hunt permit (signed refuge brochure).

2. We allow waterfowl hunting until 12 p.m. (noon) during the State season, except we do not open during the special teal season and State youth waterfowl hunt.

3. We prohibit accessing the hunting area by boat from Black Bayou Lake.

4. You may enter the refuge no earlier than 4 a.m.

5. We prohibit hunting within 100 feet (45 m) of the maintained right-of-way of roads and from or across ATV trails (see § 27.31 of this chapter). We prohibit hunting within 50 feet (15 m), or trespassing on above-ground oil or gas production facilities.

6. We prohibit leaving boats, blinds, and decoys unattended.

7. We allow dogs to only locate, point, and retrieve when hunting for migratory game birds.

8. An adult at least age 21 must supervise youth hunters under age 16 during all hunts. One adult may supervise two youths during small game and migratory bird hunts but may supervise only one youth during big game hunts. Youth must remain within normal voice contact of the adult who is supervising them. Parents or adult guardians are responsible for ensuring that hunters under age 16 do not engage in conduct that would constitute a violation of refuge regulations.

9. We prohibit any person or group to act as a hunting guide, outfitter, or in any other capacity that any other individual(s) pays or promises to pay directly or indirectly for services rendered to any other person or persons hunting on the refuge, regardless of whether such payment is for guiding, outfitting, lodging, or club membership.

10. We only allow ATVs on trails (see § 27.31 of this chapter) designated for their use and marked by signs. We do not open ATV trails March 1 through August 31. An all-terrain vehicle (ATV) is an off-road vehicle with factory specifications not to exceed the following: Weight 750 lbs. (337.5 kg), length 85 inches (212.5 cm), and width 48 inches (120 cm). We restrict ATV tires to those no larger than 25 inches x 12 inches (62.5 cm x 30 cm) with a maximum of 1 inch (2.5 cm) lug height and a maximum allowable tire pressure of 7 psi as indicated on the tire by the manufacturer.

B. Upland Game Hunting. We allow hunting of quail, squirrel, rabbit, raccoon, and opossum on designated areas as indicated in the refuge brochure and in accordance with State regulations subject to the following conditions:

1. Conditions A1, A3, A5, A8, and A9 apply.

2. We prohibit taking small game with firearms larger than .22 caliber rimfire, shotgun slugs, and buckshot.

* * * * *

4. We allow use of dogs to hunt squirrel and rabbit during January and February only.

* * * * *

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge as indicated in the refuge brochure in accordance with State regulations subject to the following conditions:

1. Conditions A1, A3, A5, A8, A9, A10, and B7 apply.

* * * * *

5. An adult at least age 21 must supervise youth hunters under age 16 during all hunts. One adult may supervise two youths during small game and migratory bird hunts but may supervise only one youth during big game hunts. Youth must remain within normal voice contact of the adult who is supervising them. Parents or adult guardians are responsible for ensuring that hunters under age 16 do not engage in conduct that would constitute a violation of refuge regulations.

* * * * *

D. Sport Fishing. * * *

* * * * *

8. We prohibit crossing the boat lane booms.

Bogue Chitto National Wildlife Refuge

A. Migratory Game Bird Hunting. * * *

1. We allow hunting from 30 minutes before legal sunrise until 12 p.m. (noon), including the State special teal season and State youth waterfowl hunt. You must remove blinds and decoys by 1 p.m. (see § 27.93 of this chapter). We do not open the refuge to goose hunting for that part of the season that extends beyond the regular duck season.

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3. We allow public hunting refuge-wide during the open State season for listed migratory game bird species.

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5. We require possession of a signed refuge hunt permit (signed refuge brochure) while hunting.

6. An adult at least age 21 must supervise youth hunters under age 16 during all hunts. One adult may supervise two youths during small game and migratory bird hunts but may supervise only one youth during big game hunts. Youth must remain within normal voice contact of the adult who is supervising them. Parents or adult guardians are responsible for ensuring that hunters under age 16 do not engage in conduct that would constitute a violation of refuge regulations.

7. We prohibit hunting within 150 feet (45 m) from the centerline of any public road, refuge road, designated or maintained trail, building, residence, designated public facility, or from or across aboveground oil or gas or electric facilities.

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10. We prohibit horses and ATVs.

11. You may only possess approved nontoxic shot while hunting on the refuge (see § 32.2(k)).

12. We prohibit the use of any type of material used as flagging or trail markers, except bright eyes.

13. Persons possessing, transporting, or carrying firearms on national wildlife refuges must comply with all provisions of State and local law. Persons may only use (discharge) firearms in accordance with refuge regulations (see § 27.42 and specific refuge regulations in part 32).

14. We prohibit possession or distribution of bait while in the field and hunting with the aid of bait, including any grain, salt, minerals, or any nonnaturally occurring food attractant on the refuge (see § 32.2(h)).

15. We prohibit target shooting on the refuge.

B. Upland Game Hunting. We allow hunting of squirrel, rabbit, raccoon, and opossum on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. You may use dogs for rabbit and squirrel from November 1 to the end of the State season except during the refuge gun and primitive firearm season.

2. You may use dogs for raccoon and opossum from January 1 through the last day of February.

3. We will close the refuge to hunting (except waterfowl) and camping when the Pearl River reaches 15.5 feet (4.65 m) on the Pearl River Gauge at Pearl River, Louisiana.

4. We prohibit the take of feral hog during any upland game hunts.

5. All hunters (including archery hunters and small game hunters) except waterfowl hunters must wear and display 400 square inches (2,600 cm^2) of unbroken hunter orange as the outermost layer of clothing on the chest and back and a hunter-orange cap during deer gun seasons. We require hunters participating in dog season for squirrels and rabbits to wear a hunter-orange cap. All other hunters including archers (while on the ground), except waterfowl hunters, also must wear a hunter-orange cap during the dog season for squirrels and rabbits. Deer hunters hunting from concealed ground blinds must display a minimum of 400 square inches of hunter orange above or around their blinds which is visible from 360 degrees.

6. We prohibit the use of trail cameras.

7. Conditions A5 through A15 apply, except that you may use .17- and .22-caliber rifles, and the nontoxic shot in your possession must be size 4 or smaller.

C. Big Game Hunting. * * *

1. Conditions A5 through A10, A12 through A15, B3, B5, and B6 apply.

2. You may use only portable deer stands. You may erect deer stands one day before the deer archery season and remove them from the refuge within 1 day after this season closes. Hunters may place only one deer stand on a refuge. Deer stands must have owner's name, address, and phone number clearly printed on the stand. Hunters must place stands in a nonhunting position when not in use (see § 27.93 of this chapter).

3. We allow archery deer and hog hunting during the open State deer archery season. You may take deer of either sex in accordance with State-approved archery equipment and regulations. The State season limits apply. Longbow, compound bow, and crossbow or any bow drawn, held, or released by mechanical means will be a legal means of take during the deer archery season.

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5. We list specific dates for primitive weapons big game hunts in the refuge hunt brochure. Legal primitive firearms used for hunting for primitive firearms season include:

i. Rifles, .44 caliber minimum, all of which must load exclusively from the muzzle or cap and ball cylinder; use of black powder or approved substitute only; use of ball or bullet projectile only, including saboted bullets, including muzzleloaders known as "in line" muzzleloaders; and

ii. Single shot, breech-loading rifles, .38 caliber or larger of a kind or type manufactured prior to 1900; and replicas, reproductions, or reintroductions of that type of rifle having an exposed hammer that use metallic cartridges loaded with black powder or modern smokeless powder. Hunters may fit all of the above with magnified scopes.

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7. We prohibit using shot larger than No. 2 while hunting during turkey season.

8. You may take hog as incidental game while participating in the refuge archery, primitive weapon, and general gun deer hunts only. We list specific dates for the special hog hunts in January and February in the refuge hunt brochure. During the special hog hunts you must use trained hog-hunting dogs to aid in the take of hog. During the special hog hunts you may take hog from ½ hour before legal sunrise to ½ hour after legal sunset. The only firearms allowed to take hogs during this special hog dog season are pistol or rifle with ammunition not larger than .22 caliber rimfire or shotgun with nontoxic shot after it has been caught by dogs. A8 applies during special hog hunts.

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10. We prohibit the use of deer and turkey gobbler decoys.

D. Sport Fishing. * * *

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2. Conditions A8 and A10 apply.

3. We close the fishing ponds at the Pearl River Turnaround to fishing and boating during the months of April, May, and June.

4. When open, we allow boats in the fishing ponds at the Pearl River Turnaround that do not have gasoline-powered engines attached. Anglers must hand launch these boats into the ponds.

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7. We prohibit all commercial finfishing and shellfishing.

Breton National Wildlife Refuge

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D. Sport Fishing. We allow sport finfishing and shellfishing on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Crabbers must tend crabbing equipment at all times.
2. Anglers may not use trotlines, slat traps, or nets.
3. We prohibit camping.
4. We will post as closed to all entry portions of the refuge during migratory bird nesting seasons to reduce disturbance to colonies of brown pelicans and other shore birds.

Cameron Prairie National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of goose, duck, coot, gallinule, snipe, and dove on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. The refuge will be open on selected days for migratory game bird hunting as identified in the refuge hunt permit (signed brochure) and regulations brochure.
2. We prohibit entrance to the waterfowl hunting area earlier than 4 a.m. Shooting hours for waterfowl hunts ends at 12 p.m. (noon) each day. Hunters must leave the refuge no later than 1 hour after legal sunset.
3. We require every hunter to possess and carry a valid, signed refuge hunt permit and regulations brochure.
4. Every hunter must complete and turn in a Migratory Bird Hunt Report (FWS Form 3–2361) available from a self-clearing check station after each hunt.
5. We prohibit hunting within 50 yards (45 m) of any public road, refuge road, trail, building, resident, or designated public facility.
6. We prohibit all persons or groups from acting as guides, outfitters, or in any other capacity in which any individual(s) pays or promises to pay directly or indirectly for service rendered to any person or persons hunting on the refuge, regardless of whether such payment is for guiding, outfitting, lodging, or club membership.
7. We prohibit overnight camping on the refuge.
8. We allow dogs when migratory bird hunting for the purpose of locating, pointing, and retrieving only.
9. We prohibit the use or possession of alcoholic beverages while hunting (see § 32.2(j)).
10. Hunters must remove all hunting-related equipment (see § 27.93 of this chapter) from the refuge immediately following each day's hunt.
11. Persons possessing, transporting, or carrying firearms on national wildlife refuges must comply with all provisions of State and local law. Persons may only use (discharge) firearms in accordance with refuge regulations (see § 27.42 and specific refuge regulations in part 32 of this chapter).
12. An adult at least age 21 must supervise youth hunters under age 16 during all hunts. One adult may supervise two youths during small game and migratory bird hunts but may supervise only one youth during big game hunts. Youth must remain within normal voice contact of the adult who is supervising them. Parents or adult guardians are responsible for ensuring that hunters under age 16 do not engage in conduct that would constitute a violation of refuge regulations.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. The refuge will be open for hunting on selected days as identified in the refuge hunt permit (signed brochure) and regulations brochure.
2. Conditions A3, A5 through A7, and A9 through A12 apply.
3. Each hunter must complete and turn in a Big Game Harvest Report (FWS Form 3–2359), available from a self-clearing check station, after each hunt.
4. We prohibit entrance to the hunting area earlier than 4 a.m. Hunters must leave the refuge no later than 1 hour after legal sunset.

D. Sport Fishing. We allow fishing, boating, crabbing, and cast netting on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We allow fishing with a rod and reel or a pole and line. We prohibit possession of any other type of fishing gear, including limb lines, gill nets, jug lines, yo-yos, or trotlines.
2. We allow recreational fishing, crabbing, or cast netting in the East Cove Unit year-round from legal sunrise to legal sunset, except during the Louisiana west zone waterfowl season or when the Grand Bayou Boat Bay is closed.
3. We prohibit fishing, crabbing, or cast netting from or trespassing on refuge water control structures at any time.
4. On the East Cove Unit, we prohibit walking, wading, or climbing in or on the marsh, levees, or structures.
5. We allow sport fishing, crabbing, and cast netting in the Gibbstown Unit's Outfall Canal from March 15 through October 15.
6. We allow only nonpowered boats in the Bank Fishing Road waterways.
7. We allow only recreational crabbing with cotton hand lines or drop nets up to 24 inches (60 cm) outside diameter. We prohibit using floats on crab lines.
8. Anglers must attend all lines, nets, and bait and remove same from the refuge when through fishing (see § 27.93 of this chapter).
9. The daily limit of crabs is 5 dozen (60) per boat or vehicle, regardless of the number of people thereon.
10. Cast net size is in accordance with State regulations.
11. The daily shrimp limit during the Louisiana inshore shrimp season is 5 gallons (19 L) of heads-on shrimp per day, per vehicle or boat.
12. We allow cast netting for bait on both the East Cove Unit and the Gibbstown Unit in accordance with State regulations when the units are open for public fishing only. Anglers must empty cast nets directly into the container from the net. The daily bait shrimp limit is one gallon (3.8 L) per day, per boat, outside the Louisiana inshore shrimp season.
13. Shrimp must remain in your actual custody while on the refuge.
14. We prohibit ATVs, air-thrust boats, and personal motorized watercraft (jet skis) in any refuge area (see § 27.31(f) of this chapter).
15. We allow operation of outboard motors in refuge canals, bayous, and lakes. We allow only trolling motors in the marsh.
16. We prohibit all persons or groups from acting as guide, outfitter, or an any capacity in which any other individual(s) pay or promise to pay directly or indirectly for service rendered to any other person or persons fishing on the refuge, regardless of whether such payment is for guiding, outfitting, lodging, or club membership, unless authorized by a refuge Special Use Permit (FWS Form 3–1383).
17. We prohibit the taking of turtle (see § 27.21 of this chapter).
18. We prohibit the commercialization (i.e., selling) of plants and wildlife unless authorized.

Cat Island National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of duck, goose, coot, and woodcock on designated areas of the refuge as shown on the refuge hunt brochure map in accordance with State regulations subject to the following conditions:

1. We require a $15 Annual Public Use Permit (signature only required) for

all hunters and anglers age 16 and older. The refuge user must sign and carry this permit at all times while on the refuge.

2. Refuge users may enter the refuge no earlier than 4 a.m. and must exit the refuge by 2 hours after legal sunset.

3. You may possess only approved nontoxic shot while hunting on the refuge (see § 32.2(k)).

4. You must use designated parking areas to participate in any refuge public use activity.

5. Youth hunters under age 17 must successfully complete a State-approved hunter education course. While hunting each youth must possess and carry a card or certificate of completion. Each youth hunter must remain within sight and normal voice contact of an adult age 21 or older. Each adult must possess and carry a refuge permit (Public Use Permit/signature only required) and may supervise no more than two youth hunters during waterfowl/upland game hunting.

6. We allow take of beaver, feral hog, nutria, raccoon, and coyote incidental to any refuge hunt with weapons legal for that hunt until you take the daily bag limit of game.

7. Refuge users must check all game taken leaving the refuge at one of the self-clearing check stations indicated on the map in the Refuge Public Use Brochure.

8. We allow all-terrain vehicles (ATVs) and utility-type vehicle (UTVs) as per State WMA regulations and size specifications on designated trails (see § 27.31 of this chapter) from September 15 through the hunting season. An ATV is an off-road vehicle with factory specifications not to exceed the following: Weight 750 pounds (337.5 kg), length 85 inches (212.5 cm), and width 48 inches (120 cm). We restrict ATV tires to those no larger than 25 inches x 12 inches (62.5 cm x 30 cm) with a maximum 1 inch (2.5 cm) lug height and a maximum allowable tire pressure of 7 psi as indicated on the tire by the manufacturer.

9. We prohibit hunting within 150 feet (45 m) of any public road, refuge road, trail or ATV trail, building, residence, or designated public facility.

10. We prohibit the possession or use of any type of trail-marking material.

11. We prohibit horses or mules.

12. We allow parking only in designated parking areas.

13. We prohibit camping or overnight parking on the refuge.

14. We prohibit air-thrust boats on the refuge.

15. We prohibit all other hunting during refuge lottery deer hunts.

16. We allow waterfowl hunting on Tuesdays, Thursdays, Saturdays, and Sundays until 12 p.m. (noon) during the designated State duck season.

17. Hunters must remove harvested waterfowl, temporary blinds, and decoys (see § 27.93 of this chapter) used for duck hunting by 1 p.m. daily.

18. We allow dogs to only locate, point, and retrieve when hunting for migratory game birds.

19. We prohibit accessing refuge property by boat from the Mississippi River.

20. We prohibit trapping.

21. We prohibit the possession of saws, saw blades, or machetes.

22. We prohibit possession of alcohol while hunting (see § 32.2(j)).

23. We prohibit all commercial activities (including, but not limited to, guiding).

B. Upland Game Hunting. We allow hunting of squirrel and rabbit on designated areas of the refuge as shown on the refuge hunt brochure map in accordance with State regulations subject to the following conditions:

1. Conditions A1 through A15, A19 through A23 apply.

2. While upland game hunting, we prohibit the possession of firearms larger than .22 caliber rimfire, shotgun slugs, and buckshot (see § 27.42 of this chapter).

3. We allow the use of squirrel and rabbit dogs from the day after the close of the State-designated Deer Rifle Season. We allow up to two dogs per hunting party for squirrel hunting.

4. We require the owner's name and phone number on the collars of all dogs.

5. We prohibit possession or distribution of bait or hunting with the aid of bait, including any grain, salt, minerals, or other feed or nonnaturally occurring attractant on the refuge (see § 32.2(h)).

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge as shown on the refuge hunt brochure map in accordance with State regulations subject to the following conditions:

1. Condition B1 applies.

2. We allow archery-only deer hunting on the refuge during the State archery deer season.

3. There is a $5 application fee per person for each lottery hunt application (name/address/telephone number only required).

4. Hunters may not leave stands on the refuge until the opening day of archery season. Hunters must remove all stands by the end of the last day of the archery season. Hunters must clearly mark all stands used on the refuge with the name, address, and phone number of the owner. Hunters must use only portable deer stands, remove them from trees daily, and place freestanding stands in a nonhunting position daily (see § 27.93 of this chapter).

5. We prohibit the use of dogs to trail wounded game.

6. You may only take one deer of either sex per day during the deer season. State season limits apply.

7. We require a minimum of 400 square inches (2,600 cm^2) of unbroken-hunter orange as the outermost layer of clothing on the chest and back, and in addition we require a hat or cap of unbroken-hunter orange.

8. We prohibit driving or screwing nails, spikes, or other metal objects into trees or hunting from any tree into which such an object has been driven (see § 32.2(i)).

9. We allow "still hunting" only. We prohibit man drives or use of dogs.

10. We prohibit use of climbing spurs.

D. Sport Fishing. We allow fishing on designated areas of the refuge as shown on the refuge hunting and fishing brochure map in accordance with State regulations subject to the following conditions:

1. We prohibit commercial fishing or commercial crawfishing.

2. Conditions A1, A2, A4, A7, A8 (on the open portions of Wood Duck ATV trail for wildlife-dependent activities throughout the year), A11 through A14, A19, A20, and A23 apply.

3. We prohibit slat traps or hoop nets on the refuge.

4. We prohibit possession of cleaned or processed fish on the refuge.

5. We allow recreational crawfishing on the refuge subject to specific dates (see refuge brochure for details). The harvest limit is 50 pounds (22.5 kg) per permit per day.

6. You must attend all crawfish traps and nets at all times and may not leave them on the refuge overnight. We allow up to and not to exceed 20 traps per angler on the refuge.

7. We prohibit harvest of frog or turtle on the refuge (see § 27.21 of this chapter).

8. We prohibit boat launching by trailer from all refuge roads and parking lots.

Catahoula National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of duck, goose, and coot only on designated areas of the Bushley Bayou Unit in accordance with State hunting regulations subject to the following conditions:

1. We allow migratory hunting of duck, goose, and coot on Tuesdays, Thursdays, Saturdays, and Sundays from ½ hour before legal sunrise until 12 p.m. (noon) during the State season.

2. We prohibit migratory game bird hunting during deer-gun and primitive firearms hunts.

3. We allow the use of dogs only to locate, point, and retrieve game when hunting migratory game birds.

4. We allow the use of shotguns only for hunting migratory birds.

5. An adult at least age 21 must supervise youth hunters under age 16 during all hunts. One adult may supervise two youths during small game and migratory bird hunts but may supervise only one youth during big game hunts. Youth must remain within normal voice contact of the adult who is supervising them. Parents or adult guardians are responsible for ensuring that hunters under age 16 do not engage in conduct that would constitute a violation of refuge regulations.

6. Hunters must check-in and check out in accordance with refuge-specific terms (see refuge hunting brochure for details).

7. We require hunters age 16 and older to purchase and carry a signed special refuge recreational activity permit (name/address/phone only).

8. Hunters may enter the refuge no earlier than 4 a.m. and must exit no later than 2 hours after legal sunset for that day. Waterfowl hunting must cease by 12 p.m. (noon), and hunters must remove all decoys, blinds and boats from the hunting area by 1 p.m.

9. We prohibit hunting or the discharge of firearms within 150 feet (45 m) from the centerline of roads and maintained trails.

10. We prohibit parking, walking, or hunting within 150 feet (45 m) of any active oil and gas facility or equipment.

11. We prohibit the use of mules or horses.

12. We prohibit the use or possession of saws, saw blades, or machetes.

13. We allow the use of nonmotorized boats or boats with motors of 10 horsepower or less on refuge lakes and waters as designated. We prohibit the use of air-thrust boats, water-thrust boats, or personal watercraft.

14. Refuge users must enter and exit the refuge only at designated parking areas on the refuge. We prohibit accessing adjacent lands from the refuge parking areas or any other part of the refuge.

15. We prohibit the use or possession of any type of material used as flagging or trail markers except bright eyes or reflective tape.

16. We prohibit camping or parking overnight on the refuge.

17. We restrict use of all-terrain vehicles (ATVs) to designated trails. We allow ATVs only for hunting and fishing and other wildlife-related activities. ATVs will not exceed 25 miles per hour (mph) when operated on the refuge. ATVs used on the refuge will not exceed the following: Weight 750 pounds (337.5 kg), length 85 inches (212.5 cm), width 48 inches (120 cm). We restrict ATV tires to those no larger than 25 inches x 12 inches (62.5 cm x 30 cm) with a maximum one inch (2.5 cm) lug height and maximum allowable tire pressure of 7 pounds per square inch (psi) as indicated on the tire by the manufacturer.

18. We allow the incidental take of feral hog, raccoon, beaver, nutria, and coyote while hunting with firearms or archery equipment authorized for that hunt.

19. We prohibit the possession or use of remote cameras.

B. Upland Game Hunting. We allow hunting of squirrel and rabbit on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A5 through A19 apply.

2. At the Headquarters Unit, we only allow squirrel and rabbit hunting from the first day of the State season until October 31.

3. At the Bushley Unit, we allow squirrel and rabbit hunting in accordance with the State season.

4. We prohibit squirrel and rabbit hunting during deer-gun and primitive firearms hunts.

5. At the Bushley Unit, we allow the use of dogs to hunt squirrels and rabbits only after the last primitive firearms season for deer on the refuge. Hunters must place their names and phone numbers on the collars of all their dogs.

6. We require hunters participating in the dog season for rabbits to wear a hunter-orange cap.

7. We allow the use of shotguns with nontoxic shot and rifles .22 magnum or smaller when hunting. We prohibit possession of toxic shot when hunting.

C. Big Game Hunting. We allow hunting of white-tailed deer and feral hog on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A5 through A19 apply.

2. At the Headquarters Unit, we allow archery hunting of deer and feral hog during the State archery season except the area south of the French Fork of the Little River, which we close during deer-gun hunt in that area.

3. We allow deer-gun hunting on the area south of the French Fork of the Little River for 2 days in December with these dates being set annually.

4. At the Bushley Unit, we allow archery hunting for deer and feral hog during the State archery season except we close during deer-gun hunt and primitive firearms hunts.

5. We allow hunting of deer with primitive firearms during the first segment of the State season for area 1, weekdays only (Monday through Friday) and the third weekend after Thanksgiving Day.

6. We allow the use of portable deer stands. Hunters may place deer stands on the refuge 1 day before the deer archery season and must remove them from the refuge within 1 day after this season closes. Hunters may place only one stand on the refuge. Deer stands must have the owner's name, address, and phone number clearly printed on the stand. Hunters must place stands in a nonhunting position when not in use (see § 27.93 of this chapter).

7. We prohibit the possession of buckshot when hunting.

8. All hunters (including archery and small game hunters), except waterfowl hunters on refuges, must wear and display 400 square inches (2,600 cm^2) of hunter orange and a hunter-orange cap during the deer-gun and primitive firearms seasons. Deer hunters hunting from concealed ground blinds must display a minimum of 400 square inches of hunter orange above or around their blinds which is visible from 360 degrees.

9. You may take only one deer per day during any refuge hunt. The State season limits apply.

10. We prohibit the use of organized drives for taking or attempting to take game or the use of pursuit dogs.

11. We prohibit the use of dogs to trail wounded deer.

12. At the Headquarters Unit, we close hunting during high water conditions, elevation 42 feet (12.6 m) or above as measured at the Corp of Engineers center of the gauge on Catahoula Lake. On the Bushley Unit, we close hunts when the gauge measures elevation 44 feet (13.2 m) or above.

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A10 through A17 apply.

2. We require anglers age 16 and older to possess and carry a signed special refuge recreational activity permit (name/address/phone only).

3. Anglers may enter the refuge no earlier than 4 a.m. and must exit no later than 2 hours after legal sunset for that day.

4. At the Headquarters Unit, we allow year-round fishing on Cowpen Bayou and the Highway 28 borrow pits. We allow fishing on Duck Lake, its tail-waters Muddy Bayou, Willow Lake, and

the Highway 84 borrow pits from March 1 through October 31. We allow only rod and reel or pole and line fishing. We prohibit snagging.

5. At the Bushley Bayou Unit, we allow fishing year-round. We allow trotlines, but anglers must tend them at least once every 24 hours and reset them when receding water levels expose them. Anglers must attach lines with a length of cotton line that extends into the water. We allow the use of yo-yos, but you must attend and only use them from 1 hour before legal sunrise until ½ hour after legal sunset. We allow the use of only recreational gear.

6. At the headquarters unit, we allow the launching of only trailered boats at designated boat ramps. Anglers may launch small hand-carried boats from the bank in other areas. We prohibit dragging of boats or driving onto road shoulders to launch boats.

7. We allow fishing from 1 hour before legal sunrise to ½ hour after legal sunset.

8. We prohibit bank fishing on Bushley Creek and fishing in Black Lake, Dempsey Lake, Long Lake, Rhinehart Lake, and Round Lake during deer-gun and primitive firearms hunts.

9. We prohibit fishing in Black Lake, Dempsey Lake, Long Lake, Round Lake, and Rhinehart Lake during waterfowl hunts.

10. We prohibit taking or possessing snake, frog, turtle, salamander, and mollusk by any means (see § 27.21 of this chapter).

D'Arbonne National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of duck, goose, coot, and woodcock on designated areas of the refuge as indicated in the refuge brochure in accordance with State regulations subject to the following conditions:

1. Hunters must possess and carry a signed refuge permit (signed refuge brochure).

2. We allow migratory game bird hunting on designated areas as indicated in the refuge brochure.

3. We allow waterfowl hunting until 12 p.m. (noon) during the State season except when closed during the special teal season and State youth waterfowl hunt.

4. Hunters may enter the refuge no earlier than 4 a.m.

5. We prohibit hunting within 100 feet (30 m) of the maintained rights of way of roads (see § 27.31 of this chapter), and from above-ground oil or gas or electrical transmission facilities.

6. We prohibit leaving boats, blinds, and decoys unattended.

7. We allow dogs to only locate, point, and retrieve when hunting for migratory game birds.

8. An adult at least age 21 must supervise youth hunters under age 16 during all hunts. One adult may supervise two youths during small game and migratory bird hunts but may supervise only one youth during big game hunts. Youth must remain within normal voice contact of the adult who is supervising them. Parents or adult guardians are responsible for ensuring that hunters under age 16 do not engage in conduct that would constitute a violation of refuge regulations.

9. We prohibit any person or group to act as a hunting guide, outfitter, or in any other capacity that any other individual(s) pays or promises to pay directly or indirectly for services rendered to any other person or persons hunting on the refuge, regardless of whether such payment is for guiding, outfitting, lodging, or club membership.

B. Upland Game Hunting. * * *

1. Conditions A1, A5, A8, and A9 apply.

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3. We prohibit taking small game with firearms larger than .22 caliber rimfire, shotgun slugs, and buckshot.

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C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge as indicated in the refuge brochure in accordance with State regulations subject to the following conditions:

1. Conditions A1, A5, A9, and B7 apply.

* * * * *

6. We prohibit leaving deer stands, blinds, and other equipment unattended.

7. Deer hunters must wear hunter orange as per State deer hunting regulations on Wildlife Management areas.

8. We prohibit hunters placing or hunting from stands on pine trees with white-painted bands or rings.

9. An adult at least age 21 must supervise youth hunters under age 16 during all hunts. One adult may supervise two youths during small game and migratory bird hunts but may supervise only one youth during big game hunts. Youth must remain within normal voice contact of the adult who is supervising them. Parents or adult guardians are responsible for ensuring that hunters under age 16 do not engage in conduct that would constitute a violation of refuge regulations.

10. We prohibit possession or distribution of bait or hunting with the aid of bait, including any grain, salt, minerals, or other feed or any nonnaturally occurring attractant on the refuge (see § 32.2(h)).

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Delta National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of duck, goose, and coot on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We allow waterfowl hunting on Wednesdays, Thursdays, Saturdays, and Sundays from ½ hour before legal sunrise until 12 p.m. (noon), including the State special teal season, State youth waterfowl season, and State light goose special conservation season.

2. We only allow temporary blinds. You must remove both blinds and decoys (see § 27.93 of this chapter) by 1 p.m.

3. We allow dogs to only locate, point, and retrieve when hunting for migratory game birds.

4. You may possess only approved nontoxic shot while hunting on the refuge (see § 32.2(k)).

5. Hunters must possess and carry a valid refuge hunt permit (signed brochure).

6. We allow hunting only on those portions of the refuge that lie northwest of Main Pass and south of Raphael Pass.

7. Persons possessing, transporting, or carrying firearms on national wildlife refuges must comply with all provisions of State and local law. Persons may only use (discharge) firearms in accordance with refuge regulations (§ 27.42 of this chapter and specific refuge regulations part 32).

8. We prohibit air-thrust boats, mud boats, aircraft, and air-cooled propulsion engines on the refuge.

9. We close all refuge lands between Raphael Pass and Main Pass to all entry during the State waterfowl hunting season.

10. We prohibit discharge of firearms (see § 27.42 of this chapter) within 250 yards (225 m) of buildings or worksites, such as oil or gas production facilities.

11. An adult at least age 21 must supervise youth hunters under age 16 during all hunts. An adult may supervise two youths during small game and migratory bird hunts but may supervise only one youth during big game hunts. Youth must remain within normal voice contact of the adult who is supervising them. Parents or adult guardians are responsible for ensuring that hunters under age 16 do not engage in conduct that would constitute a violation of refuge regulations.

12. We prohibit any person or group to act as a hunting guide, outfitter, or in any other capacity that any other

individual(s) pays or promises to pay directly or indirectly for services rendered to any other person or persons hunting on the refuge, regardless of whether such payment is for guiding, outfitting, lodging, or club membership.

13. We open the refuge from ½ hour before legal sunrise to ½ hour after legal sunset with the exception that hunters may enter the refuge earlier, but not before 4 a.m.

14. We prohibit camping.

15. We prohibit target shooting on the refuge.

16. We prohibit the use of any type of material used as flagging or trail markers, except bright eyes.

B. Upland Game Hunting. * * *

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4. Conditions A4 through A16 apply.

C. Big Game Hunting. * * *

1. Conditions A5 through A16 apply with the following exception to condition A11: Each adult may only supervise one youth hunter.

2. We allow archery deer hunting, bucks only, October 1 through 15. We allow either-sex archery deer hunting October 16 through 31 and from the day after the close of the State duck season through the end of the State deer archery season.

3. Hunters may use only portable deer stands (see § 27.93 of this chapter). Hunters may erect deer stands 1 day before the deer archery season and must remove them from the refuge within 1 day after the season closes. Hunters may place only one deer stand on a refuge. Deer stands must have the owner's name, address and phone number clearly printed on the stand. Hunters must place stands in a nonhunting position when not in use.

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5. You may take hog only with archery equipment during the archery deer season.

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7. Longbow, compound bow, and crossbow or any bow drawn, held, or released by mechanical means will be a legal means of take during the deer archery season.

8. We prohibit the use of trail cameras.

9. We prohibit the use of deer decoys.

D. Sport Fishing. * * *

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4. Conditions A7, A8, A9, A14, and A15 apply.

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Grand Cote National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of duck, goose, coot, and woodcock on designated areas of the refuge as depicted on the refuge hunting brochure map in accordance with State regulations subject to the following conditions:

1. We allow waterfowl (duck, goose, coot) hunting on Wednesdays and Saturdays from ½ hour before legal sunrise until 12 p.m. (noon) during the State season.

2. We prohibit teal hunting during the State September season.

3. There will be lottery-spaced-blind-waterfowl hunts on designated sections of the refuge during the regular State waterfowl season subject to refuge-specific dates, terms, and selection process (see refuge hunting brochure for details).

4. We allow the use of shotguns only utilizing approved nontoxic shot for hunting migratory game birds.

5. We allow the use of dogs only to locate, point, and retrieve game when hunting migratory game birds.

6. Hunters may enter the refuge no earlier than 4 a.m. and must exit no later than 2 hours after legal sunset for that day. Waterfowl hunting must cease by 12 p.m. (noon), and hunters must remove all decoys, blinds, and boats from the hunt area by 1 p.m.

7. An adult at least age 21 must supervise youth hunters under age 16 during all hunts. One adult may supervise two youths during small game and migratory bird hunts but may supervise only one youth during big game hunts. Youth must remain within normal voice contact of the adult who is supervising them. Parents or adult guardians are responsible for ensuring that hunters under age 16 do not engage in conduct that would constitute a violation of refuge regulations.

8. We allow the incidental take of raccoon, feral hog, beaver, nutria, and coyote using only approved nontoxic shot while hunting migratory game birds.

9. We require hunters age 16 and older to purchase and carry a signed refuge special recreational activity permit (name/address/phone number only).

10. We prohibit hunting or the discharge of firearms within 150 feet (3.7 m) from the centerline of roads and maintained trails.

11. Hunters must check-in and check out in accordance with refuge-specific terms (see refuge hunting brochure for details).

12. We prohibit possession or distribution of bait while in the field, hunting with the aid of bait, including any grain, salt, minerals, or any nonnaturally occurring food attractant on the refuge (see § 32.2(h)).

13. We prohibit camping or overnight parking on the refuge.

14. Refuge users must enter and exit the refuge only at designated parking areas occurring on the refuge. We prohibit accessing adjacent lands from refuge parking areas or any other part of the refuge.

15. We restrict the use of all-terrain vehicles (ATVs) to designated trails. We allow ATVs only for hunting, fishing, and other wildlife-related activities. ATVs will not exceed 25 mph when driven on the refuge. ATVs used on refuges will not exceed the following: Weight-750 lbs. (337.5 kg), length-85 inches (2.12 m), and width-48 inches (120 cm). We restrict ATV tires to those no larger than 25 inches (62.5 cm) x 12 inches (30 cm) with a maximum 1-inch (2.5 cm) lug height and a maximum allowable tire pressure of 7 p.s.i. as indicated on the tire by the manufacturer.

16. We allow only electric-powered or nonmotorized boats.

17. We prohibit the use of horses or mules.

18. We prohibit the use or possession of any type of material used as flagging or trail markers, except for bright eyes or reflective tape.

19. We prohibit the use or possession of saws, saw blades, or machetes.

20. We prohibit the use or possession of remote cameras.

B. Upland Game Hunting. We allow hunting of rabbit on designated areas of the refuge as depicted on the refuge hunting brochure map in accordance with State regulations subject to the following conditions:

1. Conditions A9 through A20 apply.

2. We only allow the use of shotguns and rifles that are .22 magnum caliber rimfire or less for upland game hunting. Hunters may use only approved nontoxic shot in shotguns. We prohibit possession of toxic shot (see § 32.2(k)) for hunting.

3. We allow incidental take of raccoon, feral hog, beaver, nutria, and coyote with firearms that are authorized for use during upland game hunting.

4. We allow the use of rabbit dogs only after the close of the State deer rifle season. Dog owners must place their name and phone number on the collars of all their dogs.

5. We require hunters participating in the special dog season for rabbits to wear a hunter-orange cap.

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge as depicted on the refuge hunting brochure map in accordance with State regulations subject to the following conditions:

1. Conditions A9 through A20 apply.

2. We allow archery hunting in special designated areas (see refuge hunting brochure map) during the State archery deer season subject to refuge closures resulting from high water conditions.

3. You may only harvest one buck or doe per day during the refuge archery season. Deer harvested on the refuge count towards the State bag limit.

4. We allow incidental take of raccoon, feral hog, beaver, nutria, and coyote while deer hunting with weapons authorized for use.

5. You may use only portable deer stands (see § 27.93 of this chapter). Hunters must place deer stands on the refuge 1 day before the deer archery season and must remove them from the refuge within 1 day after the season closes. Hunters may place only one deer stand on the refuge and deer stands must have the owner's name, address, and phone number clearly printed on the stand. Hunters must be place the stand in a nonhunting position and at ground level when not in use.

6. Deer hunters hunting from concealed ground blinds must display a minimum of 400 square inches (2,600 cm^2) of hunter orange above or around their blinds which is visible from 360 degrees.

7. We prohibit the use of deer decoys.

8. We prohibit the use of dogs to trail wounded deer.

9. We prohibit organized drives for taking or attempting to take game or the use of pursuit dogs.

D. Sport Fishing. We allow fishing in designated areas as depicted in the refuge hunting brochure in accordance with State regulations subject to the following conditions:

1. Conditions A13 through A19 apply.

2. We allow bank fishing in Coulee Des Grues only along Little California Road from legal sunrise to legal sunset.

3. Anglers may enter the refuge no earlier than 4 a.m. and must exit no later than 2 hours after legal sunset for that day.

4. We require anglers age 16 and older to purchase and carry a signed refuge special recreational activity permit.

5. We prohibit the use of gear or equipment other than hook and line to catch fish.

6. We prohibit the possession of cleaned or processed fish on the refuge.

7. We prohibit the harvest of frog, turtle, snake, or mollusk (see § 27.21 of this chapter).

8. We prohibit crawfishing.

Lacassine National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of goose, duck, gallinule, and coot on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. The refuge will be open on selected days for migratory game bird hunting as identified in the refuge hunt permit and regulations brochure.

2. We require every hunter to possess and carry a valid signed refuge hunt permit (signed brochure) and regulations brochure.

3. We prohibit entrance to the hunting area earlier than 4 a.m. Shooting hours end at 12 p.m. (noon) each day. Hunters must remove all decoys and blinds from the hunting area by 1 p.m. Hunters must leave the refuge no later than 1 hour after legal sunset.

4. Each hunter must complete and turn in a Migratory Bird Hunt Report (FWS Form 3–2361), available from a self-clearing check station, after each hunt.

5. Persons possessing, transporting, or carrying firearms on national wildlife refuges must comply with all provisions of State and local law. Persons may only use (discharge) firearms in accordance with refuge regulations (see § 27.42 of this chapter and specific refuge regulations in part 32).

6. We prohibit all mechanized equipment including motorized boats within the designated wilderness area.

7. We prohibit all boat motors, including trolling motors, within refuge marshes. We prohibit air-thrust boats and ATVs on the refuge (see § 27.31(f) of this chapter), unless otherwise permitted.

8. We prohibit hunting within 50 yards (45 m) of refuge canals; waterways; public roads; buildings; above-ground oil, gas, or electrical transmission facilities; or designated public facilities. Hunting parties must remain a distance of no less than 150 yards (135 m) away from another hunter.

9. You must remove all hunting-related equipment (see § 27.93 of this chapter) from the refuge immediately following each day's hunt.

10. We prohibit overnight camping on the refuge.

11. We prohibit the use or possession of alcoholic beverages while hunting (see § 32.2(j)).

12. We allow the use of dogs when migratory bird hunting only for the purpose of locating, pointing, and retrieving.

13. We prohibit all persons or groups from acting as guides, outfitters, or in any other capacity in which any individual(s) pay or promise to pay directly or indirectly for service rendered to any person or persons hunting on the refuge, regardless of whether such payment is for guiding, outfitting, lodging, or club membership.

14. An adult at least age 21 must supervise youth hunters under age 16 during all hunts. One adult may supervise two youths during small game and migratory bird hunts but may supervise only one youth during big game hunts. Youth must remain within normal voice contact of the adult who is supervising them. Parents or adult guardians are responsible for ensuring that hunters under age 16 do not engage in conduct that would constitute a violation of refuge regulations.

* * * * *

C. Big Game Hunting. We allow hunting for white-tailed deer on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. The refuge will be open for hunting white-tailed deer on selected days as identified in the refuge hunt permit (signed brochure) and regulations brochure.

2. Conditions A2, and A5 through A14 apply.

3. We prohibit entrance to the hunting area earlier than 4 a.m. Hunters must leave no later than 1 hour after legal sunset.

4. We prohibit hunting in the headquarters area along Nature Road and along the Lacassine Pool Wildlife Drive (see refuge map).

5. We allow boats of all motor types and of 40 hp or less in Lacassine Pool.

6. We prohibit boats in Lacassine Pool and Unit D from October 16 through March 14. We prohibit boats in Units A and C.

7. We prohibit possession or distribution of bait or hunting with the aid of bait, including any grain, salt, minerals, or other feed or any nonnaturally occurring attractant on the refuge (see § 32.2(h)).

8. Each hunter must complete and turn in a Big Game Harvest Report (FWS Form 3–2359), available from a self-clearing check station, after each hunt.

D. Sport Fishing. * * *

1. Conditions A6, A7, A10, C5, and C6 apply.

* * * * *

10. We prohibit all boat motors, including trolling motors, in refuge marshes outside Lacassine Pool. We prohibit air-thrust boats and ATVs on the refuge (see § 27.31(f) of this chapter), unless otherwise allowed.

11. We prohibit all mechanized equipment, including motorized boats, within the designated wilderness area.

12. We allow fishing only with rod and reel or pole and line in refuge waters.

13. Anglers can travel the refuge by boat from 1 hour before legal sunrise until 1 hour after legal sunset in order to access fishing areas. We prohibit fishing activities before legal sunrise and after legal sunset.

14. We prohibit the taking of any turtle species (see § 27.21 of this chapter).

Lake Ophelia National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of duck, goose, coot, and woodcock on designated areas of the refuge as depicted on the refuge hunting brochure map in accordance with State regulations subject to the following conditions:

1. We allow waterfowl (duck, goose, coot) hunting on Tuesdays, Thursdays, and Saturdays from ½ hour before legal sunrise until 12 p.m. (noon) during the Statewide duck season.

2. We allow the use of shotguns only utilizing approved nontoxic shot for hunting migratory game birds.

3. We allow the use of dogs only to locate, point, and retrieve game when hunting for migratory birds.

4. Hunters may enter the refuge no earlier than 4 a.m. and must exit no later than 2 hours after legal sunset for that day. Waterfowl hunting must cease by 12 p.m. (noon), and hunters must remove all decoys, blinds, and boats from the hunt area by 1 p.m.

5. An adult at least age 21 must supervise youth hunters under age 16 during all hunts. One adult may supervise two youths during small game and migratory bird hunts but may supervise only one youth during big game hunts. Youth must remain within normal voice contact of the adult who is supervising them. Parents or adult guardians are responsible for ensuring that hunters under age 16 do not engage in conduct that would constitute a violation of refuge regulations.

6. We prohibit migratory game bird hunting during refuge deer primitive firearm hunts.

7. We allow the incidental take of raccoon, feral hog, beaver, nutria, and coyote using only nontoxic shot while hunting migratory game birds.

8. We restrict the use of all-terrain vehicles (ATVs) to designated trails. We allow ATVs only for hunting, fishing, and other wildlife-related activities. ATVs will not exceed 25 mph when driven on the refuge. ATVs used on refuges will not exceed the following: Weight 750 lbs. (337.5 kg), length 85 inches (2.12 m), and width 48 inches (120 cm). We restrict ATV tires to those no larger than 25 inches (62.5 cm) x 12 inches (30 cm) with a maximum 1-inch (2.5 cm) lug height and a maximum allowable tire pressure of 7 psi as indicated on the tire by the manufacturer.

9. We restrict the special all-terrain vehicle trails for physically challenged persons to ATV physically challenged permittees. Individuals that qualify must obtain a Special Use Permit (FWS Form 3–1383) from the refuge office to use these trails.

10. We require hunters age 16 and older to purchase and carry a signed refuge special recreational activity permit (name/address/phone number only).

11. We prohibit hunting or the discharge of firearms within 150 feet (45 m) from the centerline of roads and maintained trails.

12. Hunters must check-in and check out in accordance with refuge-specific terms (see refuge hunting brochure for details).

13. We prohibit possession or distribution of bait while in the field, hunting with the aid of bait, including any grain, salt, minerals, or any nonnaturally occurring food attractant on the refuge (see § 32.2(h)).

14. We allow watercraft with motors up to 36 hp in Possum Bayou (north of boat ramp), Palmetto Bayou, Duck Lake, Westcut Lake, Point Basse, and Nicholas Lake.

15. We allow electric-powered or nonmotorized boats in Doomes Lake, Lake Long, Possum Bayou (south of boat ramp), and Lake Ophelia.

16. We prohibit camping or overnight parking on the refuge.

17. Refuge users must enter and exit the refuge only at designated parking areas occurring on the refuge. We prohibit accessing adjacent lands from refuge parking areas or any other part of the refuge.

18. We prohibit the use of horses or mules.

19. We prohibit the use or possession of any type of material used as flagging or trail markers, except for bright eyes or reflective tape.

20. We prohibit the use or possession of saws, saw blades, or machetes.

21. We prohibit the use or possession of remote cameras.

B. Upland Game Hunting. We allow hunting of squirrel and rabbit on designated areas of the refuge as depicted on the refuge hunting brochure map in accordance with State regulations subject to the following conditions:

1. Conditions A5 and A8 through A21 apply.

2. Hunters may enter the refuge no earlier than 4 a.m. and must exit no later than 2 hours after legal sunset for that day.

3. We only allow the use of shotguns and rifles that are .22 magnum caliber rimfire or less for upland game hunting. We allow only nontoxic shot in shotguns and prohibit possession of toxic shot when hunting.

4. We allow incidental take of raccoon, feral hog, beaver, nutria, and coyote with firearms authorized for use during upland game hunting.

5. We prohibit upland game hunting during refuge deer primitive firearm hunts.

6. We allow the use of squirrel and rabbit dogs only after the close of the State deer rifle season. Dog owners must place their name and phone number on the collars of all their dogs.

7. We require hunters participating in the special dog season for rabbits to wear a hunter-orange cap.

C. Big Game Hunting. We allow hunting of white-tailed deer and turkey on designated areas of the refuge as depicted on the refuge hunting brochure map in accordance with State regulations subject to the following conditions:

1. Conditions A5 and A9 through A21 apply.

2. Hunters may enter the refuge no earlier than 4 a.m. and must exit no later than 2 hours after legal sunset for that day.

3. We restrict the use of all-terrain vehicles (ATVs) to designated trails from the first Saturday in September until the last day of refuge turkey season. We allow ATVs only for hunting, fishing, and other wildlife-related activities. ATVs will not exceed 25 mph when driven on the refuge. ATVs used on refuges will not exceed the following: Weight 750 lbs. (337.5 kg), length 85 inches (2.12 m), and width 48 inches (120 cm). We restrict ATV tires to those no larger than 25 inches (62.5 cm) x 12 inches (30 cm) with a maximum 1-inch (2.5 cm) lug height and a maximum allowable tire pressure of 7 psi as indicated on the tire by the manufacturer.

4. You may harvest only one buck or doe per day during the refuge archery season. You may harvest only one buck or doe during each of the primitive firearm lottery deer hunts. Deer harvested on the refuge count towards the State bag limit.

5. We allow incidental take of raccoon, feral hog, beaver, nutria, and coyote while deer hunting with weapons authorized for use.

6. You may use only portable deer stands. Hunters may place deer stands on the refuge 1 day before the deer archery season and must remove them from the refuge within 1 day after the season closes. Hunters may place only

one deer stand on the refuge, and deer stands must have the owner's name, address, and phone number clearly printed on the stand. Hunters must place stands in a nonhunting position and at ground level when not in use.

7. All deer gun hunters must wear and display 400 square inches (2,600 cm^2) of hunter orange and a hunter-orange cap during the deer gun seasons and lottery deer hunts. Deer hunters hunting from concealed ground blinds must display a minimum of 400 square inches of hunter orange above or around their blinds which is visible from 360 degrees.

8. There will be lottery deer primitive firearm hunts subject to refuge-specific dates, terms, and selection process, as outlined in the refuge hunting brochure. Applicants may not apply for more than one hunt. There is a $5 nonrefundable application fee per person for each hunt application.

9. We allow youth deer hunting in the closed area of the refuge during lottery youth deer gun hunts subject to the refuge-specific dates, terms, and selection process outlined in the refuge hunting brochure. Youths selected in prior years may not apply.

10. We prohibit all other hunting during refuge deer primitive firearm hunts as described in the refuge hunting brochure.

11. We prohibit the use of deer or turkey gobbler decoys.

12. We allow turkey hunting only during the first 16 days of the State season until 12 p.m. (noon). We prohibit incidental hunting of hog. We allow the use and possession of lead shot for turkey hunting (see § 32.2(k)).

13. We prohibit the use of dogs to trail wounded deer.

14. We prohibit organized drives for taking or attempting to take game or the use of pursuit dogs.

D. Sport Fishing. We allow fishing in designated areas as depicted in the refuge hunting brochure in accordance with State regulations subject to the following conditions:

1. Conditions A14 through A21 and C3 apply.

2. We require anglers age 16 and older to purchase and carry a signed refuge special recreational activity permit (name/address/phone number only).

3. Anglers may enter the refuge no earlier than 4 a.m. and must exit no later than 2 hours after legal sunset for that day.

4. We allow fishing from legal sunrise to legal sunset.

5. We allow the use of ATVs on the designated trails to the Duck and Westcut Lake boat ramps from March 1 through October 15.

6. We allow sport fishing in Duck Lake, Westcut Lake, Lake Long, and in the immediate vicinity of the Lake Agnes drainage culverts on the Red River during March 1 through October 15 from legal sunrise to legal sunset.

7. We prohibit the use of gear or equipment other than hook and line to catch fish.

8. We prohibit the possession of cleaned or processed fish on the refuge.

9. We prohibit the harvest of frog, turtle, snake, or mollusk (see § 27.21 of this chapter).

10. We prohibit crawfishing.

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Red River National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of duck, goose, coot, woodcock, and dove on designated areas of the refuge as indicated in the refuge brochure in accordance with State regulations subject to the following conditions:

1. Hunters must possess and carry a signed refuge permit (signed refuge brochure).

2. We allow waterfowl and woodcock hunting on designated areas as indicated in the refuge brochure until 12 p.m. (noon) during the State season.

3. We allow dove hunting only during the first 3 days of the State season on all refuge lands as indicated in the refuge brochure.

4. Hunters may enter the refuge no earlier than 4 a.m.

5. We prohibit hunting within 150 feet (45 m) of any public road, refuge road, trail, or ATV trail, residence, building, aboveground oil or gas or electrical transmission facilities, or designated public facility.

6. We prohibit leaving boats, blinds, and decoys unattended.

7. We allow dogs only to locate, point, and retrieve when hunting for migratory game birds.

8. An adult at least age 21 must supervise youth hunters under age 16 during all hunts. One adult may supervise two youths during small game and migratory bird hunts but may supervise only one youth during big game hunts. Youth must remain within normal voice contact of the adult who is supervising them. Parents or adult guardians are responsible for ensuring that hunters under age 16 do not engage in conduct that would constitute a violation of refuge regulations.

9. We prohibit any person or group to act as a hunting guide, outfitter, or in any other capacity that any other individual(s) pays or promises to pay directly or indirectly for services rendered to any other person or persons hunting on the refuge, regardless of whether such payment is for guiding, outfitting, lodging, or club membership.

10. Hunters may use only approved nontoxic shot shotgun ammunition for hunting on the refuge (see § 32.2(k)).

11. We prohibit the possession or distribution of bait or hunting with the aid of bait, including any grain, salt, mineral or other feed or nonnaturally occurring attractant on the refuge (see § 32.2(h)).

B. Upland Game Hunting. We allow hunting of quail, squirrel, rabbit, raccoon, and opossum on designated areas of the refuge as indicated in the refuge brochure in accordance with State regulations subject to the following conditions:

1. Conditions A1, A5, and A8 through A11 apply.

2. We allow hunting on all refuge lands on designated areas as indicated in the refuge brochure.

3. We prohibit the use of firearms (see § 27.42 of this chapter) larger than .22 caliber rimfire, shotgun slugs, and buckshot while hunting on the refuge.

4. We allow hunting of raccoon and opossum during the daylight hours of rabbit and squirrel season. We allow night hunting during December and January, and you may use dogs for night hunting. We prohibit selling of raccoon and opossum taken on the refuge for human consumption.

5. We allow use of dogs to hunt squirrel and rabbit after December 31.

6. If you want to use horses and mules to hunt raccoon and opossum at night, you must first obtain a Special Use Permit (FWS Form 3–1383) at the refuge office.

7. Hunters may enter the refuge no earlier than 4 a.m. and must exit the refuge no later than 1 hour after legal shooting hours.

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge as indicated in the refuge brochure in accordance with State regulations subject to the following conditions:

1. Conditions A1, A5, A8 through A11, and B7 apply.

2. We allow only archery hunting.

3. We allow deer hunting on all refuge lands on designated areas as indicated in the refuge brochure.

4. The daily bag limit is one deer of either sex. The State season limit applies.

5. We allow use of portable deer stands as indicated in the refuge brochure.

6. We allow hog hunting during all open refuge hunts with weapons legal for the ongoing hunt.

7. We allow turkey hunting on the days noted in the brochure.

D. Sport Fishing. We allow fishing on designated areas of the refuge as indicated in the refuge brochure in accordance with State regulations subject to the following conditions:

1. We prohibit leaving boats and other personal property on the refuge unattended.

2. We allow use of only electric trolling motors on all refuge waters.

3. You must tend trotlines daily. You must attach ends of trotlines by a length of cotton line that extends into the water.

4. We prohibit commercial fishing. Recreational fishing using commercial gear (slat traps, etc.) requires a special refuge permit that you must possess and carry available at the refuge office.

5. We prohibit the taking of alligator snapping turtle (see § 27.21 of this chapter).

Sabine National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of goose, duck, gallinule, and coot on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We will open the refuge on selected days for migratory game bird hunting as identified in the refuge hunt permit and regulations brochure.

2. We require all hunters to possess and carry a valid signed refuge hunt permit (signed brochure) and regulations brochure.

3. We prohibit entrance to the hunting area earlier than 4 a.m. Shooting hours end at 12 p.m. (noon) each day. Hunters must remove all decoys and blinds from the hunting area by 1 p.m. and must leave the refuge no later than 1 hour after legal sunset.

4. Each hunter must complete and turn in a Migratory Bird Hunt Report (FWS Form 3–2361) from a self-clearing check station after each hunt.

5. You may access the hunt areas by boat using the boat launches at the West Cove Public Use Area or by access through Burton Canal. You may access hunt areas by vehicle from Vastar Road or designated turnouts within the refuge public hunt area along State Highway 27 (see § 27.31 of this chapter) unless otherwise posted.

6. We allow hand launching of small boats along Vastar Road (no trailers allowed).

7. We allow operation of outboard motors in designated refuge canals only. We allow trolling motors within the refuge marshes.

8. We prohibit air-thrust boats, personal motorized watercraft (e.g., Jet Skis), and ATVs on the refuge (see § 27.31(f) of this chapter) unless otherwise posted.

9. We allow only portable blinds and those made of native vegetation. Hunters must remove portable blinds, decoys, spent shells, and all other personal equipment (see §§ 27.93 and 27.94 of this chapter) after each day's hunt.

10. We prohibit hunting within 50 yards (45 m) of refuge canals; waterways; public roads; buildings; above-ground oil, gas, or electrical transmission facilities; or designated public facilities. Hunting parties must maintain a distance of no less than 150 yards (135 m) away from another hunter.

11. We prohibit all persons or groups from acting as guides, outfitters, or in any other capacity in which any other individual(s) pay or promise to pay directly or indirectly for service rendered to any other person or persons hunting on the refuge, regardless of whether such payment is for guiding, outfitting, lodging, or club membership.

12. We allow dogs when migratory bird hunting only for the purpose of locating, pointing and retrieving.

13. Persons possessing, transporting, or carrying firearms on national wildlife refuges must comply with all provisions of State and local law. Persons may only use (discharge) firearms in accordance with refuge regulations (see § 27.42 and specific refuge regulations in part 32).

14. We prohibit the use or possession of alcoholic beverages while hunting (see § 32.2(j)).

15. We prohibit overnight camping on the refuge.

16. An adult at least age 21 must supervise youth hunters under age 16 during all hunts. One adult may supervise two youths during small game and migratory bird hunts. Youth must remain within normal voice contact of the adult who is supervising them. Parents or adult guardians are responsible for ensuring that hunters under age 16 do not engage in conduct that would constitute a violation of refuge regulations.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. We allow fishing, crabbing, and cast netting in designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Bank and wharf access for fishing are available year-round at the Public Use Areas along State Highway 27. Anglers may access the refuge for fishing by boat only during the March 15 to October 15 open period. You may launch boats at designated boat ramps only.

2. We allow fishing with a rod and reel, pole and line, or jug and line. We prohibit possession of any other type of fishing gear, including limb lines, gill nets, or trot lines. Jug line limit is up to 10 per boat, and you must attend them at all times. The angler must mark all jugs with their fishing license number (State requirement) and remove the jugs (see § 27.93 of this chapter) from the refuge daily.

3. We allow hand launching of nonmotorized boats into Units 1A and 1B from Blue Crab Recreation Area for recreational paddling year-round. We prohibit fishing October 16 through March 14.

4. We allow operation of outboard motors in designated refuge canals and Management Unit 3 (40 hp maximum in Unit 3). We allow use of trolling motors within the refuge marshes.

5. Conditions A8, A11 (fishing guide), and A15 apply.

6. Anglers can travel the refuge by boat from 1 hour before legal sunrise until 1 hour after legal sunset in order to access fishing areas. We prohibit fishing activities, however, before legal sunrise and after legal sunset.

7. Crabbing: We allow recreational crabbing in designated areas of the refuge subject to the following conditions:

i. We allow only recreational crabbing with cotton hand lines or drop nets up to 24 inches (60 cm) outside diameter. We prohibit using floats on crab lines.

ii. Anglers must remove all hand lines, drop nets, and bait (see § 27.93 of this chapter) from the refuge upon leaving.

iii. We allow a daily limit of 5 dozen (60) crabs per vehicle or boat.

8. Cast Netting: We allow recreational cast netting in designated areas of the refuge subject to the following conditions:

i. We allow recreational cast netting from 12 p.m. (noon) to legal sunset during the Louisiana Inshore Shrimp Season.

ii. Anglers must empty cast nets directly into container from net. Anglers must immediately return all incidental take (by catch) to the water before continuing to cast net.

iii. The daily shrimp limit during the Louisiana Inshore shrimp season is 5 gallons (19 L) of heads-on shrimp per day, per vehicle or boat.

iv. The daily bait shrimp limit is one gallon (3.8 L) per day, per boat, outside the Louisiana inshore shrimp season, and before 12 p.m. (noon) during the Louisiana inshore shrimp season.

v. Shrimp must remain in your actual custody while on the refuge.

vi. We allow cast netting from the banks and wharves at designated refuge recreation areas or sites along Hwy. 27 that provide developed safe access and that we do not post and sign as closed areas.

vii. We prohibit cast netting at or around any recreation area and boat launch not designated as open for cast netting.

viii. We allow cast netting throughout the refuge except where posted and signed as closed.

ix. We prohibit reserving a place or saving as space for yourself or others by any means to include placing unattended equipment in designated cast-netting areas.

x. We prohibit swimming and/or wading in the refuge canals and waterways.

9. We prohibit the taking of turtle (see § 27.21 of this chapter).

Tensas River National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of duck, coot, woodcock, and snipe on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We allow hunting of duck and coot on Tuesdays, Thursdays, Saturdays, and Sundays until 12 p.m. (noon) during the State season. We prohibit migratory bird hunting during refuge gun hunts for deer.

2. We allow refuge hunters to enter the refuge no earlier than 4 a.m., and they must leave no later than 2 hours after legal sunset unless they are participating in the refuge nighttime raccoon hunt.

3. In areas posted "Area Closed" or "No Waterfowl Hunting Zone," we prohibit hunting of migratory birds at any time. The Public Use Regulations brochure will be available at the refuge headquarters no later than August.

4. We allow shotguns equipped with a single-piece magazine plug that allows the gun to hold no more than two shells in the magazine and one in the chamber. We prohibit target practicing or shooting to unload modern firearms on the refuge at any time. Shotgun hunters must possess only an approved nontoxic shot when hunting migratory birds (see § 32.2(k)). Persons possessing, transporting, or carrying firearms on national wildlife refuges must comply with all provisions of State and local law. Persons may only use (discharge) firearms in accordance with refuge regulations (see § 27.42 and specific refuge regulations in part 32).

5. We prohibit permanent or pit blinds on the refuge. You must remove all blind materials and decoys by 1 p.m. daily.

6. We allow nonmotorized boats, electric motors, and boats with motors 10 hp or less in refuge lakes, streams, and bayous. Boaters must follow State boating regulations, including those for navigation lights. We prohibit boat storage on the refuge. Hunters/anglers must remove boats daily (see § 27.93 of this chapter).

7. We prohibit possession or distribution of bait while in the field and hunting with the aid of bait, including any grain, salt, minerals, or any nonnaturally occurring food attractant while on the refuge at any time (see § 32.2(h)).

8. We allow all-terrain vehicle (ATV) travel on designated trails for access typically from September 15 to the last day of the refuge squirrel season. We open designated trails from 4 a.m. to no later than 2 hours after legal sunset unless otherwise specified. We define an ATV as an off-road vehicle (not legal for highway use) with factory specifications not to exceed the following: Weight 750 pounds (337.5 kg), length 85 inches (212.5 cm), and width 48 inches (120 cm). We restrict ATV tires to those no larger than 25 inches (62.5 cm) x 12 inches (30 cm) with a 1-inch (2.5 cm) lug height and maximum allowable tire pressure of 7 psi. We require a permanently affixed refuge ATV permit that hunters may obtain from the refuge headquarters, typically in July. Hunters/anglers using the refuge physically challenged all-terrain trails must possess the State's Physically Challenged Program Hunter Permit or be age 60 or older. Additional physically challenged access information will be available at the refuge headquarters.

9. While visiting the refuge, we prohibit: use of artificial light to locate wildlife (see § 27.73 of this chapter), littering (see § 27.94 of this chapter), fires (see § 27.95 of this chapter), trapping, man-drives for game, use or possession of alcoholic beverages while hunting (see §§ 32.2(j) and 27.81 of this chapter), flagging, engineers tape, paint, unleashed pets (see § 26.21(b) of this chapter), and parking/blocking trail and gate entrances (see § 27.31(h) of this chapter). We also prohibit hunting or shooting within 150 feet (45 m) of a designated public road, maintained road, trail, fire breaks, dwellings, and above-ground oil and gas production facilities. We define a maintained road or trail as one which has been mowed, disked, or plowed.

10. We prohibit field dressing of game within 150 feet (45 m) of parking areas, maintained roads, and trails.

11. An adult at least age 21 must supervise youth hunters under age 16 during all hunts. One adult may supervise two youths during small game and migratory bird hunts but may supervise only one youth during big game hunts. Youth must remain within normal voice contact of the adult who is supervising them. Parents or adult guardians are responsible for ensuring that hunters under age 16 do not engage in conduct that would constitute violation of refuge regulations.

B. Upland Game Hunting. We allow hunting of raccoon, squirrel, and rabbit on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We allow nighttime raccoon hunting beginning typically the fourth Saturday in December and typically ending the fourth Sunday in January. We allow raccoon hunters to hunt from legal sunset to legal sunrise with the aid of dogs, horses, mules, and use of lights. We allow such use of lights on the refuge only at the point of kill. We prohibit all other use of lights for hunting on the refuge. Hunt dates will be available at refuge headquarters typically in July. We prohibit ATVs during the raccoon hunt. Hunters must attempt to take treed raccoons.

2. We allow squirrel and rabbit hunting with and without dogs. We will allow hunting without dogs from the beginning of the State season to a date typically ending the day before the refuge deer primitive firearms hunt. We do not require hunters to wear hunter orange during the squirrel and rabbit season without dogs. Squirrel and rabbit hunting with or without dogs will begin typically the second Monday in December and will conclude January 31. We require a minimum of a solid-hunter-orange cap during the squirrel season with or without dogs. We allow no more than three dogs per hunting party.

3. We close squirrel and rabbit hunting during the following gun hunts for deer: refuge-wide youth hunt, primitive firearms hunt, and modern firearms hunt.

4. In areas posted "Area Closed" and "No Hunting Zone," we prohibit upland game hunting at any time.

5. When hunting we allow .22 caliber and smaller rimfire weapons and shotguns equipped with a single-piece magazine plug that allows the shotgun to hold no more than two shells in the magazine and one in the chamber. We prohibit target practicing or shooting to unload modern firearms on the refuge at any time. Shotgun hunters must possess only an approved nontoxic shot when hunting upland game (see § 32.2(k)).

Persons possessing, transporting, or carrying firearms on national wildlife refuges must comply with all provisions of State and local law. Persons may only use (discharge) firearms in accordance with refuge regulations (see § 27.42 and specific refuge regulations in part 32).

6. Conditions A2, A6, A7, A8, A9, A10, and A11 apply.

C. Big Game Hunting. We allow hunting of white-tailed deer and turkey on designated areas of refuges in accordance with State regulations subject to the following conditions:

1. Deer archery season will begin the first Saturday in November and will conclude on January 31. We prohibit archery hunting during the following refuge-wide deer hunts: youth gun hunt and modern firearms hunts. We prohibit possession of pods, drug-tipped arrows, or other chemical substances.

2. The deer primitive firearms season will occur between November 1 and January 31. Legal primitive firearms for primitive season include:

i. Rifles, .44 caliber minimum, all of which must load exclusively from the muzzle or cap and ball cylinder; use of black powder or approved substitute only; use of ball or bullet projectile only, including saboted bullets, including muzzleloaders known as "in line" muzzleloaders; and

ii. Single-shot, breech-loading rifles, .38 caliber or larger of a kind or type manufactured prior to 1900 and relics, reproductions, or reintroductions of that type of rifle having an exposed hammer that use metallic cartridges loaded with black powder or modern smokeless powder.

3. During the deer primitive firearms season, hunters may fit any legal primitive firearms with magnified scopes. We will allow hunters using primitive weapons described as muzzleloader (including in-line) (see 2.i.) to hunt reforested areas. We will prohibit hunters using primitive weapons described in 2.ii. to hunt in reforested areas.

4. We will conduct two quota-modern-firearms hunts for deer typically in the months of November and/or December. Hunt dates and permit application (Quota Deer Hunt Application FWS Form 3–2354) procedures will be available at refuge headquarters no later than August. We restrict hunters using a primitive firearm during this hunt access to areas where we allow modern firearms. We prohibit hunting and/or shooting into or across any reforested area during the quota hunt for deer. We require a quota hunt permit for these hunts.

5. We will conduct guided quota youth deer hunts and guided quota deer hunts for the wheelchair-bound in the Greenlea Bend area typically in December and January. Hunt dates and permit application procedures will be available at the refuge headquarters typically in July. For this specific hunt, we consider youth to be ages 8 through 15.

6. We will conduct a refuge-wide youth deer hunt. Hunt dates will be available at refuge headquarters typically in July. An adult at least age 21 must supervise youth hunters under age 16 during all hunts. One adult may supervise two youths during small game and migratory bird hunts but may supervise only one youth during big game hunts. Youth must remain within normal voice contact of the adult who is supervising them. Parents or adult guardians are responsible for ensuring that hunters under age 16 do not engage in conduct that would constitute violation of refuge regulations.

7. Hunters may take only one deer (one buck or one doe) per day during refuge deer hunts except during guided youth and wheelchair-bound hunts where the limit will be one antlerless and one antlered deer per day.

8. We allow turkey hunting the first 16 days of the State turkey season. We will conduct a youth turkey hunt the Saturday and Sunday before the regular State turkey season. Hunters may harvest two bearded turkeys per season. We allow the use and possession of lead shot while turkey hunting on the refuge (see § 32.2(k)). We allow use of nonmotorized bicycles on designated all-terrain vehicle trails. Although you may hunt turkey without displaying a solid-hunter-orange cap or vest during your turkey hunt, we do recommend its use.

9. Conditions A2, A6, A7, A8, A9, and A10 apply.

10. In areas posted "Area Closed" or "No Hunting Zone," we prohibit big game hunting at any time. We close "Closed Areas" (designated on the Public Use Regulations brochure map) to all hunts. We prohibit shooting into or across any closed area with a gun or archery equipment.

11. We prohibit any hunter from using climbing spikes or to hunt from a tree that contains screw-in steps, nails, screw-in umbrellas, or any metal objects that could damage trees (see § 32.2(i)).

12. We allow muzzleloader hunters to discharge their primitive firearms at the end of each hunt safely into the ground at least 150 feet (135 m) from any designated public road, maintained road, trail, fire break, dwelling, or above-ground oil and gas production facility. We define a maintained road or trail as one that has been mowed, disked, or plowed, or one that is free of trees.

13. We prohibit deer hunters leaving deer stands unattended before the opening day of the refuge archery season. Hunters must remove stands by the end of the last day of the refuge archery season (see § 27.93 of this chapter). Hunters must clearly mark stands left unattended on the refuge with the name and address of the stand owner. Hunters must remove portable stands from trees daily and place freestanding stands in a nonhunting position when unattended.

14. We require deer hunters using primitive firearms or modern firearms to display a solid-hunter-orange cap on their head and a solid-hunter-orange vest over their outermost garment covering their chest and back. Hunters must display the solid-hunter-orange items the entire time while in the field.

15. We require primitive firearms and modern firearms hunters using ground blinds to display outside of the blind 400 square inches (2,600 cm^2) of hunter orange, which is visible from all sides of the blind. Hunters must wear orange vests and hats as their outermost garments while inside the blind.

16. We allow hunting with slugs, rifle, or pistol ammunition larger than .22 caliber rimfire only during the quota hunts for deer. We prohibit use of buckshot when hunting. Persons possessing, transporting, or carrying firearms on national wildlife refuges must comply with all provisions of State and local law. Persons may only use (discharge) firearms in accordance with refuge regulations (see § 27.42 and specific refuge regulations in § 32).

17. We require that hunters tag all deer and turkey per State tagging requirements.

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We allow anglers to enter the refuge no earlier than 4 a.m., and they must depart no later than 2 hours after legal sunset.

2. In areas open to fishing, State creel limits and regulations apply.

3. We prohibit the taking of turtle (see § 27.21 of this chapter).

4. Conditions A6, A7, and A9 apply.

5. We prohibit fish cleaning within 150 feet (45 m) of parking areas, maintained roads, and trails.

Upper Ouachita National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of waterfowl (duck, goose, coot, gallinule, rail, snipe), woodcock, and dove on designated

areas of the refuge as indicated in the refuge brochure in accordance with State regulations subject to the following conditions:

1. Hunters must possess and carry a signed refuge permit (signed refuge brochure).

2. We allow waterfowl hunting on designated areas as indicated in the refuge brochure.

3. We allow woodcock hunting on designated areas as indicated in the refuge brochure.

4. We allow dove hunting during the first 3 days of the State season on designated areas as indicated in the refuge brochure.

* * * * *

11. An adult at least age 21 must supervise youth hunters under age 16 during all hunts. One adult may supervise two youths during small game and migratory bird hunts but may supervise only one youth during big game hunts. Youth must remain within normal voice contact of the adult who is supervising them. Parents or adult guardians are responsible for ensuring that hunters under age 16 do not engage in conduct that would constitute a violation of refuge regulations.

* * * * *

B. Upland Game Hunting. We allow hunting of quail, squirrel, rabbit, raccoon, beaver, coyote, and opossum on designated areas of the refuge as indicated in the refuge brochure in accordance with State regulations subject to the following conditions:

* * * * *

2. We allow hunting in designated areas only.

3. We prohibit taking small game with firearms larger than .22 caliber rimfire, shotgun slugs, and buckshot.

* * * * *

C. Big Game Hunting. * * *

1. Conditions A1, A8, A9, A11, A12 (to hunt big game), and B7 apply.

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3. We allow deer and feral hog hunting on designated area as indicated in the refuge brochure.

* * * * *

8. An adult at least age 21 must supervise youth hunters age 16 and under during all hunts. One adult may supervise two youths during small game and migratory bird hunts but only one youth during big game hunts. Youth must remain within normal voice contact of the adult who is supervising them. Parents or adult guardians are responsible for ensuring that hunters under age 16 do not engage in conduct that would constitute a violation of refuge regulations.

* * * * *

D. Sport Fishing. We allow fishing on designated areas of the refuge as indicated in the refuge brochure in accordance with State regulations subject to the following conditions:

* * * * *

4. You must tend trotlines and yo-yos daily. You must attach ends of trotlines by a length of cotton line that extends into the water.

* * * * *

7. We prohibit launching boats from areas other than designated boat launches within the Mollicy unit.

8. We prohibit the possession of juglines, limblines, and snag hooks.

■ 14. Amend § 32.39 Maryland by:

■ a. Revising Blackwater National Wildlife Refuge;

■ b. Revising paragraphs C. and D. of Eastern Neck National Wildlife Refuge; and

■ c. Revising paragraphs A.9. through A.12., B., C.1., C.2., C.4. through C.6., C.8., C.9., C.13. through C.15., and D. of Patuxent Research Refuge to read as follows:

§ 32.39 Maryland.

* * * * *

Blackwater National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of goose and duck on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We require you to submit a Waterfowl Lottery Application (FWS Form 3–2355) to be selected to hunt waterfowl. If you are selected, we require you to then obtain a permit (name/address/signature required). Hunting brochures containing hunting application procedures, seasons, bag limits, methods of hunting, maps depicting areas open to hunting, and the terms and conditions under which we issue hunting permits are available at the refuge administration office and on the refuge's Web site.

2. We require you to abide by the terms and conditions of the refuge permit and brochure. Hunters may have their permits revoked if they are found to be in violation of § 32.2 or other Federal and State laws.

3. We allow only hunters possessing a permit issued by the refuge to hunt during designated days.

4. Except in accordance with condition A5, we require hunters to possess a valid Maryland hunting license and all required stamps, a valid government-issued photo identification, and a valid hunting permit issued by the refuge at all times while on refuge property.

5. We require hunters accompanying a permit holder as part of a hunt party to possess a valid Maryland hunting license and all required stamps, and a valid government-issued photo identification at all times while on refuge property.

6. You must remove all hunting blind materials and decoys (see § 27.93 of this chapter) at the end of each hunting day.

7. We allow hunters to access hunting areas only by boat, unless otherwise authorized by the refuge manager.

8. We prohibit the use of all-terrain vehicles (ATVs) or amphibious vehicles of any type.

9. We prohibit the use of air boats on the refuge.

10. We encourage hunters to use trained dogs to retrieve game on designated waterfowl hunt days at designated blind areas. We require that hunters confine dogs not engaged in retrieving waterfowl to a vehicle, boat, kennel, blind area, or other container.

11. We require all hunters to remain within 50 yards (55 m) of the designated hunt site while hunting.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow the hunting of white-tailed and sika deer and turkey on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We require you to submit a Big/Upland Game Hunt Application (FWS Form 3–2356) and/or a Quota Deer Hunt Application (FWS Form 3–2354) to be selected to hunt on the refuge. If you are selected, we require you to then obtain a permit (name/address/signature required). Hunting brochures containing hunting application procedures, seasons, bag limits, methods of hunting, maps depicting areas open to hunting, and the terms and conditions under which we issue hunting permits are available at the refuge administration office and on the refuge's Web Site.

2. We allow only hunters possessing a permit issued by the refuge to hunt/scout during designated days.

3. We require hunters to possess a valid Maryland hunting license and all required stamps, a valid government-issued photo identification, and a valid hunting permit issued by the refuge at all times while on refuge property.

4. We require hunters to notify a refuge representative if they need to enter a closed area to retrieve game.

5. We prohibit the use of rimfire or centerfire rifles and handguns for hunting.

6. We prohibit the use of boats, ATVs, motorized off-road vehicles, and amphibious vehicles to access the refuge

unless authorized by the refuge manager for use by disabled hunters.

7. We require hunters participating during muzzleloader and shotgun hunts to wear a minimum of 400 square inches (2,600 cm^2) of solid-colored-daylight-fluorescent-orange clothing on their head, chest, and back. We require hunters to wear an orange hat at all times.

8. We require the use of a temporary tree stand that elevates you a minimum of 8 feet (240 cm) above the ground for hunting in designated areas.

9. We prohibit screw-in steps, spikes, or other objects that may damage trees (see § 32.2(i)).

10. We prohibit hunting from a permanently constructed tree stand or blind.

11. We require you to remove all stands and blinds within 24 hours of legal sunset of the final hunting day of the season. We are not responsible for damage, theft, or use of the stand by other hunters (see § 27.93 of this chapter).

12. We prohibit organized deer drives, unless otherwise authorized by the refuge manager.

13. Hunters may use marking devices, including flagging or tape, but they must remove them within 24 hours of legal sunset of the final hunting day of the season (see § 27.93 of this chapter).

14. We require all disabled hunters to provide certification of their disability.

15. Disabled persons may have an assistant during the hunt on designated areas of the refuge. Persons assisting disabled hunters must be at least age 18 and obey all refuge, State, and Federal laws and regulations. Persons assisting disabled hunters must not be afield with a hunting firearm, bow, or other hunting device.

16. Hunters may use bicycles to access hunt areas on designated hunt/scout days. We prohibit hunters taking bicycles off of designated roads and trails while on refuge lands.

17. We require that you abide by the terms and conditions of the refuge permit and brochure. Hunters may have their permits revoked if we find them to be in violation of § 32.2 or other Federal and State laws.

D. Sport Fishing. We allow fishing and crabbing on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We allow fishing and crabbing only from April 1 through September 30 during daylight hours in refuge waters, unless otherwise authorized by the refuge manager.

2. We allow fishing and crabbing from boats and from the Key Wallace roadway (bridge) across the Little Blackwater River, unless otherwise authorized by the refuge manager.

3. We require you to possess a valid Maryland sport fishing license, all required stamps, and a valid, government-issued photo identification while fishing on the refuge. We do not require a refuge permit to fish on the refuge.

4. We require anglers to attend all fish and crab lines.

5. We prohibit boat launching from refuge lands except for canoes/kayaks at the canoe/kayak ramp located near the Blackwater River Bridge on Route 335.

6. We prohibit the use of airboats on refuge waters.

Eastern Neck National Wildlife Refuge

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C. Big Game Hunting. We allow hunting of white-tailed deer and turkey on designated areas of the refuge in accordance with State hunting regulations subject to the following conditions:

1. We require hunters to submit a Big Game Hunt Application (FWS Form 3–2356) to be selected to hunt on the refuge. We require you to obtain a permit (name/address/signature required). Hunting brochures containing hunting application procedures, seasons, bag limits, methods of hunting, maps depicting areas open to hunting, and the terms and conditions under which we issue hunting permits are available at the refuge administration office and on the refuge's Web site.

2. We allow only hunters possessing a permit issued by the refuge to hunt/scout during designated days.

3. We require hunters to possess a valid Maryland hunting license and all required stamps, a valid government-issued photo identification, and a valid hunting permit issued by the refuge at all times while on refuge property.

4. We require hunters to notify a refuge representative if they need to enter a closed area to retrieve game.

5. We prohibit the use of rimfire or centerfire rifles and handguns for hunting.

6. We prohibit the use of boats, ATVs, motorized off-road vehicles, and amphibious vehicles to access the refuge, unless authorized by the refuge manager for use by disabled hunters.

7. We require a minimum of 400 square inches (2,600 cm^2) of solid-colored-daylight-fluorescent-orange clothing to be worn on the head, chest, and back of all hunters participating during muzzleloader and shotgun hunts. We require you to wear an orange hat at all times.

8. We prohibit screw-in steps, spikes, or other objects that may damage trees (see § 32.2(i)).

9. We prohibit hunting from a permanently constructed tree stand or blind.

10. We require you to remove all stands and blinds within 24 hours of legal sunset of the final hunting day of the season. We are not responsible for damage, theft, or use of the stand by other hunters (see § 27.93 of this chapter).

11. We allow use of marking devices, including flagging or tape, but hunters must remove them within 24 hours of legal sunset of the final hunting day of the season (see § 27.93 of this chapter). We prohibit paint or any other permanent marker to mark trails.

12. We require all disabled hunters to provide certification of their disability.

13. Disabled persons may have an assistant during the hunt on designated areas of the refuge. Persons assisting disabled hunters must be at least age 18 and obey all refuge, State, and Federal laws and regulations. Persons assisting disabled hunters must not be afield with a hunting firearm, bow, or other hunting device.

14. We require that you abide by the terms and conditions of the refuge permit and brochure. Hunters may have their permits revoked if we find them to be in violation of § 32.2 or other Federal and State laws.

15. We allow parking only in designated parking areas.

16. We prohibit hunting in the No Hunting Zones.

D. Sport Fishing. We allow fishing and crabbing in designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We allow fishing and crabbing from Eastern Neck Island bridge and from the boardwalk adjacent to that bridge.

2. We allow fishing and crabbing at the Ingleside Recreation Area only from April 1 through September 30 during daylight hours.

3. We allow fishing from the Boxes Point and Duck Inn Trails only during daylight hours.

4. We require you to possess a valid Maryland sport fishing license and all required stamps and a valid government-issued photo identification while fishing on the refuge. We do not require a refuge permit to fish on the refuge.

Patuxent Research Refuge

A. Migratory Game Bird Hunting.

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9. We prohibit hunting on or across any road (paved, gravel, dirt, opened, and/or closed), within 50 yards (45 m) of a road (paved, gravel, dirt, opened and/or closed), within 150 yards (135 m) of any building or shed, and within 25 yards (22.5 m) from any designated "No Hunting" or "Safety Zone" areas, except:

i. You may hunt only from the road 50 yards (135 m) beyond the gate at Blue Heron Pond.

ii. You may hunt from the road 50 yards (135 m) beyond the barricade at Wood Duck Pond.

iii. You may hunt from any refuge permanent photo/hunt blind.

iv. You may hunt from the roadside, at designated areas, if you possess a Maryland State "Hunt from a Vehicle Permit."

v. You may hunt waterfowl from the roadside at the five designated hunting blind sites at Lake Allen.

vi. You may hunt waterfowl from the roadside in the designated posted portion, 77 yards (69 m), of Wildlife Loop at Bailey Marsh.

10. You must wear fluorescent orange in accordance with State regulations subject to the additional following conditions:

i. Your fluorescent orange must be visible 360 degrees while carrying-in and carrying-out equipment (*e.g.,* portable blinds).

ii. "Jump shooters" must wear at least a solid-colored, fluorescent-hunter-orange cap while hunting. If you stop and stand, you may remove it.

11. We allow the taking of only Canada goose during the early and late resident Canada goose seasons. Resident Canada goose hunters may hunt on Range 1 and Lake Allen in Area "D" during the early resident season Monday through Thursday, from ½ hour before legal sunrise to 12 p.m. (noon). We will open areas D, E, F, and G Monday through Thursday from ½ hour before legal sunrise until 8 a.m. On Fridays and Saturdays, we will open Areas D, E, F, and G all day.

12. We prohibit goose, duck, and dove hunting during the early deer muzzleloader season, youth deer firearms hunts, and deer firearms seasons. However, Blue Heron Pond, Lake Allen, and Area Z will remain open for ducks during the early muzzleloader season and for Junior Duck hunters during the Junior Waterfowl hunt day. Hunters may harvest these species during the late muzzleloader season.

* * * * *

B. Upland Game Hunting. We allow hunting of turkey, gray squirrel, eastern cottontail rabbit, and woodchuck on the North Tract and turkey on the Central Tract in accordance with State regulations subject to the following conditions:

1. Conditions A1 through A9 apply.

2. Hunters may possess only approved nontoxic shot while in the field (see § 32.2(k)).

3. We prohibit hunting of upland game during the deer muzzleloader and firearms seasons, including the youth deer firearms hunts.

4. Hunters must wear fluorescent orange in accordance with State regulations.

5. We restrict spring turkey hunters to shotguns loaded with #4, #5, or #6 nontoxic shot, crossbows, or vertical bows.

6. We select turkey hunters by a computerized lottery for youth, disabled, mobility impaired, and general public hunts. We require documentation for disabled and mobility-impaired hunters.

7. We require turkey hunters to show proof they have attended a turkey clinic sponsored by the National Turkey Federation.

8. We require turkey hunters to pattern their weapons prior to hunting. Contact refuge headquarters for more information.

9. We prohibit the use of dogs to hunt upland game.

C. Big Game Hunting. * * *

1. Conditions A1 through A9 apply.

2. Prior to issuing hunting permit, we require you to pass a yearly proficiency test with each weapon used. See A1 for issuing information.

* * * * *

4. We require hunters to secure longbows, recurve bows, compound bows, and crossbows, with weapons inaccessible, and/or cased, with no arrows nocked, while inside the vehicle.

5. We prohibit possession or use of buckshot for hunting.

6. You must wear fluorescent orange in accordance with State regulations subject to the additional following conditions:

i. Your fluorescent orange must be visible 360 degrees while carrying-in and carrying-out equipment (*e.g.,* portable tree stands).

ii. We require bow hunters to wear 250 square inches (1,625 cm^2) of solid-fluorescent orange when walking from their vehicle to their hunting location and while tracking.

iii. We require bow hunters hunting during the North Tract youth deer firearms hunts to wear 250 square inches of solid-fluorescent orange.

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8. All deer harvested will have a jaw extracted at the hunter check station before leaving the refuge.

9. We allow the use of portable tree stands with full-body safety harnesses on the refuge. Hunters must use portable tree stands and at minimum of 10 feet (3 m) off the ground at Schafer Farm, Central Tract, and South Tract. Hunters must remove all tree stands when not in use (see § 27.93 of this chapter). We will make limited accommodations for disabled hunters for Central Tract lottery hunts. We allow ground blinds only at North Tract.

* * * * *

13. North Tract: We allow shotgun, muzzleloader, and bow hunting in accordance with the following regulations: Conditions C1 through C12 apply.

14. Central Tract:

i. Headquarters/MR Lottery Hunt: We allow only shotgun and bow hunting in accordance with the following regulations:

a. Conditions C1, C2, and C4 through C12 apply.

b. We select Central Tract shotgun and bow hunters by a computerized lottery. We will assign you a specific hunting location.

ii. Schafer Farm Hunt: We allow bow hunting only in accordance with the following regulations: Conditions C1, C2, and C4 through C12 apply.

15. South Tract: We allow shotgun, muzzleloader, and bow hunting in accordance with the following regulations:

i. Conditions C1 through C12 apply.

ii. You must access South Tract hunting areas A, B, and C off Springfield Road through the Old Beltsville Airport; and South Tract hunting area D from MD Rt. 197 through Gate #4. You must park in designated parking areas.

iii. We prohibit driving or parking along the entrance and exit roads to and from the National Wildlife Visitor Center, and parking in the visitor center parking lot when checked in to hunt any area.

D. Sport Fishing. We allow sport fishing in accordance with State hook and line fishing regulations subject to the following conditions:

1. We require all anglers, age 16 and older, to obtain a free Fishing Application (FWS Form 3–2358) as well as a Maryland State fishing license, which they must carry with them at all times while fishing.

2. We require anglers age 17 or younger to have a parent or guardian cosign to receive a fishing permit.

3. An adult age 21 or older possessing a fishing permit must accompany

anglers age 17 or younger. They must maintain visual contact with each other within a 50-yard (45-m) distance.

4. We publish the Refuge Fishing Regulations, which include the daily and yearly creel limits and fishing dates, in early January. We provide a copy of the regulations with your free refuge fishing permit, and we require you to know the specific fishing regulations.

5. Anglers must carry a copy of their refuge fishing permit and their Maryland State fishing license in the field.

6. Anglers must display a fishing pass (received once they fill out the Fishing Application) in their vehicle windshield.

7. We prohibit the use and/or possession of lead sinkers.

8. We prohibit the use or possession of alcoholic beverages (see § 27.81 of this chapter).

9. We prohibit the following activities: Swimming, sunbathing, littering, camping, campfires, picnicking, and disturbance to or removal of vegetation or wildlife (see § 27.51 of this chapter).

10. We require anglers to keep all pets on a leash no longer than 10 feet (3 m) (see § 26.21(b) of this chapter). We prohibit pets from being in any refuge waterways.

11. Anglers may take three youths, age 15 or younger, to fish under the adult's permit and in the presence and control of the adult. They must maintain visual contact with each other within a 50-yard (45-m) distance.

12. Organized groups need a Fishing Application (FWS Form 3–2358). The group leader must carry a copy of the application/pass and stay with the group at all times while fishing.

13. We allow the use of earthworms as the only source of live bait. We prohibit bloodworms, fish, or other animals or parts of animals to be used as bait.

14. We prohibit harvesting bait on the refuge.

15. Anglers must attend all fishing lines.

16. Anglers may take the following species: Chain pickerel, catfish, golden shiner, eel, and sunfish (includes bluegill, black crappie, warmouth, and pumpkinseed). Maryland State daily harvest limits apply unless otherwise noted.

i. All bluegill taken must be 6 inches (15 cm) or larger.

ii. We allow take of one chain pickerel per day.

iii. Anglers must release all bass that they catch.

17. We prohibit fishing from all bridges except the downstream side of Bailey Bridge.

18. North Tract: We allow sport fishing in accordance with the following regulations:

i. Conditions D1 through D17 apply.

ii. We allow sport fishing year-round at Lake Allen, Rieve's Pond, New Marsh, Cattail Pond, and Little Patuxent River (downstream only from Bailey's Bridge) except Mondays through Saturdays from September 1 through January 31 during the hunting season. We also reserve the right to close Lake Allen at any time.

iii. We allow wading, for fishing purposes only, downstream from Bailey Bridge on the Little Patuxent River. We prohibit wading in all other bodies of water.

iv. We prohibit the use of any type of watercraft.

19. South Tract: We allow sport fishing in accordance with the following regulations:

i. Conditions D1 through D16 apply.

ii. Anglers must park their vehicles in the parking lot located behind Refuge Gate #8 off MD Rt. 197. Anglers may not access Cash Lake from the National Wildlife Visitor Center.

iii. We allow sport fishing at the pier and designated shorelines at Cash Lake. See Refuge Fishing Regulations for areas opened to fishing. We post other areas with, "No fishing beyond this point" signs.

iv. Anglers may fish from mid-June until mid-October, as posted.

v. We allow fishing between the hours of 6 a.m. and 8 p.m. June through August and between 7 a.m. and 6:30 p.m. in September and October.

vi. We prohibit the use of the public trails near Cash Lake after 4:30 p.m.

vii. Anglers may use watercraft for fishing in accordance with Maryland State boating laws subject to the additional following conditions:

a. You may use car-top boats that are 14 feet (4.2m) or less, canoes, kayaks, and inflatable boats.

b. You may use only electric motors that are 4 hp or less.

c. We prohibit sailboats.

d. Maryland State law requires personal flotation devices in boats.

viii. We prohibit boat trailers except by individuals possessing a refuge handicapped permit.

■ 15. Amend § 32.41 Michigan by:

■ a. Revising paragraph C. of Harbor Island National Wildlife Refuge;

■ b. Adding Michigan Wetland Management District in alphabetical order; and

■ c. Revising paragraph A., adding paragraph B.3., and revising paragraphs C., and D. of Seney National Wildlife Refuge.

The revisions and additions read as follows:

§ 32.41 Michigan.

* * * * *

Harbor Island National Wildlife Refuge

* * * * *

C. Big Game Hunting. We allow hunting of white-tailed deer and black bear in accordance with State regulations.

* * * * *

Michigan Wetland Management District

A. Migratory Game Bird Hunting. We allow hunting of migratory game birds throughout the district in accordance with State regulations subject to the following conditions:

1. We prohibit the use of motorized boats, motorized vehicles, ATVs, horses, and bicycles except in designated parking areas.

2. Hunters must remove boats, decoys, blinds, and blind materials at the end of each day.

3. We allow the use of hunting dogs, provided the dog is under the immediate control of the hunter at all times during the State-approved hunting season.

4. We prohibit camping.

B. Upland Game Hunting. We allow hunting of upland game in accordance with State regulations subject to the following conditions: Conditions A1, A3, and A4 apply.

C. Big Game Hunting. We allow the hunting of big game throughout the district in accordance with State regulations subject to the following conditions: Conditions A1 and A4 apply.

D. Sport Fishing. We allow fishing throughout the district in accordance with State regulations subject to the following conditions: Conditions A1 and A4 apply.

Seney National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of woodcock and snipe on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Shotgun hunters may possess only approved nontoxic shot while in the field (see § 32.2(k)).

2. We prohibit the use of ATVs and snowmobiles.

3. We prohibit baiting and the possession of bait while on the refuge (see § 32.2(h)).

4. We allow the use of hunting dogs, provided the dog is under the immediate control of the hunter at all times during the State-approved hunting season (see § 26.21(b) of this chapter).

B. Upland Game Hunting. * * *

* * * * *

3. Conditions A1 through A4 apply.

C. Big Game Hunting. We allow the hunting of deer and bear on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A2 and A3 apply.

2. We prohibit the use of dogs while deer or bear hunting.

D. Sport Fishing. We allow fishing on designated areas of the refuge subject to the following conditions:

1. We prohibit the use of fishing weights or lures containing lead.

2. We allow ice fishing from January 1 through the end of February.

3. Anglers must remove ice fishing shelters and all other personal property from the refuge each day (see § 27.93 of this chapter).

4. Condition A2 applies.

5. We allow fishing on designated refuge pools and the Creighton, Driggs, and Manistique Rivers from May 15 through September 30.

6. We prohibit boats and flotation devices on the refuge pools.

7. We prohibit motorized boats on the Creighton and Driggs Rivers.

8. We allow fishing only during daylight hours.

* * * * *

■ 16. Amend § 32.42 Minnesota by:

■ a. Revising the introductory text of paragraph A., revising paragraph B., and revising the introductory text of paragraphs C. and D. of Fergus Falls Wetland Management District; and

■ b. Revising the introductory text of paragraph A., revising paragraphs A.1., A.3., and A.6., removing paragraph A.7., revising paragraphs B. and C.1. through C.3., removing paragraph C.4., redesignating paragraphs C.5. through C.7. as paragraphs C.4. through C.6., and revising newly redesignated paragraph C.6. of Minnesota Valley National Wildlife Refuge.

The revisions read as follows:

§ 32.42 Minnesota.

* * * * *

Fergus Falls Wetland Management District

A. Migratory Game Bird Hunting. We allow hunting of migratory game birds throughout the district (except that we allow no hunting on the Townsend, Mavis, and Gilmore Waterfowl Production Areas [WPA] and the building and administrative area of Knollwood WPA in Otter Tail County, and Larson WPA in Douglas County) in accordance with State regulations subject to the following conditions:

* * * * *

B. Upland Game Hunting. We allow upland game hunting throughout the district (except that we prohibit hunting on the Townsend, Mavis, and Gilmore Waterfowl Production Areas [WPA] and the building and administrative area of Knollwood WPA in Otter Tail County, and Larson WPA in Douglas County) in accordance with State regulations subject to the following conditions: Conditions A3 and A6 apply.

C. Big Game Hunting. We allow big game hunting throughout the district (except that we prohibit hunting on the Townsend, Mavis, and Gilmore Waterfowl Production Areas [WPA] and the building and administrative area of Knollwood WPA in Otter Tail County, and Larson WPA in Douglas County) in accordance with State regulations subject to the following conditions:

* * * * *

D. Sport Fishing. We allow sport fishing throughout the district (except that we prohibit fishing on the Townsend, Mavis, and Gilmore Waterfowl Production Areas [WPA] and the building and administrative area of Knollwood WPA in Otter Tail County, and Larson WPA in Douglas County) in accordance with State regulations subject to the following conditions:

* * * * *

Minnesota Valley National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow the hunting of goose, duck, merganser, moorhen, coot, rail, woodcock, common snipe, and mourning dove on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We require refuge-specific authorization for special hunts.

* * * * *

3. We prohibit hunting on, from, across, or within 100 feet (30 m) of any service road, parking area, or designated trail.

* * * * *

6. We prohibit entry into the refuge earlier than 2 hours before legal shooting time and require hunters to leave the refuge no later than 1 hour after legal shooting time.

B. Upland Game Hunting. We allow hunting of ruffed grouse, gray partridge, ring-necked pheasant, gray and fox squirrel, snowshoe hare, cottontail rabbit, jackrabbit, and wild turkey on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A1 and A3 through A6 apply.

2. Hunters may use only shotguns and bows and arrows.

3. When hunting we prohibit the use of single projectile ammunition.

4. We allow turkey hunters to use shot containing lead.

C. Big Game Hunting. * * *

1. Conditions A1, A3, and A6 apply.

2. Hunters must remove all personal property, which include portable stands, climbing sticks, decoys, and blinds, brought onto the refuge each day (see § 27.93 of this chapter).

3. We prohibit the use of handguns for hunting.

* * * * *

6. Condition A6 applies.

* * * * *

■ 17. Amend § 32.43 Mississippi by:

■ a. Adding paragraph B.8., revising the introductory text of paragraph C., and revising paragraphs C.1., C.3., C.5., and C.8. of Hillside National Wildlife Refuge;

■ b. Adding paragraph B.15., revising the introductory text of paragraph C., and revising paragraphs C.1., C.3., C.5., and C.8. of Holt Collier National Wildlife Refuge;

■ c. Adding paragraph B.7., revising the introductory text of paragraph C., and revising paragraphs C.1., C.4., and C.6. of Mathews Brake National Wildlife Refuge;

■ d. Removing paragraph B.5., redesignating paragraphs B.6. and B.7. as paragraphs B.5. and B.6., adding new paragraph B.7., revising the introductory text of paragraph C., and revising paragraphs C.1., C.3., C.8., and D.2. of Morgan Brake National Wildlife Refuge;

■ e. Revising paragraphs A.1., A.5., A.8., B.4., B.10., C.2., and C.3., and adding paragraphs C.9. and D.9. of Noxubee National Wildlife Refuge;

■ f. Adding paragraph B.8., revising the introductory text of paragraph C., and revising paragraphs C.1., C.5., C.7., and C.10. of Panther Swamp National Wildlife Refuge;

■ g. Revising St. Catherine Creek National Wildlife Refuge; and

■ h. Revising paragraph A.8., adding paragraph B.9., revising paragraph C.1., removing paragraph C.3., redesignating paragraphs C.4. through C.13. as paragraphs C.3. through C.12., and revising newly redesignated paragraphs C.6. and C.9. of Yazoo National Wildlife Refuge.

The revisions and additions read as follows:

§ 32.43 Mississippi.

* * * * *

Hillside National Wildlife Refuge

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B. Upland Game Hunting. * * *

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8. We prohibit hunting over or the placement of bait (see § 32.2(h)). Baiting means the direct or indirect placing, exposing, depositing, or scattering of any salt, grain, powder, liquid or other feed substance to attract game.

C. Big Game Hunting. We allow hunting of white-tailed deer, turkey, and feral hog on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A1 through A10, B5, and B8 apply.

* * * * *

3. We prohibit organized drives for deer and feral hog.

* * * * *

5. We prohibit hunting or shooting into a 100-foot (30-m) zone along either side of pipelines, power line rights-of-way, designated roads, trails, or around parking lots (see refuge brochure map). We consider you to be hunting if you occupy a stand or a blind, have a loaded hunting firearm, or have an arrow nocked in a bow.

* * * * *

8. During designated muzzleloader hunts, we allow archery equipment and muzzleloaders loaded with a single ball. While hunting, we prohibit breech-loading firearms of any type.

* * * * *

Holt Collier National Wildlife Refuge

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B. Upland Game Hunting. * * *

* * * * *

15. We prohibit hunting over or the placement of bait (see § 32.2(h)). Baiting means the direct or indirect placing, exposing, depositing, or scattering of any salt, grain, powder, liquid, or other feed substance to attract game.

C. Big Game Hunting. We allow hunting of white-tailed deer and feral hog on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions B1 through B7, B9, and B13 through B15 apply.

* * * * *

3. We prohibit organized drives for deer and feral hog.

* * * * *

5. We prohibit hunting or shooting into a 100-foot (30-m) zone along either side of pipelines, power line rights-of-way, designated roads, trails, or around parking lots (see refuge brochure map). We consider it hunting if you occupy a stand or blind, have a loaded hunting firearm, or have an arrow nocked in a bow.

* * * * *

8. During designated muzzleloader hunts, we allow archery equipment and muzzleloaders loaded with a single ball. While hunting, we prohibit breech-loading firearms of any type.

* * * * *

Mathews Brake National Wildlife Refuge

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B. Upland Game Hunting. * * *

* * * * *

7. We prohibit hunting over or the placement of bait (see § 32.2(h)). Baiting means the direct or indirect placing, exposing, depositing, or scattering of any salt, grain, powder, liquid, or other feed substance to attract game.

C. Big Game Hunting. We allow hunting of white-tailed deer and feral hog on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A1 through A9, A15, and B5 through B7 apply.

* * * * *

4. We prohibit organized drives for deer and feral hog.

* * * * *

6. We prohibit hunting or shooting into a 100-foot (30-m) zone along either side of pipelines, power line rights-of-way, designated roads, trails, or around parking lots (see refuge brochure map). We consider it hunting if you occupy a stand or blind, have a loaded hunting firearm, or have an arrow nocked in a bow.

* * * * *

Morgan Brake National Wildlife Refuge

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B. Upland Game Hunting. * * *

* * * * *

7. We prohibit hunting over or the placement of bait (see § 32.2(h)). Baiting means the direct or indirect placing, exposing, depositing, or scattering of any salt, grain, powder, liquid or other feed substance to attract game.

C. Big Game Hunting. We allow hunting of white-tailed deer and feral hog on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A1 through A7, A9, A10, and B5 through B7 apply.

* * * * *

3. We prohibit organized drives for deer and feral hog.

* * * * *

8. During designated muzzleloader hunts, we allow archery equipment and muzzleloaders loaded with a single ball. While hunting, we prohibit breech-loading firearms of any type.

* * * * *

D. Sport Fishing. * * *

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2. From November 16 to February 28, we allow fishing in refuge waters north of Providence Road except Providence Ponds, which we close from the first day of waterfowl season until March 1.

* * * * *

Noxubee National Wildlife Refuge

A. Migratory Game Bird Hunting. * * *

1. We require waterfowl hunters to sign and carry the refuge brochure signifying that they have read and understood the rules of the hunt. The brochure must be in the hunter's possession at all times while hunting on the refuge. We also conduct a waterfowl drawing. There is a $15 fee per submission (one submission per individual), and we ask prospective hunters to submit their name and address for the drawing. We will send letters to those hunters selected and deposit those hunters' money orders or checks. The drawn name will be on a list and checked off at the refuge the morning of the hunt. We allow only two companions to accompany each selected hunter. If an individual is not drawn, we will return the $15 entry fee to the unsuccessful applicant.

* * * * *

5. All youth hunters age 15 and younger must remain within sight and normal voice contact of an adult age 21 or older. One adult may supervise not more than two youth hunters.

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8. Handguns must be in compliance with State regulations.

* * * * *

B. Upland Game Hunting. * * *

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4. The refuge allows the use of dogs for hunting rabbit and squirrel. We allow use of dogs for rabbit hunting only after January 1. We allow dogs for squirrel hunting between December 16 and December 23 and after January 1.

* * * * *

10. We require hunters to sign and carry the refuge brochure signifying they have read and understood the rules of the hunt. This brochure must be in the hunter's possession at all times while hunting on the refuge.

* * * * *

C. Big Game Hunting. * * *

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2. We identify hunts and hunt dates in the refuge brochure/permit, which is available at the refuge headquarters.

3. We require hunters to sign and carry the refuge brochure signifying they have read and understood the rules of

the hunt. This brochure must be in the hunter's possession at all times while hunting on the refuge. We also charge a $15 fee to hunt white-tailed deer. Hunters must provide their name either by mail or in person at the refuge, and we will issue a numbered permit containing tags. The hunter must sign each tag and must attach one tag to game at the time of harvest.

* * * * *

9. We prohibit hanging and/or cleaning deer within the refuge's picnic area, boat ramp, parking lots, and other public use areas.

D. Sport Fishing. * * *

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9. We require anglers to obtain a refuge fishing permit brochure. The angler must sign this permit and have it in their possession at all times while fishing on the refuge.

Panther Swamp National Wildlife Refuge

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B. Upland Game Hunting. * * *

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8. We prohibit hunting over or the placement of bait (see § 32.2(h)). Baiting means the direct or indirect placing, exposing, depositing, or scattering of any salt, grain, powder, liquid, or other feed substance to attract game.

C. Big Game Hunting. We allow hunting of white-tailed deer, turkey, and feral hog on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A1 through A7, A9, A10, and B6 through B8 apply.

* * * * *

5. We prohibit organized drives for deer or feral hog.

* * * * *

7. We prohibit hunting or shooting into a 100-foot (30-m) zone along either side of pipelines, power line rights-of-way, designated roads, trails, or around parking lots (see refuge brochure map). We consider it hunting if you occupy a stand or blind, have a loaded hunting firearm, or have an arrow nocked in a bow.

* * * * *

10. During designated muzzleloader hunts, we allow archery equipment and muzzleloaders loaded with a single ball. While hunting, we prohibit breech-loading firearms of any type.

* * * * *

St. Catherine Creek National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of duck, goose, and coot during the State season in accordance with State regulations subject to the following conditions:

1. We allow hunting in Butler Lake, Salt Lake, and Gillard Lake from ½ hour before legal sunrise until 12 p.m. (noon) on Tuesdays, Thursdays, Saturdays, and Sundays.

2. If you are a hunter age 16 or older, you must possess and carry a valid, signed refuge Public Use Permit (only signature required) certifying that you understand and will comply with all regulations.

3. The refuge will close for hunting when flooding restricts safe access.

4. We restrict access to Butler Lake for waterfowl hunting only to Butler Lake Road.

5. Hunters must remove harvested waterfowl, temporary blinds and decoys (see § 27.93 of this chapter) used for duck hunting by 1 p.m. daily.

6. You may possess only approved nontoxic shot while hunting on the refuge (§ 32.2(k)).

7. You must use portable blinds.

8. Refuge users may enter the refuge no earlier than 4 a.m. and must exit the refuge by 2 hours after legal sunset.

9. All persons in all underway boats must wear U.S. Coast Guard-approved personal flotation devices.

10. You must hand-launch boats except at designated boat ramps, where you may trailer-launch them.

11. We allow all-terrain vehicles (ATVs) and utility-type vehicles (UTVs) as per State WMA regulations and size specifications on designated trails (see § 27.31 of this chapter) from September 15 through the hunting season. An ATV is an off-road vehicle with factory specifications not to exceed the following: Weight 750 pounds (337.5 kg), length 85 inches (212.5 cm), and width 48 inches (120 cm). We restrict ATV tires to those no larger than 25 inches (62.5 cm) x 12 inches (30 cm) with a maximum 1 inch (2.5 cm) lug height and a maximum allowable tire pressure of 7 psi as indicated on the tire by the manufacturer.

12. Hunters must be age 16 or older to operate an ATV on the refuge.

13. State bag limits apply.

14. We prohibit the following acts: Possession of alcohol while hunting (see § 32.2(j)); entering the refuge from private property; hunters entering the refuge from public waterways; overnight parking; parking or hunting within 150 feet (45 m) of any petroleum facility or equipment, or refuge residences and buildings; parking by hunters in refuge headquarters parking lot; and use of handguns for hunting on the refuge.

B. Upland Game Hunting. We allow hunting of squirrel, rabbit, raccoon, opossum, and woodcock in designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We only allow shotguns, .22 caliber rimfire rifles or smaller, and muzzleloading rifles under .38 caliber shooting patched round balls, except for raccoon hunting (see condition 3iv below). We prohibit the possession of .22 caliber magnum rifles, slugs, buckshot, or rifle ammunition larger than .22 rimfire.

2. You must wear a hunter-orange hat and upper garment when hunting in open fields or reforested areas.

3. We allow raccoon hunting only during the month of February from legal sunset to legal sunrise with the following conditions:

i. We require dogs.

ii. We prohibit hunting along/from Carthage-Linwood Road.

iii. We prohibit the use of boats and ATVs.

iv. You may use only .22 caliber rimfire rifles for hunting.

4. You may take beaver, nutria, coyote, and hog incidental to the hunt.

5. Conditions A2 and A6 through A14 apply.

6. We prohibit the following acts: Target practice; marking trails with tape, paper, paint, or any other artificial means; and riding horses or mules.

C. Big Game Hunting. We allow deer and lottery youth turkey hunting in accordance with State regulations subject to the following conditions:

1. We allow only still hunting.

2. Hunters may take only one deer per day. State regulations apply.

3. We require hunters to wear a minimum of 400 square inches (2,600 cm^2) of unbroken hunter orange as the outermost layer of clothing on the chest and back, and in addition, we require a hat or cap of unbroken hunter orange. You must wear the solid-hunter-orange items while in the field.

4. Youth hunters age 15 and under must possess and carry a hunter safety course card or certificate. Each youth hunter must remain within sight and normal voice contact of an adult age 21 or older.

5. We must receive all applications for the limited youth lottery draw turkey hunt by February 28 of each year.

6. Youth (ages 10 to 15) gun deer and waterfowl hunts will coincide with designated State youth hunts each year. Youth deer hunters may use any weapon deemed legal by the State except for buckshot, which we prohibit.

7. We prohibit insertion of metal objects into trees or hunting from trees that contain inserted metal objects (see § 32.2(i)).

8. We prohibit the use or possession of climbing spurs.

9. You must dismantle blinds and tripods, and you must remove stands from the tree each day. You must remove all stands, blinds, and tripods (see § 27.93 of this chapter) from the refuge before February 7 of each year.

10. You must check all deer harvested on the refuge at one of the three self-clearing, mandatory deer check stations.

11. State season bag limits apply.

12. Conditions A2, A6 through A14, B4, and B6 apply.

D. Sport Fishing. We allow fishing during daylight hours only from February 1 until the day prior to the State firearms season opening each year in accordance with State regulations subject to the following conditions:

1. We require a Public Use Permit (only signature required) for all anglers between ages 16 and 65.

2. We prohibit the use of ATVs (see § 27.31(f) of this chapter).

3. On the Sibley Unit, we prohibit motorized boats north of the Ring Levee. Anglers may hand-launch boats in Swamp Lake during nonflood conditions.

4. An adult age 21 or older must supervise youth age 15 and younger who may fish in the Kid's Pond. We prohibit adults from fishing in this pond.

5. We allow bow fishing. Bow anglers must abide by State law.

6. We allow nighttime bow fishing on the refuge but only through a Special Use Permit (FWS Form 3–1383) issued by the refuge manager.

7. We prohibit the following acts: Crawfishing and commercial fishing or possession of trotline equipment including limb lines, nets, traps, yo-yos, or jugs.

8. Conditions A10, A11, and A14 apply.

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Yazoo National Wildlife Refuge

A. Migratory Game Bird Hunting. * * *

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8. We are open for hunting within specific dates and areas during the State season except during limited draw deer hunts.

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B. Upland Game Hunting. * * *

* * * * *

9. We prohibit hunting over or the placement of bait (see § 32.2(h)). Baiting means the direct or indirect placing, exposing, depositing, or scattering of any salt, grain, powder, liquid, or other feed substance to attract game.

C. Big Game Hunting. * * *

1. Conditions A1 through A7, A9, B6, B7, and B9 apply.

* * * * *

6. We prohibit hunting or shooting into a 100-foot (30-m) zone along either side of pipelines, power line rights-of-way, designated roads, trails, or around parking lots (see refuge brochure map). We consider it hunting if you occupy a stand or blind, have a loaded hunting firearm, or have an arrow nocked in a bow.

* * * * *

9. During designated muzzleloader hunts, we allow archery equipment and muzzleloaders loaded with a single ball. While hunting, we prohibit breech-loading firearms of any type.

* * * * *

■ 18. Amend § 32.44 Missouri by:

■ a. Revising paragraphs C.1., C.2., C.4., and D.2. of Clarence Cannon National Wildlife Refuge;

■ b. Removing paragraph C.4.iv. and redesignating paragraph C.4.v. as paragraph C.4.iv. of Great River National Wildlife Refuge; and

■ c. Revising paragraphs A.1. and A.2., adding paragraphs A.6. through A.8., revising paragraph B., revising the introductory text of paragraph C., and revising paragraphs C.1., C.2., C.3., C.5., C.7., and D. of Mingo National Wildlife Refuge.

The revisions and additions read as follows:

§ 32.44 Missouri.

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Clarence Cannon National Wildlife Refuge

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C. Big Game Hunting. * * *

1. We allow hunting only during the State-designated managed deer hunts.

2. We require hunters to sign in and out of the refuge each day.

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4. We allow use of portable stands, but hunters must remove them at the end of each day. If assigned a specific blind location, you may hunt only from that location.

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D. Sport Fishing. * * *

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2. We allow only boat fishing. We allow bank fishing during managed refuge special events.

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Mingo National Wildlife Refuge

A. Migratory Game Bird Hunting. * * *

1. We allow the use of hunting dogs only for waterfowl hunting, provided the dogs are under the immediate control of the hunter at all times (see § 26.21(b) of this chapter).

2. We allow waterfowl hunting from ½ hour before legal sunrise until 1 pm.

* * * * *

6. We require hunters to go through the Missouri Department of Conservation daily draw process at Duck Creek Conservation Area to hunt in Pool 8.

7. We require hunters to read the current refuge hunting brochure that contains a hunting permit (signature only required). We require hunters to sign the permit and carry the signed brochure while hunting.

8. We prohibit the discharging of firearms, including air guns or any other weapons, on the refuge unless you are a hunter with a valid refuge brochure engaged in authorized activities during established seasons.

B. Upland Game Hunting. We allow hunting of squirrel only in the Public Hunting Area of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A3, A7, and A8 apply.

2. We allow hunter access to the public hunting from 1½ hours before legal shooting time until 1½ hours after legal shooting time.

3. We require that all hunters register at the hunter sign-in stations and complete an Upland Game Hunt Report (FWS Form 3–2362) located at the exit kiosks prior to exiting the refuge.

4. We prohibit the use of dogs for squirrel hunting.

5. We allow squirrel hunting from the State opening day through September 30.

6. We allow upland game hunting only with shotguns and .22 caliber rimfire rifles.

7. We require squirrel hunters to wear a hunter-orange (*i.e.,* blaze or international orange) hat and a hunter-orange shirt, vest, or coat. These hunter-orange clothes need to be plainly visible from all sides while scouting or hunting during the overlapping portion of the squirrel, archery deer, and turkey seasons. Camouflage orange does not satisfy this requirement.

C. Big Game Hunting. We allow big game hunting in designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A3, A5, A7, A8, and B2 apply.

2. We require that all hunters register at the hunter sign-in stations and complete the Big Game Harvest Report (FWS Form 3–2359) located at the exit kiosks prior to exiting the refuge.

3. We allow archery hunting for deer and turkey during the fall season.

* * * * *

5. We require archery deer hunters to wear a hunter-orange (*i.e.*, blaze or international orange) hat and a hunter-orange shirt, vest, or coat. These hunter-orange clothes need to be plainly visible from all sides while scouting or hunting during the overlapping portion of the squirrel, archery deer, and turkey seasons. Camouflage orange does not satisfy this requirement.

* * * * *

7. We prohibit the distribution of bait or hunting with the aid of bait, salt, or other ingestible attractant (see § 32.2(h)).

* * * * *

D. Sport Fishing. We allow fishing in designated areas of the refuge in accordance with State "impounded waters" regulations subject to the following conditions:

1. We allow fishing year-round from ½ hour before legal sunrise until ½ hour after legal sunset in Red Mill Pond, Mingo River (south of Ditch 6 Road), Stanley Creek, May Pond, Fox Pond, and Ditches 2, 6, 10, and 11.

2. We allow fishing in moist soil units, Monopoly Marsh, Rockhouse Marsh, and Ditches 3, 4, and 5 only from March 1 through September 30.

3. We allow fishing in May Pond and Fox Pond only with rod and reel or pole and line. Anglers may only take bass greater than 12 inches (30 cm) in length from May Pond.

4. We prohibit the use or possession of gasoline-powered boat motors. We allow the use of electric trolling motors, except that we prohibit all motors within the Wilderness Area.

5. We require the removal of watercraft (see § 27.93 of this chapter) from the refuge at the end of each day's fishing activity.

6. We allow anglers to take nongame fish by nets and seines for personal use only from March 1 through September 30.

7. Anglers must attend trammel and gill nets at all times and plainly label them with the owner's name, address, and phone number.

8. We only allow the use of trotlines, throwlines, limb lines, bank lines, and jug lines from ½ hour before legal sunrise until ½ hour after legal sunset. Anglers must remove all fishing lines (see § 27.93 of this chapter) from the refuge at the end of each day's fishing. Anglers must mark each line with their name, address, and phone number.

9. We allow the take of common snapping turtle and soft-shelled turtle using only pole and line. We require all anglers to immediately release all alligator snapping turtles (see § 27.21 of this chapter).

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■ 19. Amend § 32.46 Nebraska by adding paragraph C. of Fort Niobrara National Wildlife Refuge to read as follows:

§ 32.46 Nebraska.

* * * * *

Fort Niobrara National Wildlife Refuge

* * * * *

C. Big Game Hunting. We allow hunting of deer and elk on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We require the submission of a Big/Upland Game Hunt Application (FWS Form 3–2356). We require hunters to carry a refuge hunting access permit (hunt application signed by the refuge officer) while hunting. We require hunters to complete a Big Game Harvest Report (FWS Form 3–2359) and return it to the refuge at the conclusion of the hunting season.

2. We allow deer and elk hunting with muzzleloader and archery equipment. We prohibit deer and elk hunting with firearms capable of firing cartridge ammunition.

3. We establish the dates when the refuge is open to hunting access annually. We specify the hunting access dates on the refuge hunting access permit.

4. We allow deer and elk hunting in the area defined as, "Those refuge lands situated north and west of the Niobrara River." We allow access to this area only from public road right-of-ways, the Niobrara River, or designated refuge parking areas. We prohibit hunting within 200 yards (180 m) of any public use facility.

5. We allow hunter access from 2 hours before legal sunrise until 2 hours after legal sunset. We prohibit overnight parking or camping.

6. We allow horses within the wilderness area. We limit horse use to three groups at a time and no more than five horses per group. We prohibit horses from 2 hours after legal sunset until 2 hours before legal sunrise. We require registration at the refuge headquarters prior to horse use during the hunting season. We limit horse access to the wilderness area via the refuge corrals and buffalo bridge.

7. We allow canoes, kayaks, and float tubes capable of carrying no more than four people on the Niobrara River below Cornell Dam.

8. We prohibit permanent tree stands, nails, screw-in steps, or other items that penetrate the outer bark of a tree. We prohibit tree stands and ground blinds from being left in the same location for more than 7 consecutive days (see § 27.93 of this chapter). We require hunters to clearly mark (readable from the ground), with the hunter's name and date of erection, unattended tree stands and ground blinds.

* * * * *

■ 20. Amend § 32.49 New Jersey by:

■ a. Revising paragraph A., adding paragraph B., and revising paragraph C. of Cape May National Wildlife Refuge; and

■ b. Revising Wallkill River National Wildlife Refuge to read as follows:

§ 32.49 New Jersey.

* * * * *

Cape May National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of waterfowl, coot, moorhen, rail, common snipe, and woodcock on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We allow hunting only on those refuge tracts located west of Route 47 in the Delaware Bay Division and on those tracts north of Route 550 in the Great Cedar Swamp Division. We prohibit hunting on the Two Mile Beach Unit.

2. Any time the State hunting regulations specify the requirement that hunters wear orange-colored clothing, you must wear, in a visible manner on head, chest, and back, a minimum of 400 square inches (2,600 cm^2) of solid-colored, hunter-orange clothing or material. This must consist of a vest and hat or a jacket and hat. We prohibit blaze-orange camouflage.

3. You must remove all hunting blind materials, boats, and decoys at the end of each hunting day (see § 27.93 of this chapter). We prohibit permanent or pit blinds.

4. The common snipe season on the refuge begins with the start of the State early woodcock south zone season and continues through the end of the State common snipe season.

5. You may possess only approved nontoxic shot in the field while hunting migratory game birds (see § 32.2(k)).

6. We allow the use of retrieving and/or pointing dogs; however, the dogs must be under the hunter's control at all times (see § 26.21(b) of this chapter), and we prohibit groups of three or more dogs per hunter. We prohibit dog training at all times

7. We prohibit hunting on Sunday.

8. We prohibit falconry.

9. We prohibit motorized and nonmotorized vehicles on refuge lands. This includes, but is not limited to,

vehicles, all-terrain vehicles, dirt bikes, motorcycles, and bicycles.

10. We prohibit hunting on all areas posted "Area Closed" and all areas marked as closed on the refuge "Hunt Map."

B. Upland Game Hunting. We allow hunting of rabbit and squirrel on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A1, A2, and A7 through A10 apply.

2. We will allow rabbit and squirrel hunting following the end of the State's Six-Day Firearm Season for white-tailed deer, and it will end at the close of the regular rabbit and squirrel season.

3. We prohibit the use of dogs for hunting rabbit and squirrel. We prohibit dog training at all times.

4. You must remove all hunting stands, blinds, and hunting materials at the end of each hunting day (see § 27.93 of this chapter). We prohibit permanent stands or blinds. We prohibit marking (this includes but is not limited to, the use of flagging, bright eyes, tacks, and paint), cutting, and/or removal of trees or vegetation (see § 27.61 of this chapter).

C. Big Game Hunting. We allow hunting of white-tailed deer and turkey on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We allow hunting of white-tailed deer on all areas of the refuge except for the Two Mile Beach Unit, areas posted "Area Closed," and all areas marked as closed on the refuge "Hunt Map."

2. We allow turkey hunting only on refuge tracts located north of County Route 550 in the Great Cedar Swamp Division. We prohibit hunting on the Two Mile Beach Unit, areas posted "Area Closed," and all areas marked as closed on the refuge "Hunt Map."

3. We prohibit the use of dogs for deer and turkey hunting.

4. Conditions A2 and A7 through A10 apply.

5. We prohibit the marking (this includes but is not limited to, the use of flagging, bright eyes, tacks, and paint), cutting, and/or removal of trees or vegetation (see § 27.61 of this chapter).

6. You must remove all deer hunting stands, blinds, and hunting materials at the end of the State deer hunting season (see § 27.93 of this chapter). We prohibit permanent stands or blinds. You should mark tree stands with owner information (name, address, and phone number).

7. You must remove all turkey hunting stands, blinds, hunting materials, and decoys at the end of each hunting day (see § 27.93 of this chapter).

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Wallkill River National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of migratory birds on designated areas of the refuge in accordance with State of New Jersey regulations and subject to the following conditions:

1. You must submit a Migratory Bird Hunt Application (FWS Form 3–2357) to hunt on the refuge. We require hunters to possess a signed refuge hunt permit (name and address only) at all times while scouting and hunting on the refuge. We charge a fee for all hunters except youth age 16 and younger.

2. We issue one companion permit (no personal information) at no charge to each hunter. We allow companions to observe and/or call but not to shoot a firearm or bow. Companion and hunters must set up in the same location.

3. We provide hunters with hunt maps and parking permits (name only) which they must clearly display in their vehicle. Hunters who park on the refuge must park in identified hunt parking areas.

4. We provide a designated hunting area at 119 Owens Station Road, Vernon, New Jersey. We reserve this property for the exclusive use of those physically challenged individuals who have produced evidence of the NJ Permit to Shoot or Hunt from a Stationary Vehicle and possess a signed, disabled hunter refuge permit.

5. We prohibit the use of all-terrain vehicles (ATVs) on the refuge.

6. We require hunters to wear, in a conspicuous manner, a minimum of 400 square inches (2,600 cm^2) of solid-color, hunter-orange clothing or material on the head, chest and back, except when hunting ducks and geese.

7. We prohibit hunters using or erecting permanent or pit blinds.

8. We require hunters to remove all hunting blind material, boats, and decoys from the refuge at the end of each hunting day (see § 27.93 of this chapter).

9. We allow pre-hunt scouting; however, we prohibit the use of dogs during scouting.

10. We limit the number of dogs per hunting party to no more than two dogs.

11. We allow hunters to enter the refuge 2 hours before shooting time, and they must leave no later than 2 hours after the end of shooting time.

12. We prohibit the hunting of crows on the refuge.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow hunting of white-tailed deer and wild turkey on designated areas of the refuge in accordance with State of New Jersey regulations and subject to the following conditions:

1. You must submit a Big Game Hunt Application (FWS Form 3–2356) to hunt on the refuge. We require hunters to possess a signed refuge hunt permit (name and address only) at all times while scouting and hunting on the refuge. We charge a fee for all hunters except youth age 16 and younger.

2. Conditions A3 through A5, A9, and A11 apply.

3. We require firearm hunters to wear, in a conspicuous manner, a minimum of 400 square inches (2,600 cm^2) of solid-color, hunter-orange clothing or material on the head, chest and back. Bow hunters must meet the same requirements when firearm season is also open. We do not require turkey hunters to wear orange at any time.

4. We require hunters to remove all stands and other hunting material from the refuge at the end of each hunting day (see § 27.93 of this chapter).

5. We allow pre-hunt scouting; however, we prohibit the use of dogs during scouting or while turkey hunting.

6. We allow deer drives only on the last day of each hunt season.

7. We prohibit baiting on refuge lands (see § 32.2(h)).

D. Sport Fishing. We allow fishing in designated sections of the refuge in both New York and New Jersey in accordance with State regulations and subject to the following conditions:

1. We allow fishing in and along the banks of the Wallkill River. We allow shore fishing only in the pond at refuge headquarters and the ponds located at 285 Lake Wallkill Road, Vernon, New Jersey.

2. Anglers may fish from legal sunrise to legal sunset.

3. We require that anglers park in designated parking areas to access the Wallkill River through the refuge.

4. On refuge ponds, you may perform only catch-and-release fishing. We prohibit the use of live bait fish on refuge ponds.

5. We prohibit ice fishing on refuge ponds.

6. We prohibit the taking of reptiles and amphibians.

7. We prohibit the digging or collecting of bait.

8. We prohibit commercial fishing on the refuge.

■ 21. Amend § 32.50 New Mexico by:

■ a. Revising paragraph C.1. of Bitter Lake National Wildlife Refuge; and

■ b. Revising the introductory text of paragraph C. and adding paragraphs C.5. through C.16. of Bosque del Apache National Wildlife Refuge.

The revisions and additions read as follows:

§ 32.50 New Mexico.

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Bitter Lake National Wildlife Refuge

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C. Big Game Hunting. * * *

1. We restrict all hunting to the North Tract (including Salt Creek Wilderness Area and the portion of the refuge located north of U.S. Highway 70) in accordance with State seasons and regulations, with the specification that you may hunt and take feral hog (no bag limit) only while legally hunting deer and only with the weapon legal for deer on that day in that area.

* * * * *

Bosque del Apache National Wildlife Refuge

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C. Big Game Hunting. We allow hunting of mule deer, oryx, and male Rio Grande turkey on designated areas of the refuge in accordance with State regulations subject to the following conditions:

* * * * *

5. We prohibit hunting from a vehicle and hunting from blinds along roads.

6. Youth hunters age 17 and under must successfully complete a State-approved hunter education course prior to the refuge hunt. While hunting, each youth must possess and carry a card or certificate of completion.

7. Each youth hunter must remain within sight and normal voice contact of an adult companion age 21 or older. Each adult companion can supervise no more than one youth hunter. We issue one adult companion permit at no charge to each youth hunter drawn. We allow adult companions to observe and call, but they cannot shoot a firearm or bow. Adult companions and youth hunters must set up at the same location.

8. We allow male Rio Grande turkey hunting for youth in two areas of the refuge: The north hunting area and the south hunting area. We provide maps with the refuge permit, which each hunter must carry, that show these areas in detail.

9. You must possess and carry a Big/Upland Game Hunting Application (FWS Form 3–2356) for hunting of male Rio Grande turkey. The permit is available only to youth hunters and is available through a lottery drawing. You must postmark applications by March 1 of each year. A $6 nonrefundable application fee must accompany each hunt application.

10. We allow hunting of male Rio Grande turkey for youth hunters only on dates determined by refuge staff. We will announce hunt dates by September 1 of each year. Hunters must report to the refuge headquarters by 4:45 a.m. each hunt day. Legal hunting hours run from ½ hour before legal sunrise and will not extend past 5 p.m. local time.

11. We will limit the Youth Rio Grande Turkey Hunt to four weekends during the New Mexico Spring Turkey Hunting Season. We will publish specific dates and bag limits every year in the hunting brochure.

12. We will select a minimum of four hunters and a maximum of eight hunters in a random drawing of qualified applicants every year depending on annual male Rio Grande turkey population census.

13. We allow scouting of the turkey hunt units only on the Friday before the actual hunt weekend. Scouting can occur only during normal refuge hours of visitation. Drawn hunters and their parents or legal guardians should contact the refuge in advance for more information regarding scouting of proposed hunt units.

14. We allow temporary blinds for turkey hunts, and hunters must remove them from the refuge daily (see § 27.93 of this chapter). It is unlawful to mark any tree or other refuge structure with paint, flagging tape, ribbon, cat-eyes, or any similar marking device.

15. We allow youth hunters only one legally harvested male Rio Grande turkey per hunt.

16. Hunters must check out of the designated hunt unit and have their harvested turkey checked by refuge staff prior to leaving the refuge.

* * * * *

■ 22. Amend § 32.52 North Carolina by:

■ a. Revising the introductory text of paragraph D. and revising paragraph D.1. of Mackay Island National Wildlife Refuge;

■ b. Removing paragraph A.3., redesignating paragraphs A.4. and A.5. as paragraphs A.3. and A.4., revising paragraphs B.1., C.1., C.2., and C.4., removing paragraph C.6., redesignating paragraphs C.7. through C.14. as paragraphs C.6. through C.13., revising newly redesignated paragraphs C.7. and C.13., and adding a new paragraph C.14. of Pee Dee National Wildlife Refuge; and

■ c. Revising paragraphs A.1., A.6., and B.6., adding paragraph C.1., and revising paragraphs C.3., C.5. through C.7., C.9., and D.1. of Pocosin Lakes National Wildlife Refuge.

The revisions and additions read as follows:

§ 32.52 North Carolina.

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Mackay Island National Wildlife Refuge

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D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We allow fishing only from legal sunrise to legal sunset from March 15 through October 15 with the exception that we allow bank fishing in Corey's Ditch and the canal adjacent to the Kotts Island Causeway year-round. The 0.3 Mile Loop Trail and the terminus of the canal immediately adjacent to the Visitor's Center are open year-round, but we close them during Refuge Permit Deer Hunts.

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Pee Dee National Wildlife Refuge

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B. Upland Game Hunting. * * *

1. Conditions A1 through A4 apply (with the following exception to condition A2: Each adult may supervise no more than one youth hunter).

* * * * *

C. Big Game Hunting. * * *

1. Conditions A1 through A4 apply (with the following exception to condition A2: Each adult may supervise no more than one youth hunter).

2. We require each person participating in a muzzleloader or firearms quota hunt to possess a nontransferable refuge Special Use Quota Hunt Permit. You may apply for Quota Hunt Permits by submitting a completed Quota Deer Hunt Application (FWS Form 3–2354) available at the refuge office.

* * * * *

4. Youth quota hunts are for hunters ages 10–15. We prohibit supervising adults from hunting while participating in a youth quota hunt. We allow no more than one supervising adult for each youth possessing a permit on quota hunts.

* * * * *

7. We prohibit placing a tree stand on the refuge more than 4 days prior to the opening day of the deer hunt in which hunters will be participating. Hunters must remove the tree stands (see § 27.93 of this chapter) by the last day of that hunt.

* * * * *

13. During refuge muzzleloader and firearms deer hunts, we prohibit all other public use in refuge hunting areas.

14. We prohibit big game hunting within 100 feet (30 m) of any vehicle or road open to vehicle traffic.

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Pocosin Lakes National Wildlife Refuge

A. Migratory Game Bird Hunting. * * *

1. We prohibit hunting on the Davenport and Deaver tracts (which include the area surrounding the Headquarters/Visitor Center and the Scuppernong River Interpretive Boardwalk), the Pungo Shop area, New Lake, refuge lands between Lake Phelps and Shore Drive, that portion of the Pinner Tract east of SR 1105, the portion of Western Road between the intersection with Seagoing Road and the gate to the south, and the unnamed road at the southern boundary of the refuge land located west of Pettigrew State Park's Cypress Point Access Area. During November, December, January, and February, we prohibit all public entry on Pungo and New Lakes, Duck Pen Road, and the Pungo Lake, Riders Creek, and Dunbar Road banding sites.

* * * * *

6. We prohibit the discharge of any firearm and the use of any other weapons on the refuge except for hunting as authorized in this section. We prohibit taking and attempting to take wildlife and discharging a firearm within 100 feet (30 m) of any vehicle on any road or trail.

* * * * *

B. Upland Game Hunting. * * *

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6. You may possess only approved nontoxic shot (see § 32.2(k)) while hunting upland game on and west of Evans Road.

* * * * *

C. Big Game Hunting. * * *

1. Conditions A1 through A7 apply.

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3. We allow the use of only shotguns, muzzleloaders, and bow and arrow for deer and feral hog hunting. We allow disabled hunters to use crossbows but only while possessing the required State permit. We allow hunters to take feral hog in any area when the area is open to hunting deer. We allow hunters to take feral hog using bow and arrow (during the State bow and arrow and gun deer seasons), muzzleloaders (during the State muzzleloader and gun deer seasons), and firearms (during the State gun deer season). In addition, hunters may take feral hog on the Frying Pan Unit during all open firearm seasons.

* * * * *

5. We only allow deer hunting with shotguns and muzzleloaders on the Pungo Unit while possessing a valid permit from the North Carolina Wildlife Resources Commission for the Pocosin Lakes National Wildlife Refuge—Pungo Unit—Either Sex deer special hunts. We schedule these special 2-day (Friday and Saturday) hunts for certain weeks in late September and October. We require a fee that validates the State permit to participate in these special hunts.

6. During the special hunts described in condition C5, we allow only permitted hunters on the Pungo Unit. We allow only permitted hunters on the Pungo Unit from 1 hour before legal shooting time until 1 hour after legal shooting time.

7. Prior to December 1, we allow deer hunting with bow and arrow on the Pungo Unit during all State deer seasons, except during the muzzleloading season and except during the special hunts described in condition C5.

* * * * *

9. We allow the use of only portable deer stands (tree climbers, ladders, tripods, etc.). Hunters may use ground blinds, chairs, buckets, and other such items for hunting, but we require that you remove all of these items (see § 27.93 of this chapter) at the end of each day, except that hunters with a valid permit for the special hunts described in condition C5 may install one deer stand on the Pungo Unit the day before the start of their hunt and leave it until the end of the 2nd day of their 2-day hunt. You must tag any stands left overnight on the refuge with the hunter's name, address, and telephone number.

* * * * *

D. Sport Fishing. * * *

1. We allow fishing only in Pungo Lake and New Lake from March 1 through October 31, except that we close Pungo Lake and the entire Pungo Unit to fishing during the special hunts described in condition C5.

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■ 23. Amend § 32.53 North Dakota by revising paragraphs B., C., and D. of Upper Souris National Wildlife Refuge to read as follows:

§ 32.53 North Dakota.

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Upper Souris National Wildlife Refuge

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B. Upland Game Hunting. We allow hunting of sharp-tailed grouse, Hungarian partridge, and pheasant on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We allow the use of dogs for hunting and retrieving of upland game birds. Dogs must be under direct control of the hunter (see § 26.21(b) of this chapter).

2. We open for hunting on Unit I during the State hunting season. Unit I includes all refuge land north of the township road that runs east of Tolley, across Dam 41 (Carter Dam), and east to State Route 28.

3. We open for hunting on Unit II during the State hunting season, except we close from the first day of the regular State waterfowl season through the last day of State deer gun season. Unit II includes refuge land between Lake Darling Dam and Unit I.

4. We close land south of Lake Darling Dam to all upland game bird hunting.

5. We prohibit hunting the area around refuge headquarters, buildings, shops, and residences. We post these areas with "Closed to Hunting" signs.

6. We prohibit remaining on the refuge between the hours of 10 p.m. to 5 a.m.

7. We prohibit the use of snowmobiles, all-terrain vehicles (ATVs), off-highway vehicles (OHVs), utility-terrain vehicles (UTVs), bicycles, or similar vehicles on the refuge.

8. We prohibit accessing refuge lands from refuge waters, including Lake Darling and the Souris River.

9. We prohibit the use of horses, mules, or similar livestock on the refuge during all hunting seasons.

10. We require the use of approved nontoxic shot for all upland game hunting as identified in § 20.21(j) of this chapter.

C. Big Game Hunting. We allow deer hunting on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We only allow the use of portable tree stands and ground blinds. We prohibit leaving stands and blinds overnight (see § 27.93 of this chapter) on the refuge.

2. We prohibit the use of flagging, trail markers, paint, reflective tacks, or other types of markers (see § 27.93 of this chapter).

3. We prohibit the use of trail cameras and other electronic equipment left overnight.

4. We prohibit remaining on the refuge between the hours of 10 p.m. to 5 a.m.

5. Conditions B5 and B7 through B9 apply.

6. We prohibit entry to the refuge before 12 p.m. (noon) on the first day of the respective bow, gun, or muzzleloader deer hunting seasons.

D. Sport Fishing. We allow sport fishing on designated areas of the refuge

in accordance with State regulations subject to the following conditions:

1. We allow the use of fishing boats, canoes, kayaks, and float tubes in designated boat fishing areas from Lake Darling Dam north to State Highway 28 (Greene) crossing for fishing from May 1 through September 30.

2. We allow fishing from nonmotorized vessels only on the Beaver Lodge Canoe Trail from May 1 through September 30.

3. We allow boating and fishing from vessels on the Souris River from Mouse River Park to the north boundary of the refuge from May 1 through September 30.

4. We allow shore fishing in designated areas. Consult with the refuge manager or refuge fishing brochure for specific areas.

5. You may ice fish in all ice-covered waters of the Souris River and Lake Darling.

6. We prohibit remaining on the refuge between the hours of 10 p.m. and 5 a.m.

7. We prohibit the use of snowmobiles, all-terrain vehicles (ATVs), off-highway vehicles (OHVs), utility-terrain vehicles (UTVs), amphibious vehicles, personal watercraft (PWCs), bicycles, or similar vehicles on the refuge.

8. We prohibit swimming, sailing, water skiing, pleasure boating, and overnight use or camping.

9. You may drive licensed cars and pickups on the ice from Lake Darling Dam north to Carter Dam (Dam 41) for ice fishing.

10. We allow access to sites for ice fishing. Consult with the refuge manager or refuge fishing brochure for specific areas.

11. We allow walk-in access only at designated sites on the Souris River north of Carter Dam (Dam 41) and south of Lake Darling Dam for ice fishing.

12. We allow you to place fish houses overnight on the ice of Lake Darling subject to State regulations.

13. We prohibit leaving fish houses overnight or unattended on refuge uplands or in parking areas.

14. We allow anglers to place portable fish houses on the Souris River north of Carter Dam (Dam 41) and south of Lake Darling Dam for ice fishing, but anglers must remove the fish houses from the refuge daily (see § 27.93 of this chapter).

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■ 24. Amend § 32.54 Ohio by revising paragraphs A.1., C.1., and C.2. of Ottawa National Wildlife Refuge to read as follows:

§ 32.54 Ohio.

* * * * *

Ottawa National Wildlife Refuge

A. Migratory Game Bird Hunting. * * *

1. You must possess and carry a State-issued permit. All hunters must check-in and out at the State hunter check station.

* * * * *

C. Big Game Hunting. * * *

1. We require hunters to possess and carry a State-issued permit.

2. We require that hunters check out at the refuge check station with a Big Game Harvest Report (FWS Form 3–2359) no later than 6 p.m.

* * * * *

■ 25. Amend § 32.55 Oklahoma by:

■ a. Revising paragraph A.1., adding paragraphs A.7. through A.9., revising paragraphs B.1. and B.2., adding paragraph B.10., revising paragraphs C. and D.5., and adding paragraphs D.10. and D.11. of Deep Fork National Wildlife Refuge; and

■ b. Revising paragraph A., the introductory text of paragraph B., and B.1. of Sequoyah National Wildlife Refuge.

The revisions and additions read as follows:

§ 32.55 Oklahoma.

* * * * *

Deep Fork National Wildlife Refuge

A. Migratory Game Bird Hunting. * * *

1. You must possess and carry a free signed refuge permit (signed refuge brochure).

* * * * *

7. We prohibit horse and mule riding while hunting on the refuge.

8. We provide access for hunters with disabilities. Please contact the refuge office for additional information.

9. Persons possessing, transporting, or carrying firearms on the refuge must comply with all provisions of State and local law. Persons may only use (discharge) firearms in accordance with refuge regulations (50 CFR 27.42 and specific refuge regulations in part 32).

B. Upland Game Hunting. * * *

1. You must possess and carry a signed refuge permit (signed refuge brochure) for squirrel, rabbit, and raccoon. We require no fee.

2. We allow shotguns, .22 and .17 caliber rimfire rifles, and pistols for rabbit and squirrel hunting. We require the use of nontoxic shot when using a shotgun (see § 32.2(k)).

* * * * *

10. Conditions A7, A8, and A9 apply.

C. Big Game Hunting. We allow hunting of white-tailed deer and feral hog on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. You must possess and carry a refuge Special Use Permit (FWS Form 3–1383) for the archery deer hunt only. Hunters must turn in a Big Game Harvest Report (FWS Form 3–2359) by December 31 annually. Failure to submit the report will render the hunter ineligible for the next year's limited season archery deer hunt.

2. We will offer a limited season archery deer hunt following the controlled deer hunt.

3. You may hunt feral hog during any established refuge hunting season. Refuge permits (either a signed refuge brochure, Special Use Permit, or a State-issued controlled hunt permit) and legal weapons apply for the current hunting season.

4. We prohibit scouting when we are conducting controlled deer hunts.

5. We offer refuge-controlled deer hunts (primitive weapon, disabled primitive, youth primitive). We require hunters to possess a permit (a State-issued controlled hunt permit) and pay a fee for these hunts. For information concerning the hunts, contact the refuge office or the State.

6. We prohibit off-road vehicle use (see § 27.31 of this chapter).

7. Conditions A7, A8, and A9 apply.

8. Hunters may place no more than one stand on the refuge. Stands may not be in place until the day the hunt begins. Hunters must remove stands the day the hunt ends.

9. We allow take of feral hog only during daylight hours, and they must be dead prior to removal from the refuge.

D. Sport Fishing. * * *

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5. We allow bowfishing on the refuge from legal sunrise to legal sunset from March 1 to September 30 except during the Youth and Adult Controlled Turkey Hunts. Please contact the refuge for more information.

* * * * *

10. We provide access for anglers with disabilities. Please contact the refuge office for additional information.

11. Conditions A7 and A9 apply.

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Sequoyah National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of duck, goose, dove, coot, snipe, and woodcock on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We require an annual refuge permit (Migratory Bird Hunt Application; FWS Form 3–2357) for all hunting. The hunter must possess and carry the

signed permit while hunting. We require hunters to abide by all terms and conditions listed on the permit.

2. We open the refuge to hunting only on Saturdays, Sundays, Mondays, and Tuesdays. We prohibit hunters from entering the land portion of the Sandtown Bottom Unit or any portion of Sally Jones Lake before 5 a.m. Hunters must leave the area by 1 hour after legal sunset. We prohibit hunting or shooting within 50 feet (15 m) of designated roads or parking areas. All hunters must park in designated parking areas.

3. We designate the east portion of Sandtown Bottom Unit and the portion of Robert S. Kerr Reservoir, from Tuff boat ramp to the confluence of Vian Creek, as a Wildlife Use Area, and we close it to all entry, except for the designated hiking trail, from September 1 through March 31. We mark the closed area with signs and buoys.

4. Season lengths and bag limits will be in accordance with State regulations with the exception that all hunting, except for the conservation light goose season, will close on January 31 of each year. If a conservation light goose season is in effect, it will follow State regulations with the exception of special regulations and hunting days.

5. Hunters must use only legal shotguns and approved nontoxic shot for migratory bird hunting. Persons possessing, transporting, or carrying firearms on national wildlife refuges must comply with all provisions of State and local law. Persons may only use (discharge) firearms in accordance with refuge regulations (50 CFR 27.42 and specific refuge regulations in part 32).

6. We prohibit construction of pit blinds or permanent blinds. You must reduce blinds to a natural appearance or remove them (see § 27.93 of this chapter) at the end of the day. You must remove all empty shells, litter, decoys, boats, or other personal property (see §§ 27.93 and 27.94 of this chapter) at the end of the day. We prohibit camping in boats or otherwise spending the night on any area of the refuge.

7. We allow boats, and you must operate them under applicable State laws and comply with all licensing and marking regulations from their State of origin.

8. We prohibit guiding or outfitting for commercial purposes.

9. We prohibit hunters from using refuge boat ramps to access hunting areas outside the refuge boundary on days when we close the refuge for hunting certain species or for any species not hunted on the refuge.

10. We restrict the use of airboats within the refuge boundary to the navigation channel and the designated hunting areas from September 1 to March 31.

11. We prohibit hunters entering the Sandtown Bottom Unit prior to 5 a.m. during hunting season. Until 9 a.m., the entrance is through the headquarters gate only, at which time hunters may enter the Sandtown Bottom Unit through any other access point of the refuge. Hunters must leave the Sandtown Bottom Unit by 1 hour after legal sunset.

12. We prohibit alcoholic beverages when hunting (see § 32.2(j)).

B. Upland Game Hunting. We allow hunting of squirrel and rabbit on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A1, A3, and A8 through A12 apply.

* * * * *

■ 26. Amend § 32.57 Pennsylvania by revising paragraphs A., B.2., the introductory text of paragraph C., and revising paragraph C.5. of Erie National Wildlife Refuge to read as follows:

§ 32.57 Pennsylvania.

* * * * *

Erie National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of mourning dove, rail, common snipe, goose, duck, coot, and crow on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We allow hunting and scouting activities on the refuge from September 1 through the end of February.

2. We require all persons to possess and carry a signed refuge hunt permit (signed brochure) on their person while hunting.

3. We only allow nonmotorized boats for waterfowl hunting. We prohibit all other watercraft use.

4. We require that hunters remove all boats, blinds, decoys, and cameras from the refuge within 1 hour after legal sunset (see § 27.93 of this chapter).

5. We allow dogs for hunting; however, they must be under the immediate control of the hunter at all times (see § 26.21(b) of this chapter).

6. We prohibit field possession of migratory game birds in areas of the refuge closed to migratory game bird hunting.

B. Upland Game Hunting. * * *

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2. Condition A2 applies.

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C. Big Game Hunting. We allow hunting of deer and turkey on designated areas of the refuge in accordance with State regulations subject to the following conditions:

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5. We require any person hunting bear off refuge to obtain a refuge Special Use Permit (FWS Form 3–1383) to track a wounded bear that may have entered the refuge.

* * * * *

■ 27. Amend § 32.60 South Carolina by:

■ a. Revising paragraphs C.1., C.3., C.5., C.6., C.8., and D. of Pinckney Island National Wildlife Refuge; and

■ b. Revising Savannah National Wildlife Refuge to read as follows:

§ 32.60 South Carolina.

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Pinckney Island National Wildlife Refuge

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C. Big Game Hunting. * * *

1. To participate in the refuge gun hunt, hunters must submit the Quota Deer Hunt Application (FWS Form 3–2354). If drawn, hunters must submit a permit fee in order to receive the hunt permit. You may obtain information about the quota hunt drawing at the Savannah Coastal Refuges Complex headquarters.

* * * * *

3. We will allow hunters to operate their personal vehicles on the main gravel trail only. Movement within all other areas of the refuge must be by foot or bicycle. We limit entry and exit points for authorized motor vehicles to designated check stations or other specified areas (see § 27.31 of this chapter). We prohibit entry by boat, and we prohibit hunters to leave by boat to reach other parts of the island.

* * * * *

5. We prohibit the use of organized drives for taking or attempting to take game.

6. Each hunter may place one stand on the refuge during the week preceding the hunt. They must remove their stand at the end of the hunt (see § 27.93 of this chapter).

* * * * *

8. We allow only shotguns (20 gauge or larger; slugs only) for hunting.

* * * * *

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We allow saltwater fishing year-round in the estuarine waters adjacent to the refuge.

2. We allow fishing only from boats.

3. We prohibit freshwater fishing.

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Savannah National Wildlife Refuge

Refer to § 32.29 Georgia for regulations.

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■ 28. Amend § 32.62 Tennessee by:
■ a. Revising Chickasaw National Wildlife Refuge;
■ b. Revising paragraphs A.5., A.6., B., C.1., and C.2., adding paragraphs C.3. and C.4., and revising paragraph D. of Cross Creeks National Wildlife Refuge;
■ c. Revising Hatchie National Wildlife Refuge;
■ d. Revising Lake Isom National Wildlife Refuge;
■ e. Revising Lower Hatchie National Wildlife Refuge;
■ f. Revising Reelfoot National Wildlife Refuge; and
■ g. Revising paragraphs A.2., A.5., A.6., B.5., B.7., and C.2., adding paragraph C.3., revising paragraphs D.1., D.3., D.5., and D.6., and adding paragraphs D.7. and D.8 of Tennessee National Wildlife Refuge.

The revisions and additions read as follows:

§ 32.62 Tennessee.

* * * * *

Chickasaw National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of duck, goose, coot, merganser, mourning dove, woodcock, and snipe on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. The refuge is a day-use area only, with the exception of legal hunting/fishing activities.
2. We prohibit the use of motorized off-road vehicles (e.g., ATVs) on the refuge (see § 27.31(f) of this chapter).
3. We seasonally close the refuge sanctuary area to the public from November 15 through March 15.
4. You must possess and carry a signed refuge permit (signed refuge brochure) and comply with all provisions specified within the permit.
5. We allow hunting for duck, goose, coot, and merganser from ½ hour before legal sunrise to 12 p.m. (noon).
6. Mourning dove, woodcock, and snipe seasons close during all firearms and muzzleloader deer seasons.
7. You may use only portable blinds, and you must remove all boats, blinds, and decoys (see § 27.93 of this chapter) from the refuge by 1 p.m. daily.
8. We allow hunters to access the refuge no more than 2 hours before legal sunrise and no more than 2 hours after legal sunset.
9. Each youth hunter age 15 and younger must remain within sight and normal voice contact and under supervision of an adult age 21 or older, who possesses a license. One adult hunter may supervise no more than two youth hunters.
10. You may possess only approved nontoxic shot when hunting with a shotgun (see § 32.2(k)).

B. Upland Game Hunting. We allow hunting of squirrel, rabbit, quail, raccoon, and opossum on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A1 through A4 and A9 through A10 apply.
2. We allow hunters to access the refuge no more than 2 hours before legal sunrise and no more than 2 hours after legal sunset with the exception of raccoon and opossum hunters who may access the refuge from legal sunset to legal sunrise.
3. We do not open for spring squirrel season on the refuge.
4. Squirrel, rabbit, and quail seasons close during all firearms and muzzleloader deer seasons.
5. Raccoon and opossum seasons close the Friday and Saturday nights during all firearms and muzzleloader deer hunts and seasons, including the Friday night prior to any hunt or season that opens on a Saturday morning.
6. We allow horses only on roads open to motorized traffic. We prohibit the use of horses and other animal conveyances from all other areas including fields, woods, and foot trails.
7. We prohibit use or possession of alcoholic beverages while hunting (see § 32.2(j)).
8. You may take coyote and beaver incidental to legal hunting activities.

C. Big Game Hunting. We allow hunting of white-tailed deer and turkey on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A1 through A4, A8, A10, and B6 through B8 apply.
2. You may only participate in the refuge quota hunts with a special quota permit issued through random drawing. Information for permit applications is available at the refuge headquarters.
3. You may possess only approved nontoxic shot while hunting turkey (see § 32.2(k)).
4. We allow the use of lead shot while deer hunting on the refuge (see § 32.2(k)).
5. We allow the use of only portable blinds and tree stands on the refuge. You must remove blinds, tree stands, and all other personal equipment (see §§ 27.93 and 27.94 of this chapter) from the refuge at the end of each day's hunt.
6. All youth hunters age 15 and younger must remain within sight and normal voice contact of an adult age 21 or older, who possesses a license. One adult hunter may supervise only one youth hunter.

D. Sport Fishing. We allow sport fishing on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A1 through A3 apply.
2. We allow fishing only with pole and line or rod and reel.
3. We prohibit possession of unauthorized fishing gear, including trotlines, limblines, juglines, yo-yos, nets, spears, and snag hooks, while fishing on the refuge.
4. We allow the use of bow and arrow or a gig to take nongame fish on refuge waters.
5. We prohibit taking frog or turtle on the refuge (see § 27.21 of this chapter).
6. We allow fishing from legal sunrise to legal sunset.

Cross Creeks National Wildlife Refuge

A. Migratory Game Bird Hunting.

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5. We allow access for goose hunting on the refuge from 2 hours before legal sunrise to 2 hours after legal sunset.
6. We prohibit the use of unlicensed motorized vehicles (e.g., ATVs, golf carts, etc.) on the refuge.

* * * * *

B. Upland Game Hunting. We allow hunting of squirrel on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. The refuge is a day-use area only, with the exception of legal hunting/fishing activities.
2. You must possess and carry a valid refuge permit (name and address only) while hunting on the refuge.
3. We set and publish season dates and bag limits annually in the refuge Public Use Regulations available at the refuge office.
4. We prohibit hunting within 50 yards (45 m) of any building, public use road, or boat launching ramp.
5. We allow hunters to access the refuge from 2 hours before legal sunrise to 2 hours after legal sunset.
6. We prohibit the use of unlicensed motorized vehicles (e.g., ATVs & golf carts, etc.) on the refuge (see § 27.31(f) of this chapter).
7. We prohibit the use of horses or other animal conveyances on the refuge hunts.
8. Each youth hunter under age 16 must remain within sight and normal voice contact of an adult age 21 or older. One adult hunter may supervise no more than two youth hunters.

9. We do not open for spring squirrel hunting.

C. Big Game Hunting. * * *

1. Conditions B1 through B7 apply.

2. We only allow the use of portable blinds and tree stands on the refuge. You must remove blinds, tree stands, and all other personal equipment (see § 27.93 of this chapter) from the refuge at the end of each day.

3. You may only participate in the refuge quota deer hunts with a special quota permit (name and address only) issued through random drawing. Information for permit applications is available at the refuge headquarters.

4. Each youth hunter younger than age 16 must remain within sight and normal voice contact of an adult age 21 or older. One adult hunter may supervise no more than one youth hunter.

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We allow fishing on the refuge pools and reservoirs from March 16 through November 14 from legal sunrise to legal sunset.

2. We prohibit trotlines, limblines, jugs, and slat baskets in refuge pools and impoundments and on Elk Reservoir and South Cross Creeks Reservoir.

3. We prohibit taking frog, turtle, and crawfish on the refuge (see § 27.21 of this chapter).

4. We prohibit leaving boats unattended on the refuge after daylight use hours.

5. We prohibit swimming in refuge impoundments and from boat ramps and boat docks.

6. We allow bow fishing in refuge impoundments and on Barkley Lake.

Hatchie National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of migratory game birds on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. The refuge is a day-use area only, with the exception of legal hunting/fishing activities.

2. We prohibit the use of motorized off-road vehicles (e.g., ATVs) on the refuge (see § 27.31(f) of this chapter).

3. We seasonally close the sanctuary areas of the refuge to the public from November 15 through March 15.

4. You must possess and carry a signed refuge permit (signed refuge brochure) and comply with all provisions specified within the permit.

5. We allow waterfowl hunting only on Tuesdays, Thursdays, and Saturdays. We allow hunting for duck, goose, coot, and merganser from ½ hour before legal sunrise to 12 p.m. (noon).

6. Mourning dove, woodcock, and snipe seasons close during all deer archery and quota gun hunts.

7. We allow only portable blinds, and hunters must remove all boats, blinds, and decoys (see § 27.93 of this chapter) from the refuge by 1 p.m. daily.

8. We allow hunters to access the refuge no more than 2 hours before legal sunrise, and they must leave the refuge no more than 2 hours after legal sunset.

9. Each youth hunter age 15 and younger must remain within sight and normal voice contact and under supervision of an adult age 21 or older, who possesses a license. One adult hunter may supervise no more than two youth hunters.

10. You may possess only approved nontoxic shot while hunting (see § 32.2(k)).

B. Upland Game Hunting. We allow hunting of squirrel, rabbit, quail, raccoon, and opossum on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A1 through A4 and A9 through A10 apply.

2. We allow hunters to access the refuge no more than 2 hours before legal sunrise and no more than 2 hours after legal sunset with the exception of raccoon and opossum hunters, who may access the refuge from legal sunset to legal sunrise.

3. We do not open to spring squirrel season on the refuge.

4. We close all small game hunts during the refuge deer archery and quota gun hunts.

5. We allow horses only on roads open to motorized traffic. We prohibit the use of horses and other animal conveyances from all other areas including fields, woods, and foot trails.

6. We prohibit use or possession of alcoholic beverages while hunting (see § 32.2(j)).

7. You may take coyote and beaver incidental to legal hunting activities.

C. Big Game Hunting. We allow hunting of white-tailed deer and turkey on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A1 through A4, A8, A10, and B5 through B7 apply.

2. You may only participate in the refuge deer quota hunts with a special quota permit (name and address only) issued through random drawing. Information for permit applications is available at the refuge headquarters.

3. You may possess only approved nontoxic shot while hunting turkey (see § 32.2(k)).

4. We allow the use of lead shot while deer hunting on the refuge (see § 32.2(k)).

5. We allow the use of only portable blinds and tree stands on the refuge. You must remove blinds, tree stands, and all other personal equipment (see § 27.93 of this chapter) from the refuge at the end of each day's hunt.

6. We allow archery deer and turkey hunting on designated areas of the refuge as defined annually in the refuge Public Use Regulations available at the refuge office and in accordance with State regulations.

7. All youth hunters age 15 and younger must remain within sight and normal voice contact of an adult age 21 or older, who possesses a license. One adult hunter may supervise only one youth hunter.

D. Sport Fishing. We allow sport fishing on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A1 through A3 apply.

2. We allow fishing only with pole and line or rod and reel.

3. We prohibit possession of unauthorized fishing gear, including trotlines, limblines, juglines, yo-yos, nets, spears, and snag hooks while fishing on the refuge.

4. We allow use of a bow and arrow or gig to take nongame fish on refuge waters.

5. We prohibit taking frog or turtle on the refuge (see § 27.21 of this chapter).

6. We open Oneal Lake for fishing during a restricted season and for authorized special events. Information on events and season dates is available at the refuge headquarters.

7. We only allow aluminum fishing boats and fiberglass boats of 16 feet (4.8 m) or less in length on refuge lakes.

8. We allow the use of nonmotorized boats and boats with electric motors only; we prohibit the use of gas and diesel motors on refuge lakes.

9. We allow fishing from legal sunrise to legal sunset.

Lake Isom National Wildlife Refuge

A. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. We allow hunting of squirrel and raccoon on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. The refuge is a day-use area only, with the exception of legal hunting/fishing activities.

2. We prohibit the use of motorized off-road vehicles (e.g., ATVs) on the refuge (see § 27.31(f) of this chapter).

3. We set season dates and bag limits annually and publish them in the refuge

Public Use Regulations available at the refuge office.

4. You must possess and carry a valid refuge permit (signed brochure) and comply with all provisions specified within the permit.

5. We allow hunters to access the refuge no more than 2 hours before legal sunrise and no more than 2 hours after legal sunset with the exception of raccoon hunters. Those hunters can access the refuge from legal sunset to legal sunrise.

6. We seasonally close the refuge sanctuary area to the public from November 15 through March 15.

7. All youth hunters age 15 and younger must remain within sight and normal voice contact of an adult age 21 or older, who possesses a license. One adult hunter may supervise no more than two youth hunters.

8. We allow horses only on roads open to motorized traffic. We prohibit the use of horses and other animal conveyances from all other areas including fields, woods, and foot trails.

9. We prohibit use or possession of alcoholic beverages while hunting (see § 32.2(j)).

10. You may possess only approved nontoxic shot while hunting (see § 32.2(k)).

11. You may take coyote and beaver incidental to legal hunting activities.

12. We prohibit camping and fires on the refuge.

C. Big Game Hunting. We allow only archery hunting for white-tailed deer on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions B1 through B6 and B8 through B12 apply.

2. We allow the use of only portable blinds and tree stands on the refuge. You must remove blinds, tree stands, and all other personal equipment (see § 27.93 of this chapter) from the refuge at the end of each day.

3. All youth hunters age 15 and younger must remain within sight and normal voice contact of an adult age 21 or older, who possesses a license. One adult hunter may supervise only one youth hunter.

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We open all waters of Lake Isom to fishing only from March 16 through November 14 and from legal sunrise to legal sunset.

2. We allow boats with only electric or outboard motors of 10 hp or less.

3. We prohibit taking frog or turtle from refuge waters (see § 27.21 of this chapter).

Lower Hatchie National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of duck, goose, coot, merganser, mourning dove, woodcock, and snipe on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. The refuge is a day-use area only, with the exception of legal hunting/fishing activities.

2. We prohibit the use of motorized off-road vehicles (e.g., ATVs) on the refuge (see § 27.31(f) of this chapter).

3. We seasonally close the sanctuary area of the refuge and the southern unit of Sunk Lake Public Use Natural Area to the public from November 15 through March 15.

4. You must possess and carry a signed refuge permit (signed brochure) and comply with all provisions specified within the permit.

5. We allow hunting for duck, goose, coot, and merganser from ½ hour before legal sunrise to 12 p.m. (noon).

6. Mourning dove, woodcock, and snipe seasons close during all firearms and muzzleloader deer seasons.

7. You may use only portable blinds, and you must remove all boats, blinds, and decoys (see § 27.93 of this chapter) from the refuge by 1 p.m. daily.

8. We allow hunters to access the refuge no more than 2 hours before legal sunrise to no more than 2 hours after legal sunset.

9. Each youth hunter age 15 and younger must remain within sight and normal voice contact and under supervision of an adult age 21 or older, who possesses a license. One adult hunter may supervise no more than two youth hunters.

10. You may possess only approved nontoxic shot while hunting (see § 32.2(k)).

11. We close Sunk Lake Public Use Natural Area to all migratory game bird hunting, and we close the southern unit of Sunk Lake Public Use Natural Area to all hunting.

B. Upland Game Hunting. We allow hunting of squirrel, rabbit, quail, raccoon, and opossum on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A1 through A4 and A9 through A11 apply.

2. We allow hunters to access the refuge no more than 2 hours before legal sunrise to no more than 2 hours after legal sunset with the exception of raccoon and opossum hunters. We will allow access to those hunters from legal sunset to legal sunrise.

3. We do not open for spring squirrel season on the refuge.

4. Squirrel, rabbit, and quail seasons close during all firearms and muzzleloader deer seasons.

5. Raccoon and opossum seasons close Friday and Saturday nights during all firearms and muzzleloader deer hunts and seasons, including the Friday night prior to any hunt or season that opens on a Saturday morning.

6. We allow horses only on roads open to motorized traffic. We prohibit the use of horses and other animal conveyances from all other areas including fields, woods, and foot trails.

7. We prohibit use or possession of alcoholic beverages while hunting (see § 32.2(j)).

8. You may take coyote and beaver incidental to legal hunting activities.

9. We prohibit camping and fires on the refuge.

C. Big Game Hunting. We allow hunting of white-tailed deer and turkey on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A1 through A4, A8, A10, A11, and B6 through B9 apply.

2. You may participate in the refuge quota hunts only with a special quota permit (name and address only) issued through random drawing. Information for permit applications is available at the refuge headquarters.

3. You may possess only approved nontoxic shot while hunting turkey (see § 32.2(k)).

4. We allow the use of lead shot while deer hunting on the refuge (see § 32.2(k)).

5. We allow the use of only portable blinds and tree stands on the refuge. You must remove blinds, tree stands, and all other personal equipment (see § 27.93 of this chapter) from the refuge at the end of each day's hunt.

6. All youth hunters age 15 and younger must remain within sight and normal voice contact of an adult age 21 or older, who possesses a license. One adult hunter may supervise only one youth hunter.

7. We allow archery deer hunting only on the northern unit of Sunk Lake Public Use Natural Area.

D. Sport Fishing. We allow sport fishing on designated areas of the refuge and the Sunk Lake Public Use Natural Area in accordance with State regulations subject to the following conditions:

1. We allow fishing only from legal sunrise to legal sunset.

2. We allow fishing only with pole and line or rod and reel.

3. We prohibit possession of unauthorized fishing gear, including trotlines, limblines, juglines, yo-yos, nets, spears, and snag hooks while fishing on the refuge.

4. We allow use of a bow and arrow or a gig to take nongame fish on refuge waters.

5. We prohibit taking frog or turtle on the refuge (see § 27.21 of this chapter).

6. We seasonally close the sanctuary area of the refuge and the southern unit of Sunk Lake Public Use Natural Area to the public from November 15 through March 15.

7. We allow the use of only nonmotorized boats and boats with electric motors on Sunk Lake Public Use Natural Area.

Reelfoot National Wildlife Refuge

A. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. We allow hunting of squirrel and raccoon on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. The refuge is a day-use area only, with the exception of legal hunting/fishing activities.

2. We prohibit the use of motorized off-road vehicles (*e.g.,* ATVs) on the refuge (see § 27.31(f) of this chapter).

3. We set season dates and bag limits annually and publish them in the Refuge Public Use Regulations available at the refuge office.

4. You must possess and carry a valid refuge permit (signed brochure) and comply with all provisions specified within the permit.

5. We allow hunters to access the refuge no more than 2 hours before legal sunrise to no more than 2 hours after legal sunset with the exception of raccoon hunters. We will allow those hunters access to the refuge from legal sunset to legal sunrise.

6. We seasonally close the sanctuary areas of the refuge to the public from November 15 through March 15.

7. All youth hunters age 15 and younger must remain within sight and normal voice contact of an adult age 21 or older, who possesses a license. One adult hunter may supervise no more than two youth hunters.

8. We allow horses only on roads open to motorized traffic. We prohibit the use of horses and other animal conveyances from all other areas including fields, woods, and foot trails.

9. We prohibit use or possession of alcoholic beverages while hunting (see § 32.2(j)).

10. You may possess only approved nontoxic shot while using a shotgun (see § 32.2(k)).

11. You may take coyote and beaver incidental to legal hunting activities.

12. We prohibit camping and fires on the refuge.

C. Big Game Hunting. We allow hunting for white-tailed deer and turkey on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions B1 through B6, B8, B9, B11 and B12 apply.

2. You may participate in the refuge firearms deer and turkey quota hunts only with a special quota permit (name and address only) issued through random drawing. Information for permit applications is available at the refuge headquarters.

3. You may possess only approved nontoxic shot while turkey hunting on the refuge (see § 32.2(k)).

4. We allow the use of lead shot while deer hunting on the refuge (see § 32.2(k)).

5. We allow the use of only portable blinds and tree stands on the refuge. You must remove blinds, tree stands, and all other personal equipment from the refuge at the end of each day (see § 27.93 of this chapter).

6. All youth hunters age 15 and younger must remain within sight and normal voice contact of an adult age 21 or older, who possesses a license. One adult hunter may supervise only one youth hunter.

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We allow access to the Long Point Unit (north of Upper Blue Basin) for fishing from March 16 through November 14, and the Grassy Island Unit (south of Upper Blue Basin) for fishing from February 1 through November 14.

2. We allow fishing on the refuge from legal sunrise to legal sunset.

3. We prohibit taking of frog or turtle on the refuge (see § 27.21 of this chapter).

4. We prohibit airboats, hovercraft, or personal watercraft (*e.g.,* Jet Skis) on any waters within the refuge boundary.

Tennessee National Wildlife Refuge

A. Migratory Game Bird Hunting. * * *

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2. We require a refuge hunt permit for all hunters age 16 and older. We charge a fee for all hunt permits. You must possess and carry a valid refuge permit (name and address only) while hunting on the refuge.

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5. We allow access for goose hunting on the refuge from 2 hours before legal sunrise to 2 hours after legal sunset.

6. We prohibit the use of unlicensed motorized vehicles (e.g., ATVs and golf carts, etc.) on the refuge (see § 27.31(f) of this chapter).

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B. Upland Game Hunting. * * *

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5. We allow hunters to access the refuge from 2 hours before legal sunrise to 2 hours after legal sunset.

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7. We prohibit the use of unlicensed motorized vehicles (e.g., ATVs and golf carts, etc.) on the refuge (see § 27.31(f) of this chapter).

* * * * *

C. Big Game Hunting. * * *

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2. You may participate in the refuge quota deer hunts only with a special quota permit (name and address only) issued through random drawing. Information for permit applications is available at the refuge headquarters.

3. We allow the use of only portable blinds and tree stands on the refuge. You must remove blinds, tree stands, and all other personal equipment (see § 27.93 of this chapter) from the refuge at the end of each day.

D. Sport Fishing. * * *

1. We allow fishing in Swamp Creek, Sulphur Well Bay, Bennetts Creek, and all interior impoundments from March 16 through November 14 from legal sunrise to legal sunset. The remainder of the refuge portion of Kentucky Lake will remain open year-round. We allow bank fishing year-round along Refuge Lane from the New Johnsonville Pump Station, and from Busseltown Bump Station areas.

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3. We prohibit leaving boats unattended on the refuge after daylight use hours.

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5. We prohibit taking frog, turtle, and crawfish on the refuge (see § 27.21 of this chapter).

6. We prohibit trotlines, limblines, jugs, and slat baskets in refuge pools and impoundments.

7. We prohibit swimming in refuge impoundments and from boat ramps and boat docks.

8. We allow bow fishing in refuge impoundments and on Kentucky Lake.

29. Amend § 32.63 Texas by:

a. Revising paragraphs C., D.2., and D.3. of Aransas National Wildlife Refuge;

b. Revising Balcones Canyonlands National Wildlife Refuge;

c. Adding Caddo Lake National Wildlife Refuge in alphabetical order;

d. Revising paragraph A. of Hagerman National Wildlife Refuge;

e. Revising paragraphs C. and D.2. of Laguna Atascosa National Wildlife Refuge; and

f. Revising paragraphs A. and C. of Lower Rio Grande Valley National Wildlife Refuge to read as follows:

§ 32.63 Texas.

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Aransas National Wildlife Refuge

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C. Big Game Hunting. We allow hunting of white-tailed deer and feral hog on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We may immediately close the entire refuge or any portion thereof to hunting in the event of the appearance of whooping crane in the hunt area or in order to conduct habitat management practices as required during the available windows (i.e., prescribed burns, roller chopping, fire breaks).

2. For the archery and rifle season, hunters must obtain a refuge permit (name only required) and pay a fee. The hunter must tape the smaller vehicle tag on the driver's side windshield. The hunter must sign the larger permit and possess it at all times while on the refuge.

3. We define youth hunters as ages 9–16. A Texas-licensed, adult hunter, age 17 or older who has successfully completed a Hunter Education Training Course, must accompany youth hunters. We exempt those persons born prior to September 2, 1971, from the Hunter Education Training course requirement. We define accompanied as being within normal voice contact. Each adult hunter may supervise only one youth hunter.

4. We prohibit the use of dogs to trail game.

5. We prohibit possession of alcoholic beverages at any time while hunting (see § 32.2(j)).

6. We will annually designate bag limits in the refuge hunt brochure.

7. We allow archery hunting within the deer season for the county on specified days listed in the refuge hunt brochure.

8. We allow firearm hunting within the deer season for the county on specified days listed in the refuge hunt brochure.

9. All hunters must check-in and out at the entrance gate at the beginning and end of each hunt and record their harvest if applicable.

10. Hunters must clean all harvested game in the field.

11. Firearm hunters must wear a total of 400 square inches (2,600 cm^2) hunter orange including 144 square inches (936 cm^2) visible in front and 144 square inches visible in rear. Some hunter orange must appear on head gear.

12. We prohibit target practice or any nonhunting discharge of firearms (see § 27.42 of this chapter).

13. We prohibit hunting on or across any part of the refuge road system, or hunting from a vehicle on any refuge road or road right-of-way. Hunters must remain at a minimum of 100 yards (90 m) off any designated refuge road or structure.

14. We prohibit hunters using handguns during archery and rifle hunts. Hunters may use bows and arrows only in accordance with State law. We prohibit use of crossbows for hunting unless we issue a Special Use Permit (FWS Form 1383) due to "upper limb" disability. We allow the use of archery equipment and centerfire rifles for hunting in accordance with State law.

15. We prohibit cutting of holes or other manipulation of vegetation (*e.g.,* cutting bushes, tree limbs, mowing, weed-eating, herbicide use, and other actions) or hunting from manipulated areas (see § 27.51 of this chapter).

16. We allow use of portable hunting stands, stalking of game, and still hunting. There is a limit of two portable stands per permitted hunter. A hunter may set up the portable stands during the scouting week but must remove them when the hunter's permit expires (see § 27.93 of this chapter). We prohibit hunters from driving nails, spikes, or other objects into trees or hunting from stands secured with objects driven into trees (see § 32.2(i)). We prohibit the building of pits and permanent blinds.

17. We prohibit hunting with the aid of bait, salt, or any ingestible attractant (see § 32.2(h)). We allow sprays and other noningestible attractants.

18. We prohibit blocking of gates and roadways (see § 27.31(h) of this chapter). We prohibit vehicles operating off-road for any reason. Hunters must park vehicles in such a manner as to not obstruct normal vehicle traffic.

19. We allow you to use only biodegradable flagging tape to mark trails and your hunt stand location during the archery and rifle hunts on the refuge. We color-code the flagging tape used each weekend during the rifle hunts. You must use the designated flagging tape color specified for particular hunt dates. We provide this information on the refuge hunt permit and in refuge regulations sent to permittees. You must remove flagging (see § 27.93 of this chapter) at the end of the hunt. The hunter must write his/her last name in black permanent marker on the first piece of flagging tape nearest the adjacent designated roadway.

20. We prohibit camping on the refuge at any time.

D. Sport Fishing. * * *

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2. Beginning April 15 through October 15, you may fish on the refuge only in areas designated in the refuge fishing brochure. From October 16 through April 14, the only area open to fishing is adjacent to the picnic area off of the fishing pier, and we also allow wade fishing in that immediate area. You may fish all year in marshes on Matagorda Island.

3. We prohibit consumption of alcohol or possession of open alcohol containers (see § 32.5(e)).

Balcones Canyonlands National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of mourning, white-wing, rock, and Eurasian-collared dove on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. The hunting season will be consistent with the State season.

2. We allow hunting in designated areas from 12 p.m. (noon) to legal sunset.

3. You may possess only approved nontoxic shot for hunting while in the field (see § 32.2(k)).

4. We require refuge permits (name, address, and signature only) and payment of a hunt fee by all hunters.

5. The bag limit will be consistent with State regulations.

6. We allow dogs to retrieve game birds during the hunt, but the dogs must be under the control of the handler at all times and not allowed to roam free (see § 26.21(b) of this chapter).

7. We define youth hunters as ages 9–16. A Texas-licensed, adult hunter, age 17 or older who has successfully completed a Hunter Education Training Course, must accompany youth hunters. We exempt those persons born prior to September 2, 1971, from the Hunter Education Training course requirement. We define accompanied as being within normal voice contact. Each adult hunter may supervise only one youth hunter.

8. We prohibit use or possession of alcohol while hunting (see § 32.2(j)).

9. We may close the entire refuge or any portion thereof to hunting for the protection of resources, as determined by the refuge manager.

10. Persons possessing, transporting, or carrying firearms on national wildlife refuges must comply with all provisions of State and local law. Persons may only use (discharge) firearms in accordance with refuge regulations (see § 27.42 of this chapter and specific refuge regulations in part 32).

11. We allow nonhunters to accompany hunters needing special assistance. Contact the refuge manager for details.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow hunting of white-tailed deer, turkey, and

feral hog at designated times on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A1, A4, A5, and A7 through A11 apply.

2. We require hunters to check-in and out daily at designated check station(s).

3. Weapons will be consistent with State regulations.

4. Hunters must visibly wear 400 square inches (2,600 cm^2) of hunter orange on the outermost layer of the head, chest, and back, which must include a hunter-orange hat or cap.

5. We prohibit dogs for hunting.

6. We prohibit camping.

7. You may use vehicles only on designated roads and parking areas.

8. We allow stand-by hunting permits only if openings are available on the day of each hunt on a first-come-first-served basis. Contact the refuge manager for details.

9. We prohibit the use or possession of bait during scouting or hunting (see § 32.2(h)). We consider bait to be anything that may be eaten or ingested by wildlife. We allow scent attractants.

D. Sport Fishing. [Reserved]

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Caddo Lake National Wildlife Refuge

A. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow hunting of deer and feral hog on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We prohibit the use of motorized off-road vehicles (*e.g.,* ATVs) on the refuge (see § 27.31(f) of this chapter).

2. We set season dates and bag limits annually and publish them in the refuge public use regulations available at the refuge office.

3. Deer archery hunters must possess and carry a signed refuge permit (signed refuge brochure) while hunting.

4. You may hunt only big game during designated refuge seasons.

5. You may hunt feral hog during any established refuge hunting season. Refuge permits and legal weapons apply for the current hunting season.

6. We allow hunters to access the refuge no more than 2 hours before legal sunrise and no more than 2 hours after legal sunset.

7. We define youth hunters as ages 9–16. A Texas-licensed, adult hunter, age 17 or older who has successfully completed a Hunter Education Training Course, must accompany youth hunters. We exempt those persons born prior to September 2, 1971, from the Hunter Education Training course requirement. We define accompanied as being within normal voice contact. Each adult hunter may supervise only one youth hunter.

8. You may participate in the refuge firearms deer hunt only with a Quota Deer Hunt Application (FWS Form 3–2354) issued through random drawing. You may obtain information on permit applications at the refuge headquarters.

9. We allow the use of only portable blinds and tree stands on the refuge. You must remove blinds, tree stands, and all other personal equipment from the refuge at the end of each day (see § 27.93 of this chapter).

10. We prohibit possession or distribution of bait or hunting with the aid of bait, including any grain, salt, minerals, or other feed or nonnaturally occurring attractant on the refuge (see § 32.2(h)).

11. We prohibit the use of dogs, feeders, campsites, and all-terrain vehicles (we may allow all-terrain vehicles for medically documented disabled hunters by Special Use Permit (SUP) [FWS Form 3–1383] only). Contact the wildlife refuge manager for guidelines to obtain a SUP.

12. Hunters must conspicuously wear daylight-fluorescent orange as per State deer hunting regulations on public hunting lands.

13. Persons possessing, transporting, or carrying firearms on a national wildlife refuge must comply with all provisions of State and local law. Persons may only use (discharge) firearms in accordance with refuge regulations (see § 27.42 of this chapter and specific refuge regulations in part 32).

D. Sport Fishing. [Reserved]

Hagerman National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of mourning dove in the month of September on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. You must possess and carry a signed refuge brochure (which serves as your Migratory Game Bird/Upland Game Hunting Permit). The permit/brochure is available free of charge at the refuge headquarters.

2. You may possess shot for hunting no larger than #4 in the hunting area.

3. We require the hunter to self check-in and check out.

4. We prohibit hunting within 150 feet (45 m) of any Day Use Area or walking trail.

5. We prohibit target practice or any nonhunting discharge of firearms.

6. We prohibit falconry.

7. We allow retriever dogs, but the dogs must be under the control of the handler at all times (see § 26.21(b) of this chapter).

8. We prohibit airboats, hovercraft, and personal watercraft (jet skis, wave runner, jet boats, etc.) year-round on refuge waters.

9. We prohibit building or hunting from permanent blinds.

10. We prohibit blocking of gates and roads (see § 27.31(h) of this chapter).

11. We prohibit ATVs.

12. We prohibit horses.

13. We prohibit glass containers.

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Laguna Atascosa National Wildlife Refuge

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C. Big Game Hunting. We allow hunting of white-tailed deer, feral hog, and nilgai antelope on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We require hunters to pay a fee and obtain a refuge hunt permit (name, address, and signature only). We issue replacement permits for an additional nominal fee. All hunt fees are nonrefundable. We require the hunter to possess and carry a signed and dated refuge hunt permit.

2. We allow archery and firearm hunting on designated units of the refuge. Units 1, 2, 3, 5, 6, and 8 are open to archery hunting during designated dates. Units 2, 3, 5, and 8 are open to firearm hunting during designated dates. We close the following areas to hunting: Adolph Thomae, Jr. County Park in Unit 3, posted "No Hunting Zones" within all hunt units, La Selva Verde Tract (Armstrong), Waller Tract, Tocayo (COHYCO, Inc.) Tract, Freze Tract, Escondido Tract, Sendero del Gato, Bahia Grande Unit, and South Padre Island Unit.

3. We offer hunting during specific portions of the State hunting season. We determine specific deer hunt dates annually, and they usually fall within November, December, and January. We may provide special feral hog and nilgai antelope hunts to reduce populations at any time during the year.

4. We annually establish a specific bag limit for deer hunted on the refuge in the refuge hunt brochure and permit. We have an unlimited bag limit on feral hog and nilgai antelope.

5. We require hunters to visibly wear 400 square inches (2,600 cm^2) of hunter orange, which includes wearing a minimum of 144 square inches (936 cm^2) visible on the chest, a minimum of 144 square inches visible on the back, and a hunter-orange hat or cap visible on the head when in the field. We allow hunter-orange camouflage patterns. We

allow archery hunters during the archery-only hunts to remove their hunter orange in the field only when hunting at a stationary location.

6. We define youth hunters as ages 9–16. A Texas-licensed, adult hunter, age 17 or older who has successfully completed a Hunter Education Training Course, must accompany youth hunters. We exempt those persons born prior to September 2, 1971, from the Hunter Education Training course requirement. We define accompanied as being within normal voice contact. Each adult hunter may supervise only one youth hunter.

7. We allow the use of only longbows, compound bows, recurved bows, shoulder-fired muzzleloaders, and rifles. We prohibit use of a pistol or shotgun for hunting. When hunting, muzzleloader firearms must be .40 caliber or larger, and modern rifles must be center fired and .22 caliber or larger. We prohibit loaded authorized hunting firearms (see § 27.42 of this chapter) in the passenger compartment of a motor vehicle unless allowed by State regulations. We define "loaded" as having rounds in the chamber of magazine or a fire cap on a muzzleloading firearm. We prohibit target practice or "sighting-in" on the refuge.

8. We allow a 9-day scouting period, ending one week prior to the commencement of the refuge deer hunting season. A permitted hunter and a limit of two nonpermitted individuals may enter the hunt units during the scouting period. We allow access to the units during the scouting period from legal sunrise to legal sunset. You must clearly display the refuge-issued Hunt Vehicle Validation Tags/Scouting Permits (name/signature required; available from the refuge office) face up on the vehicle dashboard when hunting and scouting.

9. We allow hunters to enter the refuge only 1 hour before legal shooting hours during the permitted hunt season. We may require hunters to check out daily at the refuge check station at the end of their hunt or no later than 1 hour after legal shooting hours.

10. We allow vehicle parking at Unit 1 and Unit 6 designated parking areas and along the roadside of General Brandt Road (FM 106), Buena Vista Road, Lakeside Road, and County Road.

11. We restrict vehicle access to service roads not closed by gates or signs. We prohibit the use of motorized vehicles (see § 27.31 of this chapter). You may access hunt units only by foot or by bicycle.

12. We allow hunting from portable stands or by stalking and still hunting. There is a limit of one blind or stand per permitted hunter. You must attach hunter identification (name and phone number) to the blind or stand. We prohibit attaching blinds and stands to trees or making blinds and stands from natural vegetation (see §§ 27.51 of this chapter and 32.2(i)). You must remove all blinds and stands (see § 27.93 of this chapter) at the end of the permitted hunt season.

13. We prohibit the possession or use of dogs while scouting or hunting.

14. Hunters must field-dress all harvested big game in the field and check the game at the refuge check station before removal from the refuge. You may quarter deer, feral hog, and nilgai antelope in the field as defined by State regulations. You may use a nonmotorized cart to assist with the transportation of harvested game animals.

15. We prohibit use of or hunting from any type of watercraft or floating device.

16. You must receive authorization from a refuge employee to enter closed refuge areas to retrieve harvested game.

17. You may not kill or wound an animal covered in this section and intentionally or knowingly fail to make a reasonable effort to retrieve and include it in your bag limit.

18. We reserve the right to revoke or deny any permit for up to 5 years due to unsafe conduct or violation of one or more refuge regulations; this includes a demonstrated lack of public or hunter safety to a degree that may endanger oneself or other persons or property; multiple refuge regulation violations; aggressive, abusive, or intimidating behavior towards any employee of the United States or any local or State government employee engaged in official business, or towards any private person engaged in official business, or towards any private person engaged in the pursuit of a permitted activity on the refuge.

D. Sport Fishing. * * *

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2. We require payment of an entry fee and boat launch at Adolph Thomae, Jr. County Park. We allow access to Adolph Thomae, Jr. County Park in accordance with the Cameron County Parks Department.

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Lower Rio Grande Valley National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of mourning, white-winged, and white-tipped dove on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. The hunting season will be concurrent with the State season. We publish this information in the refuge hunting sheet.

2. Designated areas include the La Grulla and Monte Cristo tracts of the refuge.

3. We require hunters to pay a fee to obtain a refuge hunt permit (name only required) and to possess and carry such permit at all times during your designated hunt period. Hunters must also display the refuge-issued vehicle placard (part of the hunt permit) while participating in the designated hunt period. Hunters, including youth hunters, must also have a valid hunting license, proof of hunter's education certification, and picture identification in order to obtain a refuge hunt permit and must possess the above items while on the refuge hunt.

4. You should park in designated refuge parking areas if they are available. You may park along County roads; however, you must not block the path of traffic and access to the refuge or private property (see § 27.31(h) of this chapter). We will tow inappropriately parked vehicles at the owner's expense.

5. We define youth hunters as ages 9–16. A Texas-licensed, adult hunter, age 17 or older who has successfully completed a Hunter Education Training Course, must accompany youth hunters. We exempt those persons born prior to September 2, 1971, from the Hunter Education Training course requirement. We define accompanied as being within normal voice contact. Each adult hunter may supervise only one youth hunter.

6. You may access the refuge during your permitted hunt period from 1 hour before legal hunt time to 1 hour after legal hunt time; however, you may not hunt outside of the legal hunt hours.

7. Your licenses, permits, hunting equipment, effects, and vehicles or other conveyances are subject to inspection by Federal, State, and local law enforcement officers.

8. We restrict hunt participants to those listed on the refuge hunt permit (hunter, nonhunting chaperone, and nonhunting assistant). We require all participants to wear hunter orange according to Texas State regulations (400 square inches [2,600 cm^2] that is visible on the chest, back and head).

9. We allow only the hunter to hunt and carry or discharge the applicable hunting shotgun, muzzleloader, rifle, or bow.

10. We allow hunters to use bicycles on designated routes of travel.

11. You may use properly trained retriever dogs to retrieve dove during the hunt, but the dog must be under the control of the handler at all times

(hunters must not allow dogs to roam free) (see § 26.21(b) of this chapter).

12. We prohibit hunters discharging firearms for any purpose other than to take or attempt to take a game bird listed in the introductory text of this paragraph A. during your established hunt.

13. We prohibit use of flagging or any other type of marker.

14. We prohibit hunters cutting or trimming any vegetation or brush (see § 27.51 of this chapter).

15. We prohibit overnight camping.

16. We prohibit the use of motorized vehicles.

17. We reserve the right to revoke or deny any permit for up to 5 years for the following reasons: Lack of public safety to a degree that may endanger oneself or other persons or property; multiple regulation violations; aggressive, abusive, or intimidating behavior towards any employee of the United States or any local or State government employee engaged in official business, or towards any private person engaged in the pursuit of a permitted activity on the refuge.

* * * * *

C. Big Game Hunting. We allow hunting of white-tailed deer, feral hog, and nilgai antelope on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A3 through A10 and A13 through A17 apply.

2. We offer hunting during specific portions of the State hunting season. We determine specific hunt dates annually. We publish this information in the refuge hunting sheet.

3. We allow archery and firearm hunting on designated tracts of the refuge. We open Teniente Tract to archery and firearm hunting during designated dates. We open East Lake Tract to firearm hunting during designated dates.

4. We allow the use of longbows, compound bows, recurved bows, shotgun, muzzleloader, and any legal center-fire firearm except hand-held pistols (handguns) when hunting. Muzzleloader firearms must be .40 caliber or larger and slugs are the only permitted shot for shotguns when hunting. We publish this information in the refuge hunting sheet.

5. We allow the use of rattling horns.

6. We allow free-standing blinds or tripods. Hunters may set them up during the scouting days preceding each permitted hunt date and must take them down by the end of such hunt date. Hunters must mark and tag all stands with their name, contact number, and hunt date during the period of use.

7. Hunters must field-dress all harvested big game in the field.

8. Hunters may use nonmotorized dollies or carts off improved roads or trails to haul carcasses to a parking area.

9. We prohibit use of big game decoys.

10. We prohibit use or possession of dogs, horses, or mules on the refuge during big game refuge hunt.

11. We prohibit the killing, wounding, taking, or possession of an animal listed in the introductory text of this paragraph C while intentionally or knowingly failing to make a reasonable effort to retrieve or keep the edible portions of the animal and include it in your bag limit.

12. We prohibit discharge of firearms or bows and arrows for any purpose other than to take or attempt to take an animal listed in the introductory text of this paragraph C during your established hunt.

* * * * *

■ 30. Amend § 32.64 Utah by removing paragraph B.3. and redesignating paragraph B.4. as paragraph B.3. of Ouray National Wildlife Refuge.

■ 31. Amend § 32.66 Virginia by:

■ a. Revising paragraphs C.1., C.5., C.9., C.12., C.14., D.6., and D.7.iv. of Back Bay National Wildlife Refuge;

■ b. Revising paragraphs A.1., A.5., A.7., C.1.i., C.1.viii., and C.2.iii., removing paragraph C.2.v., redesignating paragraph C.2.vi. as paragraph C.2.v., revising paragraphs C.3.iii. through C.3.vi., and adding paragraph D.4. of Chincoteague National Wildlife Refuge;

■ c. Revising paragraph C. of James River National Wildlife Refuge;

■ d. Revising paragraphs C.2. and C.4. of Mason Neck National Wildlife Refuge;

■ e. Revising paragraphs C.2. and C.4. of Occoquan Bay National Wildlife Refuge;

■ f. Revising paragraph A. of Plum Tree Island National Wildlife Refuge;

■ g. Revising paragraph C. of Presquile National Wildlife Refuge; and

■ h. Revising paragraphs C. and D. of Rappahannock River Valley National Wildlife Refuge.

The revisions and additions read as follows:

§ 32.66 Virginia.

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Back Bay National Wildlife Refuge

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C. Big Game Hunting. * * *

1. Hunting brochures containing hunting application procedures, seasons, bag limits, methods of hunting, maps depicting areas open to hunting, and the terms and conditions under which we issue hunting permits (with hunter signature and date) are available at the refuge administration office and on the refuge's website.

* * * * *

5. All selected and standby applicants must enter the refuge between 4 a.m. and 4:30 a.m. on each hunt day. We may issue standby hunters permits to fill vacant slots by lottery. All hunters must cease hunting no later than 6 p.m.

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9. You must be at least age 16 to hunt without an accompanying, qualified adult. Youths between ages 12 and 15 may hunt only when accompanied by a licensed hunter who is age 18 or older. We prohibit persons under age 12 from hunting on the refuge.

* * * * *

12. We allow scouting 1 week prior to the start of each refuge hunt period. Hunters may enter the hunt zones on foot or bicycle only. Scouts must wear 400 square inches (2,600 cm^2) of visible blaze orange. We require hunters to sign in and out on each day of scouting.

* * * * *

14. We prohibit hunting or discharging of firearms within designated Safety Zones. We prohibit retrieval of wounded game from a "No Hunting Area" or "Safety Zone" without the consent of the refuge employee on duty at the check station.

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D. Sport Fishing. * * *

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6. You may surf fish, crab, and clam south of the refuge's beach access ramp. We allow night surf fishing by Special Use Permit (FWS Form 3–1383) in this area in accordance with dates and times designated on the permit.

7. * * *

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iv. You must catch and release all freshwater game fish. The daily creel limit for D Pool for other species is a maximum combination of any 10 nongame fish.

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Chincoteague National Wildlife Refuge

A. Migratory Game Bird Hunting. * * *

1. You must obtain a Migratory Bird Hunting Application (FWS Form 3–2357). Hunting brochures containing hunting application procedures, seasons, bag limits, methods of hunting, maps depicting areas open to hunting, and the terms and conditions under which we issue hunting permits are available at the refuge administration office and on the refuge's Web site.

* * * * *

5. You may erect portable blinds and deploy decoys; however, during the

regular duck season, you must remove the blinds and decoys daily (see § 27.93 of this chapter).

* * * * *

7. You must complete and return a Migratory Bird Hunt Report (FWS Form 3–2361), available at the refuge administration office or on the refuge's Web site, within 15 days of the close of the season.

* * * * *

C. Big Game Hunting. * * *

1. * * *

i. You must apply for this hunt by filling out a Big/Upland Game Hunt Application (FWS Form 3–2356). Hunting brochures containing hunting application procedures, seasons, bag limits, methods of hunting, maps depicting areas open to hunting, and the terms and conditions under which we issue hunting permits are available at the refuge administration office and on the refuge's Web site.

* * * * *

viii. We prohibit the use of a boat, all-terrain vehicle (see § 27.31(f) of this chapter), bicycle, or saddled animal within your hunt zone.

* * * * *

2. * * *

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iii. During the sika archery season, you may take up to five sika daily, of which two may be antlered. In addition, you may take white-tailed deer in accordance with State regulations.

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3. * * *

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iii. When hunting, you may use any firearm allowed by State law in designated areas of the refuge.

iv. We prohibit the discharge of a firearm within 50 feet (15m) of the centerline of any road.

v. During the sika firearm season, you may take up to five sika daily, two of which may be antlered. In addition, during designated white-tailed deer hunt periods, you may take white-tailed deer in accordance with State regulations.

vi. You must have a 4-wheel drive vehicle to hunt on Tom's Cove Hook. All over-sand vehicles must carry a shovel, jack, tow rope or chain, board or similar support for the jack, and a low-pressure tire gauge.

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D. Sport Fishing. * * *

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4. You must possess and carry a refuge permit (name, address, phone number supplied to refuge manager) to surf fish on Assawoman Island between March 15 and September 1.

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James River National Wildlife Refuge

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C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We require hunters to possess a refuge hunting permit (signed refuge brochure), along with their State hunting license and stamps, while on refuge property.

2. We require firearm hunters to purchase a refuge hunting permit (signed refuge brochure) at the Refuge Hunter Check Station on the morning of each hunt on a first-come-first-served basis. We also require hunters to complete and sign a Quota Deer Hunt Application (FWS Form 3–2354) and provide the application to the hunt administrator prior to receiving a refuge hunting permit.

3. We require persons who wish to hunt during the State archery season to obtain a refuge hunting permit by way of a Quota Deer Hunt Application and subsequent lottery administered through the Virginia Department of Game and Inland Fisheries. We notify successful applicants by mail or e-mail, and if we receive the hunting fee by the date identified in the mailing, we mail refuge hunting permits to successful applicants.

4. We allow the use of shotguns (20-gauge or larger, loaded with buckshot only), muzzleloaders, and bows and arrows as designated on refuge hunting permits.

5. We allow the take of two deer of either sex per day.

6. We prohibit dogs.

7. We allow only portable tree stands that hunters must remove at the end of each hunt day (see § 27.93 of this chapter). We prohibit damage to trees (see § 32.2(i)).

8. We require hunters during firearms and muzzleloader seasons to wear in a conspicuous manner on head, chest, and back a minimum of 400 square inches (2,600 cm^2) of solid-colored, hunter-orange clothing or material.

9. We require hunters during archery only seasons to wear in a visible manner on head, chest, and back a minimum of 100 square inches (645 cm^2) of solid-colored, hunter-orange clothing or material while moving to and from their stand/hunting location.

10. We require that hunters using shotguns remain within 100 feet (30 m) of their assigned stand while hunting.

11. We require that hunters using a muzzleloader must hunt from a stand elevated 10 feet (3 m) or more above the ground.

12. Persons possessing, transporting, or carrying firearms on national wildlife refuges must comply with all provisions of State and local law. Persons may only use (discharge) firearms in accordance with refuge regulation (see § 27.42 of this chapter and specific refuge regulations in part 32).

13. We prohibit the discharge of firearms or archery equipment across or within State-maintained or refuge roads, including roads closed to vehicles, as shown on refuge hunt maps.

14. We prohibit the use of flagging to mark trails or for any other purpose.

15. An adult age 21 or older, who must also possess and carry a valid hunting license and refuge hunting permit, must accompany and directly control youth hunters ages 12 to 17. We prohibit persons under age 12 to hunt on the refuge.

16. We prohibit the use or possession of alcohol while hunting on the refuge (see § 32.2(j)).

17. We require hunters to report accidents or injuries to the refuge office or sheriff's office within 24 hours after the incident. Hunters must report accidents resulting in serious injury to the sheriff's office immediately.

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Mason Neck National Wildlife Refuge

C. Big Game Hunting. * * *

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2. We select hunters by lottery using the Quota Deer Hunt Application (FWS Form 3–2354). Contact the refuge office for information on application dates.

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4. Hunters must certify/qualify weapons and ammunition and attend an orientation session or take the orientation session online prior to issuance of a permit (see application form referenced above). Please contact the refuge for the online orientation Web address.

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Occoquan Bay National Wildlife Refuge

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C. Big Game Hunting. * * *

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2. We select hunters by lottery using the Quota Deer Hunt Application (FWS Form 3–2354). Contact the refuge office for information on application dates.

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4. Hunters must certify/qualify weapons and ammunition and attend an orientation session or take the orientation session online prior to

issuance of a permit (see application form referenced above). Please contact the refuge for the online orientation web address.

* * * * *

Plum Tree Island National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of waterfowl, gallinule, and coot on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We require hunters to possess and carry a signed refuge hunting permit (see condition A2 below) while hunting migratory game birds on the refuge. We open the Cow Island unit of the refuge only to migratory game bird hunting. We close all other areas of the refuge to all public entry.

2. We require migratory game bird hunters to obtain a permit by way of quota hunt application and subsequent lottery administered through the Virginia Department of Game and Inland Fisheries. We mail permits to successful applicants.

3. We prohibit jump-shooting by foot or boat. All hunting must take place from a blind as determined by the hunting permit.

4. We allow only one boat or hunting party at each of the hunting locations.

5. An adult age 21 or older, possessing and carrying a valid hunting license and refuge hunting permit, must accompany and directly control youth hunters ages 12 to 17. We prohibit persons younger than age 12 to hunt on the refuge.

6. Persons possessing, transporting, or carrying firearms on national wildlife refuges must comply with all provisions of State and local law. Persons may only use (discharge) firearms in accordance with refuge regulations (see § 27.42 of this chapter).

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Presquile National Wildlife Refuge

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C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We require big game hunters to obtain a permit by way of quota hunt application and subsequent lottery administered through the Virginia Department of Game and Inland Fisheries. We require a fee to obtain a refuge hunting permit. We notify successful applicants by mail or e-mail, and if we receive the hunting fee by the date identified in the mailing, we mail refuge hunting permits to successful applicants.

2. We require hunters to possess a refuge hunting permit, along with their State hunting license and stamps, while on refuge property.

3. We require still hunting only. We prohibit the use of "man drives," defined as individual or group efforts intended to "push" or "jump" deer for the purposes of hunting.

4. We allow the use of shotguns (20-gauge or larger, loaded with buckshot and or rifled slugs). We require hunters using slugs to be in a stand elevated 10 feet (30 m) or more above the ground.

5. We allow the take of two deer of either sex per day.

6. We prohibit dogs.

7. We prohibit the discharge of a weapon within 300 feet (90 m) of any building.

8. We allow only portable tree stands that hunters must remove at the end of each hunt day (see § 27.93 of this chapter). We prohibit damage to trees (see § 32.2(i)).

9. We require hunters to wear in a conspicuous manner on head, chest, and back a minimum of 400 square inches (2,600 cm^2) of solid-colored, hunter-orange clothing or material.

10. We prohibit the use of flagging to mark trails or for any other purpose (see § 27.93 of this chapter).

11. Persons possessing, transporting, or carrying firearms on national wildlife refuges must comply with all provisions of State and local law. Persons may only use (discharge) firearms in accordance with refuge regulations (see § 27.42 of this chapter).

12. An adult, age 21 or older, who must also possess and carry a valid hunting license and refuge hunting permit, must accompany and directly control youth hunters ages 12 to 17. We prohibit persons younger than age 12 to hunt on the refuge.

13. We prohibit the use or possession of alcohol while hunting on the refuge (see § 32.2(j)).

14. We require hunters to dock their boats at designated locations on the refuge.

15. We require hunters to report accidents or injuries to the refuge office or sheriff's office within 24 hours after the incident. Hunters must report hunting accidents resulting in serious injury to the sheriff's office immediately.

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Rappahannock River Valley National Wildlife Refuge

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C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We require big game hunters to obtain a permit by way of quota hunt application and subsequent lottery administered through the Virginia Department of Game and Inland Fisheries. We require a fee to obtain a refuge hunting permit (signed and dated sheet). We notify successful applicants by mail or e-mail, and if we receive the hunting fee by the date identified in the mailing, we mail refuge hunting permits to successful applicants. We offer walk-in registration to fill hunting slots not filled during the lottery process.

2. We require hunters to possess a refuge hunting permit (signed and dated sheet), along with their State hunting license and stamps, while on refuge property. We require hunters to display a vehicle permit (contains date selected to hunt and permit number) provided by the refuge on the dashboard of their vehicle while on the refuge so that the permit is visible through the windshield.

3. We require stand hunting only. Stand hunting means the use of portable hunting blinds, portable tree stands or stationary ground hunting (see § 27.93 of this chapter). We prohibit use of nails, screws, bolts or screw-in steps. We prohibit damage to trees (see § 32.2(i)). Hunters must remove stands and blinds daily. We prohibit deer drives, still hunting, or roaming.

4. We allow archery, muzzleloader, and shotgun hunting on designated refuge tracts and days.

5. We permit the take of two deer of either sex per day.

6. We prohibit dogs.

7. We require hunters during archery-only season to wear in a conspicuous manner a minimum of 100 square inches (650 cm^2) of solid-colored, hunter-orange material or clothing while moving to and from their stand or hunting location.

8. We require hunters during muzzleloader and firearms seasons to wear in a conspicuous manner on head, chest, and back a minimum of 400 square inches (2,600 cm^2) of solid-colored, hunter-orange material or clothing.

9. We prohibit the use of flagging to mark trails or for any other purpose (see § 27.93 of this chapter).

10. We prohibit the use of vehicles except on designated refuge roads.

11. Hunters possessing, transporting, or carrying firearms on the refuge must comply with all provisions of State and local law. We prohibit the discharge of firearms or archery equipment within 100 feet (30 m) of refuge roads as marked on the refuge hunt maps.

12. An adult age 21 or older, possessing and carrying a valid hunting license and refuge hunting permit, must accompany and directly control youth hunters ages 12 to 17. We prohibit persons younger than age 12 to hunt on the refuge.

13. We require hunters to report accidents or injuries to the refuge office or sheriff's office within 24 hours after the incident. Hunters must report accidents resulting in serious injury to the sheriff's office immediately.

14. We prohibit the use or possession of alcohol while hunting on the refuge (see § 32.2(j)).

15. We prohibit the discharge of a weapon within 300 feet (90 m) of any building.

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We allow fishing access daily from legal sunrise to legal sunset.

2. During the period when the refuge is open for hunting, we will close hunting areas to all other uses, including sport fishing.

3. We prohibit fishing by any means other than by use of one or more attended poles with hook and line attached.

4. We prohibit the use of lead sinkers in freshwater ponds, including Wilna Pond and Laurel Grove Pond.

5. We require catch-and-release fishing for largemouth bass in freshwater ponds, including Wilna Pond and Laurel Grove Pond. Anglers may take other finfish species in accordance with State regulations.

6. We prohibit the take of any reptile, amphibian, or invertebrate species for use as bait or for any other purpose.

7. We prohibit the use of minnows as bait.

8. We prohibit use of boats propelled by gasoline motors, sail, or mechanically operated paddle wheel.

9. Prescheduled environmental education field trips will have priority over other uses, including sport fishing, on the Wilna Pond and Hutchinson piers at all times.

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■ 32. Amend § 32.68 West Virginia by revising paragraphs A.1., A.6., B.1., and C.1. of Canaan Valley National Wildlife Refuge to read as follows:

§ 32.68 West Virginia.

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Canaan Valley National Wildlife Refuge

A. Migratory Game Bird Hunting. * * *

1. We require each hunter to possess and carry a signed refuge hunting permit (name, address, phone number), State hunting license, and driver's license (or other photo identification card) at all times while hunting on the refuge. The refuge hunting permit is free, and you may obtain it at the refuge headquarters. We require each hunter to submit a Migratory Bird Hunt Report (FWS Form 3–2361) at the end of the hunting season. Hunters must submit this form to the refuge headquarters if they wish to receive a hunting permit the following year.

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6. We prohibit scouting and dog training except during legal hunting seasons.

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B. Upland Game Hunting. * * *

1. Conditions A1 (Upland/Small Game Furbearer Report; FWS Form 3–2362), A2, A6, and A7 apply.

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C. Big Game Hunting. * * *

1. Conditions A1 (Big Game Harvest Report; FWS Form 3–2359), A2, A6, A7, and B4 apply.

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■ 33. Amend § 32.69 Wisconsin by:

■ a. Revising paragraph B. of Leopold Wetland Management District; and

■ b. Revising paragraphs A. and B. of St. Croix Wetland Management District to read as follows:

§ 32.69 Wisconsin.

* * * * *

Leopold Wetland Management District

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B. Upland Game Hunting. We allow hunting of upland game throughout the district (except that we prohibit hunting on the Blue-wing Waterfowl Production Area (WPA) in Ozaukee County or the Wilcox WPA in Waushara County) in accordance with State regulations subject to the following conditions:

1. Condition A1 applies.

2. You may possess only approved nontoxic shot shells while hunting in the field, including shot shells used for hunting wild turkey (see § 32.2(k)).

* * * * *

St. Croix Wetland Management District

A. Migratory Game Bird Hunting. We allow hunting of migratory game birds throughout the district in accordance with State regulations subject to the following conditions:

1. We prohibit hunting on designated portions posted as closed of the St. Croix Prairie Waterfowl Production Area (WPA) in St. Croix County.

2. We close the Oak Ridge Waterfowl Production Area in St. Croix County to hunting from the opening day of waterfowl season until the first Saturday in December except deer hunting during regular archery, gun, and muzzleloader seasons.

B. Upland Game Hunting. We allow hunting of upland game throughout the district in accordance with State regulations subject to the following conditions:

1. Conditions A1 and A2 apply.

2. You may possess only approved nontoxic shot shells while hunting in the field, including shot shells used for hunting wild turkey (see § 32.2(k)).

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■ 34. Amend § 32.70 Wyoming by revising paragraph C.1. to read as follows and by removing paragraph C.4. of National Elk Refuge:

§ 32.70 Wyoming.

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National Elk Refuge

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C. Big Game Hunting. * * *

1. We require refuge permits (issued by State of Wyoming).

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Dated: December 21, 2010.

Eileen Sobeck,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 2011–225 Filed 1–20–11; 8:45 am]

BILLING CODE 4310–55–P

FEDERAL REGISTER

Vol. 76 Friday

No. 14 January 21, 2011

Part III

Department of Commerce

Census Bureau

15 CFR Part 30

Foreign Trade Regulations (FTR): Mandatory Automated Export System Filing for All Shipments Requiring Shipper's Export Declaration Information: Proposed Substantive Changes and Corrections; Proposed Rule

DEPARTMENT OF COMMERCE

Bureau of the Census

15 CFR Part 30

[Docket Number 100318153–0154–01]

RIN Number 0607–AA50

Foreign Trade Regulations (FTR): Mandatory Automated Export System Filing for All Shipments Requiring Shipper's Export Declaration Information: Proposed Substantive Changes and Corrections

AGENCY: Bureau of the Census, Commerce Department.

ACTION: Notice of proposed rulemaking.

SUMMARY: The U.S. Census Bureau (Census Bureau) proposes to amend its regulations to reflect new export reporting requirements. Specifically, the Census Bureau is proposing to require mandatory filing of export information through the Automated Export System (AES) or through AES*Direct* for all shipments of used self-propelled vehicles, temporary exports and household goods. The Census Bureau is also proposing to modify the postdeparture filing program by changing the filing time frame from ten (10) calendar days to five (5) calendar days and only allowing postdeparture reporting for approved commodities. In addition to the new export reporting requirements and the modifications to the postdeparture filing program, the proposed rule would make remedial changes to the FTR to improve clarity and to correct errors. These changes are discussed in detail in the **SUPPLEMENTARY INFORMATION** section.

DATES: Submit written comments on or before March 22, 2011.

ADDRESSES: Please direct all written comments on this proposed rule to the Associate Director for Economic Programs, U.S. Census Bureau, Room 8H132, Washington, DC 20233. You may also submit comments, identified by RIN number 0607–AA50, to the Federal e-Rulemaking Portal: *http://www.regulations.gov.* All comments received are a part of the public record. No comments will be posted to *http://www.regulations.gov* for public viewing until after the comment period has closed. Comment will generally be posted without change. All Personal Identifying Information (for example, name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information. The Census Bureau will accept anonymous comments (enter N/A in the required fields, if you wish to remain anonymous). You may submit attachments to electronic comments in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.

FOR FURTHER INFORMATION CONTACT: William G. Bostic, Jr., Assistant Director for Economic Programs, U.S. Census Bureau, Room 8K108, Washington, DC 20233–6010, by phone (301) 763–8842, by fax (301) 763–4967, or by e-mail *FTD.FTR.Comments@census.gov*.

SUPPLEMENTARY INFORMATION:

Background

The Census Bureau is responsible for collecting, compiling, and publishing export trade statistics for the United States under the provisions of Title 13, United States Code (U.S.C.), Chapter 9, Section 301. The AES is the primary instrument used for collecting export trade data, which is used by the Census Bureau for statistical purposes only. Through the AES, the Census Bureau collects Electronic Export Information (EEI), the electronic equivalent of the export data formerly collected on the Shipper's Export Declaration, reported pursuant to Title 15 Code of Federal Regulations (CFR) Part 30. The EEI consists of data elements set forth at 15 CFR 30.6 for an export shipment, and includes information such as the exporter's personal identifying information, which includes name, address and identification number, and detailed information concerning the exported product. Other Federal government agencies use the EEI for export control purposes to detect and prevent the export of certain items by unauthorized parties or to unauthorized destinations or end users. The EEI is exempt from public disclosure unless the Secretary of Commerce determines under the provisions of Title 13, U.S.C., Chapter 9, Section 301(g), that such exemption would be contrary to the national interest.

Program Requirements

To comply with the requirements of the Foreign Relations Authorization Act, Public Law 107–228, the Census Bureau is amending relevant sections of the FTR to reflect new export reporting requirements.

The Census Bureau is proposing to amend the following sections of the FTR:

- Revise the table of contents in § 30.28 by removing the quotations and the words by air because split shipments applies to all modes of transportation.
- Revise § 30.1(c) to add the terms and definitions for "Commercial loading document," "Diplomatic pouch," "Electronic CBP Form 214 Admissions (e214)," "Filer ID," "Foreign port of unlading," "Household goods," "International waters," "Issued banknote," "Mass-market software," "Non Vessel Operating Common Carrier (NVOCC)," "Shipping documents," "Transshipment," "Value," and "Voluntary self-disclosure" to clarify the use of these terms in the FTR.
- In § 30.1(c), revise the definition for "AES downtime filing citation" to clarify that the downtime citation cannot be used when the filer's system is down or experiences delays.
- In § 30.1(c), revise the definition for "Annotation" by removing the reference to an exclusion legend and to add the word "commercial" prior to the words "loading documents." This revision is necessary to clarify that the exclusion legend is no longer required and to note that the FTR only references commercial loading documents; therefore, the word "commercial" is added before all references to the words "loading documents."
- In § 30.1(c), revise the definition for "Automated Export System Trade Interface Requirements (AESTIR)" to clarify that the document also includes technical requirements.
- In § 30.1(c), remove the definition for "Automated Foreign Trade Zone Reporting Program (AFTZRP)" because the program is no longer in existence. The definition for "Electronic CBP Form 214 Admissions (e214)" is added to replace the AFTZRP.
- In § 30.1(c), add the term and definition "Commercial loading document" because the FTR only references commercial loading documents. Therefore, the term and definition for "Loading document" is removed from this section
- In § 30.1(c), revise the definition for "Country of ultimate destination" to reference § 30.6(a)(5).
- In § 30.1(c), revise the definition for "End user" to clarify that the end user is the entity abroad, known at the time of export by the USPPI, who ultimately uses the exported or reexported items.
- In § 30.1(c), remove the term and definition "Export value" because this term is not used in the FTR and cite the term and definition "Value".
- In § 30.1(c), revise the definition for "Filers" to remove the word "system" after the acronym "AES."
- In § 30.1(c), revise the definition for "Foreign principal party in interest (FPPI)" to clarify that the FPPI is the party that purchases the goods for export.

• In § 30.1(c), revise the term and definition for "Harmonized Tariff Schedule of the United States (HTSUS)" to include the correct title and abbreviation and remove references to CBP since it is not the only agency that uses the HTSUSA.

• In § 30.1(c), revise the definition for "Manifest" by removing the reference to an exclusion legend. The USPPIs and authorized agents are no longer required to place an exclusion legend on the bill of lading, air waybill, export shipping instructions, or other commercial loading documents.

• In § 30.1(c), revise the definition for "Port of export" to clarify the port for transshipments through Canada or Mexico.

• In § 30.1(c), revise the definition for "Postdeparture filing" to clarify that only approved commodities exported by approved USPPIs can be filed postdeparture. In addition, the Postdeparture filing time frame is changed from ten (10) calendar days to five (5) calendar days for export control and enforcement purposes.

• In § 30.1(c), revise the definition for "Power of attorney" to include a reference to Appendix A.

• In § 30.1(c), revise the definition for "Shipment" to clarify that except as noted in § 30.2(a)(1)(iv), the EEI shall be filed when the value of the goods is over $2,500 per Schedule B number.

• In § 30.1(c), revise the definition for "Shipment reference number" to clarify that the reuse of the shipment reference number is prohibited.

• In § 30.1(c), revise the definition for "Shipper's Export Declaration (SED)" to clarify the date the paper SED became obsolete.

• In § 30.1(c), revise the definition for "Split shipment" to clarify that split shipments apply to all modes of transportation and that the goods must leave on the same day.

• In § 30.1(c), revise the definition for "U.S. Customs and Border Protection" to correct errors in grammar.

• In § 30.1(c), revise the definition for "Written Authorization" to include reference to Appendix A.

• In § 30.2(a)(1)(iv), add paragraphs (H) and (I) to include the new filing requirements for reporting used self-propelled vehicles and household goods. These types of shipments will be required to be filed in the AES regardless of value or country of destination. However, shipments of household goods consigned to U.S. government agencies and employees for their exclusive use are exempt from this requirement.

• In § 30.2(a)(1)(iv), revise paragraph (E) to include the exemptions for shipments to Country Group E:1 based on 15 CFR 734 and 740.

• In § 30.2(a), revise paragraph (2) to reflect the correct Web site for the Automated Export System Trade Interface Requirements document.

• Revise § 30.2(b)(3) to reflect that the AES downtime procedures cannot be used when the computer system of an AES participant is unavailable for transmission.

• In § 30.2(d), revise the introductory text to clarify that an exclusion legend is not required on the bill of lading, air waybill, export shipping instructions, or other commercial loading documents.

• Revise § 30.2(d)(2) to clarify that Puerto Rico and the U.S. Virgin Islands are not excluded from filing the EEI.

• Revise the parenthetical phrase in § 30.2(d)(4), by removing the word "by" and adding in its place the word "to."

• In § 30.2(d), add a new paragraph (5) to include the new exclusion for goods licensed by a U.S. federal government agency where the country of ultimate destination is the United States or goods destined to international waters where the person(s) or entity assuming control of the item(s) is a citizen or permanent resident alien of the United States or a juridical entity organized under the laws of the United States or a jurisdiction within the United States

• Revise § 30.3(b)(2) to clarify that a foreign entity must be in the United States at the time goods are purchased or obtained for export in order to be listed as a USPPI.

• Revise § 30.3(b)(2)(iii) by removing the word "foreign entity" and adding in its place the word "FPPI." This revision clarifies that the U.S. order party directly arranges for the sale and export of goods for the foreign party located abroad.

• In § 30.3(b), add paragraph (4) to include carriers as a party to the export transaction.

• Revise § 30.3(c)(1)(ii)(A) to include the required information to be provided to the authorized agent in an export transaction. This language is consistent with the requirements for providing information in a routed export transaction.

• Revise § 30.3(c)(2)(ii) to clarify that the power of attorney or written authorization comes from the USPPI in a standard transaction.

• In § 30.3(c), add paragraph (3) to clarify carrier responsibilities as it pertains to the FTR.

• Revise § 30.3(e)(1) to include the requirement for the USPPI to provide the ultimate consignee type, if known, in a routed export transaction to the authorized agent.

• Revise § 30.3(e)(2) to include the requirement that an authorized agent must provide the USPPI with the Internal Transaction Number and Date of export when the agent files the EEI in a routed transaction. In addition, if known, the agent shall provide the ultimate consignee type in the AES.

• Revise § 30.4(a)(6) to clarify that shipments where complete outbound manifests are required prior to clearing vessels going directly to the countries identified in U.S. Customs and Border Protection regulations 19 CFR 4.75(c) and aircraft going directly or indirectly to those countries must be filed predeparture.

• Revise § 30.4(b)(1) to provide the correct citation in the International Traffic in Arms Regulations for filing timeframes for United States Munitions List shipments.

• In § 30.4(b), add paragraph (3) and redesignate paragraph (3) and paragraph (4) to clarify that the filing timeframes for shipments between the United States and Puerto Rico do not apply. Shipments between the United States and Puerto Rico must file the export information and have the proof of filing citation, postdeparture filing citation, or exemption citation by the time the shipment arrives at the port of unloading.

• Revise § 30.4(b) to add paragraph (4) to include the new filing timeframe requirement for used self-propelled vehicles as defined in 19 CFR 192.1 of U.S. Customs and Border Protection regulations.

• Revise § 30.4(c) and § 30.5(c) to clarify that only approved commodities exported by approved USPPIs can be filed postdeparture. In addition, the postdeparture filing time frame has changed from ten (10) calendar days to five (5) calendar days.

• Revise § 30.4(d) to remove the reference to an exclusion legend. The USPPIs and authorized agents are no longer required to place an exclusion legend on the bill of lading, air waybill, export shipping instructions, or other commercial loading documents.

• Revise § 30.5 to clarify the postdeparture approval procedures. Certification and approval requirements were strengthened to address U.S. national security concerns and interest. Under the proposed postdeparture filing requirements, postdeparture reporting will only be permitted for commodities on the approved list for postdeparture filing. This list can be found at *http://www.census.gov/aes.* Any commodities not included on the approved list must be reported prior to exportation and all current USPPI's previously approved for postdeparture filing must reapply. The

USPPI may apply for postdeparture filing privileges by submitting a postdeparture filing application at *http://www.census.gov/aes.*

• In § 30.5(c)(1), add paragraph (ix) to include that the USPPI will be denied postdeparture filing status if unable to meet the AES predeparture filing requirements.

• In § 30.5(c)(3), add paragraph (G) to clarify that the Census Bureau will revoke postdeparture privileges of an approved USPPI if it exports commodities not on the approved list.

• In § 30.5(d)(1) and (d)(2), remove the administrator code option for accessing account features in the AES*Direct.*

• Revise § 30.5(d)(2) to clarify that companies must immediately deactivate the username, in the AES*Direct,* of employee who leaves the company or is no longer an authorized user.

• Revise § 30.6(a)(1)(ii) to clarify that the USPPI does not need to own/lease the facility where the goods actually begin the journey to the port of export.

• Revise § 30.6(a)(3) to clarify that for licensed shipments to international waters, the person designated on the export license must be reported as the ultimate consignee.

• Revise § 30.6(a)(5)(i) to clarify that BIS license exceptions and non licensed shipments to international waters the filer must report the nationality of the person(s) or entity assuming control of the item(s) subject to the EAR.

• Revise § 30.6(a)(8) to clarify the carrier identification code that must be reported in the AES for vessel shipments.

• In § 30.6(a)(9), revise text to clarify that the port of export for shipments by overland transportation is where the goods cross the U.S. border into Canada or Mexico, including transshipments through Canada or Mexico. In addition, language was added to address shipment by vessel and air involving several ports of exportation.

• In § 30.6(a)(9), remove paragraphs (i) and (ii) because the content is included in the text of § 30.6(a)(9).

• In § 30.6(a)(17), revise the introductory text to clarify that the value reported in the AES must be in U.S. dollars.

• Revise § 30.6(a)(19) to clarify that the reuse of the shipment reference number is prohibited.

• Revise § 30.6(a)(23) by adding a comma and the word "authorization" after the word "permit." This revision is to clarify that authorizations, such as validated end-users, are to be reported in the license code/license exemption code field.

• In § 30.6(b), redesignate paragraphs (1) through (3) as paragraphs (4) through (6) and add new paragraphs (1) through (3) to include the new conditional filing requirement for reporting the address of the license applicant and name and address of the end-user.

• In § 30.6(b), redesignate paragraphs (4) through (14) as paragraphs (8) through (18) and add new paragraph (7) to include the new conditional filing requirement for reporting the country of origin for goods of foreign origin.

• Revise § 30.6(b)(14)(ii) to require the transportation reference number for air shipments.

• In § 30.6(b), redesignate paragraphs (15) and (16) as paragraphs (20) and (21) and add paragraph (19) to include the new conditional filing requirement for reporting the license value.

• Redesignate §§ 30.6(c)(1) and (c)(2) as §§ 30.6(b)(22) and (23). This revision will designate the optional data elements, equipment and seal number, as conditional data elements. The revision also clarifies that the equipment number is required for containerized vessel cargo.

• In § 30.6(b) add paragraphs (24), and (24)(i) through (24)(iii) to include a new conditional filing requirement for ultimate consignee type. The three ultimate consignee types are: Reseller, Government Reseller and Government Consumer. If applicable, the ultimate consignee shall be identified according to one of the types listed above that best describes its function. If at the time of filing, the USPPI or authorized agent knows the ultimate consignee type, that information must be reported in the AES. If more than one type applies to the ultimate consignee, report the type that applies most often.

• Revise § 30.7(b) to remove the reference to an exclusion legend. The USPPIs and authorized agents are no longer required to place an exclusion legend on the bill of lading, air waybill, export shipping instructions, or other commercial loading documents.

• In § 30.8, remove the citation "§ 30.4(e)" and add in its place "§ 30.7", which references the requirement to annotate the commercial loading documents with the proof of filing citation and exemption legend, because the incorrect citation is cited. Section 30.7 provides requirements for annotating the bill of lading, air waybill, or other commercial loading documents with the proof of filing citations, and exemption legends.

• In § 30.8(a), remove the citation "§ 30.2" and add in its place "§ 30.4(b)" because the incorrect citation is cited in the current FTR.

• In § 30.8(b), add language to reference § 30.46 which states the requirements for filing export information by pipeline carriers.

• In § 30.8(c), remove the reference to an exclusion legend. The USPPIs and authorized agents are no longer required to place an exclusion legend on the bill of lading, air waybill, export shipping instructions, or other commercial loading documents.

• Revise § 30.9(b) to clarify that failure to respond to fatal error messages prior to export of the cargo subjects the USPPI or authorized agent to penalties. The postdeparture filing time frame has also changed from ten (10) calendar days to five (5) calendar days. Also, remove the word "regulation" and add in its place "the FTR" in the second to last sentence.

• In § 30.16, revise the introductory text to spell out the acronym "EAR" and remove the word "also."

• In § 30.16, revise paragraph (b) to include reference to 15 CFR 758.1(g), which references requirements in the EAR, and add paragraph (c) to include the requirement for placing certain export information on export control documents for shipments that are exempt from filing in the AES.

• Revise § 30.18(a) to spell out the acronym "ITAR" and to clarify that shipments licensed by the State Department that are ultimately destined to a location in the United States are not required to be filed in the AES.

• In § 30.25, add paragraph (c) to include the new filing requirements for goods rejected after entry into the United States. Those goods must be filed in the AES and the value to be reported is the declared import value.

• Redesignate § 30.26(a) as § 30.37(e) to include the exemption for reporting vessels, aircraft, cargo vans, and other carriers and containers when shipping as tools of international trade. The exemption for in-transit shipments is removed.

• Redesignate § 30.26(b) to § 30.26 and revise to correct errors in grammar.

• In § 30.28, revise the title to remove the quotation marks and the words "by air." This section now includes all modes of transportation.

• In § 30.28, revise the introductory text to remove the words "by air," and the word "aircraft" and adding in place of the latter the word "conveyance," and to clarify that a split shipment must occur on the same day for all modes of transportation.

• In § 30.28(a) and (b), remove all references to the word "flight" and add in its place "conveyance." This revision is to clarify that split shipments apply to all modes of transportation.

• Revise § 30.29(a) to clarify that the return of goods previously imported only for repair and alteration to the foreign shipper are required to be reported in the AES.

• Revise § 30.29(b)(2) to clarify the requirement to report the Schedule B number or HTSUSA classification commodity number for replacement products and remove the word "only" in the last sentence. This revision is to clarify that the value should include inland or domestic freight, insurance, and other charges to the U.S. seaport, airport, or land border port of export.

• Revise § 30.35 to clarify that exemptions from filing in the AES does not apply when a shipment falls under § 30.2(a)(1)(iv), which references the types of export shipments that must be filed, regardless of value.

• In § 30.36(b), add paragraphs (7) and (8) to include the requirement for reporting used self-propelled vehicles and household goods destined to Canada.

• In § 30.36(b), revise the introductory text to clarify that shipments destined to Canada must be filed in the same manner as all other exports when they fall under §§ 30.36(b)(1) through (7). Therefore, removing the language from paragraph (b)(2).

• In § 30.37, remove paragraphs (q) and (r). This revision removes the exemption for temporary exports. Temporary shipments of goods valued over $2,500 per Schedule B or that require a license must be filed in the AES. When reporting temporary exports report the appropriate export information code for temporary goods, such as "TE and TP".

• Revise § 30.37 introductory text to clarify that exemptions from filing EEI do not apply if the shipment falls under § 30.2(a)(1)(iv), which references the types of export shipments that must be filed, regardless of value.

• Revise § 30.37(a) by removing the words "Except as noted in § 30.2(a)(1)(iv)" and clarify that goods that are of domestic and foreign origins with the same Schedule B number must be reported separately. In addition the reference to § 30.38 for the reporting of household goods was added.

• Revise § 30.37(g) to clarify the types of articles that are exempt when shipping to foreign libraries, government establishments, and other similar institutions.

• Redesignate §§ 30.37(s) and (t) as §§ 30.37(q) and (r).

• Revise § 30.37 by adding paragraph(s) to clarify that exports of technical data and defense service exemptions defined in 22 CFR 123.22(b)(3)(iii) are exempt from the EEI filing requirements.

• Revise § 30.38 to clarify that, regardless of value, limited reporting is required for household goods when the goods are for use by the USPPI or the USPPI's immediate family, not for sale, and shipped under a bill of lading or an air waybill. In addition, the revision removed the exemption for limited reporting of vehicles because full reporting is required for used self-propelled vehicles.

• In § 30.39 and § 30.40, revise the introductory text to clarify that the exemptions for the U.S. Armed Services and U.S. government agencies and employees does not apply if the shipment falls under § 30.2(a)(1)(iv), which references the types of export shipments that must be filed, regardless of value.

• In § 30.40, remove paragraph (d) because § 30.37(g) now incorporates the exemption described in this paragraph.

• In § 30.45(a), revise the introductory text by removing the word "shall" from the first sentence and adding in its place the word "may" and removing references to the exclusion legend. This revision is necessary to clarify that the exclusion legend is no longer required to be noted on the commercial loading documents.

• In § 30.45(a)(2), remove the word "unladed" and adding in its place "unladen." This section is also revised to require the manifest to be filed with the CBP Port Director at the port of exit rather than the port where the goods are laden.

• In § 30.45(a)(4), remove reference to the exclusion legend because USPPIs and authorized agents are no longer required to place this citation on the bill of lading, air waybill, export shipping instructions, or other commercial loading documents.

• In § 30.45(c), revise the title to remove the quotation marks and the words "by air" since this requirement now pertains to all modes of transportation. This section is also revised to clarify that a split shipment must be divided by the carrier.

• In § 30.45(d), remove the words "bill of lading" in the last sentence and add in its place the words "commercial loading document."

• Revise § 30.45(f)(1) by adding the words "Except as noted in § 30.4(b)(2)" to clarify that proof of filing citations and exemption legends are required for shipments between the United States and Puerto Rico when the carrier reaches the port of unloading.

• Revise § 30.45(f)(1) by removing the references to the SED and the exclusion legend. The SED has been replaced by the EEI, and the exclusion legend is no longer required to be placed on the bill of lading, air waybill, export shipping instructions, or other commercial loading documents.

• In § 30.45(f), remove paragraphs (3) and (4) because requirements for truck and rail shipments will be added to §§ 30.45(f)(1) and (2).

• In § 30.46 and § 30.47, remove all references to the exclusion legend because the USPPIs or authorized agents are no longer required to place the exclusion legend on the bill of lading, air waybill, export shipping instructions, or other commercial loading documents.

• In § 30.47(a), remove the word "business" and add in its place the word "calendar." This is to clarify that the carrier has up to four calendar days after clearance or departure of the carrier to file manifest and all required filing citations and/or exemption legends.

• In § 30.47(a)(2), remove the words "fifteenth business" and add in its place the word "fourth calendar." This is to clarify that the filing citations and/or exemption legends shall be filed with CBP no later than the fourth calendar day after departure.

• Revise § 30.47(a)(3) to clarify that a list of filing citations and/or exemption legends must be presented for carriers under bond on an incomplete manifest upon request by CBP.

• In § 30.50(b)(5), remove the words "Automated Foreign Trade Zone Reporting Program (AFTZRP)" and add in their place "Electronic CBP Form 214 Admissions (e214)" since the AFTZRP was eliminated March 1, 2009.

• Revise § 30.52 to clarify the statistical filing requirements for Foreign Trade Zone shipments via the e214 or paper 214A.

• In § 30.54(b), remove the second instance of the word "region" and add in its place the word "country" in the last sentence. This is to clarify that the region of origin code replaces the country of origin code on the CBP Form 7501.C

• In § 30.60(c)(4), add the words "and foreign companies" after the word "governments" to clarify that neither foreign governments nor entities may have access to the EEI.

• Revise § 30.60(c)(4)(d) to remove the reference to an exclusion legend. The USPPIs and authorized agents are no longer required to place an exclusion legend on the bill of lading, air waybill, export shipping instructions, or other commercial loading documents.

In § 30.71(b), revise paragraph (1), redesignate paragraphs (2) and (3) as paragraphs (3) and (4) and add a new paragraph (2). This revision is to clarify

that the civil penalties imposed for delayed filings and failures to file are different. For delayed filings, the penalty will not exceed $1,100 per day of delinquency, and no more than $10,000 per violation; whereas, failures to file, the penalty will not exceed $10,000 per violation.

• In § 30.74(c)(3)(iv), remove the punctuation and the word "and" at the end of the sentence because an additional paragraph is added.

• In § 30.74(c)(3)(vi), add punctuation and the word "and" at the end of the sentence to clarify that when submitting a voluntary self-disclosure, all items listed in § 30.74(c)(3) must be included in the letter submitted to the Census Bureau.

• In § 30.74(c)(3), add paragraphs (vi) and (vii) to clarify that, when submitting a voluntary self-disclosure, the person must indicate the corrective measures taken to avoid the violation in the future and the ITNs of the missed and/or corrected shipments.

• Revise § 30.74(c)(5) to include the Foreign Trade Division Web site regarding further instructions for submitting voluntary self-disclosures to the Census Bureau.

• Revise Appendices B through F to reflect all proposed changes to the FTR discussed in this part.

Rulemaking Requirements

Regulatory Flexibility Act

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration (SBA) that this rule will not have a significant impact on a substantial number of small entities. This action requires that USPPIs or authorized agents in the United States file export information to the AES for all shipments where an EEI record is required under the FTR.

The SBA's table of size standards indicates that businesses that are the USPPI or authorized agent and file export information are considered small businesses if they employ less than 500 people. Based on year 2008 *Profile of U.S. Exporting Companies,* the Census Bureau estimates that there are 281,000 USPPIs that are considered small entities under the Small Business Act definition. Over 90 percent of USPPIs use an authorized agent to file export documentation. An estimate of the number of authorized agents is not known.

The Census Bureau anticipates that the new requirement would not significantly affect the small businesses that file through the AES. The new reporting requirements would not affect a substantial number of small entities because more than 90 percent of USPPIs that are considered small entities use an authorized agent to file export documentation. Also, while this regulation would likely affect a substantial number of agents that are small entities it is not likely that the effect will be significant. The majority of agents require use of a computer to perform routine tasks, such as filing the AES. These agents are unlikely to be significantly affected by these new requirements, as they currently possess the technology and equipment to submit the information through the AES. The Census Bureau has provided a free Internet-based system, AES*Direct,* especially for small businesses to submit their export information electronically. It would not be necessary for small businesses to purchase software for this task. For these reasons, if this proposed rule is adopted, this rule would not have a significant economic impact on a substantial number of small entities.

Executive Orders

This rule has been determined to be not significant for purposes of Executive Order 12866. It has been determined that this rule does not contain policies with federalism implications as that term is defined under Executive Order 13132.

Paperwork Reduction Act

Notwithstanding any other provision of law, no person is required to respond to, nor shall a person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act (PRA), unless that collection of information displays a current, valid Office of Management and Budget (OMB) control number. This rule contains a collection-of-information subject to the requirements of the PRA (44 U.S.C. 3501 *et seq.*) and that has been approved under OMB control number 0607–0152.

List of Subjects in 15 CFR Part 30

Economic statistics, Exports, Foreign trade, Reporting and recordkeeping requirements.

For the reasons set out in the preamble, the Census Bureau is proposing to amend Title 15, CFR part 30, as follows:

PART 30—FOREIGN TRADE REGULATIONS

Subpart A—General Requirements

1. The authority citation for Part 30 continues to read as follows:

Authority: 5 U.S.C. 301; 13 U.S.C. 301–307; Reorganization Plan 5 of 1990 (3 CFR 1949–1953 Comp., p. 1004); Department of Commerce Organization Order No. 35–2A, July 22, 1987, as amended, and No. 35–2B, December 20, 1996, as amended; and Public Law 107–228, 116 Stat. 1350.

2. Amend § 30.1(c) by:

a. Revising the terms and definitions for "AES downtime filing citation," "Annotation," "Automated Export System Trade Interface Requirements (AESTIR)," "Country of ultimate destination," "Dun & Bradstreet Number (DUNS)," "End user," "Filers," "Foreign principal party in interest (FPPI)," "Harmonized Tariff Schedule of the United States (HTSUS)," "Manifest," "Method of transportation," "Port of export," "Postdeparture filing," "Power of attorney," "Shipment," "Shipment reference number," "Shipper's Export Declaration (SED)," "Split shipment," "Ultimate consignee," "U.S. Customs and Border Protection (CBP)," and "Written authorization;" and

b. Removing the definitions for "Automated Foreign Trade Zone Reporting Program (AFTZRP)," "Loading document," "Export value;" and

c. Adding alphabetically the definitions for "Commercial loading document," "Diplomatic pouch," "Electronic CBP Form 214 Admissions (e214)," "Filer ID," "Foreign port of unlading," "Household goods," "International waters," "Issued banknote," "Mass-market software," "Non Vessel Operating Common Carrier (NVOCC)," "Shipping documents," "Transshipment," "Value," and "Voluntary Self-Disclosure (VSD)"

The revisions and additions read as follows:

§ 30.1 Purpose and Definitions.

* * * * *

(c) * * *

AES downtime filing citation. A statement used in place of a proof of filing citation when the AES or AES*Direct* computer systems experience a major failure. The citation must appear on the bill of lading, air waybill, export shipping instructions, or other commercial loading documents. The downtime filing citation is not to be used when the filer's system is down or experiencing delays.

* * * * *

Annotation. An explanatory note (*e.g.,* proof of filing citation, postdeparture filing citation, AES downtime filing citation, or exemption legend) placed on the bill of lading, air waybill, export shipping instructions, or other commercial loading document.

* * * * *

Automated Export System Trade Interface Requirements (AESTIR). The document that describes the technical and operational requirements of the AES. The AESTIR presents record formats and other reference information used in the AES.

* * * * *

Commercial loading document. A document that establishes the terms of a contract between a shipper and a transportation company under which freight is to be moved between points for a specific charge. It is usually prepared by the shipper or the shipper's agent and actuated by the carrier and serves as a document of title, a contract of carriage, and a receipt for goods. Examples of commercial loading documents include the air waybill, inland bill of lading, ocean bill of lading, and through bill of lading.

* * * * *

Country of ultimate destination. The country where the goods are to be consumed, further processed, stored, or manufactured, as known to the USPPI at the time of export. (*See* § 30.6(a)(5)).

* * * * *

Diplomatic pouch. Any properly identified and sealed pouch, package, envelope, bag, or other container that is used to transport official correspondence, documents, and articles intended for official use, between Embassies, legations, or consulates, and the foreign office of any government.

* * * * *

Electronic CBP Form 214 Admissions (e214). A web-based system that allows importers, brokers and zone operators to report import data electronically via CBP's Automated Broker Interface system for merchandise being admitted into a Foreign Trade Zone. The e214 is the electronic system that replaced the Census Bureau's *Automated Foreign Trade Zone Reporting Program.*

* * * * *

End user. The entity abroad, known at the time of export by the USPPI, which ultimately uses the exported or reexported items. The end user is not an authorized agent or intermediary, but may be the FPPI or ultimate consignee.

* * * * *

Filers. Those USPPIs or authorized agents (of either the USPPI or the FPPI) who have been approved to file EEI directly in the AES or AES*Direct* Internet application.

Filer ID. The Employer Identification Number or Dun & Bradstreet Number of the company or individual filing the export information in the Automated Export System.

* * * * *

Foreign port of unlading. The port in the foreign country where the goods are removed from the exporting carrier. The foreign port does not have to be located in the country of destination. The foreign port of unlading shall be reported in terms of Schedule K, "Classification of CBP Foreign Ports by Geographic Trade Area and Country."

Foreign Principal Party in Interest (FPPI). The party abroad who purchases the goods for export. This party may be the Ultimate Consignee.

* * * * *

Harmonized Tariff Schedule of the United States Annotated (HTSUSA). An organized listing of goods and their duty rates, developed by the U.S. International Trade Commission, as the basis for classifying imported and exported products, and also providing statistical information about imports and exports.

Household goods. Usual and reasonable kinds and quantities of furniture, clothing and personal adornments necessary and appropriate for use by the USPPI or the USPPIs immediate family.

* * * * *

International waters. Waters located outside the U.S. territorial sea, which extends 12 nautical miles measured from the baselines of the United States, and outside the territory of any foreign country, including the territorial waters thereof. Note that vessels, platforms, buoys, undersea systems, and other similar structures that are located in international waters, but are attached permanently or temporarily to a country's continental shelf, are considered to be within the territory of that country.

* * * * *

Issued banknote. A promissory note intended to circulate as money, usually printed on paper or plastic, issued by a bank with a specific denomination, payable to an individual, entity or the bearer.

* * * * *

Manifest. A collection of documents, including forms, such as the cargo declaration and annotated bills of lading, that lists and describes the cargo contents of a carrier, container, or warehouse. Carriers required to file manifests with CBP Port Director must include an AES filing citation, or exemption legend for all cargo being transported.

* * * * *

Mass-market software. Software that is produced in large numbers and made available to the public. It does not include software that is customized for a specific user.

* * * * *

Method of transportation. The method by which goods arrive in or are exported from the United States by way of seaports, airports, or land border crossing points. Methods of transportation include vessel, air, truck, rail, mail or other.

* * * * *

Non Vessel Operating Common Carrier (NVOCC). An individual or entity who does not own or operate the carrying ship, but who contracts with a shipping line for the carriage of the goods to the ultimate consignee.

* * * * *

Port of export. The port of export is the U.S. Customs and Border Protection seaport or airport where the goods are loaded on the carrier that is taking the goods out of the United States, or the CBP port where exports by overland transportation cross the U.S. border into Canada or Mexico. For goods loaded aboard a carrier (aircraft or vessel) where the conveyance stops at several ports before clearing to the foreign country, the port of export is the first port where the goods were loaded on the original conveyance. For goods off-loaded from the original conveyance to another conveyance (even if the aircraft or vessel belongs to the same carrier) at any of the ports, the port where the goods were loaded on the last conveyance before going foreign is the port of export. The port of export shall be reported in terms of Schedule D, "Classification of CBP Districts and Ports." Use port code 8000 for shipments by mail.

* * * * *

Postdeparture filing. The privilege granted to approved USPPIs for their EEI to be filed up to five calendar days from the date of export. Postdeparture filing can only be used for an approved list of commodities. This list can be found at *http://www.census.gov/aes.*

* * * * *

Power of attorney. A legal authorization, in writing, from a USPPI or FPPI stating that the agent has authority to act as the principal party's true and lawful agent for purposes of preparing and filing the EEI in accordance with the laws and regulations of the United States. (*See* Appendix A of this part.)

* * * * *

Shipment. All goods being sent from one USPPI to one consignee located in a single country of destination on a single conveyance and on the same day. Except as noted in § 30.2(a)(1)(iv), the

EEI shall be filed when the value of the goods is over $2,500 per Schedule B number or HTSUSA commodity classification code.

Shipment reference number. A unique identification number assigned to the shipment by the filer for reference purposes. The reuse of the shipment reference number is prohibited.

Shipper's Export Declaration (SED). The Department of Commerce paper form used under the Foreign Trade Statistics Regulations to collect information from an entity exporting from the United States. This form was used for compiling the official U.S. export statistics for the United States and for export control purposes. The SED became obsolete on October 1, 2008, with the implementation of the Foreign Trade Regulations (FTR) and has been superseded by the EEI filed to the AES or through the AES*Direct.*

Shipping documents. Documents that include but are not limited to commercial invoices, export shipping instructions, packing lists, bill of ladings and air waybills.

* * * * *

Split shipment. A shipment covered by a single EEI transmission booked for export on one conveyance, but divided by the exporting carrier and sent on two or more conveyances of the same carrier on the same day.

* * * * *

Transshipment. The transfer of merchandise from the country or countries of origin through an intermediary country or countries to the country of ultimate destination.

* * * * *

U.S. Customs and Border Protection (CBP). The unified border agency within the Department of Homeland Security (DHS) charged with the management, control, and protection of our Nation's borders at and between the official ports of entry to the United States. CBP is charged with keeping terrorist and terrorist weapons from entering the country and enforcing customs, immigration, agricultural and countless other laws of the United States.

* * * * *

Value. The selling price (or the cost if the goods are not sold) in US dollars, plus inland or domestic freight, insurance, and other charges to the U.S. seaport, airport, or land border port of export. Cost of goods is the sum of expenses incurred in the USPPI's acquisition or production of the goods. (*See* § 30.6(a)(17)).

* * * * *

Voluntary Self-Disclosure (VSD). A narrative account with supporting documentation that sufficiently describes suspected violations of the FTR. A VSD reflects due diligence in detecting, and correcting potential violation(s) when required information was not reported or when incorrect information was provided that violates the FTR.

* * * * *

Written authorization. A legal authorization, in writing, by the USPPI or FPPI stating that the agent has authority to act as the USPPI's or FPPI's true and lawful agent for purposes of preparing and filing the EEI in accordance with the laws and regulations of the United States. (*See* Appendix A of this part.)

3. Amend § 30.2 by revising paragraphs (a)(1)(iv)(E), (a)(2), (b)(3), paragraph (d) introductory text, paragraphs (d)(2) and (d)(4); and adding paragraphs (a)(1)(iv)(H), (a)(1)(iv)(I) and (d)(5) to read as follows:

§ 30.2 General requirements for filing Electronic Export Information (EEI).

(a) * * *

(1) * * *

(iv) * * *

(E) Destined for a country listed in Country Group E:1 as set forth in Supplement 1 of 15 CFR 740, unless the shipment is exempt from filing requirements by 15 CFR 734 or 740.

* * * * *

(H) Used self-propelled vehicles as defined in 19 CFR 192.1 of U.S. Customs and Border Protection regulations.

(I) Household goods, unless the shipment is consigned to U.S. government agencies and employees for their exclusive use.

(2) *Filing methods.* The USPPI has four means for filing EEI: use AES*Direct;* develop AES software using the AESTIR (*see http://www.customs.gov/xp/cgov/trade/automated/aes/tech_docs/*); purchase software developed by certified vendors using the AESTIR; or use an authorized agent. An FPPI can only use an authorized agent in a routed export transaction.

(b) * * *

(3) The AES downtime procedures provide uniform instructions for processing export transactions when the government's AES or AES*Direct* is unavailable for transmission. (See § 30.4(b)(1) and § 30.4(b)(3).)

* * * * *

(d) *Exclusions from filing EEI.* The following types of transactions are outside the scope of this part and shall be excluded from EEI filing. Notation on the bill of lading, air waybill, export shipping instructions or other commercial loading documents is not required.

* * * * *

(2) Except Puerto Rico and the U.S. Virgin Islands, goods shipped from the U.S. territories and goods shipped between the United States and these territories do not require EEI filing. However, goods transiting U.S. territories to foreign destinations require EEI filing.

* * * * *

(4) Goods shipped to Guantanamo Bay Naval Base in Cuba from the United States, Puerto Rico, or the U.S. Virgin Islands and from Guantanamo Bay Naval Base to the United States, Puerto Rico, or the U.S. Virgin Islands. (*See* § 30.39 for filing requirements for shipments exported to the U.S. Armed Services.)

(5) Goods licensed by a U.S. federal government agency where the country of ultimate destination is the United States or goods destined to international waters where the person(s) or entity assuming control of the item(s) is a citizen or permanent resident alien of the United States or a juridical entity organized under the laws of the United States or a jurisdiction within the United States.

* * * * *

4. Amend § 30.3 by revising paragraphs (b)(2), (b)(2)(iii), (c)(1)(ii)(A), (c)(2)(ii), (e)(1)(xii) and (e)(2); and adding paragraphs (b)(4) and (c)(3) to read as follows: *§ 30.3 Electronic Export Information filer requirements, parties to export transactions, and responsibilities of parties to export transactions.*

* * * * *

(b) * * *

(2) *USPPI.* For purposes of filing EEI, the USPPI is the person or legal entity in the United States that receives the primary benefit, monetary or otherwise, from the transaction. Generally, that person or entity is the U.S. seller, manufacturer, order party, or foreign entity if in the United States at the time goods are purchased or obtained for export. The foreign entity shall be listed as the USPPI if it is in the United States when the items are purchased or obtained for export. The foreign entity shall then follow the provisions for filing the EEI specified in § 30.3 and § 30.6 pertaining to the USPPI.

* * * * *

(iii) If a U.S. order party directly arranges for the sale and export of goods to the FPPI, the U.S. order party shall be listed as the USPPI in the EEI.

* * * * *

(4) *Carrier.* A carrier is an individual or legal entity in the business of

transporting passengers or goods. Airlines, trucking companies, railroad companies, shipping lines, pipeline companies, and slot charterers are all examples of carriers.

(c) * * *

(1) * * *

(ii) * * *

(A) Providing the authorized agent with the following information to assist in preparing the EEI:

(*1*) Name and address of the USPPI.

(*2*) USPPI's EIN.

(*3*) State of origin (State).

(*4*) FTZ if applicable.

(*5*) Commercial description of commodities.

(*6*) Origin of goods indicator: Domestic (D) or Foreign (F).

(*7*) Schedule B number or HTSUSA, Classification Commodity Code.

(*8*) Quantities/units of measure.

(*9*) Value.

(*10*) Export Control Classification Number (ECCN) or sufficient technical information to determine the ECCN if 15 CFR 758.1(g) requires that an ECCN be entered.

(*11*) All licensing information necessary to file the EEI for commodities where the Department of State, the Department of Commerce, or other U.S. government agency issues a license for the commodities being exported, or the merchandise is being exported under a license exemption or exception.

(*12*) Ultimate consignee type, if known.

* * * * *

(2) * * *

(ii) Obtaining a power of attorney or written authorization from the USPPI to file the EEI.

* * * * *

(3) *Carrier responsibilities.*

(i) The carrier must not load or move cargo unless the required documentation, from the USPPI or authorized agent, contains the required AES proof of filing, postdeparture, downtime, or exemption citations. This information must be cited on the first page of the bill of lading, air waybill, or other commercial loading documents.

(ii) The carrier must annotate the required AES proof of filing, postdeparture, downtime, or exemption citations on the carrier's outbound manifest when required.

(iii) The carrier is responsible for presenting the required AES proof of filing, postdeparture, downtime, or exemption citations to CBP Port Director at the port of export as stated in Subpart E of this part. Such presentation shall be without material change or amendment of the proof of filing citation, exemption legend or postdeparture filing citation.

(iv) Except as provided in § 30.28, when a carrier identifies that a portion of the goods covered by a single EEI transaction has not been exported on the intended conveyance, the carrier shall notify the U.S. Customs and Border Protection Port Director at the Port of exit immediately and amend the manifest. The carrier shall notify the USPPI or the authorized agent of changes to the commodity data, and the USPPI or the authorized agent shall electronically transmit the corrections, cancellations, or amendments as soon as the corrections are known in accordance with § 30.9.

(v) Retain documents pertaining to the export shipment as specified in § 30.10.

* * * * *

(e) * * *

(1) * * *

(xii) Ultimate consignee type, if known.

* * * * *

(2) *Authorized agent responsibilities.* In a routed export transaction, if an authorized agent is preparing and filing the EEI on behalf of the FPPI, the authorized agent must obtain a power of attorney or written authorization from the FPPI and prepare and file the EEI based on information obtained from the USPPI or other parties involved in the transaction. The authorized agent shall be responsible for filing the EEI accurately and timely in accordance with the FTR. Upon request, the authorized agent will provide the USPPI with a copy of the power of attorney or written authorization from the FPPI. The authorized agent shall also retain documentation to support the EEI reported to the AES. The agent shall upon request, provide the USPPI with the Internal Transaction Number, date of export, and the data elements in paragraphs (e)(1)(i) through (xii) of this section as submitted to the AES. The authorized agent shall provide the following export information to the AES:

(i) Date of export.

(ii) Transportation Reference Number.

(iii) Ultimate consignee.

(iv) Intermediate consignee, if applicable.

(v) Authorized agent name and address.

(vi) EIN, or DUNS number of the authorized agent.

(vii) Country of ultimate destination.

(viii) Method of transportation.

(ix) Carrier identification and conveyance name.

(x) Port of export.

(xi) Foreign port of unloading.

(xii) Shipping weight.

(xiii) ECCN if 15 CFR 758.1(g) requires that an ECCN be entered.

(xiv) License information.

(xv) Ultimate consignee type, if known.

Note to Paragraph (e)(2) of this section: For items in paragraphs (e)(2)(xiii) and (xiv) of this section, where the FPPI has assumed responsibility for determining and obtaining license authority, see requirements set forth in 15 CFR 758.3 of the EAR.

* * * * *

5. Amend § 30.4 by revising paragraphs (a)(6), (b)(1), (b)(2) introductory text, (c), and (d), redesignating paragraph (b)(3) as (b)(4) and adding paragraphs (b)(3) and (b)(5) to read as follows:

§ 30.4 Electronic Export Information filing procedures, deadlines, and certification statements.

* * * * *

(a) * * *

(6) Shipments where complete outbound manifests are required prior to clearing vessels going directly to the countries identified in U.S. Customs and Border Protection regulations 19 CFR 4.75(c) and aircraft going directly or indirectly to those countries. (*See* U.S. Customs and Border Protection regulation 19 CFR 122.74(b)(2));

(b) * * *

(1) For USML shipments, refer to the ITAR (22 CFR 123.22(b)(1)) for specific requirements concerning predeparture filing timeframes. In addition, if a filer is unable to acquire an ITN because the AES is not operating, the filer shall not export until the AES is operating and an ITN is acquired.

(2) For non-USML shipments, except shipments between the United States and Puerto Rico, file the EEI and provide the ITN as follows (*See* § 30.4(b)(3), filing timeframes for shipments between the United States and Puerto Rico):

* * * * *

(3) For shipments between the United States and Puerto Rico, the AES proof of filing citation, postdeparture filing citation, or exemption citation must be presented to the carrier by the time the shipment arrives at the port of unloading.

* * * * *

(5) For used self-propelled vehicles as defined in 19 CFR 192.1 of U.S. Customs and Border Protection regulations, the USPPI or the authorized agent shall file the EEI as required by § 30.6 and provide the filing citation to the exporting carrier at least 72 hours prior to export.

(c) *EEI transmitted postdeparture.* Postdeparture filing is only available for approved USPPIs and provides for the electronic filing of the data elements

required by § 30.6 no later than five (5) calendar days from the date of exportation. Postdeparture filing can only be used for an approved list of commodities. This list can be found at *http://www.census.gov/aes.* For U.S. principal parties in interest approved for postdeparture filing, all shipments containing only approved commodities (other than those for which predeparture filing is specifically required), by all methods of transportation, may be exported with the appropriate postdeparture filing citation and the EEI must be filed within five (5) calendar days from the date of export. Certified AES authorized agents or service centers may transmit information postdeparture on behalf of USPPIs approved for postdeparture filing, or the approved USPPI may transmit the data postdeparture itself.

(d) *Proof of filing citation and exemption legend.* The USPPI or the authorized agent shall provide the exporting carrier with the proof of filing citation and exemption legends as described in § 30.7.

6. Amend § 30.5 by revising paragraph (c) introductory text, paragraph (d)(1) and (d)(2); and adding paragraphs (c)(1)(ix) and (c)(3)(G) to read as follows:

§ 30.5 Electronic Export Information filing application and certification processes and standards.

* * * * *

(c) *Postdeparture filing approval process.* Postdeparture filing is a privilege granted to approved USPPIs for their EEI to be filed up to five (5) calendar days from the date of export. Postdeparture filing can only be used for an approved list of commodities. This list can be found at *http://www.census.gov/aes.* The USPPI or its authorized agent may not transmit EEI postdeparture for commodities not found on the approved list of commodities. The USPPI may apply for postdeparture filing privileges by submitting a postdeparture filing application at *http://www.census.gov/aes.* An authorized agent may not apply on behalf of a USPPI. The Census Bureau will distribute the application to CBP and the other federal government partnership agencies participating in the AES postdeparture filing review process. Failure to meet the standards of the Census Bureau, CBP or any of the partnership agencies is reason for denial of the AES applicant for postdeparture filing privileges. Each partnership agency will develop its own internal postdeparture filing acceptance standards, and each agency will notify the Census Bureau of the USPPI's success or failure to meet that agency's acceptance standards. Any partnership agency may require additional information from USPPIs that are applying for postdeparture filing. The Census Bureau will notify the USPPI of the decision to either deny or approve its application for postdeparture filing privileges within thirty (30) calendar days of receipt of the postdeparture filing application by the Census Bureau, or if a decision cannot be reached at that time, the USPPI will be notified of an extension for a final decision as soon as possible after the thirty (30) calendar days.

(1) * * *

(ix) The USPPI fails to demonstrate the ability to meet the AES predeparture filing requirements.

* * * * *

(3) * * *

(G) The USPPI or its authorized agent files postdeparture for commodities that are not on the approved list. *See http://www.census.gov/aes* for the list of approved commodities.

* * * * *

(d) * * *

(1) AES*Direct* user names and passwords are to be kept secure by the account administrator and not disclosed to any unauthorized user or any persons outside the registered company.

(2) Registered companies are responsible for those persons having user name and password. If an employee with a user name and password leaves the company or otherwise is no longer an authorized user, the company shall immediately deactivate that username in the system to ensure the integrity and confidentiality of Title 13 data.

* * * * *

7. Amend § 30.6 as follows:

a. Revise paragraphs (a)(1)(ii), (a)(3), (a)(5)(i), (a)(8), (a)(9), (a)(17) introductory text, (a)(19), and (a)(23);

b. Revise paragraph (b);

c. Add paragraphs (b)(1), (b)(2), (b)(3), (b)(7), (b)(19), (b)(22), (b)(23), and (b)(24); and

d. Remove paragraphs (c)(1) and (c)(2):

§ 30.6 Electronic Export Information data elements.

* * * * *

(a) * * *

(1) * * *

(ii) *Address of the USPPI.* In all EEI filings, the USPPI shall report the address or location (no post office box number) from which the goods actually begin the journey to the port of export even if the USPPI does not own/lease the facility. For example, the EEI covering goods laden aboard a truck at a warehouse in Georgia for transport to Florida for loading onto a vessel for export to a foreign country shall show the address of the warehouse in Georgia. For shipments with multiple origins, report the address from which the commodity with the greatest value begins its export journey. If such information is not known, report the address in the state where the commodities are consolidated for export.

* * * * *

(3) *Ultimate consignee.* The ultimate consignee is the person, party, or designee that is located abroad and actually receives the export shipment. The name and address of the ultimate consignee, whether by sale in the United States or abroad or by consignment, shall be reported in the EEI. The ultimate consignee as known at the time of export shall be reported. For shipments requiring an export license including shipments to international waters, the ultimate consignee reported in the AES shall be the person so designated on the export license or authorized to be the ultimate consignee under the applicable license exemption or exception in conformance with the EAR or ITAR, as applicable. For goods sold en route, report the appropriate "To be Sold En Route" indicator in the EEI, and report corrected information as soon as it is known (*see* § 30.9 for procedures on correcting AES information).

* * * * *

(5) * * *

(i) *Shipments under an export license, license exception or license exemption.* For shipments, including those to international waters, under an export license or license exemption issued by the Department of State, DDTC or export license or license exception issued by the Department of Commerce, BIS, the country of ultimate destination shall conform to the country of ultimate destination as shown on the license. In the case of a Department of State license, the country of ultimate destination is the country specified with respect to the end user. For goods licensed by other government agencies refer to their specific requirements concerning providing country of destination information.

* * * * *

(8) *Carrier identification.* The carrier identification is the Standard Carrier Alpha Code (SCAC) for vessel, rail, and truck shipments or the International Air Transport Association (IATA) code for air shipments. The carrier identification specifies the carrier that transports the goods out of the United States. The

carrier transporting the goods to the port of export and the carrier transporting the goods out of the United States may be different. For vessel shipments, report the carrier identification code of the party whose booking number was reported in the AES. For transshipments through Canada, Mexico, or another foreign country, the carrier identification is that of the carrier that transports the goods out of the United States. For other valid methods of transportation, including mail, fixed modes (pipeline), passenger, and hand carried, the carrier identification is not required. The National Motor Freight Traffic Association (NMFTA) issues and maintains the SCAC. (*See http://www.nmfta.org.*) The IATA issues and maintains the IATA codes. (*See http://www.census.gov/trade* for a list of IATA codes.)

(9) *Port of export.* The port of export is the U.S. Customs and Border Protection seaport or airport where the goods are loaded on the carrier that is taking the goods out of the United States, or the CBP port where exports by overland transportation cross the U.S. border into Canada or Mexico. For goods loaded aboard a carrier (aircraft or vessel) where the conveyance stops at several ports before clearing to the foreign country, the port of export is the first port where the goods were loaded on the original conveyance. For goods off-loaded from the original conveyance to another conveyance (even if the aircraft or vessel belongs to the same carrier) at any of the ports, the port where the goods were loaded on the last conveyance before going foreign is the port of export. The port of export shall be reported in terms of Schedule D, "Classification of CBP Districts and Ports." Use port code 8000 for shipments by mail.

* * * * *

(17) *Value.* In general, the value to be reported in the EEI shall be the value of the goods at the U.S. port of export in U.S. dollars. The value shall be the selling price (or the cost, if the goods are not sold), plus inland or domestic freight, insurance, and other charges to the U.S. seaport, airport, or land border port of export. Cost of goods is the sum of expenses incurred in the USPPI's acquisition or production of the goods. Report the value to the nearest dollar, omit cents. Fractions of a dollar less than 50 cents should be ignored, and fractions of 50 cents or more should be rounded up to the next dollar.

* * * * *

(19) *Shipment reference number.* A unique identification number assigned by the filer that allows for the identification of the shipment in the filer's system. The reuse of the shipment reference number is prohibited.

* * * * *

(23) *License code/license exemption code.* The code that identifies the commodity as having a federal government agency requirement for a license, permit, authorization, license exception or exemption or that no license is required.

(b) Conditional data elements are as follows: (1) *Address of license applicant.* Report the address of the applicant shown on the export license, if different from the USPPI.

(2) *Name of the end user.* Report the name of the end user, if known.

(3) *Address of the end user.* Report the address or location (no post office box number) of the reported end user.

(4) *Authorized agent and authorized agent identification.* If an authorized agent is used to prepare and file the EEI, the following information shall be provided to the AES:

(i) *Authorized agent's identification number.* Report the authorized agent's own EIN, or DUNS in the EEI for the first shipment and for each subsequent shipment. Use of another company's or individual's EIN or other identification number is prohibited. The party ID type (E = EIN, D = DUNS, etc.) shall be identified.

(ii) *Name of the authorized agent.* Report the name of the authorized agent. The authorized agent is that person or entity in the United States that is authorized by the USPPI or the FPPI to prepare and file the EEI or the person or entity, if any, named on the export license. (See § 30.3 for details on the specific reporting responsibilities of authorized agents and Subpart B of this part for export control licensing requirements for authorized agents.)

(iii) *Address of the authorized agent.* Report the address or location (no post office box number) of the authorized agent. The authorized agent's address shall be reported with the initial shipment. Subsequent shipments may be identified by the agent's identification number.

(iv) *Contact information.* Report the contact name and telephone number.

(5) *Intermediate consignee.* Report the name and address of the intermediate consignee (if any). The intermediate consignee acts in a foreign country as an agent for the principal party in interest or the ultimate consignee for the purpose of effecting delivery of the export shipment to the ultimate consignee. The intermediate consignee is the person named as such on the export license or authorized to act as such under the applicable general license and in conformity with the EAR.

(6) *FTZ identifier.* If goods are removed from a FTZ and not entered for consumption, report the FTZ identifier. This is the unique identifier assigned by the Foreign Trade Zone Board that identifies the FTZ, subzone or site from which goods are withdrawn for export.

(7) *Country of origin.* If the goods exported are of foreign origin and have undergone no change in form or condition or enhancement in value by further manufacture in the United States, U.S. FTZs, Puerto Rico, or the U.S. Virgin Islands, report the foreign country in which the commodities were grown, produced, manufactured, or substantially transformed. For commodities with multiple origins, report the foreign country of the commodity with the greatest value. If the USPPI does not know the foreign country where the goods originated from, the country of origin to be shown is the last foreign country, as known to the USPPI at the time of shipment from the United States, from which the goods were shipped in their present form. Report the country of origin using the code issued by the International Standards Organization.

(8) *Foreign port of unlading.* The foreign port of unlading is the foreign port in the country where the goods are removed from the exporting carrier. The foreign port does not have to be located in the country of destination. For exports by sea to foreign countries, not including Puerto Rico, the foreign port of unlading is the code in terms of Schedule K, *Classification of Foreign Ports by Geographic Trade Area and Country.* For exports by sea or air between the United States and Puerto Rico, the foreign port of unlading is the code in terms of Schedule D, *Classification of CBP Districts and Ports.* The foreign port of unlading is not required for exports by other modes of transportation, including rail, truck, mail, fixed (pipeline), or air (unless between the U.S. and Puerto Rico).

(9) *Export license number/CFR citation/KPC number.* License number, permit number, citation, or authorization number assigned by the Department of Commerce, BIS; Department of State, DDTC; Department of the Treasury, OFAC; Department of Justice, DEA; Nuclear Regulatory Commission; or any other federal government agency.

(10) *Export Control Classification Number (ECCN).* The number used to identify items on the CCL, Supplement No. 1 to Part 774 of the EAR. The ECCN consists of a set of digits and a letter.

Items that are not classified under an ECCN are designated "EAR99".

(11) *Secondary unit of measure.* The unit of measure that corresponds to the secondary quantity as prescribed in the Schedule B or HTSUSA. If neither Schedule B nor HTSUSA specifies a secondary unit of measure for the item, the unit of measure is not required.

(12) *Secondary quantity.* The total number of units that correspond to the secondary unit of measure, if any, specified in the Schedule B or HTSUSA. Where the unit of measure is in terms of weight (grams, kilograms, metric tons, etc.), the quantity reflects the net weight, not including the weight of barrels, boxes, or other bulky coverings, and not including salt or pickle in the case of salted or pickled fish or meats. For a few commodities where "content grams" or "content kilograms" or some similar weight unit is specified in Schedule B or HTSUSA, the quantity may be less than the net weight. The quantity is reported as a whole unit only, without commas or decimals. If the quantity contains a fraction of a whole unit, round fractions of one-half unit or more up and fractions of less than one-half unit down to the nearest whole unit. (For example, where the unit for a given commodity is in terms of "tons," a net quantity of 8.4 tons would be reported as 8 for the quantity. If the quantity is less than one unit, the quantity is 1.)

(13) *Vehicle Identification Number (VIN)/Product ID.* The identification number found on the exported used vehicle. For used self-propelled vehicles that do not have a VIN, the Product ID is reported. "Used" vehicle refers to any self-propelled vehicle where the equitable or legal title to which has been transferred by a manufacturer, distributor, or dealer to an ultimate purchaser. See U.S. Customs and Border Protection regulation 19 CFR 192.1 for more information on exports of used vehicles.

(14) *Vehicle ID qualifier.* The qualifier that identifies the type of used vehicle number reported. The valid codes are V for VIN and P for Product ID.

(15) *Vehicle title number.* The number issued by the Motor Vehicle Administration.

(16) *Vehicle title state code.* The 2-character postal code for the state or territory that issued the vehicle title.

(17) *Entry number.* The entry number must be reported for goods that are entered in lieu of being transported under bond for which the importer of record is a foreign entity, or for reexports of goods withdrawn from a FTZ for which a NAFTA-deferred duty claim (entry type 08) could have been made, but that the importer elected to enter for consumption under CBP entry type 06. For goods imported into the United States for export to a third country of ultimate destination, where the importer of record on the entry is a foreign entity, the USPPI will be the authorized agent designated by the foreign importer for service of process. The USPPI, in this circumstance, is required to report the import entry number.

(18) *Transportation Reference Number (TRN).* The TRN is as follows:

(i) *Vessel shipments.* Report the booking number for vessel shipments. The booking number is the reservation number assigned by the carrier to hold space on the vessel for cargo being exported. The TRN is required for all vessel shipments.

(ii) *Air shipments.* Report the master air waybill number for air shipments. The air waybill number is the reservation number assigned by the carrier to hold space on the aircraft for cargo being exported. The TRN is required for air shipments.

(iii) *Rail shipments.* Report the bill of lading (BL) number for rail shipments. The BL number is the reservation number assigned by the carrier to hold space on the rail car for cargo being exported. The TRN is optional for rail shipments.

(iv) *Truck shipments.* Report the freight or pro bill number for truck shipments. The freight or pro bill number is the number assigned by the carrier to hold space on the truck for cargo being exported. The freight or pro bill number correlates to a bill of lading number, air waybill number or trip number for multimodal shipments. The TRN is optional for truck shipments.

(19) *License value.* For shipments requiring an export license, report the value designated on the export license that corresponds to the commodity being exported.

(20) *Department of State Requirements.*

(i) Directorate of Defense Trade Controls *(DDTC) registration number.* The number assigned by the DDTC to persons who are required to register per Part 122 of the ITAR (22 CFR parts 120 through 130), and have an authorization (license or exemption) from DDTC to export the article.

(ii) *DDTC Significant Military Equipment (SME) indicator.* A term used to designate articles on the USML (22 CFR 121) for which special export controls are warranted because of their capacity for substantial military utility or capability. *See* § 120.7 of the ITAR 22 CFR 120 through 130 for a definition of SME and § 121.1 for items designated as SME articles.

(iii) *DDTC eligible party certification indicator.* Certification by the U.S. exporter that the exporter is an eligible party to participate in defense trade. *See* 22 CFR 120.1(c). This certification is required only when an exemption is claimed.

(iv) *DDTC* United States Munitions List *(USML) category code.* The USML category of the article being exported (22 CFR 121).

(v) *DDTC Unit of Measure (UOM).* This unit of measure is the UOM covering the article being shipped as described on the export authorization or declared under an ITAR exemption.

(vi) *DDTC quantity.* This quantity is the number of articles being shipped. The quantity is the total number of units that corresponds to the DDTC UOM code.

(vii) *DDTC exemption number.* The exemption number is the specific citation from the ITAR (22 CFR 120 through 130) that exempts the shipment from the requirements for a license or other written authorization from DDTC.

(viii) *DDTC export license line number.* The line number of the State Department export license that corresponds to the article being exported.

(21) *Kimberley Process Certificate (KPC) number.* The unique identifying number on the KPC issued by the United States KPC authority that must accompany all export shipments of rough diamonds. Rough diamonds are classified under 6-digit HS subheadings 7102.10, 7102.21, and 7102.31. Enter the KPC number in the license number field excluding the 2-digit ISO country code for the United States.

(22) *Equipment number.* Report the identification number for the shipping equipment, such as container or igloo number (Unit Load Device (ULD)), truck license number, or rail car number. For containerized vessel cargo, the USPPI must report the container number.

(23) *Seal number.* The security seal number placed on the equipment or container.

(24) *Ultimate consignee type.* If at the time of filing, the USPPI or the authorized agent knows the ultimate consignee is a reseller, government reseller or government consumer, the appropriate type must be indicated in the AES. If more than one type applies, provide the type that most often applies. For purposes of this paragraph, reseller, government reseller and government consumer are defined as follows:

(i) Reseller—a retailer, wholesaler, distributor, and/or trading company of the exported good to third parties,

whether or not the third parties are known.

(ii) Government Reseller—a government-owned or government-controlled agency, institution, enterprise, or company that acts as retailer, wholesaler, distributor, or trading company of the exported good to third parties, whether or not the third parties are known.

(iii) Government Consumer—a government-owned or government-controlled agency, institution, enterprise, or company that consumes or uses the exported good as a consumable, for its own internal processes, as an input to the production of another good, as machinery or equipment that is part of a manufacturing process or a provision of services. The good is not resold or distributed without a substantial transformation of the good.

8. Amend § 30.7 by revising paragraph (b) to read as follows:

§ 30.7 Annotating the bill of lading, air waybill, or other commercial loading documents with proof of filing citations, and exemption legends.

(b) For shipments other than USML, the USPPI or the authorized agent is responsible for annotating the proper proof of filing citation or exemption legend on the first page of the bill of lading, air waybill, export shipping instructions or other commercial loading documents. The USPPI or the authorized agent must provide the proof of filing citation or exemption legend to the exporting carrier. The carrier must annotate the proof of filing citations and/or exemption legends on the carrier's outbound manifest when required. The carrier is responsible for presenting the appropriate proof of filing citation or exemption legend to CBP Port Director at the port of export as stated in Subpart E of this part. Such presentation shall be without material change or amendment of the proof of filing citation, postdeparture filing citation, AES downtime filing citation, or exemption legend as provided to the carrier by the USPPI or the authorized agent. The proof of filing citation will identify that the export information has been accepted as transmitted. The postdeparture filing citation, AES downtime filing citation, or exemption legends will identify that no filing is required prior to export. The proof of filing citations, postdeparture filing citations, or exemption legend shall appear on the bill of lading, air waybill or other commercial loading documentation and shall be clearly visible. The AES filing citations and/or exemption legends are provided for in Appendix D. The exporting carrier shall annotate the manifest or other carrier documentation with the AES filing citations or exemption legend.

* * * * *

9. Revise § 30.8 to read as follows:

§ 30.8 Time and place for presenting proof of filing citations and exemption legends.

The following conditions govern the time and place to present proof of filing citations, postdeparture filing citations, AES downtime filing citation, and exemption legends. The USPPI or the authorized agent is required to deliver the proof of filing citations, postdeparture filing citations, AES downtime filing citations or exemption legends required in § 30.7 to the exporting carrier. *See* Appendix D of this part for the properly formatted proof of filing citations or exemption legends. Failure of the USPPI or the authorized agent of either the USPPI or FPPI to comply with these requirements constitutes a violation of the regulations in this part and renders such principal party or the authorized agent subject to the penalties provided for in Subpart H of this part.

(a) *Postal exports.* The proof of filing citations, postdeparture filing citations, AES downtime filing citation, and/or exemption legends for items being sent by mail, as required in § 30.4(b), shall be presented to the postmaster with the packages at the time of mailing. The postmaster is required to deliver the proof of filing citations or exemption legends prior to export.

(b) *Pipeline exports.* The proof of filing citations or exemption legends for items being sent by pipeline shall be presented to the operator of a pipeline no later than four calendar days after the close of the month. *See* § 30.46 for requirements for the filing of export information by pipeline carriers.

(c) *Exports by other methods of transportation.* For exports sent other than by mail or pipeline, the USPPI or the authorized agent is required to deliver the proof of filing citations and/or exemption legends to the exporting carrier in accord with the time periods set forth in § 30.4(b).

10. Amend § 30.9 by revising paragraph (b) to read as follows:

§ 30.9 Transmitting and correcting Electronic Export Information.

* * * * *

(b) For shipments where the USPPI or the authorized agent has received an error message from AES, the corrections shall take place as required. Fatal error messages are sent to filers when EEI is not accepted in the AES. These errors must be corrected and EEI resubmitted prior to export for shipments filed predeparture and as soon as possible for shipments filed postdeparture but not later than five (5) calendar days from the date of export. Failure to respond to fatal error messages prior to export of the cargo subjects the principal party or authorized agent to penalties provided for in Subpart H of this part. Failing to transmit corrections to the AES constitutes a violation of the regulations in this part and renders such principal party or authorized agent subject to the penalties provided for in Subpart H of this part. For EEI that generates a warning message, the correction shall be made within four (4) calendar days of receipt of the original transmission. For EEI that generates a verify message, the correction, when warranted, shall be made within four (4) calendar days of receipt of the message. A compliance alert indicates that the shipment was not reported in accordance with the FTR. The USPPI or the authorized agent is required to review filing practices and take whatever corrective actions are required to conform with export reporting requirements.

11. Amend § 30.16 by revising the introductory text and paragraph (b) and adding paragraph (c) to read as follows:

§ 30.16 Export Administration Regulations.

The Export Administration Regulations (EAR) issued by the U.S. Department of Commerce, BIS, contains additional reporting requirements pertaining to EEI (*see* 15 CFR 730–774).

* * * * *

(b) Requirements to place certain export control information in the EEI are found in the EAR. (*See* 15 CFR 758.1(g)).

(c) Requirements to place certain export control information on export control documents for shipments exempt from AES filing requirements. (*See* 15 CFR 758.1(d).

12. Amend § 30.18 by revising paragraph (a) to read as follows:

§ 30.18 Department of State regulations.

(a) The USPPI or the authorized agent shall file export information, as required, for items on the USML of the International Traffic in Arms Regulations (ITAR) (*See* 22 CFR part 121). Information for items identified on the USML, including those exported under an export license or license exemption, shall be filed prior to export. Items identified on the USML, including those exported under an export license or license exemption, ultimately destined to a location in the United States are not required to be reported in the AES.

* * * * *

13. Amend § 30.25 by adding paragraph (c) to read as follows:

§ 30.25 Values for certain types of transactions.

* * * * *

(c) *Goods rejected after entry.* For imported goods that are cleared by CBP but subsequently rejected, an EEI must be filed to export the goods. The value to be reported in AES is the declared import value of the goods.

14. A Revise § 30.26 to read as follows:

§ 30.26 Reporting of vessels, aircraft, cargo vans, and other carriers and containers.

Export information shall be filed in the AES for all vessels, locomotives, aircraft, rail cars, trucks, other vehicles, trailers, pallets, cargo vans, lift vans, or similar shipping containers when these items are moving as goods pursuant to sale or other transfer from ownership in the United States to ownership abroad. The exports of used self-propelled vehicles as defined in 19 CFR 192.1 of U.S. Customs and Border Protection regulations must be filed in the AES regardless of value or country of destination. If a vessel, car, aircraft, locomotive, rail car, vehicle, or container, whether in service or newly built or manufactured, is sold or transferred to foreign ownership while in Customs territory of the United States or at a port in such area, EEI shall be reported in accordance with the general requirements of the regulations in this part, identifying the port through or from which the vessel, aircraft, locomotive, rail car, car, vehicle, or container first leaves the United States after sale or transfer. If the vessel, car, aircraft, locomotive, rail car, vehicle, or shipping container is outside Customs territory of the United States at the time of sale or transfer to foreign ownership, EEI shall be reported identifying the last port of clearance or departure from the United States prior to sale or transfer. The country of destination to be shown in the EEI for vessels sold foreign is the country of new ownership. The country for which the vessel clears, or the country of registry of the vessel, should not be reported as the country of destination in the EEI unless such country is the country of new ownership.

15. Amend § 30.28 by revising the section heading, introductory text and paragraphs (a) and (b) to read as follows:

§ 30.28 Split shipments.

A shipment covered by a single EEI transmission booked for export on one conveyance, but divided by the exporting carrier at the port of export where the manifest is filed and sent on two or more conveyances of the same carrier on the same day. For a shipment that does not transport on the same day, a new EEI must be filed. The following procedures apply for split shipments:

(a) The carrier shall deliver the manifest to CBP Port Director with the manifest covering the conveyance on which the first part of the split shipment is exported and shall make no changes to the EEI. However, the manifest shall show in the "number of packages" column the actual portion of the declared total quantity being carried and shall carry a notation to indicate "Split Shipment." All manifests with the notation "Split Shipment" will have identical ITNs.

(b) On each subsequent manifest covering a conveyance on which any part of a split shipment is exported, a prominent notation "SPLIT SHIPMENT" shall be made on the manifest for identification. On the last shipment, the notation shall read "SPLIT SHIPMENT, FINAL." Each subsequent manifest covering a part of a split shipment shall also show in the "number of packages" column only the goods carried on that particular conveyance and a reference to the total amount originally declared for export (for example, 5 of 11, or 5/11). Immediately following the line showing the portion of the split shipment carried on that conveyance, a notation will be made showing the bill of lading number, air waybill number, or other commercial loading documents shown in the original EEI and the portions of the originally declared total carried on each previous conveyance, together with the number and date of each such previous conveyance (for example, air waybill 123; 1 of 2, flight 36A, June 6 SPLIT SHIPMENT; 2 of 2, flight 40X, June 6 SPLIT SHIPMENT, FINAL).

* * * * *

16. Amend § 30.29 by revising paragraphs (a) and (b)(2) to read as follows:

§ 30.29 Reporting of repairs and replacements.

* * * * *

(a) The return of goods previously imported only for repair and alteration to the foreign shipper of temporarily imported goods (declared as such on importation) shall have Schedule B number 9801.10.0000. The value reported shall only include parts and labor. If the value of the parts and labor is over $2,500 per Schedule B number, or a license or DDTC license exemption statement is required, then EEI must be filed. The value of the original product shall not be included.

(b) * * *

(2) Goods that are replaced under warranty at no charge to the customer shall include the statement, "Product replaced under warranty, value for EEI purposes" on the bill of lading, air waybill, or other commercial loading documents. Place the notation below the proof of filing citation or exemption legend on the commercial document. Report the Schedule B number or HTSUSA classification commodity number of the replacement parts. Report the value of the replacement parts in accordance with 30.6(a)(17).

17. Revise § 30.35 to read as follows:

§ 30.35 Procedure for shipments exempt from filing requirements.

Except as noted in § 30.2(a)(1)(iv), where an exemption from the filing requirement is provided in this subpart of this part, a legend describing the basis for the exemption shall be made on the first page of the bill of lading, air waybill, or other commercial loading document for carrier use, or on the carrier's outbound manifest. The exemption legend shall reference the number of the section or provision in this part where the particular exemption is provided (*see* Appendix D of this part).

18. Amend § 30.36 by revising paragraph (b) introductory text and paragraph (b)(2); and adding paragraphs (b)(7) and (b)(8) to read as follows:

§ 30.36 Exemption for shipments destined to Canada.

* * * * *

(b) This exemption does not apply to the following types of export shipments (These shipments shall be reported in the same manner as for all other exports, except household goods which require limited reporting):

* * * * *

(2) Exports moving from the United States through Canada to a third destination.

* * * * *

(7) Used self-propelled vehicles as defined in 19 CFR 192.1 of U.S. Customs and Border Protection regulations, regardless of value or country of destination.

(8) Household goods, regardless of value or country of destination. (*See* § 30.38 of this part for filing instructions.)

19. Amend § 30.37 by revising the introductory text and paragraphs (a), (e), and (g); removing paragraphs (q) and (r); redesignating paragraphs (s) and (t) as paragraphs (q) and (r); and adding a new paragraph (s) to read as follows:

§ 30.37 Miscellaneous exemptions.

Except as noted in § 30.2 (a)(1)(iv), filing EEI is not required for the following kinds of shipments. However, the Census Bureau has the authority to periodically require the reporting of shipments that are normally exempt from filing.

(a) Exports of commodities where the value of the commodities shipped from one USPPI to one consignee on a single exporting carrier, classified under an individual Schedule B number or HTSUSA commodity classification code, is $2,500 or less. This exemption applies to individual Schedule B numbers or HTSUSA commodity classification codes regardless of the total shipment value. In instances where a shipment contains a mixture of individual Schedule B numbers or HTSUSA commodity classification codes valued at $2,500 or less and individual Schedule B numbers or HTSUSA commodity classification codes valued over $2,500, only those Schedule B numbers or HTSUSA commodity classification codes valued over $2,500 are required to be reported. If the filer reports multiple items of the same Schedule B number or HTSUSA commodity classification code, this exemption only applies if the total value of exports for the Schedule B number or HTSUSA commodity classification code is $2,500 or less. Items of domestic or foreign origin under the same commodity classification number must be reported separately and required when valued over $2,500. For the reporting of household goods see § 30.38. **Note:** this exemption does not apply to the export of vehicles or household goods. The export information for vehicles and household goods must be filed in AES regardless of value or country of destination.

* * * * *

(e) Vessels, locomotives, aircraft, rail cars, trucks, other vehicles, trailers, pallets, cargo vans, lift vans, or similar shipping containers not considered "shipped" in terms of the regulations in this part, when they are moving, either loaded or empty, without transfer of ownership or title, in their capacity as carriers of goods or as instruments of such carriers, and EEI filing is not required.

* * * * *

(g) Shipments of books, maps, charts, pamphlets, and similar articles to foreign libraries, government establishments, or similar institutions.

* * * * *

(s) Exports of technical data and defense service exemptions as defined in 22 CFR 123.22(b)(3)(iii) of the ITAR.

20. Revise § 30.38 to read as follows:

§ 30.38 Exemption from the requirements for reporting complete commodity information.

Regardless of value, household goods of usual and reasonable kinds and quantities of personal property, such as wearing apparel, articles of personal adornment, toilet articles, medicinal supplies, food, souvenirs, games, and their containers require limited reporting of EEI. These goods should be for use by the USPPI or the USPPI's immediate family, not intended for sale; and shipped under a bill of lading or an air waybill. In such cases, Schedule B or HTSUSA commodity classification codes and domestic/foreign indicator shall not be required.

21. Revise § 30.39 to read as follows:

§ 30.39 Special exemptions for shipments to the U.S. Armed Services.

Except as noted in § 30.2 (a)(1)(iv), filing of EEI is not required for any and all commodities, whether shipped commercially or through government channels, consigned to the U.S. Armed Services for their exclusive use, including shipments to armed services exchange systems. This exemption does not apply to articles that are on the USML and thus controlled by the ITAR and/or shipments that are not consigned to the U.S. Armed Services, regardless of whether they may be for their ultimate and exclusive use.

22. Amend § 30.40 by revising the introductory text and removing paragraph (d) to read as follows:

§ 30.40 Special exemptions for certain shipments to U.S. government agencies and employees.

Except as noted in § 30.2 (a)(1)(iv), filing EEI is not required for the following types of shipments to U.S. government agencies and employees:

* * * * *

23. Amend § 30.45 as follows:

a. Revise paragraph (a) introductory text and paragraphs (a)(2), (a)(4), (c), (d), (f)(1) and (f)(2); and

b. Remove paragraphs (f)(3) and (f)(4).

§ 30.45 General statement of requirements for the filing of carrier manifests with proof of filing citations for the electronic submission of export information or exemption legends when Electronic Export Information filing is not required.

(a) *Requirement for filing carrier manifest.* Carriers transporting goods from the United States, Puerto Rico, or the U.S. Virgin Islands to foreign countries; from the United States or Puerto Rico to the U.S. Virgin Islands; or between the United States and Puerto Rico may not be granted clearance and may not depart until complete manifests or other required documentation (for ocean, air, and rail carriers) have been delivered to CBP Port Director in accordance with all applicable requirements under CBP regulations. CBP may require any of the following: Bill of lading, air waybill, export shipping instructions, manifest, train consist, or other commercial loading documents, and any other document CBP determines necessary to ensure compliance with U.S. export control laws. The required document shall contain the appropriate AES proof of filing citations, covering all cargo for which the EEI is required, or exemption legends, covering cargo for which EEI need not be filed by the regulations of this part. Such annotation shall be without material change or amendment of proof of filing citations or exemption legends as provided to the carrier by the USPPI or its authorized agent.

* * * * *

(2) *Aircraft.* Aircraft transporting goods shall file a complete manifest as required in CBP regulations 19 CFR 122.72–122.76. The manifest shall be filed with CBP Port Director at the CBP port of exit. For shipments from the United States to Puerto Rico, the manifests shall be filed with CBP Port Director at the port where the goods are unladen in Puerto Rico.

* * * * *

(4) *Carriers not required to file manifests.* Carriers allowed to file incomplete manifests under applicable CBP regulations are required, upon request, to present to CBP Port Director the proof of filing citation or exemption legends for each shipment, prior to departure of the vessel, aircraft, train, truck or other means of conveyance.

* * * * *

(c) *Split shipments.* When a shipment is divided by the carrier and is covered by a single EEI transmission, the split shipment procedure provided in § 30.28 shall be followed by the carrier in delivering manifests with the proof of filing citation or exemption legend to CBP Port Director.

(d) *Attachment of commercial documents.* The manifest shall carry a notation that values stated are as presented on the bills of lading, cargo lists, export shipping documents or other commercial documents. The bills of lading, cargo lists, export shipping documents or other commercial documents shall be securely attached to the manifest in such a manner as to constitute one document. The manifest shall reference the statement "Cargo as per bills of lading attached" or "Cargo as per commercial forms attached." Also

required on the face of each commercial loading document shall be the information required by the manifest for cargo covered by that document.

* * * * *

(f) * * *

(1) Except as noted in 30.4 (b)(2), ocean, rail, truck and air exporting carriers shall not accept paper SEDs and under any circumstances load cargo that does not have all proof of filing citations, exemption legends, or postdeparture citations as provided for in Appendix D.

(2) Except as noted in 30.4 (b)(2), ocean, rail, truck and air exporting carriers are subject to the penalties provided for in Subpart H of this part if the exporting carrier;

24. Revise § 30.46 to read as follows:

§ 30.46 Requirements for the filing of export information by pipeline carriers.

The operator of a pipeline may transport goods to a foreign country without the prior filing of the proof of filing citations or exemption legends, on the condition that within four calendar days following the end of each calendar month the operator will deliver to CBP Port Director the proof of filing citations or exemption legends covering all exports through the pipeline to each consignee during the month.

25. Amend § 30.47 by revising paragraphs (a) and (b) to read as follows:

§ 30.47 Clearance or departure of carriers under bond on incomplete manifest.

(a) For purposes of the regulations in this part, except when carriers are transporting merchandise from the United States to Puerto Rico, clearance or permission to depart may be granted to any carrier by CBP Port Director prior to filing of a complete manifest as required under the CBP regulations or prior to filing by the carrier of all required filing citations and/or exemption legends, provided there is a bond as specified in 19 CFR 4.75, 4.76, and 122.74. The conditions of the bond shall be that a complete manifest, where a manifest is required by the regulations in this part and all required filing citations and/or exemption legends shall be filed by the carrier no later than the fourth calendar day after clearance or departure of the carrier except as otherwise specifically provided in paragraphs (a)(1), (a)(2), and (a)(3) of this section.

(1) For manifests submitted electronically through AES, the condition of the bond shall be that the manifest and all required filing citations and/or exemption legends shall be completed not later than the tenth business day after departure from each port.

(2) For rail carriers to Canada, the conditions of the bond shall be that manifest and all filing citations and/or exemption legends shall be filed with CBP not later than the fourth calendar day after departure.

(3) For carriers under bond on incomplete manifest, upon request, a list of filing citations and/or exemption legends must be presented to a CBP Export Control Officer at the port of exit prior to departure by the carrier.

(b) In the event that any required manifest and all required filing citations and/or exemption legends are not filed by the carrier within the period provided by the bond, then a penalty of $1,100 shall be exacted for each day's delinquency beyond the prescribed period, but not more than $10,000 per violation.

* * * * *

26. Amend § 30.50 by revising (b)(5) to read as follows:

§ 30.50 General requirements for filing import entries.

* * * * *

(b) * * *

(5) Electronic CBP Form 214 Admissions (e214).

27. Revise § 30.52 to read as follows:

§ 30.52 Foreign Trade Zones (FTZ).

When goods are withdrawn from a FTZ for export to a foreign country, the export shall be reported in accordance with § 30.2. Foreign goods admitted into FTZs shall be reported as a general import. Statistical requirements for zone admissions are provided to the Census Bureau via CBP's Automated Broker Interface (ABI) new electronic 214 (e214) program or the CBP Form 214A Application for Foreign Trade Zone Admission and/or Status Designation. Refer to CBP Web site at *http://www.cbp.gov* to download "Foreign Trade Zone Manual" where instructions for completing the paper CBP Form 214A documents are provided in Appendix C. When goods are withdrawn for domestic consumption or entry into a bonded warehouse, the withdrawal shall be reported on CBP 7501 or through the ABI in accordance to CBP regulations. The instructions and definitions for completing the e214 are provided in 19 CFR 146. The following data items are required to be filed on the 214A, for statistical purposes:

(a) Zone Number and Location (Address).

(b) Port Code.

(c) Importing Vessel and Flag/Other Carrier.

(d) Export Date.

(e) Import Date.

(f) Zone Admission Number.

(g) U.S. Port of Unlading.

(h) In-bond Carrier.

(i) Foreign Port of Lading.

(j) Bill of Lading/AWB Number.

(k) Number of Packages & Country of Origin.

(l) Description of Merchandise.

(m) HTSUSA Number.

(n) Quantity (HTSUSA).

(o) Gross Weight.

(p) Separate Value and Aggregate Charges.

(q) Status Designation.

28. Amend § 30.54 by revising paragraph (b) to read as follows:

§ 30.54 Special provisions for imports from Canada.

* * * * *

(b) All other imports from Canada, including certain softwood lumber products not covered in paragraph (a) of this section, will require the two letter designation of the Canadian region of origin to be reported on U.S. entry summary records. This information is required only for U.S. imports that under applicable CBP rules of origin are determined to originate in Canada. For nonmanufactured goods determined to be of Canadian origin, the region of origin is defined as the region where the exported goods were originally grown, mined, or otherwise produced. For goods of Canadian origin that are manufactured or assembled in Canada, with the exception of the certain softwood lumber products described in paragraph (a) of this section, the region of origin is that in which the final manufacture or assembly is performed prior to exporting that good to the United States. In cases where the region in which the goods were manufactured, assembled, grown, mined, or otherwise produced is unknown, the region in which the Canadian vendor is located can be reported. For those reporting on paper forms the region of origin code replaces the country of origin code on CBP Form 7501, entry summary form.

* * * * *

29. Amend § 30.60 by revising paragraph (d) to read as follows:

§ 30.60 Confidentiality of Electronic Export Information.

* * * * *

(d) *Copying of information to manifests.* Because the ocean manifest can be made public under provision of CBP regulations, no information from the EEI, except the ITN, filing citation, exemptions legends, shall be copied to the outward manifest of ocean carriers.

* * * * *

30. Amend § 30.71 by revising paragraph (b)(1), redesignate paragraphs

(b)(2) and (b)(3) as paragraphs (b)(3) and (b)(4), revise the newly redesignated paragraph (b)(3), and add a new paragraph (b)(2) to read as follows:

§ 30.71 False or fraudulent reporting on or misuse of the Automated Export System.

* * * * *

(b) * * *

(1) *Failure to file violations.* A failure to file violation occurs if the government discovers that there is no AES record for an export transaction by the applicable period prescribed in § 30.4 of this part. Any AES record filed later than ten (10) calendar days after the due date will also be considered a failure to file regardless of whether the violation was or was not discovered by the government. A civil penalty not to exceed $10,000 may be imposed for a failure to file violation.

(2) *Late filing violations.* A late filing violation occurs when an AES record is not filed by the applicable period prescribed in § 30.4 of this part. A civil penalty not to exceed $1,100 for each day of delinquency, but not more than $10,000 per violation, may be imposed for failure to file timely export information or reports in connection with the exportation or transportation of cargo. (*See* 19 CFR 192)

(3) *Filing false/misleading information, furtherance of illegal activities and penalties for other violations.* A civil penalty not to exceed $10,000 per violation may be imposed for each violation of provisions of this part other than any violation encompassed by paragraph (b)(1) and (b)(2) of this section. Such penalty may be in addition to any other penalty imposed by law.

* * * * *

31. Amend § 30.74 by revising paragraph (c)(3)(iv), (c)(3)(v), (c)(5) and adding paragraph (c)(3)(vi) and (c)(3)(vii) to read a follows:

§ 30.74 Voluntary self-disclosure.

* * * * *

(c) * * *

(3) * * *

(iv) The complete identities and addresses of all individuals and organizations, whether foreign or domestic, involved in the activities giving rise to the violations;

(v) A description of any mitigating circumstances;

(vi) Corrective measures taken; and

(vii) ITNs of the missed and/or corrected shipments.

* * * * *

(5) *Where to make voluntary self-disclosures.* With the exception of voluntary disclosures of manifest violations under § 30.47(c), the information constituting a voluntary self-disclosure or any other correspondence pertaining to a voluntary self-disclosure may be submitted to: Chief, Foreign Trade Division, U.S. Census Bureau, Room 6K032, Washington, DC 20233–6700, or by fax on (301) 763–8835. Additional instructions are found at *http://www.census.gov/trade.*

* * * * *

32. In Appendix B to Part 30, revise Part II—Export Information Codes and Part III—License Codes to read as follows:

Appendix B to Part 30—AES Codes

* * * * *

Part II—Export Information Codes

TP Temporary exports of domestic merchandise
IP Shipments of merchandise imported under a Temporary Import Bond for further manufacturing or processing
IR Shipments of merchandise imported under a Temporary Import Bond for repair
CH Shipments of goods donated for charity
FS Foreign Military Sales
ZD North American Free Trade Agreements (NAFTA) duty deferral shipments
OS All other exports
HV Shipments of personally owned vehicles
HH Household and personal effects
TE Temporary exports to be returned to the United States
TL Merchandise leased for less than a year
IS Shipments of merchandise imported under a Temporary Import Bond for return in the same condition
CR Shipments moving under a carnet
GP U.S. Government shipments
MS Shipments consigned to the U.S. Armed Forces
GS Shipments to U.S. Government agencies for their use
UG Gift parcels under Bureau of Industry and Security License Exception GFT
DD Other exemptions:
Currency
Airline tickets
Bank notes
Internal revenue stamps
State liquor stamps
Advertising literature
Shipments of temporary imports by foreign entities for their use
IW International water shipments
CI Impelled shipments of goods donated for relief or charity
FI Impelled Foreign Military Sales Program
OI All other exports (impelled)
(For Manifest Use Only by AES Carriers)
AE Shipment information filed through AES
(*See* §§ 30.50 through 30.58 for information on filing exemptions.)

Part III—License Codes

Department of Commerce, Bureau of Industry and Security (BIS), Licenses

C30 Licenses issued by BIS authorizing an export, reexport, or other regulated activity.
C31 SCL—Special Comprehensive License
C32 NLR—No License Required (controlled for other than or in addition to Anti-Terrorism)
C33 NLR—No License Required (All others, including Anti-Terrorism controls ONLY)
C35 LVS—Limited Value Shipments
C36 GBS—Shipments to B Countries
C37 CIV—Civil End Users
C38 TSR—Restricted Technology and Software
C40 TMP—Temporary Imports, Exports, and Re-exports
C41 RPL—Servicing and Replacement of Parts and Equipment
C42 GOV—Government and International Organizations
C43 GFT—Gift Parcels and Humanitarian Donations
C44 TSU—Technology and Software—Unrestricted
C45 BAG—Baggage
C46 AVS—Aircraft and Vessels (AES not required)
C49 TAPS—Trans-Alaska Pipeline Authorization Act
C50 ENC—Encryption Commodities and Software
C51 AGR—License Exception Agricultural Commodities
C53 APP—Adjusted Peak Performance (Computers)
C54 SS–WRC—Western Red Cedar
C55 SS–Sample—Crude Oil Samples
C56 SS–SPR—Strategic Petroleum Reserves
C57 VEU—Validated End User Authorization
C58 VEU—Consumer Communication Devices

* * * * *

33. Revise Appendix C to Part 30 to read as follows:

Appendix C to Part 30—Summary of Exemptions and Exclusions From EEI Filing

A. Except as noted in § 30.2 (a)(1)(iv), filing EEI is not required for the following types of shipments: [1]

1. Exemption for shipments destined to Canada (§ 30.36).

2. Valued $2,500 or less per Schedule B/HTSUSA classification for commodities shipped from one USPPI to one consignee on a single carrier (§ 30.37(a)).

3. Tools of the trade and their containers that are usual and reasonable kinds and quantities of commodities and software intended for use by individual USPPIs or by employees or representatives of the exporting company in furthering the enterprises and undertakings of the USPPI abroad (§ 30.37(b)).

4. Shipments from one point in the United States to another point in the United States by routes passing through Canada or Mexico (§ 30.37(c)).

5. Shipments from one point in Canada or Mexico to another point in the same country

[1] Exemption from the requirements for reporting complete commodity information is covered in § 30.38; Special exemptions for shipments to the U.S. Armed Services are covered in § 30.39; and special exemptions for certain shipments to U.S. Government agencies and employees are covered in § 30.40.

by routes through the United States (§ 30.37(d)).

6. Vessels, locomotives, aircraft, rail cars, trucks, other vehicles, trailers, pallets, cargo vans, lift vans, or similar shipping containers not considered "shipped" in terms of the regulations in this part, when they are moving, either loaded or empty, without transfer of ownership or title, in their capacity as carriers of goods or as instruments of such carriers, and EEI filing is not required. (§ 30.37(e)).

7. Exports of technology and software as defined in 15 CFR 772 of the EAR that do not require an export license. However, EEI is required for mass-market software (§ 30.37(f)).

8. Shipments of books, maps, charts, pamphlets, and similar articles shipped to foreign libraries, government establishments, or similar institutions (§ 30.37(g)).

9. Shipments as authorized under License Exception GFT for gift parcels and humanitarian donations (EAR 15 CFR 740.12); § 30.37(h).

10. Diplomatic pouches and their contents (§ 30.37(i)).

11. Human remains and accompanying appropriate receptacles and flowers (§ 30.37(j)).

12. Shipments of interplant correspondence, executed invoices and other documents, and other shipments of company business records from a U.S. firm to its subsidiary or affiliate. This excludes highly technical plans, correspondence, etc. that could be licensed (§ 30.37(k)).

13. Shipments of pets as baggage (§ 30.37(l)).

14. Carrier's stores, not shipped under a bill of lading or an air waybill, supplies and equipment, including usual and reasonable kinds and quantities of bunker fuel, deck engine and steward department stores, provisions and supplies, medicinal and surgical supplies, food stores, slop chest articles, and saloon stores or supplies for use or consumption on board and not intended for unlading in a foreign country (§ 30.37(m)).

15. Dunnage not shipped under a bill of lading or an air waybill, of usual and reasonable kinds and quantities not intended for unlading in a foreign country (§ 30.37(n)).

16. Shipments of aircraft parts and equipment; food, saloon, slop chest, and related stores; and provisions and supplies for use on aircraft by a U.S. airline. (EAR license exception (AVS) for aircraft and vessels 15 CFR 740.15(c); § 30.37(o)).

17. Baggage and personal effects, accompanied or unaccompanied, of persons leaving the United States including members of crews on vessels and aircraft, when they are not shipped as cargo under a bill of lading or an air waybill and do not require an export license (§ 30.37(p)).

18. Issued banknotes and securities and coins in circulation exported as evidence of financial claims. The EEI must be filed for unissued bank notes and securities and coins not in circulation (such as bank notes printed in the United States and exported in fulfillment of the printing contract or as part of collections), which should be reported at their commercial or current value (§ 30.37(q)).

19. Documents used in international transactions, documents moving out of the United States to facilitate international transactions including airline tickets, internal revenue stamps, liquor stamps, and advertising literature. Export of such documents in fulfillment of a contract for their production, however, are not exempt and must be reported at the transaction value for their production (§ 30.37(r)).

20. Exports of technical data and defense service exemptions as defined in 22 CFR 123.22(b)(3)(iii) of the ITAR (§ 30.37(s)).

B. The following types of transactions are outside the scope of the FTR and shall be excluded from EEI filing:

1. Goods shipped under CBP bond through the United States, Puerto Rico, or the U.S. Virgin Islands from one foreign country or area to another where such goods do not enter the consumption channels of the United States.

2. Goods shipped from the U.S. territories, except Puerto Rico and U.S. Virgin Islands, and goods shipped between the United States and these territories, except Puerto Rico and U.S. Virgin Islands, do not require EEI filing. However, goods transiting U.S. territories to foreign destinations require EEI filing.

3. Electronic transmissions and intangible transfers. (*See* Subpart B of this part for export control requirements for these types of transactions.)

4. Goods shipped to Guantanamo Bay Naval Base in Cuba from the United States, Puerto Rico, or the U.S. Virgin Islands and from Guantanamo Bay Naval Base to the United States, Puerto Rico, or the U.S. Virgin Islands. (*See* § 30.39 for filing requirements for shipments exported to the U.S. Armed Services.)

5. Goods destined for international waters where the person(s) or entity assuming control of the item(s) is from the United States or where the United States is the country of ultimate destination on the export license, except shipments from Puerto Rico.

34. Revise Appendix D to Part 30 to read as follows:

Appendix D to Part 30—AES Filing Citation and Exemption Legends

I. USML Proof of Filing Citation	AES ITN. Example: AES X20100101987654.
II. AES Proof of Filing Citation subpart A § 30.7	AES ITN. Example: AES X20100101987654.
III. AES Postdeparture Citation—USPPI, USPPI is filing the EEI	AESPOST USPPI EIN mm/dd/yyyy. Example: AESPOST 12345678912 01/01/2010.
IV. Postdeparture Citation—Agent	AESPOST USPPI EIN—Filer ID mm/dd/yyyy. Example: AESPOST 12345678912—987654321 01/01/2010.
V. AES Downtime Citation—Use only when AES or AES *Direct* is unavailable	AESDOWN Filer ID mm/dd/yyyy. Example: AESDOWN 123456789 01/01/2010.
VI. Exemption for Shipments to Canada	NOEEI § 30.36.
VII. Exemption for Low-Value Shipments	NOEEI § 30.37(a).
VIII. Miscellaneous Exemption Statements are found in 15 CFR 30 Subpart D § 30.37(b) through § 30.37(s).	NOEEI § 30.37 (site corresponding alphabet).
IX. Special Exemption for Shipments to the U.S. Armed Forces	NOEEI § 30.39.
X. Special Exemptions for Certain Shipments to U.S. Government Agencies and Employees (Exemption Statements are found in 15 CFR 30 Subpart D § 30.40(a) through § 30.40(d).	NOEEI § 30.40 (site corresponding alphabet).
XI. Split Shipments. Split Shipments should be referenced as such on the manifest in accordance with provisions contained in § 30.28, Split Shipments. The notation should be easily identifiable on the manifest. It is preferable to include a reference to a split shipment in the exemption statements cited in the example, the notation SS should be included at the end of the appropriate exemption statement.	AES ITN SS. Example: AES X20100101987654 SS.
XII. Proof of filing citations by pipeline	NOEEI § 30.8(b).

35. Revise Appendix E to Part 30 to read as follows:

Appendix E to Part 30—FTSR to FTR Concordance

FTSR	FTSR Regulatory topic	FTR	FTR Regulatory topic
Subpart A—General Requirements—USPPI			
30.1	General statement of requirement for Shipper's Export Declarations (SEDs).	30.2	General requirements for filing Electronic Export Information (EEI).
30.1(a)	General requirements for filing SEDs		General requirements for filing EEI.
30.1(b)	General requirements for reporting regarding method of transportation.		NA.
30.1(c)	AES as an alternative to SED reporting		NA.
30.1(d)	Electronic transmissions and intangible transfers	30.2(d)(3)	Exclusions from filing EEI.
30.2	Related export control requirements	30.15	Export control and licensing requirements introduction.
		30.16	EAR requirements for export information on shipments from U.S. Possessions to foreign destinations or areas.
		30.17	Customs and Border Protection Regulations.
30.3	Shipper's Export Declaration forms		NA.
30.4	Preparation and signature of Shipper's Export Declarations (SED).	30.3	Electronic Export Information filer requirements, parties to export transactions, responsibilities of parties to export transactions.
30.4(a)	General requirements (SED)	30.3(a)	General Requirements.
		30.3(b)	Parties to the export transaction.
30.4(b)	Responsibilities of parties in export transactions	30.3(c)	General responsibilities of parties in export transactions.
		30.3(d)	Filer responsibilities.
30.4(c)	Responsibilities of parties in a routed export transactions.	30.3(e)	Responsibilities of parties in a routed export transactions.
30.4(d)	Information on the Shipper's Export Declaration (SED) or Automated Export System (AES) record.	30.3(a)	General requirements.
30.4(e)	Authorizing a forwarding or other agent	30.3(f)	Authorizing an agent.
30.4(f)	Format requirements for SEDs		NA.
30.5	Number and copies of Shipper's Export Declaration required.		NA.
30.6	Requirements as to separate Shipper's Export Declarations.		NA.
30.7	Information required on Shipper's Export Declarations.		NA.
30.8	Additional information required on Shipper's Export Declaration for In-Transit Goods (ENG Form 7513).		NA.
30.9	Requirements for separation and alignment of items on Shipper's Export Declarations.		NA.
30.10	Continuation sheets for Shipper's Export Declaration.		NA.
30.11	Authority to require production of document	30.10(b)	Authority to require production of documents and retaining electronic data.
30.12	Time and place for presenting the SED, exemption legends or proof of filing citations.	30.4	Electronic export information filing procedures, deadlines, and certification statements.
		30.8	Time and place for presenting proof of filing citations, postdeparture filing citations, AES downtime citations, and exemption legends.
30.15	Procedure for presentation of declarations covering shipments from an interior point.		NA.
30.16	Corrections to Shipper's Export Declarations	30.9	Transmitting and correcting Electronic Export Information.
Subpart B—General Requirements—Exporting Carriers			
30.20	General statement of requirement for the filing of manifests.	30.45	General statement of requirements for the filing of carrier manifests with proof of filing citations.

FTSR	FTSR Regulatory topic	FTR	FTR Regulatory topic
30.20(a)	Carriers transporting merchandise from the United States, Puerto Rico, or U.S. territories to foreign countries.	30.45(a)	Requirements for filing carrier manifest.
30.20(b)	For carriers transporting merchandise from the United States to Puerto Rico.	30.45(a)	Requirements for filing carrier manifest.
30.20(c)	Except as otherwise specifically provided, declarations should not be filed at the place where the shipment originates.	30.45(a)	Requirements for filing carrier manifest.
30.20(d)	For purposes of these regulations, the port of exportation is defined as.	30.1(c)	Definition used with EEI.
30.21	Requirements for the filing of Manifests	30.45	General statement of requirements for the filing of carrier manifests with proof of filing citations for the electronic submission of export information or exemption legends when EEI is not required.
30.21(a)	Vessel	30.45(a)(1)	Vessel.
30.21(b)	Aircraft	30.45(a)(2)	Aircraft.
30.21(c)	Rail Carrier	30.45(a)(3)	Rail Carrier.
30.21(d)	Carriers not required to file manifests	30.45(a)(4)	Carriers not required to file manifests.
30.22(a)	Requirements for the filing of SEDs or AES exemption legends and AES proof of filing citations by departing carriers.	30.8	Time and place for presenting proof of filing citation, and exemption legends.
30.22(b)	The exporting carrier shall be responsible for the accuracy of the following items of information.		NA.
30.22(c)	Except as provided in paragraph (d) of this section, when a transportation company finds, prior to the filing of declarations and manifest as provided in paragraph (a) of this section, that due to circumstances beyond the control of the transportation company or to inadvertence, a portion of the merchandise covered by an individual Shipper's Export Declaration has not been exported on the intended carrier.		NA.
30.22(d)	When a shipment by air covered by a single Shipper's Export Declaration is divided by the transportation company and exported in more than one aircraft of the transportation.	30.45(c)	Split shipments.
30.22(e)	Exporting carriers are authorized to amend incorrect shipping weights reported on Shipper's Export Declarations.		NA.
30.23	Requirements for the filing of Shipper's Export Declarations by pipeline carriers.	30.46	Requirements for the filing of export information by pipeline carriers.
30.24	Clearance or departure of carriers under bond on incomplete manifest on Shipper's Export Declarations.	30.47	Clearance or departure of carriers under bond on incomplete manifests.
Subpart C—Special Provisions Applicable Under Particular Circumstances			
30.30	Values for certain types of transactions	30.25	Values for certain types of transactions.
30.31	Identification of certain nonstatistical and other unusual transactions.	30.29	Reporting of repairs and replacements.
30.31(a)	Merchandise exported for repair only, and other temporary exports.	30.29(a)	The return of goods previously imported for repair.
30.31(b)	The return of merchandise previously imported for repair only.	30.29(b)	Goods that are covered under warranty and other temporary exports.
30.31(c)	Shipments of material in connection with construction, maintenance, and related work being done on projects for the U.S. Armed Forces.		NA.
30.33	Vessels, planes, cargo vans, and other carriers and containers sold foreign.	30.26	Reporting of vessels, aircraft, cargo vans, and other carriers and containers.
30.34	Return of exported cargo to the United States prior to reaching its final destination.	30.27	Return of exported cargo to the United States prior to reaching its final destination.
30.37	Exceptions from the requirement for reporting complete commodity detail on the Shipper's Export Declaration.	30.38	Exemption from the requirements for reporting complete commodity information.

FTSR	FTSR Regulatory topic	FTR	FTR Regulatory topic
30.37(a)	Where it can be determined that particular types of U.S. Government shipments, or shipments for government projects, are of such nature that they should not be included in the export statistics.	30.39	Special exemptions for shipments to the U.S. Armed Services. (Note, this section does not specifically address construction materials nor related work being done on projects).
30.37(b)	Special exemptions to specific portions of the requirements of § 30.7 with respect to the reporting of detailed information.		NA.
30.39	Authorization for reporting statistical information other than by means of individual Shipper's Export Declarations filed for each shipment.		NA.
30.40	Single declaration for multiple consignees		NA.
30.41	"Split shipments" by air	30.28	Split shipments.
Subpart D—Exemptions from the requirements for the Filing of Shipper's Export Declarations			
30.50	Procedure for shipments exempt from the requirements for Shipper's Export Declarations.	30.35	Procedure for shipments exempt from filing requirements.
30.51	Government shipments not generally exempt	30.39	Special exemption for shipments to the U.S. Armed Services.
30.52	Special exemptions for shipments to the U.S. Armed Services.	30.39	Special exemptions for shipments to the U.S. Armed Services.
30.53	Special exemptions for certain shipments to U.S. Government agencies and employees.	30.40	Special exemptions for certain shipments to U.S. Government agencies and employees.
30.53(e)	All commodities shipped to and for the exclusive use of the Panama Canal Zone Government or the Panama Canal Company.		NA.
30.55	Miscellaneous exemptions	30.37	Miscellaneous exemptions.
30.55(a)	Diplomatic pouches and their contents	30.37(i)	Diplomatic pouches and their contents.
30.55(b)	Human remains and accompanying appropriate receptacles and flowers.	30.37(j)	Human remains and accompanying appropriate receptacles and flowers.
30.55(c)	Shipments from one point in the United States to another thereof by routes passing through Mexico.	30.37(c)	Shipments from one point in the United States to another point in the United States by routes passing through Canada or Mexico.
30.55(d)	Shipments from one point in Mexico to another point thereof by routes through the United States.	30.37(d)	Shipments from one point in Canada or Mexico to another point in the same country by routes through the United States.
30.55(e)	Shipments, other than by vessel, or merchandise for which no validated export licenses are required, transported inbond through the United States, and exported from another U.S. port, or transshipped and exported directly from the port of arrival.	30.2(d)(1)	Shipments, transported in-bond through the United States, and exported from another U.S. port, or transshipped and exported directly from the port of arrival.
30.55(f)	Shipments to foreign libraries, government establishments, or similar institutions, as provided in § 30.53(d).	30.37(g)	Shipments to foreign libraries, government establishments, or similar institutions, as provided in § 30.40(d).
30.55(g)	Shipments of single gift parcels as authorized by the Bureau of Industry and Security under License Exception GFT, see 15 CFR 740.12 of the EAR.	30.37(h)	Shipments authorized by License Exception GFT for gift parcels, humanitarian donations.
30.55(h)	Except as noted in paragraph (h)(2) of this section, exports of commodities where the value of the commodities shipped from one exporter to one consignee on a single exporting carrier, classified under an individual Schedule B number, is $2,500 or less.	30.37(a)	Except as noted in § 30.2(a)(1)(iv), exports of commodities where the value of the commodities shipped USPPI to one consignee on a single exporting carrier, classified under an individual Schedule B or HTSUSA commodity classification code, is $2,500 or less.
30.55(i)	Shipments of interplant correspondence, executed invoices, and other documents and other shipments of company business records from a U.S. firm to its subsidiary or affiliate.	30.37(k)	Shipments of interplant correspondence, executed invoices, and other documents and other shipments of company business records from a U.S. firm to its subsidiary or affiliate.
30.55(j)	Shipments of pets as baggage, accompanied or unaccompanied, of persons leaving the United States, including members of crews on vessels and aircraft.	30.37(l)	Shipments of pets as baggage, accompanied or unaccompanied, of persons leaving the United States, including members of crews on vessels and aircraft.
30.55(k)	Shipments for use in connection with NASA tracking systems under Office of Export Administration Project License DL–5355–S.		NA.

FTSR	FTSR Regulatory topic	FTR	FTR Regulatory topic
30.55(l)	Shipments of aircraft parts and equipment, and food, saloon, slop chest, and related stores, provisions, and supplies for use on aircraft by a U.S. airline to its own installations, aircraft, and agent aboard, under Department of Commerce, Office of Export Administration General License, RCS.		NA.
30.55(m)	Shipments for use in connection with NOAA operations under the Office of Export Administration General License G–NOAA.		NA.
30.55(n)	Exports of technology and software as defined in 15 CFR 772 of the EAR that do not require an export license.	30.37(f)	Exports of technology and software as defined in 15 CFR 772 of the EAR that do not require an export license.
30.55(o)	Intangible exports of software and technology, such as downloaded software and technical data, including technology and software that requires an export license and mass market software exported electronically.	30.2(d)(3)	Intangible exports of software and technology, such as downloaded software and technical data, including technology and software that requires an export license and mass market software exported electronically.
30.56	Conditional Exemptions	30.37	Miscellaneous exemptions.
30.56(a)	Baggage and personal effects	30.38	Exemption from the requirements for reporting complete commodity information.
30.56(b)	Tools of trade	30.37(b)	Tools of trade.
30.56(c)	Carriers' stores	30.37(m)	Carriers' stores.
30.56(d)	Dunnage	30.37(n)	Dunnage.
30.57	Information on export declarations for shipments of types of goods covered by § 30.56 not conditionally exempt.		NA.
30.58	Exemption for shipments from the United States to Canada.	30.36	Exemption for shipments destined to Canada.
Subpart E—Electronic Filing Requirements—Shipper's Export Information			
30.60	General requirements for filing export and manifest data electronically using the Automated Export System (AES).	30.2	General requirements for filing Electronic Export Information.
30.60(a)	Participation		NA.
30.60(b)	Letter of Intent	30.5(a)(1)	Postdeparture filing application.
30.60(c)	General filing and transmission requirements	30.4	NA.
30.60(d)	General responsibilities of exporters, filing agents, and sea carriers—.	30.3	Electronic Export Information filer requirements, parties to export transactions, and responsibilities of parties to export transactions.
30.61	Electronic filing options	30.4	Electronic Export Information filing procedure, deadlines, and certification statement.
30.62	AES Certification, qualifications, and standards	30.5	EEI filing application and certification processes and standards.
30.63	Information required to be reported electronically through AES (data elements).	30.6	Electronic Export Information data elements.
30.64	Transmitting and correcting AES information	30.9	Transmitting and correcting Electronic Export Information.
30.65	Annotating the proper exemption legends or proof of filing citations for shipments transmitted electronically.	30.7	Annotating the bill of lading, air waybill, and other commercial loading documents with the proper proof of filing citations, approved postdeparture filing citations, downtime filing citation, or exemption legends.
30.66	Recordkeeping and requirements	30.5(f)	Support.
30.66	Support, documentation, and recordkeeping requirements.	30.10	Retention of export information and the authority to require production of documents.
Subpart F—General Requirements—Importers			
30.70	Statistical information required on import entries	30.50 30.51	General requirements for filing import entries. Statistical information required for import entries.
30.80	Imports from Canada	30.54	Special provisions for imports from Canada.
30.81	Imports of merchandise into Guam		NA.

FTSR	FTSR Regulatory topic	FTR	FTR Regulatory topic
30.82	Identification of U.S. merchandise returned for repair and reexport.	30.53	Import of goods returned for repair.
30.83	Statistical copy of mail and informal entries		NA.
Subpart H—General Administrative Provisions			
30.90	Confidential information, import entries, and withdrawals.	30.55	Confidentiality information, import entries, and withdrawals.
30.91	Confidential information, Shipper's Export Declarations.	30.60	Confidentiality of Electronic Export Information.
30.92	Statistical classification schedules	30.61	Statistical classification schedules.
30.93	Emergency exceptions	30.62	Emergency exceptions.
30.94	Instructions to CBP		NA.
30.95	Penalties for violations		Subpart H.
30.95(a)	Exports (reexports) of rough diamonds	30.70	Violation of the Clean Diamond Trade Act.
30.95(b)	Exports of other than rough diamonds	30.71	False or fraudulent reporting.
30.99	OMB control numbers assigned pursuant to the Paperwork Reduction Act.	30.63	Office of Management and Budget control numbers assigned pursuant to the Paperwork Reduction Act.

36. Revise Appendix F to Part 30 to read as follows:

Appendix F to Part 30—FTR to FTSR Concordance

FTR	FTR Regulatory topic	FTSR	FTSR Regulatory topic
Subpart A—General Requirements			
30.1	Purpose and definitions	NA	NA.
30.2	General requirements for filing Electronic Export Information.	30.1	General statement of requirement for Shipper's Export Declarations.
30.2(a)	Filing Requirements		Filing Requirements.
30.2(b)	General Requirements		NA.
30.2(c)	Certification and filing requirements		NA.
30.2(d)	Exclusions from filing EEI		NA.
30.2(e)	Penalties		NA.
30.3	Electronic Export Information filer requirements, parties to export transactions, and responsibilities of parties to export transactions.	30.4	Preparation and signature of Shipper's Export Declaration.
30.4	Electronic Export Information filing procedures, deadlines, and certification statements.	30.61	Electronic filing options.
30.4(a)	EEI transmitted predeparture	30.61(a)	EEI transmitted predeparture.
30.4(b)	Filing deadlines for EEI transmitted predeparture		NA.
30.4(c)	EEI transmitted postdeparture	30.61(b)	EEI transmitted postdeparture.
30.4(d)	Proof of filing citation or exemption legend	30.12(d)	Exports file via AES.
30.5	Electronic Export Information filing application and certification processes and standards.	30.62	AES Certification, qualifications, and standards.
30.5(a)	AES application process	30.60(b)	AES Participant Application.
30.5(b)	Certification process	30.66	Record keeping and requirements.
30.5(c)	Postdeparture filing approval process.		
30.5(d)	Electronic Export Information filing standards.		
30.5(e)	Monitoring the filing of Electronic Export Information.		
30.5(f)	Support.		
30.6	Electronic Export Information data elements	30.63	Information required to be reported electronically through AES (data elements).
30.7	Annotating the bill of lading * * *	30.65	Annotating the proper exemption legends or proof of filing citations.

FTR	FTR Regulatory topic	FTSR	FTSR Regulatory topic
30.8	Time and place for presenting proof of filing citations, postdeparture filing citations, downtime filing citation, or exemption legends.	30.12	Time and place for presenting the SED, exemption legends, or proof of filing citations.
30.9	Transmitting and correcting Electronic Export Information.	30.64	Transmitting and correcting AES information.
		30.16	Corrections to Shipper's Export Declarations.
30.10(a)	Retention of Export information	30.66	Support, documentation and recordkeeping, and documentation requirements.
30.10(b)	Authority to require production of documents	30.11	Authority to require production of documents.
Subpart B—Export Control and Licensing Requirements			
30.15	Introduction	30.2	Related export control requirements.
30.16	Bureau of Industry and Security regulations	30.2	Related export control requirements.
30.17	Customs and Border Protection regulations	30.2	Related export control requirements.
30.18	Department of State regulations	30.2	Related export control requirements.
30.19	Other Federal agency regulations	30.2	Related export control requirements.
Subpart C—Special Provisions and Specific-Type Transactions			
30.25	Values for certain types of transactions	30.30	Values for certain types of transactions.
30.26	Reporting of vessels, aircraft, cargo vans, and other carriers and containers.	30.33	Vessels, planes, cargo vans, and other carriers and containers sold foreign.
30.27	Return of exported cargo to the United States prior to reaching its final destination.	30.34	Return of exported cargo to the United States prior to reaching its final destination.
30.28	Split shipments	30.41	"Split shipments" by air.
30.29	Reporting of repairs and replacements	30.31	Identification of certain nonstatistical and other unusual transactions.
Subpart D—Exemptions from the Requirements for the Filing of Electronic Export Information			
30.35	Procedure for shipments exempt from filing requirements.	30.50	Procedure for shipments exempt from the requirements for SEDs.
30.36	Exemption for shipments destined to Canada	30.58	Exemption for shipments from the United States to Canada.
30.37	Miscellaneous exemptions	30.55	Miscellaneous exemptions.
		30.55	Conditional exemptions.
30.37(a)	Except as noted in § 30.2(a)(1)(iv), exports of commodities where the value * * * is $2,500 or less.	30.55(h)	Except as noted in paragraph h(2) of this section, exports of commodities where the value * * * is $2,500 or less.
30.37(b)	Tools of trade	30.56(b)	Tools of trade.
30.37(c)	Shipments from one point in the United States to another point in the United States by routes passing through Canada or Mexico.	30.55(c)	Shipments from one point in the United States to another thereof by routes passing through Mexico.
		30.58(a)	* * * this exemption also applies to shipments from one point in the United States or Canada to another point thereof.
30.37(d)	Shipments from one point in Canada or Mexico to another point thereof by routes through the United States.	30.55(d)	Shipments from one point in Canada or Mexico to another point in the same country by routes through the United States.
		30.58(a)	* * * this exemption also applies to shipments from one point in the United States or Canada to another point thereof.
30.37(e)	Vessels, aircraft, cargo vans, and other carriers and containers.	30.55(e)	Shipments, other than by vessel, or merchandise for which no validated licenses required, transported inbond through the United States.
30.37(f)	Exports of technology and software as defined in 15 CFR of the EAR that do not require an export license.	30.55(n)	Exports of technology and software as defined in 15 CFR 772 of the EAR that do not require an export license.
30.37(g)	Shipments to foreign libraries, government establishments or similar institutions, as provided in § 30.40(d).	30.55(f)	Shipments to foreign libraries, government establishments or similar institutions, as provided in § 30.53(d).

FTR	FTR Regulatory topic	FTSR	FTSR Regulatory topic
30.37(f)	Shipments as authorized under License Exception GFT for gift parcels and humanitarian donations.	30.55(g)	Shipments of single gift parcels as authorized by the Bureau of Industry and Security under license exception GFT.
30.37(i)	Diplomatic pouches and their contents	30.55(a)	Diplomatic pouches and their contents.
30.37(j)	Human remains and accompanying appropriate receptacles and flowers.	30.55(b)	Human remains and accompanying appropriate receptacles and flowers.
30.37(k)	Shipments of interplant correspondence, executed invoices and other documents, and other shipments of company business records from a U.S. firm to its subsidiary or affiliate.	30.55(i)	Shipments of interplant correspondence, executed invoices and other documents, and other shipments of company business records from a U.S. firm to its subsidiary or affiliate.
30.37(l)	Shipments of pets as baggage, accompanied or unaccompanied, of persons leaving the United States, including members of crews on vessels and aircraft.	30.55(j)	Shipments of pets as baggage, accompanied or unaccompanied, of persons leaving the United States, including members of crews on vessels and aircraft.
30.37(m)	Carriers' stores	30.56(c)	Carriers' stores.
30.37(n)	Dunnage	30.56(d)	Dunnage.
30.37(o)	Shipments of aircraft parts and equipment; food, saloon, slop chest, and related stores.	30.55(l)	Shipments of aircraft parts and equipment; food, saloon, slop chest, and related stores.
30.37(p)	Baggage and personal effects not shipped as cargo under a bill of lading or an air waybill and not requiring an export license.	30.56(a)	Baggage and personal effects not shipped as cargo under a bill of lading or an air waybill and not requiring an export license.
30.37(q)	Issued bank notes and securities and coins in circulation exported as evidence of financial claims.		NA.
30.37(r)	Documents used in international transactions		NA.
30.37(s)	Exports of technical data and defense service exemptions.		NA.
30.38	Exemption from the requirement for reporting complete commodity information Revised based on CBP comments.	30.56	Conditional exemptions.
30.38(a)	Usual and reasonable kinds and quantities of wearing apparel, articles of personal adornment, toilet articles, medicinal supplies, food, souvenirs, games, and similar personal effects and their containers.	30.56(a)(1)	Usual and reasonable kinds and quantities of wearing apparel, articles of personal adornment, toilet articles, medicinal supplies, food, souvenirs, games, and similar personal effects and their containers.
30.38(b)	Usual and reasonable kinds and quantities of furniture, household effects, household furnishings, and their containers.	30.56(a)(2)	Usual and reasonable kinds and quantities of furniture, household effects, household furnishings, and their containers.
30.38(c)	Usual and reasonable kinds and quantities of vehicles, such as passenger cars, station wagons, trucks.	30.56(a)(3)	Usual and reasonable kinds and quantities of vehicles, such as passenger cars, station wagons, trucks.
30.39	Special exemptions for shipments to the U.S. Armed Services.	30.52	Special exemptions for shipments to the U.S. Armed Services.
30.40	Special exemptions for certain shipments to U.S. Government agencies and employees.	30.53	Special exemptions for certain shipments to U.S. Government agencies and employees.
Subpart E—General Carrier and Manifest Requirements			
30.45	General Statement of requirements for the filing of carrier manifests with proof of filing citations.	30.20 30.21 30.22	General statement of requirements for the filing of manifests. Requirements for the filing of manifests Requirements for filing of Shipper's Export Declarations by departing carriers.
30.46	Requirements for the filing of export information by pipeline carriers.	30.23	Requirement for the filing of Shipper's Export Declarations by pipeline carriers.
30.47	Clearance or departure of carriers under bond on incomplete manifests.	30.24	Clearance or departure of carriers under bond on incomplete manifest.
Subpart F—Import Requirements			
30.50	General requirements for filing import entries	30.70	Statistical information required on import entries.
30.51	Statistical information required for imports entries	30.70	Statistical information required for import entries.
30.52	Foreign Trade Zones		NA.

FTR	FTR Regulatory topic	FTSR	FTSR Regulatory topic
30.53	Import of goods returned for repair	30.82	Identification of U.S. merchandise returned for repair and reexport.
30.54	Special provisions for imports from Canada	30.80	Imports from Canada.
30.55	Confidential information, import entries, and withdrawals.	30.90	Confidential information import entries, and withdrawals.
Subpart G—General Administrative Provisions			
30.60	Confidentiality of Electronic Export Information	30.91	Confidential information, Shipper's Export Declaration.
. 30.61	Statistical classification schedules	30.92	Statistical classification schedules.
30.62	Emergency exceptions	30.93	Emergency exceptions.
30.63	Office of Management and Budget control numbers assigned pursuant to the Paperwork Reduction Act.	30.99	OMB control numbers assigned pursuant to the Paperwork Reduction Act.
Subpart H—Penalties			
30.70	Violation of the Clean Diamond Trade Act	30.95(a)	Penalties for violations for export (reexport) of rough diamonds.
30.71 30.71(a) 30.71(b)	False or Fraudulent reporting on or misuse of the Automated Export System. Criminal penalties. Civil penalties.	30.95(b)	Penalties for violations of exports other than diamonds.
30.72	Civil penalty procedures		NA.
30.73 30.73(a) 30.73(b)	Enforcement Department of Commerce. Department of Homeland Security.		NA.
30.74	Voluntary self-disclosure		NA.
30.75–30.99	[Reserved].		

Dated: December 30, 2010.

Robert M. Groves,

Director, Bureau of the Census.

[FR Doc. 2011–165 Filed 1–20–11; 8:45 am]

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S. 118/P.L. 111–372
Section 202 Supportive Housing for the Elderly Act of 2010 (Jan. 4, 2011; 124 Stat. 4077)

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S. 3243/P.L. 111–376
Anti-Border Corruption Act of 2010 (Jan. 4, 2011; 124 Stat. 4104)

S. 3447/P.L. 111–377
Post-9/11 Veterans Educational Assistance Improvements Act of 2010 (Jan. 4, 2011; 124 Stat. 4106)

S. 3481/P.L. 111–378
To amend the Federal Water Pollution Control Act to clarify Federal responsibility for stormwater pollution. (Jan. 4, 2011; 124 Stat. 4128)

S. 3592/P.L. 111–379
To designate the facility of the United States Postal Service located at 100 Commerce Drive in Tyrone, Georgia, as the "First Lieutenant Robert Wilson Collins Post Office Building". (Jan. 4, 2011; 124 Stat. 4130)

S. 3874/P.L. 111–380
Reduction of Lead in Drinking Water Act (Jan. 4, 2011; 124 Stat. 4131)

S. 3903/P.L. 111–381
To authorize leases of up to 99 years for lands held in trust for Ohkay Owingeh Pueblo. (Jan. 4, 2011; 124 Stat. 4133)

S. 4036/P.L. 111–382
To clarify the National Credit Union Administration authority to make stabilization fund expenditures without borrowing from the Treasury. (Jan. 4, 2011; 124 Stat. 4134)

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