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DEPARTMENT OF ENERGY

10 CFR Part 430

[Docket Number EERE–2008–BT–TP–0020]

RIN 1904–AB89

Energy Conservation Program for Consumer Products: Decision and Order Granting 180-Day Extension of Compliance Date for Residential Furnaces and Boilers Test Procedure Amendments

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Notice of petitions for extension of compliance date and Decision and Order granting petitions.

SUMMARY: This document announces receipt by the U.S. Department of Energy (DOE) of 29 petitions from 27 manufacturers seeking a 180-day extension of the compliance date related to recent amendments to the DOE test procedure for residential furnaces and boilers to address the standby mode and off mode energy consumption of those products. The petitioners demonstrated that meeting the specified compliance date would impose an undue hardship. Accordingly, today's Decision and Order grants these petitions to extend the compliance date by the requested 180 days.

DATES: This Decision and Order is effective March 31, 2011. For representation purposes, petitioners must comply with all applicable provisions of the amended DOE test procedure for residential furnaces and boilers starting on October 15, 2011.

FOR FURTHER INFORMATION CONTACT: Dr. Michael G. Raymond, U.S. Department of Energy, Building Technologies Program, Mail Stop EE–2J, 1000 Independence Avenue, SW., Washington, DC 20585–0121. Telephone: (202) 586–9611. E-mail: *Michael.Raymond@ee.doe.gov*.

Mr. Eric Stas, U.S. Department of Energy, Office of the General Counsel, GC–71, 1000 Independence Avenue, SW., Washington, DC 20585–0121. Telephone: (202) 586–9507. E-mail: *Eric.Stas@hq.doe.gov*.

For information on how to access the docket or to view hard copies of the docket in the Resource Room, contact Ms. Brenda Edwards, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Program, EE–2J, 1000 Independence Avenue, SW., Washington, DC 20585–0121. Telephone: (202) 586–2945. E-mail: *Brenda.Edwards@ee.doe.gov*.

SUPPLEMENTARY INFORMATION:

I. Background and Authority

Title III, Part B [1] of the Energy Policy and Conservation Act of 1975 (EPCA or the Act), Public Law 94–163 (42 U.S.C. 6291–6309, as codified) sets forth a variety of provisions designed to improve energy efficiency and established the Energy Conservation Program for Consumer Products Other Than Automobiles,[2] a program covering most major household appliances (collectively referred to as "covered products"), which includes the types of residential boilers and furnaces that are the subject of this notice. (42 U.S.C. 6292(a)(5)) Under the Act, this program consists essentially of three parts: (1) Testing; (2) labeling; and (3) establishing Federal energy conservation standards. Of particular relevance here, the statute authorizes the Secretary of Energy to prescribe test procedures that are reasonably designed to produce results which measure energy efficiency, energy use, or estimated operating costs, and that are not unduly burdensome to conduct. (42 U.S.C. 6293(b)(3)) Under EPCA's testing requirements, manufacturers of covered products must use these test procedures as the basis for certifying to DOE that their products comply with applicable energy conservation standards adopted pursuant to EPCA and for representing the efficiency of those products. (42 U.S.C. 6293(c); 42 U.S.C. 6295(s))

Pursuant to the amendments to EPCA contained in section 310(3) of the Energy Independence and Security Act of 2007 (EISA 2007), any final rule for new or amended energy conservation standards promulgated after July 1, 2010 must address standby mode and off mode energy use. (42 U.S.C. 6295(gg)(3)) Specifically, when DOE adopts an energy conservation standard for a covered product after that date, it must, if justified by the criteria for adoption of standards under 42 U.S.C. 6295(o), incorporate standby mode and off mode energy use into a single standard, if feasible, or, if that is not feasible, adopt a separate standard for such energy use for that product. (42 U.S.C. 6295(gg)(3)(A)–(B)) Because the current energy conservation standard rulemaking for residential furnaces will be completed after July 1, 2010, DOE conducted a test procedure rulemaking for these products and published a final rule in the **Federal Register** on October 20, 2010 (the October 2010 final rule), which included methods for measuring standby mode and off mode energy consumption. 75 FR 64621. More specifically, this test procedure final rule included a standby mode and off mode metric, E_{so}, and modified the calculation of annualized auxiliary electrical use (E_{ae}) for gas or oil-fired furnaces or boilers and annual electric energy consumption (E_e) for electric furnaces or boilers to account for standby mode and off mode power consumption. *Id.* at 64632. The test procedure for residential furnaces and boilers is contained in title 10 of the Code of Federal Regulations (CFR) part 430, subpart B, appendix N.

The statute mandates that 180 days after an amended or new test procedure is prescribed, no manufacturer, distributor, retailer, or private labeler may make any representation about a product with respect to energy use or efficiency unless that product has been tested in accordance with such amended or new test procedure and the representation fairly discloses the results of such testing. (42 U.S.C. 6293(c)(2)) However, if a petition is submitted at least 60 days prior to the end of the initial 180-day period, the Secretary may extend the 180-day period by up to an additional 180 days (but in no event for more than 180 days)

[1] For editorial reasons, upon codification in the U.S. Code, Part B was redesignated Part A.

[2] All references to EPCA refer to the statute as amended through the Energy Independence and Security Act of 2007, Public Law 110–140.

with respect to that petitioner, if it is determined that complying with the requirements of 42 U.S.C. 6293(c)(2) would impose an undue hardship on the petitioner. (42 U.S.C. 6293(c)(3))

II. Petitions for Extension of Compliance Date

Between February 14, 2011 and February 17, 2011, DOE received 29 petitions from 27 manufacturers [3] regarding the compliance date for the October 2010 test procedure final rule for residential furnaces and boilers. All of these petitions are available as part of Docket Number EERE–2008–BT–TP–0020.[4] Specifically, all but one petitioner requested that DOE extend the April 18, 2011 compliance date specified in the final rule by 180 days, arguing that compliance with the April 18, 2011 deadline would place an unnecessary burden upon each company. The remaining petitioner, Rheem Manufacturing Company, similarly requested DOE extend the compliance date; however, this company requested that the new compliance date be extended to end of the 2011 calendar year or by the maximum amount allowed by law, whichever is longer. The petitioners were: (1) Adams Manufacturing Company; (2) Allied Air Enterprises; (3) Bard Manufacturing Co. Inc.; (4) Boyertown Furnace; (5) Carrier Corporation; (6) Crown Boiler; (7) De Dietrich Boilers; (8) ECR International Inc.; (9) Goodman Manufacturing Company; (10) HTP Inc.; (11) Johnson Controls Inc.; (12) Laars Heating Systems Company; (13) Lennox International Inc.; (14) Lochinvar; (15) Newmac Furnace Company; (16) New Yorker Residential Heating Boilers; (17) Nordyne; (18) NY Thermal Inc.; (19) Peerless Boilers Heat LLC; (20) Raypak Inc.; (21) Rheem Manufacturing Company; (22) Slant/Fin; (23) Thermo Products LLC; (24) Trane; (25) Triangle Tube; (26) US Boiler Company; and (27) Weil-McLain. All petitions were timely filed, in that they were submitted prior to 60 days before the end of the 180-day period specified in 42 U.S.C. 6293(c)(3). All 29 petitions were very similar in form and content, as discussed in further detail below.

E_{ae} is a measure of the electrical energy use of a gas or oil-fired furnace over a one-year period. The petitioners noted that the amended definition of E_{ae}, which was redefined in the final rule to include E_{so}, may be considered a representation of standby mode and off mode energy consumption now because it includes E_{so}. However, because the final rule had focused on the E_{so} descriptor itself and because manufacturers were under no obligation to publish results for E_{so} by April 18, 2011, the petitioners only recently came to realize the indirect implications of the amended test procedure on the E_{ae} metric, which is widely used in the industry. As a result, the petitioners all argued that under the current deadline the revisions to the E_{ae} calculation to include E_{so} would force the industry to either: (1) Retest all of its basic models in two months; or (2) remove the E_{ae} listings from the AHRI product directory. On the first point, the petitioners asserted that it would be impracticable to conduct the requisite testing in the available time period, particularly given the substantial number of products to be tested and the limited capacity of facilities to conduct such testing. On the second point, the petitioners stated that the E_{ae} listings are useful to customers, because many utilities and other third parties operate a variety of rebate programs and other programs predicated on the E_{ae} descriptor. For this reason, the petitioners argued that removal of the listings would be undesirable for both manufacturers and consumers, potentially leading to confusion in the marketplace. Furthermore, the manufacturers would have to change all their product literature and Web sites where E_{ae} is used by the current compliance date. In practice, manufacturers would have to communicate and explain the changes down their distribution chains to distributors, retailers and customers, and adjust inventory management and order systems. Because there is no requirement or reason to advertise E_{so} at the present time, manufacturers argued these efforts would represent undue burden and unintended consequence of the October 2010 test procedure final rule.

Additionally, all petitioners made the point that the amended DOE test procedure for residential furnaces and boilers contains provisions for measuring standby mode and off mode energy consumption that reference the first edition of the International Electrotechnical Commission (IEC) Standard 62301, "Household electrical appliances—Measurement of standby power," but that a draft second edition of that standard was issued on October 29, 2010, for a final approval vote. (DOE notes that IEC Standard 62301 (Second Edition) has been issued by the IEC with a final publication date of January 27, 2011.) According to the petitioners, granting the requested extension of the compliance date would allow DOE to update the relevant references in its test procedure, thereby ensuring that furnace and boiler manufacturers are not subject to procedures with obsolete references.

Fourteen petitioners from 13 companies also expressed concern about the effects of the amended test procedure on the "e" descriptor. While not an official DOE descriptor, "e" is used by utility incentive programs and certain Federal agencies to identify electrically-efficient furnaces. The value for this descriptor is dependent on E_{ae}, and because the October 2010 final rule's amendments to the DOE test procedure redefined E_{ae}, the petitioners argued that some models may no longer be considered electrically efficient. According to these petitioners, the revisions appear to disproportionately affect the "e" value of units with lower input capacities, meaning that the required changes to this calculation are not readily apparent and will require more testing than originally anticipated. Therefore, the requested extension of the compliance date would provide additional time for adequate consideration of the ramification of the changes to the "e" descriptor.

III. Summary and Conclusion

Through today's notice, DOE announces receipt of petitions requesting a 180-day extension of the April 18, 2011 compliance date in the October 2010 furnace and boiler test procedure final rule from the following 27 companies: (1) Adams Manufacturing Company; (2) Allied Air Enterprises; (3) Bard Manufacturing Co. Inc.; (4) Boyertown Furnace; (5) Carrier Corporation; (6) Crown Boiler; (7) De Dietrich Boilers; (8) ECR International Inc.; (9) Goodman Manufacturing Company; (10) HTP Inc.; (11) Johnson Controls Inc.; (12) Laars Heating Systems Company; (13) Lennox International Inc.; (14) Lochinvar; (15) Newmac Furnace Company; (16) New Yorker Residential Heating Boilers; (17) Nordyne; (18) NY Thermal Inc.; (19) Peerless Boilers Heat LLC; (20) Raypak Inc.; (21) Rheem Manufacturing Company; (22) Slant/Fin; (23) Thermo

[3] Two manufacturers submitted two essentially identical petitions signed by different corporate officials.

[4] The docket is available for review at *http://www.regulations.gov*, including **Federal Register** notices and other supporting documents/materials. All documents in the docket are listed in the *http://www.regulations.gov* index. However, not all documents listed in the index may be publicly available, such as information that is exempt from public disclosure. A link to the docket Web page can be found at: *http://www.regulations.gov/#!docketDetail;dct=FR+PR+N+O+SR;rpp=10;po=0;D=EERE-2008-BT-TP-0020*. The *http://www.regulations.gov* Web page contains simple instructions on how to access all documents in the docket.

Products LLC; (24) Trane; (25) Triangle Tube; (26) US Boiler Company; and (27) Weil-McLain.

The intent of the amended test procedure was to require manufacturers to test for standby mode and off mode power at this time only if they intended to publicize such information, and for the above-stated reasons regarding the volume of and limited time available for testing, DOE agrees that requiring all basic models to be retested before April 18, 2011, would place an undue burden upon the petitioners. Likewise, DOE does not believe that it would be appropriate to prevent the dissemination of representations regarding auxiliary electrical energy consumption of residential furnaces and boilers, because consumers may find such information beneficial. Furthermore, DOE agrees that a 180-day extension would not be expected to harm consumers or undermine the purpose of the final rule. For these reasons, and given that the petitioners fulfilled their obligations under 42 U.S.C. 6293(c)(3), DOE hereby issues this Decision and Order which grants the 27 petitioners above an extension of 180 days for compliance with the amended provisions of the furnaces and boilers test procedure final rule that was published in the **Federal Register** on October 20, 2010. Accordingly, the petitioners must meet a new compliance date of October 15, 2011. With respect to Rheem's request that DOE extend the compliance date to the end of the calendar year 2011, DOE reiterates that the maximum extension allowed by the statute is 180 days. As such, DOE denies Rheem's request.

DOE notes that this extension does not release petitioners from the certification requirements set forth in 10 CFR 430.62.

Issued in Washington, DC, on March 24, 2011.

Kathleen Hogan,

Deputy Assistant Secretary for Energy Efficiency, Office of Technology Development, Energy Efficiency and Renewable Energy.

[FR Doc. 2011–7579 Filed 3–30–11; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2010–0820; Directorate Identifier 2010–NE–31–AD; Amendment 39–16646; AD 2011–07–09]

RIN 2120–AA64

Airworthiness Directives; Thielert Aircraft Engines GmbH Models TAE 125–01, TAE 125–02–99, and TAE 125–02–114 Reciprocating Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

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

Service experience has shown that a case of FADEC channel B manifold air pressure (MAP) sensor hose permeability is not always recognized as fault by the FADEC. The MAP value measured by the sensor may be lower than the actual pressure value in the engine manifold, and limits the amount of fuel injected into the combustion chamber and thus the available power of the engine. A change in FADEC software version 2.91 will change the logic in failure detection and in switching to channel B (no automatic switch to channel B if MAP difference between channel A and B is detected and lower MAP is at channel B).

In addition, previous software versions allow—under certain conditions and on DA 42 aircraft only—the initiation of a FADEC self test during flight that causes an engine in-flight shutdown.

We are issuing this AD to prevent engine in-flight shutdown or power loss, possibly resulting in reduced control of the airplane.

DATES: This AD becomes effective May 5, 2011.

ADDRESSES: The Docket Operations office is located at Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.

FOR FURTHER INFORMATION CONTACT: Alan Strom, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; *e-mail: alan.strom@faa.gov; phone:* (781) 238–7143; *fax:* (781) 238–7199.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to the specified products. That NPRM was published in the **Federal Register** on November 23, 2010 (75 FR 71371). That NPRM proposed to correct an unsafe condition for the specified products. The MCAI states:

Service experience has shown that a case of FADEC channel B manifold air pressure (MAP) sensor hose permeability is not always recognized as fault by the FADEC. The MAP value measured by the sensor may be lower than the actual pressure value in the engine manifold, and limits the amount of fuel injected into the combustion chamber and thus the available power of the engine. A change in FADEC software version 2.91 will change the logic in failure detection and in switching to channel B (no automatic switch to channel B if MAP difference between channel A and B is detected and lower MAP is at channel B).

In addition, previous software versions allow—under certain conditions and on DA 42 aircraft only—the initiation of a FADEC self test during flight that causes an engine in-flight shutdown.

Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM.

We updated the revision levels to the two referenced Thielert Operation & Maintenance Manuals, and corrected a manual number reference error in paragraph (e)(2) of this AD.

Conclusion

We reviewed the available data and determined that air safety and the public interest require adopting the AD with the changes described previously. We determined that these changes will not increase the economic burden on any operator or increase the scope of the AD.

Costs of Compliance

Based on the service information, we estimate that this AD will affect about 112 engines installed on airplanes of U.S. registry. We also estimate that it will take about 0.5 work-hour per engine to comply with this AD. The average labor rate is $85 per work-hour. There are no required parts cost. Based on these figures, we estimate the cost of the AD on U.S. operators to be $4,760.

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

For the reasons discussed above, I certify this AD:

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

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

Examining the AD Docket

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2011–07–09 Thielert Aircraft Engines GmbH: Amendment 39–16646. Docket No. FAA–2010–0820; Directorate Identifier 2010–NE–31–AD.

Effective Date

(a) This airworthiness directive (AD) becomes effective May 5, 2011.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Thielert Aircraft Engines GmbH models TAE 125–01, TAE 125–02–99, and TAE 125–02–114 reciprocating engines installed in, but not limited to, Cessna 172 and (Reims-built) F172 series (European Aviation Safety Agency (EASA) STC No. EASA.A.S.01527); Piper PA–28 series (EASA STC No. EASA.A.S. 01632); APEX (Robin) DR 400 series (EASA STC No. A.S.01380); and Diamond Aircraft Industries Models DA 40, DA 42, and DA 42M NG airplanes.

Reason

(d) This AD results from mandatory continuing airworthiness information (MCAI) issued by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. We are issuing this AD to prevent engine in-flight shutdown or power loss, possibly resulting in reduced control of the airplane.

Actions and Compliance

(e) Unless already done, do the following actions.

(1) Within 110 flight hours after the effective date of the AD or during next maintenance, whichever occurs first, install full-authority digital electronic control (FADEC) software version 2.91.

(2) Guidance on FADEC software installation can be found in the following:

(i) For TAE 125–01 engines, Operation & Maintenance Manual OM–02–01, Version 3, Revision 15.

(ii) For TAE 125–02–99 and TAE 125–02–114 engines, Operation & Maintenance Manual OM–02–02, Version 2, Revision 1.

Prohibition of FADEC Software Earlier Versions

(f) Once FADEC software version 2.91 is installed, do not install any earlier version of FADEC software.

FAA AD Differences

(g) EASA AD 2010–0137 permits installation of earlier FADEC software versions, once version 2.91 is installed. This AD does not.

(h) EASA AD 2010–0137 requires compliance within 110 flight hours after the effective date of the AD or during next maintenance, whichever occurs first, but no later than 6 months after the effective date of the AD. This AD requires compliance within 110 flight hours after the effective date of the AD or during next maintenance, whichever occurs first.

Alternative Methods of Compliance (AMOCS)

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

Related Information

(j) Refer to EASA AD 2010–0137, dated June 30, 2010, for related information. Contact Thielert Aircraft Engines GmbH, Platanenstrasse 14 D–09350, Lichtenstein, Germany, *phone:* +49–37204–696–0; *fax:* +49–37204–696–2912; *e-mail: info@centurion-engines.com,* for a copy of the service information referenced in this AD.

(k) Contact Alan Strom, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; *e-mail: alan.strom@faa.gov; phone:* (781) 238–7143; *fax:* (781) 238–7199, for more information about this AD.

Material Incorporated by Reference

(l) None.

Issued in Burlington, Massachusetts, on March 22, 2011.

Peter A. White,

Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 2011–7293 Filed 3–30–11; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2010–1200; Directorate Identifier 2010–NM–136–AD; Amendment 39–16647; AD 2011–07–10]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc. Model BD–100–1A10 (Challenger 300) Airplanes

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

ACTION: Final rule.

SUMMARY: We are superseding an existing airworthiness directive (AD) that applies to the products listed above. This 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:

Investigation of a recent high altitude loss of cabin pressurization on a BD–100–1A10 aircraft determined that it was caused by a partial blockage of a safety valve cabin pressure-sensing port, in conjunction with a dormant failure/leakage of the safety valve manometric capsule. The blockage, caused by accumulation of lint/dust on the grid of the port plug, did not allow sufficient airflow through the cabin pressure-sensing port to compensate for the rate of leakage from the manometric capsule, resulting in the opening of the safety valve. It was also determined that failure of the manometric capsule alone would not result in the opening of the safety valve.

* * * * *

The unsafe condition is possible loss of cabin pressure caused by the opening of the safety valve. We are issuing this AD to require actions to correct the unsafe condition on these products.

DATES: This AD becomes effective May 5, 2011.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of June 1, 2010 (75 FR 27406, May 17, 2010).

ADDRESSES: You may examine the AD docket on the Internet at *http://www.regulations.gov* or in person at the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Cesar Gomez, Aerospace Engineer, Airframe and Mechanical Systems Branch, ANE–171, FAA, New York Aircraft Certification Office (ACO), 1600 Stewart Avenue, Suite 410, Westbury, New York 11590; telephone (516) 228–7318; fax (516) 794–5531.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to the specified products. That NPRM was published in the **Federal Register** on December 21, 2010 (75 FR 79984), and proposed to supersede AD 2010–10–18, Amendment 39–16297 (75 FR 27406, May 17, 2010). That NPRM proposed to correct an unsafe condition for the specified products. The MCAI states:

Investigation of a recent high altitude loss of cabin pressurization on a BD–100–1A10 aircraft determined that it was caused by a partial blockage of a safety valve cabin pressure-sensing port, in conjunction with a dormant failure/leakage of the safety valve manometric capsule. The blockage, caused by accumulation of lint/dust on the grid of the port plug, did not allow sufficient airflow through the cabin pressure-sensing port to compensate for the rate of leakage from the manometric capsule, resulting in the opening of the safety valve. It was also determined that failure of the manometric capsule alone would not result in the opening of the safety valve.

This directive mandates a revision of the maintenance schedule, the [repetitive] cleaning of the safety valves, the removal of material from the area surrounding the safety valves and the modification of the safety valves with a gridless cabin pressure-sensing port plug.

The unsafe condition is possible loss of cabin pressure caused by the opening of the safety valve. The required actions also include a detailed visual inspection of the safety valves and surrounding areas for discrepant material (*e.g.,* foreign material surrounding the safety valves, room temperature vulcanizing (RTV) sealant on safety valves, RTV excess on the bulkhead, tape near the safety valve opening, and, on certain airplanes, insulation near the safety valve opening, and foam in the area surrounding the safety valves), and for contamination found in the safety valve pressure ports. If contamination is found on the safety valve pressure ports, a detailed visual inspection for the presence of RTV on the outside and inside diameter of the pressure sensing port conduit is required. If discrepant materials are found, removing discrepant material, cleaning the surfaces of the valves, and securing insulation are required, as applicable. If the presence of RTV is detected, cleaning the surfaces of the valves and installing a new safety valve are required, as applicable. You may obtain further information by examining the MCAI in the AD docket.

Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM or on the determination of the cost to the public.

Conclusion

We reviewed the available data and determined that air safety and the public interest require adopting the AD as proposed.

Differences Between This 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 required different actions in this AD from those in the MCAI in order to follow our FAA policies. Any such differences are highlighted in a NOTE within the AD.

Costs of Compliance

We estimate that this AD will affect about 67 products of U.S. registry.

The actions that are required by AD 2010–10–18 and retained in this AD take about 9 work-hours per product, at an average labor rate of $85 per work-hour. Required parts cost about $0 per product. Based on these figures, the estimated cost of the currently required actions is $765 per product.

We estimate that it will take about 1 work-hour per product to comply with the new basic requirements of this AD. The average labor rate is $85 per work-hour. Required parts will cost about $0 per product. Where the service information lists required parts costs that are covered under warranty, we have assumed that there will be no charge for these costs. As we do not control warranty coverage for affected parties, some parties may incur costs higher than estimated here. Based on these figures, we estimate the cost of this AD to the U.S. operators to be $5,695, or $85 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 AD will not have federalism implications under

Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this AD:

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

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

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

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

Examining the AD Docket

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Amendment 39–16297 (75 FR 27406, May 17, 2010) and adding the following new AD:

2011–07–10 Bombardier, Inc.: Amendment 39–16647. Docket No. FAA–2010–1200; Directorate Identifier 2010–NM–136–AD.

Effective Date

(a) This airworthiness directive (AD) becomes effective May 5, 2011.

Affected ADs

(b) This AD supersedes AD 2010–10–18, Amendment 39–16297.

Applicability

(c) This AD applies to Bombardier, Inc. Model BD–100–1A10 (Challenger 300) airplanes, having serial numbers (S/Ns) 20001 through 20274 inclusive, certificated in any category.

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 (l) 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 21: Air conditioning.

Reason

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

Investigation of a recent high altitude loss of cabin pressurization on a BD–100–1A10 aircraft determined that it was caused by a partial blockage of a safety valve cabin pressure-sensing port, in conjunction with a dormant failure/leakage of the safety valve manometric capsule. The blockage, caused by accumulation of lint/dust on the grid of the port plug, did not allow sufficient airflow through the cabin pressure-sensing port to compensate for the rate of leakage from the manometric capsule, resulting in the opening of the safety valve. It was also determined that failure of the manometric capsule alone would not result in the opening of the safety valve.

* * * * *

The unsafe condition is possible loss of cabin pressure caused by the opening of the safety valve.

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.

Restatement of Requirements of AD 2010–10–18, With No New Service Information

Actions

(g) For all airplanes: Within 30 days after June 1, 2010 (the effective date of AD 2010–10–18, Amendment 39–16297) revise the Airworthiness Limitations section of the Instructions for Continued Airworthiness by incorporating Tasks 21–31–09–101 and 21–31–09–102 in the Bombardier Temporary Revision (TR) 5–2–53, dated October 1, 2009, to Section 5–10–40, "Certification Maintenance Requirements," in Part 2 of Chapter 5 of Bombardier Challenger 300 BD–100 Time Limits/Maintenance Checks.

(1) For the new tasks identified in Bombardier TR 5–2–53, dated October 1, 2009: For airplanes identified in the "Phase-in" section of Bombardier TR 5–2–53, dated October 1, 2009, the initial compliance with the new tasks must be carried out in accordance with the phase-in schedule detailed in Bombardier TR 5–2–53, dated October 1, 2009, except where that TR specifies a compliance time from the date of the TR, this AD requires compliance within the specified time after June 1, 2010. Thereafter, except as provided by paragraph (l)(1) of this AD, no alternative to the task intervals may be used.

(2) When information in Bombardier TR 5–2–53, dated October 1, 2009, has been included in the general revisions of the applicable Airworthiness Limitations section, that TR may be removed from that Airworthiness Limitations section of the Instructions for Continued Airworthiness.

(h) For airplanes having S/Ns 20003 through 20173 inclusive, 20176, and 20177: Within 50 flight hours after June 1, 2010, do a detailed visual inspection of the safety valves and surrounding areas for discrepant material (*e.g.,* foreign material surrounding the safety valves, room temperature vulcanizing (RTV) sealant on safety valves, RTV excess on the bulkhead, tape near the safety valve opening, and, on certain airplanes, insulation near the safety valve opening, and foam in the area surrounding the safety valves) and a detailed visual inspection for contamination (*e.g.,* RTV, dust, or lint) in the safety valve pressure ports, in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 100–25–14, dated June 30, 2008 (for airplanes having S/Ns 20124, 20125, 20128, 20134, 20139, 20143, 20146, 20148 to 20173 inclusive, 20176, and 20177); or Bombardier Service Bulletin 100–25–21, dated June 30, 2008 (for airplanes having S/Ns 20003 through 20123 inclusive, 20126, 20127, 20129 to 20133 inclusive, 20135 to 20138 inclusive, 20140 to 20142 inclusive, 20144, 20145, and 20147).

(1) If any discrepant material is found during the detailed visual inspection, before further flight, remove the discrepant material, clean the surfaces of the valves, and secure the insulation, as applicable, in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 100–25–14, dated June 30, 2008 (for airplanes having S/Ns 20124, 20125, 20128, 20134, 20139, 20143, 20146, 20148 to 20173 inclusive, 20176, and 20177); or Bombardier Service Bulletin 100–25–21, dated June 30, 2008 (for airplanes having S/Ns 20003 through 20123 inclusive, 20126, 20127, 20129 to 20133 inclusive, 20135 to 20138 inclusive, 20140 to 20142 inclusive, 20144, 20145, and 20147).

(2) If contamination (*e.g.,* RTV, dust, or lint) is found on the safety valve pressure sensing ports, before further flight, do a detailed visual inspection of the outside and inside diameters of the pressure sensing port conduit for the presence of RTV; and do the actions specified in paragraph (h)(2)(i) and (h)(2)(ii) of this AD, as applicable; in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 100–25–14, dated June 30, 2008 (for airplanes having S/Ns 20124, 20125, 20128, 20134, 20139, 20143, 20146, 20148 to 20173

inclusive, 20176, and 20177); or Bombardier Service Bulletin 100–25–21, dated June 30, 2008 (for airplanes having S/Ns 20003 through 20123 inclusive, 20126, 20127, 20129 to 20133 inclusive, 20135 to 20138 inclusive, 20140 to 20142 inclusive, 20144, 20145, and 20147).

(i) If no RTV is found, clean the plug of the sensing port.

(ii) If any RTV is found, install a new safety valve.

(i) For airplanes having S/Ns 20174, 20175, 20178 through 20189 inclusive, 20191 through 20228 inclusive, 20230 through 20232 inclusive, 20235, 20237, 20238, 20241, 20244, 20247, 20249 through 20251 inclusive, 20254, 20256 and 20259: Within 50 flight hours after June 1, 2010, clean the cabin pressure-sensing port plug in both safety valves, in accordance with Paragraph 2.B., "Part A—Modification—Cleaning," of the Accomplishment Instructions of Bombardier Service Bulletin A100–21–08, dated June 18, 2009.

(j) For airplanes having S/Ns 20003 through 20189 inclusive, 20191 through 20228 inclusive, 20230 through 20232 inclusive, 20235, 20237, 20238, 20241, 20244, 20247, 20249 through 20251 inclusive, 20254, 20256, and 20259: Within 50 flight hours after June 1, 2010, clean the cabin pressure-sensing port plug in both safety valves, in accordance with Paragraph 2.B., "Part A—Modification—Cleaning," of the Accomplishment Instructions of Bombardier Service Bulletin A100–21–08, dated June 18, 2009. Repeat the cleaning thereafter at intervals not to exceed 50 flight hours until the actions specified by paragraph (k) of this AD are completed.

New Requirements of This AD

(k) For airplanes, having S/Ns 20003 through 20189 inclusive, 20191 through 20228 inclusive, 20230 through 20232 inclusive, 20235, 20237, 20238, 20241, 20244, 20247, 20249 through 20251 inclusive, 20254, 20256, and 20259: Within 12 months after the effective date of this AD, replace the cabin pressure-sensing port plug having part number (P/N) 2844–060 in both safety valves with a new gridless plug having P/N 2844–19 and re-identify the safety valves, in accordance with Paragraph 2.C., "Part B—Modification—Replacement," of the Accomplishment Instructions of Bombardier Service Bulletin A100–21–08, dated June 18, 2009. Doing the actions in paragraph (k) of this AD terminates the repetitive cleanings required by paragraph (j) of this AD.

FAA AD Differences

Note 2: This AD differs from the MCAI and/or service information as follows: No differences.

Other FAA AD Provisions

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

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, New York Aircraft Certification Office, ANE–170, 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:* Program Manager, Continuing Operational Safety, FAA, New York ACO, 1600 Stewart Avenue, Suite 410, Westbury, New York 11590; telephone 516–228–7300; fax 516–794–5531. Before using any approved AMOC on any airplane to which the AMOC applies, notify your principal maintenance inspector (PMI) or principal avionics inspector (PAI), as appropriate, or lacking a principal inspector, your local Flight Standards District Office. The AMOC approval letter must specifically reference this AD.

(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.

Related Information

(m) Refer to MCAI Canadian Airworthiness Directive CF–2010–06, dated February 24, 2010; and the service information specified in table 1 of this AD; as applicable; for related information.

TABLE 1—SERVICE INFORMATION

Document	Date
Bombardier Service Bulletin A100–21–08	June 18, 2009.
Bombardier Service Bulletin 100–25–14	June 30, 2008.
Bombardier Service Bulletin 100–25–21	June 30, 2008.
Bombardier Temporary Revision 5–2–53, dated October 1, 2009, to Section 5–10–40, "Certification Maintenance Requirements," in Part 2 of Chapter 5 of Bombardier Challenger 300 BD–100 Time Limits/Maintenance Checks.	October 1, 2009.

Material Incorporated by Reference

(n) You must use the applicable service information contained in table 2 of this AD to do the actions required by this AD, unless the AD specifies otherwise.

TABLE 2—MATERIAL INCORPORATED BY REFERENCE

Document	Date
Bombardier Service Bulletin A100–21–08	June 18, 2009.
Bombardier Service Bulletin 100–25–14	June 30, 2008.
Bombardier Service Bulletin 100–25–21	June 30, 2008.
Bombardier Temporary Revision 5–2–53, dated October 1, 2009, to Section 5–10–40, "Certification Maintenance Requirements," in Part 2 of Chapter 5 of Bombardier Challenger 300 BD–100 Time Limits/Maintenance Checks.	October 1, 2009.

(1) The Director of the Federal Register previously approved the incorporation by reference of this service information on June 1, 2010 (75 FR 27406, May 17, 2010).

(2) For service information identified in this AD, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514–855–5000; fax 514–855–7401; e-mail *thd.crj@aero.bombardier.com;* Internet *http://www.bombardier.com.*

(3) You may review copies of the 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.

(4) You may also review copies of the service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

Issued in Renton, Washington, on March 21, 2011.

Kalene C. Yanamura,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2011–7296 Filed 3–30–11; 8:45 am]

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JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

20 CFR Part 901

[TD 9517]

RIN 1545–BC82

Regulations Governing the Performance of Actuarial Services Under the Employee Retirement Income Security Act of 1974

AGENCY: Joint Board for the Enrollment of Actuaries.

ACTION: Final regulations.

SUMMARY: This document contains final regulations under section 3042 of the Employee Retirement Income Security Act of 1974 (ERISA) relating to the enrollment of actuaries. These regulations update the eligibility requirements for performing actuarial services for ERISA-covered employee pension benefit plans, including the continuing professional education requirements, and the standards for performing such actuarial services. These regulations will affect employee pension benefit plans and the actuaries providing actuarial services to those plans.

DATES: *Effective date:* These regulations are effective on May 2, 2011.

FOR FURTHER INFORMATION CONTACT: Patrick McDonough, Executive Director, Joint Board for the Enrollment of Actuaries, at (202) 622–8229 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

The collections of information contained in these final regulations have been reviewed and approved by the Office of Management and Budget in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) under control number 1545–0951.

The collections of information in the regulations are in sections 901.1(i), 901.1(j), 901.10, 901.11(d), 901.11(f)(2)(D), 901.11(f)(2)(G) and (H), 901.11(f)(3)(ii), 901.11(g)(3), 901.11(j)(1), 901.11(j)(2), 901.11(k), 901.11(l)(4)(v), 901.12(e), and 901.54. These collections of information are required in order for the Joint Board to carry out its function under section 3042 of ERISA, which provides that the Joint Board shall, by regulations, establish reasonable standards and qualifications for persons performing actuarial services with respect to plans subject to ERISA and, upon application by any individual, shall enroll such individual if the Joint Board finds that such individual satisfies such standards and qualifications, and also provides that the Joint Board may, after notice and an opportunity for a hearing, suspend or terminate the enrollment of an individual who fails to discharge his duties under ERISA or who does not satisfy the requirements for enrollment.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number.

Background

This document contains final regulations under section 3042 of the Employee Retirement Income Security Act of 1974 (88 Stat. 829), Public Law 93–406 (ERISA). Section 3042 of ERISA provides that the Joint Board for the Enrollment of Actuaries (Joint Board) shall, by regulations, establish reasonable standards and qualifications for persons performing actuarial services with respect to plans subject to ERISA and, upon application by any individual, shall enroll such individual if the Joint Board finds that such individual satisfies such standards and qualifications. Section 3042 also provides that the Joint Board may, after notice and an opportunity for a hearing, suspend or terminate the enrollment of an individual who fails to discharge his duties under ERISA or who does not satisfy the requirements for enrollment.

Consistent with section 3042, the Joint Board has promulgated regulations at 20 CFR part 901, addressing eligibility for enrollment, requirements for continuing professional education of enrolled actuaries, professional standards for performance of actuarial services under ERISA, bases for disciplinary actions and the procedures to be followed in taking those actions. The Joint Board last issued comprehensive amendments to the regulations regarding section 3042 in 1988 (53 FR 34484). In anticipation of amending the Joint Board regulations, the Joint Board issued a Request for Information (RFI) which was published in the **Federal Register** on June 30, 2004 (69 FR 39376). On December 21, 2007, the Joint Board issued final regulations relating to user fees for the initial enrollment and reenrollment as an enrolled actuary in the **Federal Register** (72 FR 72606). On September 21, 2009, the Joint Board issued proposed regulations under section 3042 (74 FR 48030). Written public comments were received on the proposed regulations, and a public hearing was held on February 25, 2010.

Explanation of Provisions

I. Overview

These regulations finalize the rules proposed in REG–159704–03 (published September 21, 2009), with certain modifications highlighted in this preamble.

II. Eligibility for Initial Enrollment

These regulations provide that an individual applying to be an enrolled actuary must fulfill (1) an experience requirement, (2) a basic actuarial knowledge requirement, and (3) a pension actuarial knowledge requirement. All applicants for enrollment must agree to comply with these regulations and with any other guidance as required by the Joint Board.

These regulations provide two alternative ways of satisfying the experience requirement. Within the 10-year period immediately preceding the date of the application, the applicant must have completed either (1) at least 36 months of certified responsible pension actuarial experience, or (2) at least 18 months of certified responsible pension actuarial experience if the applicant has a total of 60 months of certified responsible actuarial experience.

These regulations retain the definitions of responsible actuarial experience and responsible pension actuarial experience. Responsible actuarial experience means actuarial experience (1) involving participation in making determinations that the methods and assumptions adopted in the procedures followed in actuarial services are appropriate in the light of all pertinent circumstances, and (2) demonstrating a thorough understanding of the principles and alternatives involved in such actuarial services. Responsible pension actuarial experience means responsible actuarial experience involving valuations of the liabilities of pension plans, wherein the performance of such valuations requires the application of principles of life contingencies and compound interest in the determination, under one or more standard actuarial cost methods, of such of the following as may be appropriate in the particular case: (1) Normal cost; (2) accrued liability; (3) payment required to amortize a liability or other amount over a period of time; and (4) actuarial gain or loss.

These regulations define *certified responsible actuarial experience* to mean responsible actuarial experience of an individual that has been certified in writing by the individual's supervisor. These regulations define *certified responsible pension actuarial*

experience to mean responsible pension actuarial experience of an individual that has been certified in writing by the individual's supervisor if the supervisor is an enrolled actuary. If the individual's supervisor is not an enrolled actuary, these regulations provide that the pension actuarial experience must be certified in writing by both the supervisor and an enrolled actuary with knowledge of the individual's pension actuarial experience.

One commenter requested greater flexibility in satisfying the experience requirements for enrollment based on experience in more specialized pension areas of practice. These regulations retain the requirement that enrolled actuaries have certified responsible pension actuarial experience as previously defined because the Joint Board believes that a broad base of pension knowledge is necessary to recognize issues that may arise even in a specialized area of practice. Nonetheless, the Joint Board recognizes that the broad base of experience needed to become an enrolled actuary does not qualify an enrolled actuary to do every type of work for which an enrolled actuary is required.

In response to the proposed regulation, one commenter suggested that, given the pace of change and for consistency with the experience requirement for return from inactive status, all of an applicant's responsible pension experience should be completed within 5 years preceding enrollment (rather than 10 years). The commenter pointed out that for reenrollment under the proposed regulations, an inactive enrolled actuary would need more recent experience. These regulations retain the rule in the current regulations that requires the experience for initial enrollment to have been completed within the previous 10 years, and, as explained in more detail in section IV of this preamble (Inactive Enrolled Actuaries), they retain the requirements in the proposed regulations for an enrolled actuary who wishes to return to active status from inactive status that depends on how long the actuary has been on the inactive roster. The difference in the timing of the required experience for initial enrollment and for returning from inactive status reflects the different purposes served by the two requirements. The Joint Board requires enrolled actuaries who let their enrollment lapse into inactive status to demonstrate their return to active practice with more recent experience. It can be expected that, in general, such actuaries are farther along in their careers and are more likely to quickly build up, or return to, an active independent practice. For such actuaries, the Joint Board believes that recent pension experience is paramount. In contrast, it can be expected that newly enrolled actuaries will take longer to develop active independent practices. For these actuaries, the Joint Board believes that a longer look-back period is reasonable.

In response to the proposed regulations, one commenter suggested that, in order to make sure that an actuary does not lose the opportunity to get credit for responsible actuarial and responsible pension actuarial experience, enrolled actuaries should be required to certify the experience of potential candidates annually and when the potential candidate changes supervisor or employer. The Joint Board feels it is not necessary to add this additional paperwork requirement for enrolled actuaries who supervise and train actuaries who are not yet enrolled. The Joint Board will address on a case-by-case basis situations involving the inability of the Executive Director to obtain certification of an applicant's experience.

These regulations do not amend the definition of basic actuarial knowledge required for initial enrollment. Basic actuarial knowledge may be obtained in one of three ways—successful completion of a Joint Board basic examination; successful completion of one or more proctored examinations which are given by an actuarial organization and which the Joint Board has determined cover substantially the same subject areas, have at least comparable levels of difficulty, and require at least the same competence as the Joint Board basic examination; or receipt of a bachelor's or higher degree in either actuarial mathematics or another area which include at least as many semester hours or quarter hours as required by the Joint Board in mathematics, statistics, actuarial mathematics, and other areas determined by the Joint Board.

These regulations provide that an applicant may demonstrate pension actuarial knowledge through successful completion, within the 10-year period immediately preceding the date of the application for enrollment, of either the Joint Board pension examination (currently administered as the EA–2A and EA–2B), or an approved pension examination, or examinations, given by an actuarial organization which the Joint Board has determined cover substantially the same subject areas, have at least comparable levels of difficulty, and require at least the same competence as the Joint Board pension examination. For this purpose, these regulations provide that the date of successful completion of an examination is generally the date a candidate sits for the examination, provided that the candidate receives a passing grade on that examination. However, an applicant who sat for a given examination prior to the effective date of these regulations will be deemed to have sat for such examination on the effective date.

III. Eligibility for Re-Enrollment

A. Requirement To File an Application for Renewal

These regulations do not change the requirement that an enrolled actuary seeking to renew his or her enrollment must file an application for renewal of enrollment between October 1, 2010 and March 1, 2011, and between October 1 and March 1 of every third year thereafter. An enrolled actuary seeking renewal must complete the required continuing professional education hours prior to submitting an application for renewal, but in no event later than the December 31 immediately preceding the March 1 due date for the application for renewal. These regulations continue to provide that the effective date for renewal of enrollment for individuals who are currently enrolled (and in active status) and who file complete renewal applications by the March 1 due date shall be the April 1 immediately following the March 1 due date. The effective date of renewal of enrollment for an individual who files a complete renewal application after the March 1 due date is the later of the April 1 immediately following the due date of application and the date of the notice of renewal.

B. Continuing Professional Education Requirement

1. Number of Hours Required

These regulations retain the general requirement that an enrolled actuary earn 36 hours of continuing professional education during each full enrollment cycle. These regulations define the *enrollment cycle* to mean the three-year period from January 1, 2011, to December 31, 2013, and every three-year period thereafter.

Several commenters suggested that the time period for earning continuing professional education credit should extend beyond the end of the enrollment cycle. The Joint Board decided that it is reasonable to expect enrolled actuaries to make time for satisfying their continuing professional education requirement during the

enrollment cycle and that extending the end of each enrollment cycle so that it overlaps with the beginning of the next enrollment cycle would create an unnecessary complication. However, an enrolled actuary who does not complete the required hours by December 31 of the enrollment cycle may submit an application to return to active status after completing the required hours. Such an individual's reenrollment will be effective on the later of (1) the April 1 immediately following the end of the enrollment cycle or (2) the date that the Joint Board grants the application. These regulations include examples that illustrate when an enrolled actuary's reenrollment will be effective.

These regulations make no change to the rule that newly enrolled actuaries who are initially enrolled during the first year of an enrollment cycle must complete 24 hours of continuing professional education hours in the enrollment cycle during which they are enrolled. Newly enrolled actuaries who are initially enrolled during the second year of an enrollment cycle must complete 12 hours of continuing professional education hours in the enrollment cycle during which they are enrolled. Newly enrolled actuaries who are initially enrolled during the last year of an enrollment cycle are exempt from the continuing education requirements until the next enrollment cycle, but must file a timely application for renewal.

These regulations require at least 18 hours of continuing professional education in core subject matter during the enrollment cycle that ends December 31, 2010, for all enrolled actuaries enrolled during the entire cycle. Thereafter, for actuaries who have already been enrolled for at least one full enrollment cycle before the start of a new enrollment cycle, these regulations provide that only 12 of the 36 hours of required continuing professional education during the new enrollment cycle must consist of core subject matter.

These regulations provide that the required continuing professional education hours must be earned after January 1 of the year the enrolled actuary becomes enrolled. Half of the required hours for newly enrolled actuaries must be comprised of core subject matter.

The Joint Board received comments both in favor of and against the proposed two-tiered requirement that 18 hours of continuing professional education be core subject matter for enrolled actuaries during their first full enrollment cycle but only 12 hours be core subject matter for each subsequent enrollment cycle. In light of the complexity and rapid changes in core subject matter, the Joint Board feels that some ongoing education in core subject matter is always necessary. On the other hand, the Joint Board wishes to encourage enrolled actuaries at every level of experience to satisfy a portion of their continuing professional education requirement through participation in non-core programs that are designed to enhance their knowledge in matters related to the performance of pension actuarial services. The Joint Board feels that the two-tiered approach is the best way to achieve that result. Accordingly, these regulations adopt the two-tiered requirement as proposed.

For each full enrollment cycle beginning after December 31, 2010, these regulations require at least 2 of the required core hours of continuing professional education to relate to ethical standards. Some commenters suggested either not treating continuing professional education on ethical standards as core subject matter or increasing the number of hours required to consist of core subject matter by 2 hours to account for the ethics requirement. The Joint Board feels that fidelity to the high ethical standards of practice is as essential for enrolled actuaries as is knowledge of the technical rules studied in other core areas. Ethics have always been considered to be core subject matter, and an enrolled actuary who wishes to increase the number of hours spent studying the core technical rules may always undertake more than the minimum number of core hours. Accordingly, the Joint Board feels that including ethical standards as part of the required hours of core subject matter is appropriate.

In response to comments, these regulations clarify that when core subject matter hours are required (including when an individual seeks to return to active status from inactive status), an individual must complete a minimum of two hours of continuing professional education credit relating to ethical standards, regardless of the total number of core hours required.

The regulations require an enrolled actuary to retain certain records evidencing completion of continuing professional education for three years after the end of the enrollment cycle for which the enrolled actuary claims the credit. To receive credit based on participation in a qualifying program, the regulations require the enrolled actuary to retain the certificate of completion or certificate of instruction, as applicable. To receive credit for publications, these regulations require the enrolled actuary to retain the name of the publisher, the title and author of the publication, a copy of the publication, the date of publication, the total credit hours earned, and the total core and non-core credit hours earned. To receive credit for service on a Joint Board advisory committee, for preparation of Joint Board examinations, for passing examinations sponsored by professional organizations or societies, or for passing the Joint Board pension examination, these regulations require the enrolled actuary to retain sufficient documentation to establish completion of such hours.

2. Subject Matter of Continuing Professional Education—Core and Non-Core Subject Matter

All continuing professional education must be in either core or non-core subject matter. The Joint Board received a number of comments requesting expansion and clarification of the content that would be classified as core or non-core credit. These regulations adopt the same definition of core and non-core continuing professional education material as proposed. The Joint Board recognizes that more specific rules proscribing the required content could provide greater certainty for qualifying sponsors and enrolled actuaries regarding the designation of credits as core and non-core. However, given the frequent changes in pension law, the impact of new court decisions, and other changing factors that affect an enrolled actuary's practice, it is important to keep the definition of the content requirement somewhat flexible. The Joint Board relies on the integrity and judgment of the qualifying sponsors to provide appropriate material and to appropriately categorize the material as core or non-core.

Similarly, a number of commenters requested a more specific definition of ethical standards for purposes of meeting the ethics requirement of the continuing education requirement. Although the Joint Board has not amended the regulation, it notes that courses that include discussion of actuarial codes of conduct, actuarial responsibilities and any actions discussed in section 901.20 of the regulations would comply with this requirement.

These regulations redefine core subject matter as program content and knowledge that is integral and necessary to the satisfactory performance of pension actuarial services and actuarial certification under ERISA and the Internal Revenue Code. Such core subject matter includes the

characteristics of actuarial cost methods under ERISA, actuarial assumptions, minimum funding standards, titles I, II, and IV of ERISA, requirements with respect to the valuation of plan assets, requirements for qualification of pension plans, maximum deductible contributions, tax treatment of distributions from qualified pension plans, excise taxes related to the funding of qualified pension plans and standards of performance (including ethical standards) for actuarial services. These regulations further specify that core subject matter includes all materials included on the syllabi of any of the pension actuarial examinations offered by the Joint Board during the current enrollment cycle and the enrollment cycle immediately preceding the current enrollment cycle.

These regulations retain the definition of non-core subject matter as program content designed to enhance the knowledge of an enrolled actuary in matters related to the performance of pension actuarial services. These regulations provide that examples of non-core subject matter include economics, computer programming, pension accounting, investment and finance, risk theory, communication skills, and business and general tax law.

3. Qualifying Program Requirement

These regulations do not change the requirement that a program used to earn continuing professional education credit must be a qualifying program. These regulations modify the definition of qualifying program to be a course of learning that—(A) Is conducted by a qualifying sponsor who identifies the program as a qualifying program; (B) is developed by individual(s) qualified in the subject matter; (C) covers current subject matter; (D) includes written outlines or textbooks; (E) is taught by instructors, discussion leaders, and speakers qualified with respect to the course content; (F) includes means for evaluation by the Joint Board of technical content and presentation; (G) provides a certificate of completion to those who have successfully completed the program; and (H) provides a certificate of instruction to those who have served as instructors, discussion leaders, or speakers.

These regulations provide that qualifying sponsors are sponsors recognized as such by the Executive Director and whose programs offer opportunities for continuing professional education in subject matter within the scope of the continuing professional education requirement. In response to comments, these regulations have been changed so that they do not prohibit a sole proprietor from being a qualifying sponsor. These regulations provide that those seeking recognition as a qualifying sponsor must file a request with the Executive Director and must provide all information deemed necessary for approval by the Executive Director, including information to establish that all programs identified as qualifying programs by the qualifying sponsor will satisfy the requirements for qualifying programs. These regulations provide that recognition as a qualifying sponsor by the Executive Director shall be effective when approved unless the Executive Director provides that it shall be effective on a different date, and shall terminate at the end of the sponsor enrollment cycle. The sponsor enrollment cycles are three-year periods that begin one-year later than the enrollment cycles, starting with the sponsor enrollment cycle beginning on January 1, 2012. For qualifying sponsors approved on or after January 1, 2008, and before January 1, 2012, the applicable sponsor enrollment cycle will end December 31, 2011.

These regulations provide that a program's qualifying sponsor shall furnish each individual who successfully completed the qualifying program with a certificate listing the name of the participant, the name of the qualifying sponsor, the title, location, and speaker(s) of each session, the date(s) of participation, the total credit hours earned, how many of those hours consisted of core and non-core subject matter, how many of those hours relate to ethics, and how many of the hours were earned for a formal program with respect to the participant. In response to comments, these regulations clarify that it is only the qualifying sponsor of a program that may issue a certificate of participation.

These regulations provide that qualifying sponsors shall provide each instructor, discussion leader, or speaker with a certificate of instruction that lists the name of the instructor, discussion leader, or speaker, the name of the qualifying sponsor, the title and location of each session at which the individual was an instructor, discussion leader, or speaker, the date(s) of the program, the total credit hours earned, how many of those hours consisted of core and non-core subject matter, how many of those hours relate to ethics, and whether the program is a formal program with respect to the instructor.

The proposed regulations would have defined separate types of qualifying programs for formal programs, correspondence and individual study programs, and teleconferencing programs. These regulations do not segregate qualifying programs into these types. Instead, these regulations provide that certain qualifying programs qualify as formal programs. Each type of program that would have been separately defined under the proposed regulations may still satisfy the requirements of a qualifying program.

In response to comments, the Joint Board notes that the qualifying sponsor must take reasonable steps to verify participation. The nature of the program will affect the means by which the qualifying sponsor verifies participation. Under this approach, a qualifying program that is either a teleconference or a program attended in person may be a formal program but the manner in which the qualifying sponsor verifies participation will be different depending on the manner of participation. In contrast, a correspondence or individual study program would never be a formal program but could nonetheless be a qualifying program if the qualifying sponsor verifies participation (for example, with a written examination).

In response to comments, these regulations clarify that a qualifying sponsor must maintain records to verify that each program it sponsors is a qualifying program, including the certificates of completion, certificates of instruction, and outlines and course material. In the case of programs with more than one session, the qualifying sponsor must keep records to verify which session(s) each participant completed. These regulations clarify that all of these records are required to be maintained for six years after the end of the sponsor enrollment cycle in which the program was held.

Several commenters asked for clarification on the ability to use emerging technologies for record retention and transmission. The regulations do not specify the format in which records must be maintained or provided but merely require that copies be provided and produced upon request. Accordingly, records may be maintained electronically so long as a copy can be produced upon request.

4. Formal Programs

These regulations require at least one-third of the required hours to consist of participation in a formal program. In response to comments on the proposed regulations, these regulations expand the definition of a formal program to take into account modern technologies that permit participation and interaction among participants who are in different locations.

Under these regulations, whether a program qualifies as a formal program is

determined on a participant-by-participant basis. These regulations provide that a qualifying program qualifies as a formal program with respect to a participant only if the participant simultaneously participates in the program in the same physical location with at least two other participants engaged in substantive pension service. The participants with respect to whom the program is a formal program must also have the opportunity to interact with another individual qualified with respect to the course content who serves as an instructor, whether or not the instructor is in the same physical location as the participants. Groups of three or more participants who are in the same physical location may participate in a formal program in person, via the Internet, videoconferencing, or teleconferencing. If the qualifying program is pre-recorded, to qualify as a formal program there must be a qualified individual who serves as the instructor and is available to answer questions immediately following the pre-recorded program.

Under these regulations, a qualifying program is a formal program with respect to the instructor only if the instructor is in the physical presence of at least three other individuals engaged in substantive pension service.

5. Alternate Ways of Earning Continuing Professional Education Credit

These regulations provide six ways to satisfy the continuing professional education requirement other than through participation in a qualifying program. First, up to half of the required hours may be satisfied by serving as an instructor, discussion leader, or speaker at a qualifying program. For this purpose the instructor, discussion leader, or speaker is credited with 4 hours of continuing professional education credit for each 50 minutes completed during a qualifying program. In response to a comment, these regulations clarify that if the program is a formal program with respect to the instructor, only the time spent during the actual program is counted toward satisfaction of the formal program requirement. The nature of the subject matter will determine whether the credit hours consist of core or non-core subject matter. These regulations expressly provide that panelists, moderators, and others who are not required to prepare substantive subject matter for their portion of the program are not entitled to credit as an instructor, discussion leader, or speaker, but they may qualify for participation in the program.

Second, up to 25 percent of the required hours may be awarded to the author, co-author, or a person listed as a major contributor for each hour spent on the creation of peer-reviewed material for publication or distribution on matters directly related to core or non-core subject matter. To qualify, the material must be available on reasonable terms for acquisition and use by all enrolled actuaries.

If the material is re-published or re-distributed, credit will be awarded only for time spent revising a substantial portion of the material; for example, to reflect changes in law or practices relative to the performance of pension actuarial services.

Third, these regulations permit the Joint Board to award continuing professional education credit for service on (any of) its advisory committee(s), to the extent that the Joint Board considers awarding such credit is warranted by the service rendered. This provision recognizes the fact that the work done by the members of the advisory committee involves detailed review of materials that constitute core subject matter.

Fourth, these regulations permit the Joint Board to award education credit for participation in drafting questions for use on Joint Board examinations or in pretesting its examinations, to the extent that the Joint Board considers awarding such credit appropriate. These regulations limit the education credit for preparation of Joint Board examinations to 50 percent of the continuing professional education requirement for the applicable enrollment cycle.

One commenter suggested that the regulations should specify the number of continuing professional education credits that may be granted for service on an Advisory Committee to the Joint Board and other committees involved in the preparation of enrollment examinations, and to eliminate the 50 percent limit on continuing professional education requirements that can be satisfied by service on an examination writing committee. The regulations retain the Joint Board's authority to determine how many credits are granted for service rendered.

In the Board's experience, most actuaries who serve on an examination writing committee tend to work on only one of the examinations; the Board believes that the scope of the material covered on a given examination is not broad enough for service on a writing committee to count toward more than 50% of the continuing professional education requirements for a given enrollment cycle. Therefore, although the Board appreciatively acknowledges the substantial time and effort expended by members of the writing committees, the final regulations retain the 50% limit.

The commenter also suggested that service on an Advisory Committee to the Joint Board throughout an entire enrollment cycle fulfill all the continuing professional education requirements for that cycle, including the requirement to earn credits related to ethical standards. However, the Board does not believe that the exam syllabus or other work typically done by an Advisory Committee includes enough material directly related to ethical standards to fulfill the requirement for this type of credit. Therefore, the Board does not anticipate that credits related to ethical standards would be granted on the basis of service on an Advisory Committee.

Fifth, these regulations provide that individuals may earn continuing professional education credit for achieving a passing grade on proctored examinations sponsored by a professional organization or society recognized by the Joint Board. Separate provisions, described in the next paragraph, apply to the Joint Board's examinations. These regulations further provide that such credit is limited to the number of hours scheduled for the examination that are attributable to content that qualifies as either core or non-core subject matter and that, regardless of the nature of the content, none of the credit counts toward the core credit requirement. All of an enrolled actuary's non-core credit requirement may be satisfied with this type of credit.

Sixth, these regulations provide that enrolled actuaries who are enrolled prior to the beginning of an enrollment cycle may satisfy the entire continuing professional education requirement for the enrollment cycle by both (1) achieving a passing score on the Joint Board pension examination administered during the enrollment cycle and (2) completing a minimum of 12 hours of continuing professional education through participation in formal programs during the enrollment cycle.

6. Waivers

These regulations permit the Executive Director to waive all or part of an enrolled actuary's continuing professional education requirement. An enrolled actuary seeking such a waiver must submit a request for a waiver to the Executive Director. This request must contain evidence sufficient to demonstrate that the enrolled actuary made every effort throughout the

enrollment cycle to participate in one or more qualifying programs that would have satisfied the continuing professional education requirements. The enrolled actuary is required to submit supporting documentation with the waiver application as well as any additional documentation or explanation deemed necessary by the Executive Director. The proposed regulations would have imposed a deadline on the waiver application. Instead, these regulations provide that the enrolled actuary seeking to rely on a waiver must receive the waiver from the Executive Director before filing an application for renewal of enrollment.

IV. Inactive Enrolled Actuaries

These regulations provide that the Executive Director shall maintain a roster of individuals who are in inactive status, in addition to rosters of individuals who are duly enrolled and those whose enrollment has been suspended or terminated. These regulations also give the Executive Director explicit permission to publish any or all of the rosters, including display on the Joint Board's Web site, to the extent permitted by law.

These regulations extend the period of time that an individual may remain on the roster of inactive enrolled actuaries from three years to up to three enrollment cycles. Under these regulations, a person who is on the roster of inactive enrolled actuaries for three enrollment cycles without returning to active status must satisfy the requirements for initial enrollment to become an active enrolled actuary. For this purpose, these regulations provide a transition rule that treats enrolled actuaries who are inactive or retired as of April 1, 2010 as if they were placed on the roster of inactive enrolled actuaries on that date.

To remain on the roster of active enrolled actuaries, an enrolled actuary must submit a timely application for renewal showing satisfaction of the requirements for reenrollment, including completion of the required continuing professional education hours within the appropriate time frame.

The Executive Director will automatically move enrolled actuaries who do not submit a timely application for reenrollment and enrolled actuaries who submit an application that on its face does not show information sufficient to satisfy the requirements for renewal (for example, an application that does not show sufficient continuing professional education credits). Such enrolled actuaries will be placed on the roster of inactive enrolled actuaries as of April 1 following the March 1 due date for the application. Enrolled actuaries who submit an application that on its face does not show information sufficient to satisfy the requirements for renewal will not be entitled to a refund of the application fee. Enrolled actuaries who submit an application that on its face does not show information sufficient to satisfy the requirements for renewal will be considered inactive as of the April 1 immediately following the March 1 due date for the application even if the Executive Director does not become aware of the insufficiency of the application until after April 1.

In addition, the Executive Director may audit renewal applications to verify the information submitted. If the Executive Director determines that the information on the application is inaccurate, the Executive Director will move the enrolled actuary to the roster of inactive enrolled actuaries only after notifying the enrolled actuary of the Executive Director's intent to do so and giving the enrolled actuary 60 days to respond. The Executive Director will consider any written response in making a final determination as to eligibility for renewal of enrollment. The Executive Director will notify the enrolled actuary by mail of the final determination as to whether or not to place the enrolled actuary on the inactive roster at that time. If the Executive Director makes a final determination to place an individual on the roster of inactive enrolled actuaries, the individual may seek review of the determination from the Joint Board by submitting a request to the Joint Board within 30 days of the notice of final determination.

These regulations provide that while an individual remains on the roster of inactive enrolled actuaries, such person may not indicate to others that he or she is an enrolled actuary and is not eligible to perform actuarial services as an enrolled actuary under ERISA or the Internal Revenue Code. These regulations provide that an individual still on the roster of inactive enrolled actuaries who wishes to return to active status may file an application for renewal of enrollment, but the requirements for reenrollment are different depending on whether the applicant is in the first, second, or third enrollment cycle on the roster of inactive enrolled actuaries.

These regulations provide that individuals who apply for renewal of enrollment during their first enrollment cycle on the inactive roster must complete 36 hours of continuing professional education between the beginning of the prior enrollment cycle and the date of the application for renewal.

These regulations provide that individuals who apply for renewal of enrollment during their second enrollment cycle on the inactive roster must complete 48 hours of continuing professional education credit plus demonstrate 18 months of certified responsible pension actuarial experience. These regulations provide that the continuing professional education credit must have been earned since the beginning of the applicant's first enrollment cycle on the inactive roster. The qualifying responsible pension actuarial experience must have occurred after the beginning of the applicant's first enrollment cycle on the inactive list.

These regulations provide that individuals who apply for renewal of enrollment during their third enrollment cycle on the inactive roster must complete 60 hours of continuing professional education credit plus demonstrate 18 months of certified responsible pension actuarial experience. For this purpose, these regulations provide that the continuing professional education credit must have been earned since the beginning of the applicant's second enrollment cycle and the qualifying actuarial experience must have occurred after the beginning of the applicant's second enrollment cycle on the inactive list.

Regardless of when the inactive enrolled actuary applies for renewal, these regulations provide that any continuing professional education credit used to qualify for reenrollment may not also be used to satisfy the continuing professional education requirement during the applicant's first enrollment cycle back on the active roster.

V. Standards of Performance

These regulations also expand upon the standards of performance of actuarial services. These regulations add a requirement that an enrolled actuary shall perform actuarial services only in accordance with all of the duties and requirements for such persons under applicable law and consistent with relevant generally accepted standards for professional responsibility and ethics.

Several comments were received with respect to the standards of practice provisions that were modeled on the obligations set forth in Circular 230 of all persons practicing before the IRS. The Joint Board believes that the rules in Circular 230 pertaining to due diligence, solicitations, prompt disposition of pending matters, and the return of client records are equally

pertinent to practice before the PBGC and DOL, as well as the IRS. These provisions have been retained unchanged from the proposal, except that with respect to the return of client records. With respect to the return of client records, a commenter asked that the provision be clarified to provide the ability to retain records that implicate intellectual property rights. The Board believes that the duty to return or make available records to the client should not be made narrower than the scope of the provision in Circular 230. Nonetheless, to conform more specifically to the concept of Circular 230 and the purpose of incorporating the provisions into these regulations, the provision regarding "Records of the client" for this purpose has been modified to provide only for the return of documents necessary to comply with legal obligations under ERISA and the Internal Revenue Code.

These final regulations modify the rules regarding conflicts of interest. The Joint Board received several comments on the proposed rule to require that disclosure of conflicts of interest be made in writing to all affected parties and that the affected parties agree in writing to the enrolled actuary performing the services. After consideration of these comments, the Joint Board has determined that it will adopt rules that are similar to the conflict of interest rules that apply to those practicing before the Internal Revenue Service. *See* Treasury Department Circular No. 230, 31 CFR 10.29. Accordingly, the regulations provide that, unless an exception applies, an enrolled actuary shall not perform actuarial services for a client if the representation involves a conflict of interest. A conflict of interest exists if either (1) the representation of one client will be directly adverse to another client; or (2) there is a significant risk that the representation of one or more clients will be materially limited by the enrolled actuary's responsibilities to another client, a former client, or by a personal interest of the enrolled actuary. Notwithstanding the existence of a conflict of interest, the enrolled actuary may represent a client if (1) the enrolled actuary reasonably believes that the enrolled actuary will be able to provide competent and diligent representation to each affected client, (2) the representation is not prohibited by law, and (3) each affected client waives the conflict of interest and gives informed consent, at the time the existence of the conflict of interest is known by the enrolled actuary.

Nothing in these final regulations is intended to alter the rules for practice before the Internal Revenue Service under Treasury Department Circular No. 230.

The proposed regulations would have imposed a requirement that, upon learning of another enrolled actuary's material violation of the standards of performance of actuarial services, an enrolled actuary report the violation to the Executive Director. The Joint Board received many comments in response to this proposal. Several commenters suggested the elimination of the proposed reporting requirement. In the alternative, commenters asked that the requirement be significantly modified. Commenters were concerned that the reporting requirement would discourage cooperation and sharing of information among enrolled actuaries and that it would conflict with other rules that require enrolled actuaries not to disclose confidential or privileged information. Commenters also suggested that an enrolled actuary should not be required to report violations that are resolved through discussion with the other enrolled actuary. Finally, commenters asked for a clarification of the term material violation.

In light of the comments received, the Joint Board decided not to include the proposed reporting requirement as part of the standards of performance for enrolled actuaries. Without amendment, the regulations already include a rule that if an officer or employee of the Department of Treasury, the Department of Labor, the Pension Benefit Guaranty Corporation, or a member of the Joint Board has reason to believe that an enrolled actuary has violated any provision of the regulations, or if such person receives information to that effect, he or she may inform the Executive Director. Without amendment, the regulations already provide that others may make such a report to the Executive Director, an officer or employee of the Department of Treasury, the Department of Labor, the Pension Benefit Guaranty Corporation, or a member of the Joint Board. These regulations amend that provision only to provide that the optional report should be made directly to the Executive Director. Self-policing is an important part of maintaining the high standards of the profession, and the Joint Board encourages enrolled actuaries to report violations of the regulations to the Executive Director. However, in light of the concerns raised by commenters, the Joint Board decided not to change the existing rule except to provide that any report should be made directly only to the Executive Director.

In response to comments, these regulations clarify that the requirement for an enrolled actuary to ensure that the actuarial assumptions are reasonable individually and in combination, and the actuarial cost method and the actuarial method of valuation of assets are appropriate applies unless the actuarial assumptions or methods are mandated by law.

Special Analyses

Executive Orders 13563 and 12866 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule has been designated a "significant regulatory action" although not economically significant, under section 3(f) of Executive Order 12866. Accordingly, the rule has been reviewed by the Office of Management and Budget.

It also has been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to these regulations. It is hereby certified that the collection of information imposed by these regulations will not have a significant economic impact on a substantial number of small entities. There are presently only about 4000 enrolled actuaries and the changes made by the final regulations will reduce the overall collection of information burden by removing the requirement for participants in continuing education courses to keep course materials. Qualified sponsors of continuing education courses, a few of which are small entities, have a paperwork burden under these regulations that is substantially the same as the pre-existing burden. Therefore, the economic impact of the collection of information requirement will not be significant and the number of small entities affected by the collection of information requirement will not be substantial. Accordingly, the Regulatory Flexibility Act (5 U.S.C. chapter 6) does not apply. The notice of proposed rulemaking was submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

Drafting Information

The principal author of these regulations is Michael P. Brewer, IRS

Office of Division Counsel/Associate Chief Counsel (Tax Exempt and Government Entities). However, other personnel from the Joint Board and the IRS participated in their development.

List of Subjects in 20 CFR Part 901

Regulations governing the performance of actuarial services under the Employee Retirement Income Security Act of 1974.

Adoption of Amendments to the Regulations

Accordingly, 20 CFR part 901 is amended as follows:

PART 901—REGULATIONS GOVERNING THE PERFORMANCE OF ACTUARIAL SERVICES UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

■ **Paragraph 1.** The authority citation for part 901 continues to read in part as follows:

Authority: These rules are issued under authority of 88 Stat. 1002; 29 U.S.C. 1241, 1242. *See also* 5 U.S.C. 301; 31 U.S.C. 330; and 31 U.S.C. 321.

§ 901.0 [Amended]

■ **Par. 2.** Section 901.0 is amended by removing the phrase "subpart D of this part is reserved and will set forth" and adding in its place the phrase "subpart D sets forth" in the second sentence.

■ **Par. 3.** Section 901.1 is amended by:
■ A. Amending paragraph (g) by removing the phrase "approved by the Joint Board (or its designee) to perform" and adding in its place the phrase "approved by the Joint Board for the Enrollment of Actuaries (the Joint Board), or its designee, to perform".
■ B. Adding new paragraphs (i), (j) and (k) to read as follows:

§ 901.1 Definitions.

* * * * *

(i) *Certified responsible actuarial experience* means responsible actuarial experience of an individual that has been certified in writing by the individual's supervisor.

(j) *Certified responsible pension actuarial experience* means responsible pension actuarial experience of an individual that has been certified in writing by the individual's supervisor if the supervisor is an enrolled actuary. If the individual's supervisor is not an enrolled actuary, the pension actuarial experience must be certified in writing by both the supervisor and an enrolled actuary with knowledge of the individual's pension actuarial experience.

(k) *Enrollment cycle* means the three-year period from January 1, 2011, to December 31, 2013, and every three-year period thereafter.

§ 901.10 [Amended]

■ **Par. 4.** Section 901.10 is amended by:
■ A. Amending paragraph (a) by removing the phrase "shall agree to comply with the regulations of the Joint Board" and adding in its place the phrase "shall agree to comply with these regulations and any other guidance as required by the Joint Board".
■ B. Adding a second sentence to paragraph (a) to read "A reasonable non-refundable fee may be charged for each application for enrollment filed."

■ **Par. 5.** Section 901.11 is amended by:
■ A. Revising the first sentence of paragraph (a).
■ B. Revising paragraphs (c) and (d).
■ C. Revising paragraphs (e) introductory text, (e)(1) and (e)(2)(i).
■ D. Revising the last sentence of paragraph (e)(2)(ii).
■ E. Adding new paragraphs (e)(2)(iv), (v), and (vi).
■ F. Removing paragraph (e)(3).
■ G. Revising paragraphs (f)(1) and (f)(1)(i).
■ H. Revising the second sentence of paragraph (f)(1)(ii), and paragraph (f)(1)(iv).
■ I. Revising paragraph (f)(2).
■ J. Adding paragraph (f)(3).
■ K. Revising paragraph (g).
■ L. Removing the last two sentences of paragraph (h)(2).
■ M. Removing paragraph (l).
■ N. Redesignating paragraphs (i), (j), and (k) as paragraphs (j), (k), and (l), respectively.
■ O. Adding and reserving new paragraph (i).
■ P. Revising newly redesignated paragraphs (j) and (k).
■ Q. Revising the first sentences of newly redesignated paragraphs (l)(1) and (l)(2), and the second sentence of newly redesignated paragraph (l)(3).
■ R. Revising newly redesignated paragraphs (l)(4), (l)(5), (l)(6), and (l)(7), and the first sentence of newly redesignated paragraph (l)(9).
■ S. Revising paragraph (n).
■ T. Adding new paragraphs (o) and (p).

The revisions and additions read as follows:

§ 901.11 Enrollment procedures.

(a) *Enrollment.* The Joint Board shall enroll each applicant it determines has met the requirements of these regulations, and any other guidance as required by the Joint Board, and shall so notify the applicant. * * *

* * * * *

(c) *Rosters*—(1) *Maintenance of rosters.* The Executive Director shall maintain rosters of—

(i) All actuaries who are duly enrolled under this part;

(ii) All individuals whose enrollment has been suspended or terminated; and

(iii) All individuals who are in inactive status.

(2) *Publication of Rosters.* The Executive Director may publish any or all of the rosters, including display on the Joint Board's Web site, to the extent permitted by law.

(d) *Renewal of enrollment.* To maintain active enrollment to perform actuarial services under ERISA, each enrolled actuary is required to have his/her enrollment renewed as set forth herein.

(1) Each enrolled actuary must file an application for renewal of enrollment on the prescribed form no earlier than October 1, 2010, and no later than March 1, 2011, and no earlier than October 1 and no later than March 1 of every third year thereafter. If March 1 is a Saturday, Sunday, or holiday, the due date shall be the next day that is not a Saturday, Sunday, or holiday.

(2) The effective date of renewal of enrollment for an individual who files a complete renewal application within the time period described in paragraph (d)(1) of this section is the April 1 immediately following the date of application. The effective date of renewal of enrollment for an individual who files a complete renewal application after the due date described in paragraph (d)(1) of this section is the later of the April 1 immediately following the due date of application and the date of the notice of renewal.

(3) Forms required for renewal may be obtained from the Executive Director.

(4) A reasonable non-refundable fee may be charged for each application for renewal of enrollment filed.

(e) *Condition for renewal: Continuing professional education.* To qualify for renewal of enrollment, an enrolled actuary must certify, on the form prescribed by the Executive Director, that he/she has completed the applicable minimum number of hours of continuing professional education credit required by this paragraph (e) and satisfied the recordkeeping requirements of paragraph (j) of this section.

(1) *Transition rule for renewal of enrollment effective April 1, 2011.* (i) A minimum of 36 hours of continuing professional education credit must be completed between January 1, 2008 and December 31, 2010. Of the 36 hours, at least 18 must consist of core subject

matter; the remainder may be non-core subject matter.

(ii) An individual who received initial enrollment in 2008 must complete 24 hours of continuing professional education by December 31, 2010. An individual who received initial enrollment in 2009 must complete 12 hours of continuing professional education by December 31, 2010. In either case, at least one-half of the applicable hours must consist of core subject matter; the remainder may consist of non-core subject matter. For purposes of this paragraph (e)(1)(ii), credit will be awarded for continuing professional education completed after January 1 of the year in which initial enrollment was received.

(iii) An individual who receives initial enrollment during 2010 is exempt from the continuing professional education requirements during 2010, but must file a timely application for renewal during the time period described in paragraph (d)(1) of this section.

(2) *For renewal of enrollment effective April 1, 2014, and every third year thereafter.* (i) A minimum of 36 hours of continuing professional education credit must be completed between January 1, 2011 and December 31, 2013, and between January 1 and December 31 for each three-year period subsequent thereto.

(ii) * * * For purposes of this paragraph (e)(2)(ii), credit will be awarded for continuing professional education completed after January 1 of the year in which initial enrollment was received.

* * * * *

(iv) For an individual who was initially enrolled before January 1, 2008 (and who has therefore completed at least one full enrollment cycle as of January 1, 2011), at least 12 hours of the 36 hours of continuing professional education required for each enrollment cycle must consist of core subject matter; the remainder may consist of non-core subject matter.

(v) For an individual who was initially enrolled on or after January 1, 2008, at least 18 hours of his or her 36 hours of continuing professional education required for the first full enrollment cycle must consist of core subject matter. Thereafter, for such individuals, for each subsequent enrollment cycle at least 12 hours of the 36 hours must consist of core subject matter. In each instance, the remainder may consist of non-core subject matter.

(vi) When core subject matter hours are required (including when an individual seeks to return to active status from inactive status), an individual must complete a minimum of two hours of continuing professional education credit relating to ethical standards, regardless of the total number of core hours required.

(f) *Qualifying continuing professional education*—(1) *In general.* To qualify for continuing professional education credit an enrolled actuary must complete his/her hours of continuing professional education credit under a qualifying program, within the meaning of paragraph (f)(2) of this section, consisting of core and/or non-core subject matter. In addition, a portion of the continuing professional education credit may be earned under the provisions of paragraph (g) of this section. In any event, no less than ⅓ of the total hours of continuing professional education credit required for an enrollment cycle must be obtained by participation in a formal program or programs, within the meaning of paragraph (f)(2)(ii)(A) of this section.

(i) Core subject matter is program content and knowledge that is integral and necessary to the satisfactory performance of pension actuarial services and actuarial certification under ERISA and the Internal Revenue Code. Such core subject matter includes the characteristics of actuarial cost methods under ERISA, actuarial assumptions, minimum funding standards, titles I, II, and IV of ERISA, requirements with respect to the valuation of plan assets, requirements for qualification of pension plans, maximum deductible contributions, tax treatment of distributions from qualified pension plans, excise taxes related to the funding of qualified pension plans and standards of performance (including ethical standards) for actuarial services. Core subject matter includes all materials included on the syllabi of any of the pension actuarial examinations offered by the Joint Board during the current enrollment cycle and the enrollment cycle immediately preceding the current enrollment cycle.

(ii) * * * Examples include economics, computer programming, pension accounting, investment and finance, risk theory, communication skills, and business and general tax law.

* * * * *

(iv) The same course of study cannot be used more than once within a given 36-month period to satisfy the continuing professional education requirements of these regulations. A program or session bearing the same or a similar title to a previous one may be used to satisfy the requirements of these regulations if the major content of the program or session differs substantively from the previous one.

(2) *Qualifying Program*—(i) *In general.* A qualifying program is a course of learning that—

(A) Is conducted by a qualifying sponsor, within the meaning of paragraph (f)(3) of this section, who identifies the program as a qualifying program;

(B) Is developed by individual(s) qualified in the subject matter;

(C) Covers current subject matter;

(D) Includes written outlines or textbooks;

(E) Is taught by instructors, discussion leaders, and speakers qualified with respect to the course content;

(F) Includes means for evaluation by the Joint Board of technical content and presentation;

(G) Provides a certificate of completion, within the meaning of paragraph (f)(3)(iv) of this section, to each person who successfully completed the program; and

(H) Provides a certificate of instruction, within the meaning of paragraph (f)(3)(v) of this section, to each person who served an instructor, discussion leader, or speaker.

(ii) *Formal programs*—(A) *Participants.* Formal programs are programs that meet all of the requirements of this paragraph (f)(2)(ii) and paragraph (f)(2)(i) of this section. Whether a program qualifies as a formal program is determined on a participant-by-participant basis. A qualifying program qualifies as a formal program with respect to a participant if the participant simultaneously participates in the program in the same physical location with at least two other participants engaged in substantive pension service, and the participants have the opportunity to interact with another individual qualified with respect to the course content who serves as an instructor, whether or not the instructor is in the same physical location. Groups of three or more participants who are in the same physical location may participate in a formal program in person or via the Internet, videoconferencing, or teleconferencing. If the qualifying program is pre-recorded, to qualify as a formal program, there must be a qualified individual who serves as the instructor and is available to answer questions immediately following the pre-recorded program.

(B) *Instructor.* A qualifying program is a formal program with respect to the instructor only if the program is a formal program under paragraph (f)(2)(ii)(A) of this section with respect

to at least three participants and the instructor is in the physical presence of at least three other individuals engaged in substantive pension service.

(3) *Qualifying sponsors*—(i) *In general.* Qualifying sponsors are organizations recognized by the Executive Director whose programs offer opportunities for continuing professional education in subject matter within the scope of this section.

(ii) *Recognition by the Executive Director.* An organization requesting qualifying sponsor status shall file a sponsor agreement request with the Executive Director and furnish information in support of such request as deemed necessary for approval by the Executive Director. Such information shall include sufficient information to establish that all programs designated as qualifying programs offered by the qualifying sponsor will satisfy the requirements of paragraph (f)(2) of this section. Recognition as a qualifying sponsor by the Executive Director shall be effective when approved, unless the Executive Director provides that it shall be effective on a different date, and shall terminate at the end of the sponsor enrollment cycle. The Executive Director may publish the names of such sponsors on a periodic basis.

(iii) *Sponsor enrollment cycle*—(A) *Transition sponsor enrollment cycle.* The transition sponsor enrollment cycle is the period beginning on January 1, 2008 and ending December 31, 2011.

(B) *Subsequent sponsor enrollment cycles.* After the transition sponsor enrollment cycle, the sponsor enrollment cycle means the three-year period from January 1, 2012, to December 31, 2014, and every three-year period thereafter.

(iv) *Certificates of completion.* Upon verification of successful completion of a qualifying program, the program's qualifying sponsor shall furnish each individual who successfully completed the qualifying program with a certificate listing the following information:

(A) The name of the participant.

(B) The name of the qualifying sponsor.

(C) The title, location, and speaker(s) of each session attended.

(D) The dates of the program.

(E) The total credit hours earned, the total core and non-core credit hours earned, and how many of those hours relate to ethics.

(F) Whether or not the program is a formal program with respect to the participant.

(v) *Certificates of instruction.* The program's qualifying sponsor shall furnish to each instructor, discussion leader, or speaker, a certificate listing the following information:

(A) The name of the instructor, discussion leader, or speaker.

(B) The name of the qualifying sponsor.

(C) The title and location of the program.

(D) The dates of the program.

(E) The total credit hours earned and the total core and non-core credit hours earned for the program, and how many of those hours relate to ethics.

(F) Whether or not the program is a formal program with respect to the instructor.

(g) *Alternative means for completion of credit hours*—(1) *In general.* In addition to credit hours completed under paragraph (f) of this section, an enrolled actuary may be awarded continuing professional education credit under the provisions of this paragraph (g).

(2) *Serving as an instructor, discussion leader or speaker.* (i) Four credit hours (that is, 200 minutes) of continuing professional education credit will be awarded for each 50 minutes completed as an instructor, discussion leader, or speaker at a qualifying program which meets the continuing professional education requirements of paragraph (f) of this section. If the qualifying program is a formal program with respect to the instructor, only the time spent during the actual program is counted toward satisfaction of the formal program requirement.

(ii) The credit for instruction and preparation may not exceed 50 percent of the continuing professional education requirement for an enrollment cycle.

(iii) Presentation of the same material as an instructor, discussion leader, or speaker more than one time in any 36-month period will not qualify for continuing professional education credit. A program will not be considered to consist of the same material if a substantial portion of the content has been revised to reflect changes in the law or practices relative to the performance of pension actuarial service.

(iv) Credit as an instructor, discussion leader, or speaker will not be awarded to panelists, moderators, or others who are not required to prepare substantive subject matter for their portion of the program. However, such individuals may be awarded credit for attendance, provided the other provisions of this section are met.

(v) The nature of the subject matter will determine if credit will be of a core or non-core nature.

(3) *Credit for publications.* (i) Continuing professional education credit will be awarded for the creation of peer-reviewed materials for publication or distribution with respect to matters directly related to the continuing professional education requirements of this section. Credit will be awarded to the author, co-author, or a person listed as a major contributor.

(ii) One hour of credit will be allowed for each hour of preparation time of the material. It will be the responsibility of the person claiming the credit to maintain records to verify preparation time.

(iii) Publication or distribution may utilize any available technology for the dissemination of written, visual or auditory materials.

(iv) The materials must be available on reasonable terms for acquisition and use by all enrolled actuaries.

(v) The credit for the creation of materials may not exceed 25 percent of the continuing professional education requirement of any enrollment cycle.

(vi) The nature of the subject matter will determine if credit will be of a core or non-core nature.

(vii) Publication of the same material more than one time will not qualify for continuing professional education credit. A publication will not be considered to consist of the same material if a substantial portion has been revised to reflect changes in the law or practices relative to the performance of pension actuarial service.

(4) *Service on Joint Board advisory committee(s).* Continuing professional education credit may be awarded by the Joint Board for service on (any of) its advisory committee(s), to the extent that the Joint Board considers warranted by the service rendered.

(5) *Preparation of Joint Board examinations.* Continuing professional education credit may be awarded by the Joint Board for participation in drafting questions for use on Joint Board examinations or in pretesting its examinations, to the extent the Joint Board determines suitable. Such credit may not exceed 50 percent of the continuing professional education requirement for the applicable enrollment cycle.

(6) *Examinations sponsored by professional organizations or societies.* Individuals may earn continuing professional education credit for achieving a passing grade on proctored examinations sponsored by a professional organization or society recognized by the Joint Board. Such credit is limited to the number of hours scheduled for each examination and may be applied only as non-core credit provided the content of the examination

is core or non-core. No credit may be earned for hours attributable to any content that is neither core nor non-core.

(7) *Joint Board pension examination.* Individuals may establish eligibility for renewal of enrollment for any enrollment cycle by—

(i) Achieving a passing score on the Joint Board pension examination, as described in § 901.12(d)(1)(i), administered under this part during the applicable enrollment cycle; and

(ii) Completing a minimum of 12 hours of qualifying continuing professional education by attending formal program(s) during the same applicable enrollment cycle. This option of satisfying the continuing professional education requirements is not available to those who receive initial enrollment during the enrollment cycle.

* * * * *

(i) [Reserved].

(j) *Recordkeeping requirements*—(1) *Qualifying sponsors.* A qualifying sponsor must maintain records to verify that each program it sponsors is a qualifying program within the meaning of paragraph (f)(2) of this section, including the certificates of completion, certificates of instruction, and outlines and course material. In the case of programs of more than one session, records must be maintained to verify each session of the program that is completed by each participant. Records required to be maintained under this paragraph must be retained by the qualifying sponsor for a period of six years following the end of the sponsor enrollment cycle in which the program is held.

(2) *Enrolled actuaries*—(i) *Qualifying program credits as a participant.* To receive continuing professional education credit for completion of hours of continuing professional education under paragraph (f) of this section, an enrolled actuary must retain all certificates of completion evidencing completion of such hours for the three-year period following the end of the enrollment cycle in which the credits are earned.

(ii) *Qualifying program credits as an instructor, discussion leader, or speaker.* To receive continuing professional education credit for completion of hours earned under paragraph (g)(2) of this section, an enrolled actuary must retain all certificates of instruction evidencing completion of such hours for the three-year period following the end of the enrollment cycle in which the credits are earned.

(iii) *Credit for publications.* To receive continuing professional education credit for a publication under paragraph (g)(3) of this section, the following information must be maintained by the enrolled actuary for the three-year period following the end of the enrollment cycle in which the credits are earned:

(A) The name of the publisher.

(B) The title and author of the publication.

(C) A copy of the publication.

(D) The date of the publication.

(E) The total credit hours earned, and the total core and non-core credit hours earned, and how many of those hours relate to ethics.

(iv) *Other credits.* To receive continuing professional education credit for hours earned under paragraphs (g)(4) through (g)(7) of this section, an enrolled actuary must retain sufficient documentation to establish completion of such hours for the three-year period following the end of the enrollment cycle in which the credits are earned.

(k) *Waivers.* (1) Waiver from the continuing professional education requirements for a given period may be granted by the Executive Director only under extraordinary circumstances, and upon submission of sufficient evidence that every effort was made throughout the enrollment cycle to participate in one or more qualifying programs that would have satisfied the continuing professional education requirements.

(2) A request for waiver must be accompanied by appropriate documentation. The individual will be required to furnish any additional documentation or explanation deemed necessary by the Executive Director.

(3) The individual will be notified by the Executive Director of the disposition of the request for waiver. If the waiver is not approved, and the individual does not otherwise satisfy the continuing professional education requirements within the allotted time, the individual will be placed on the roster of inactive enrolled individuals.

(4) Individuals seeking to rely on a waiver of the continuing professional education requirements must receive the waiver from the Executive Director before filing an application for renewal of enrollment.

(l) *Failure to comply.* (1) Compliance by an individual with the requirements of this part shall be determined by the Executive Director. * * *

(2) The Executive Director may require any individual, by first class mail sent to his/her mailing address of record with the Joint Board, to provide copies of any records required to be maintained under this section. * * *

(3) * * * A request for review and the reasons in support of the request must be filed with the Joint Board within 30 days of the date of the notice of failure to comply.

(4) *Inactive status*—(i) *Automatic placement on the inactive roster.* To remain on the roster of active enrolled actuaries, an enrolled actuary must submit a timely application for renewal showing satisfaction of the requirements for reenrollment, including completion of the required continuing professional education hours, within the appropriate time frame. The Executive Director will move an enrolled actuary who does not submit such an application for reenrollment from the roster of enrolled actuaries to the roster of inactive enrolled actuaries as of April 1 following the March 1 due date for the application. However, if an enrolled actuary completes the required number of continuing professional education hours after the close of the enrollment cycle, submits an application for reenrollment, and is informed by the Executive Director before April 1st that the enrollment has been renewed, then the Executive Director will not move such individual to the roster of inactive enrolled actuaries at that time.

(ii) *Placement on the inactive roster after notice and right to respond.* The Executive Director will move an enrolled actuary who does submit a timely application of renewal that shows timely completion of the required continuing professional education to the inactive roster only after giving the enrolled actuary 60 days to respond as described in paragraph (l)(1) of this section.

(iii) *Length on time on inactive roster.* An individual may remain on the roster of inactive enrolled actuaries for a period up to three enrollment cycles from the date renewal would have been effective.

(iv) *Consequence of being on the inactive roster.* An individual in inactive status will be ineligible to perform pension actuarial services as an enrolled actuary under ERISA and the Internal Revenue Code. During such time in inactive status or at any other time an individual is ineligible to perform pension actuarial services as an enrolled actuary, the individual shall not in any manner, directly or indirectly, indicate he or she is so enrolled, or use the term "enrolled actuary," the designation "E.A.," or other form of reference to eligibility to perform pension actuarial services as an enrolled actuary.

(v) *Returning to active status.* An individual placed in inactive status may return to active status by filing an application for renewal of enrollment (with the appropriate fee) and providing

evidence of the completion of all required continuing professional education hours and of satisfaction of any applicable requirements for qualifying experience under paragraph (l)(7) of this section. If an application for return to active status is approved, the individual will be eligible to perform services as an enrolled actuary effective with the date the notice of approval is mailed to that individual by the Executive Director.

(5) *Time for return to active enrollment.* (i) An individual placed in inactive status must file an application for return to active enrollment, and satisfy the requirements for return to active enrollment as set forth in this section, within three enrollment cycles of being placed in inactive status. Otherwise, the name of such individual will be removed from the inactive enrollment roster and his/her enrollment will terminate.

(ii) For purposes of paragraph (l)(5)(i) of this section, an individual who is in inactive or retired status as of April 1, 2010, will be deemed to have been placed in inactive status on April 1, 2010.

(6) An individual in inactive status may satisfy the requirements for return to active enrollment at any time during his/her period of inactive enrollment. If only completion of the continuing professional education requirement is necessary, the application for return to active enrollment may be filed immediately upon such completion. If qualifying experience is also required, the application for return to active enrollment may not be filed until the completion of both the continuing professional education and qualifying experience requirements set forth in this subsection. Continuing professional education credits applied to meet the requirements for reenrollment under this paragraph (l)(6) may not be used to satisfy the requirements of the enrollment cycle in which the individual has been placed back on the active roster.

(7) *Continuing professional education requirements for return to active enrollment from inactive status.* (i) During the first inactive enrollment cycle; 36 hours of qualifying continuing professional education as set forth in paragraph (e)(2) of this section, without regard to paragraph (e)(2)(ii) or (e)(2)(iii) of this section, must be completed. Any hours of continuing professional education credit earned during the immediately prior enrollment cycle may be applied in satisfying this requirement.

(ii) During the second inactive enrollment cycle; four-thirds of the qualifying continuing professional education requirements as set forth in paragraph (e)(2) of this section (that is, 48 hours), without regard to paragraph (e)(2)(ii) or (e)(2)(iii) of this section, plus eighteen months of certified responsible pension actuarial experience, must be completed since the start of the first inactive enrollment cycle. Any hours of continuing professional education credit earned during the first inactive enrollment cycle may be applied in satisfying this requirement.

(iii) During the third inactive enrollment cycle: Five-thirds of the qualifying continuing professional education requirements as set forth in paragraph (e)(2) of this section, (that is, 60 hours), without regard to paragraph (e)(2)(ii) or (e)(2)(iii) of this section plus eighteen months of certified responsible pension actuarial experience, must be completed since the start of the second inactive enrollment cycle. Any hours of continuing professional education credit earned during the second inactive enrollment cycle may be applied in satisfying this requirement. No hours earned during the first inactive enrollment cycle may be applied in satisfying this requirement.

* * * * *

(9) An individual who has certified in good faith that he/she has satisfied the continuing professional education requirements of this section will not be considered to be in non-compliance with such requirements on the basis of a program he/she has attended later being found inadequate or not in compliance with the requirements for continuing professional education.

* * *

* * * * *

(n) *Verification.* The Executive Director or his/her designee may request and review the continuing professional education records of an enrolled actuary, including programs attended, in a manner deemed appropriate to determine compliance with the requirements and standards for the renewal of enrollment as provided in this section. The Executive Director may also request and review the records of any qualifying sponsor in a manner deemed appropriate to determine compliance with the requirements of paragraphs (f)(3) and (j)(1) of this section.

(o) *Examples.* The following examples illustrate the application of the rules of paragraph (l)(7) of this section and the effective date of an enrolled actuary's renewal:

Example 1. Individual E, who was initially enrolled before January 1, 2008, completes 12 hours of core continuing professional education credit and 24 hours of non-core continuing professional education credit between January 1, 2011, and December 31, 2013. E files a complete application for reenrollment on February 28, 2014. E's reenrollment is effective as of April 1, 2014.

Example 2. Individual F, who was initially enrolled before January 1, 2008, also completes 12 hours of core continuing professional education credit and 24 hours of non-core continuing professional education credit between January 1, 2011, and December 31, 2013. However, F does not file an application for reenrollment until March 20, 2014. The Joint Board notifies F that it has granted F's application on June 25, 2014. Accordingly, effective April 1, 2014, F is placed on the roster of inactive enrolled actuaries. F returns to active status as of June 25, 2014. F is ineligible to perform pension actuarial services as an enrolled actuary under ERISA and the Internal Revenue Code from April 1 through June 24, 2014.

Example 3. Individual G, who was initially enrolled before January 1, 2008, completes only 8 hours of core continuing professional education credit and 24 hours of non-core continuing professional education credit between January 1, 2011, and December 31, 2013. G completes another 6 hours of core continuing professional education on January 15, 2014, and files an application for return to active status on January 20, 2014. G's application shows the timely completion of 32 hours of continuing professional education plus the additional 4 hours of continuing professional education earned after the end of the enrollment cycle. The Joint Board notifies G that it has granted the application on April 20, 2014. Accordingly, effective April 1, 2014, G is placed on the roster of inactive enrolled actuaries. G returns to active status as of April 20, 2014. G is ineligible to perform pension actuarial services as an enrolled actuary under ERISA and the Internal Revenue Code from April 1 through April 19, 2014. Of the 6 hours of continuing professional education earned by G on January 15, 2014, only 2 hours may be applied to the enrollment cycle that ends December 31, 2016.

Example 4. (i) Individual H, who was initially enrolled before January 1, 2008, completes 5 hours of core continuing professional education credit and 10 hours of non-core continuing professional education credit between January 1, 2011, and December 31, 2013. Accordingly, effective April 1, 2014, E is placed on the roster of inactive enrolled actuaries and is ineligible to perform pension actuarial services as an enrolled actuary under ERISA and the Internal Revenue Code.

(ii) H completes 7 hours of core continuing professional education credit and 14 hours of noncore continuing professional education credit between January 1, 2014, and May 24, 2016. Because H has completed 12 hours of core continuing professional education and 24 hours of non-core continuing professional education during the last active enrollment period and the initial period when on inactive status, H has satisfied the requirements for reenrollment during the first inactive cycle. Accordingly, H may file an

application for return to active enrollment on May 24, 2016. If this application is approved, H will be eligible to perform pension actuarial services as an enrolled actuary under ERISA and the Internal Revenue Code, effective with the date of such approval.

(iii) Because H used the 21 hours of continuing professional education credit earned after January 1, 2014, for return from inactive status, H may not apply any of these 21 hours of core and non-core continuing professional education credits towards the requirements for renewed enrollment effective April 1, 2017. Accordingly, H must complete an additional 36 hours of continuing professional education (12 core and 24 non-core) prior to December 31, 2016, to be eligible for renewed enrollment effective April 1, 2017.

Example 5. (i) The facts are the same as in *Example 4* except H completes 2 hours of core continuing professional education credit and 8 hours of non-core continuing professional education credit between January 1, 2014, and December 31, 2016. Thus, because H did not fulfill the requirements for return to active status during his first inactive cycle, H must satisfy the requirements of paragraph (l)(7)(ii) of this section in order to return to active status.

(ii) Accordingly, in order to be eligible to file an application for return to active status on or before December 31, 2019, H must complete an additional 38 hours of continuing professional education credit (of which at least 14 hours must consist of core subject matter) between January 1, 2017, and December 31, 2019, and have 18 months of certified responsible pension actuarial experience during the period beginning on January 1, 2014.

(iii) Note that the 5 hours of core continuing professional education credit and the 10 hours of non-core continuing professional education credit that H completes between January 1, 2011, and December 31, 2013, are not counted toward H's return to active status and are also not taken into account toward the additional hours of continuing professional education credit that H must complete between January 1, 2017, and December 31, 2019, in order to apply for renewal of enrollment effective April 1, 2020.

Example 6. (i) The facts are the same as in *Example 4* except H completes 2 hours of core continuing professional education credit and 8 hours of non-core continuing professional education credit between January 1, 2014, and December 31, 2016, and 12 hours of core continuing professional education credit and 24 hours of non-core continuing professional education credit between January 1, 2017, and December 31, 2019. Thus, because H did not fulfill the requirements for return to active status during his first or second inactive cycles, H must satisfy the requirements of paragraph (l)(7)(iii) of this section in order to return to active status.

(ii) Accordingly, in order to be eligible to file an application for return to active status on or before December 31, 2022, H must complete an additional 24 hours of continuing professional education credit (of which, at least 8 hours must consist of core subject matter) between January 1, 2020 and December 31, 2022, and have at least 18 months of certified responsible pension actuarial experience during the period beginning on January 1, 2017.

(iii) Note that the total of 15 hours of continuing professional education credit that E completes between January 1, 2011, and December 31, 2013, as well as the 10 hours of continuing professional education credit between January 1, 2014, and December 31, 2016, are not counted toward H's return to active status and are not taken into account toward the additional hours of continuing professional education credit that H must complete between January 1, 2020, and December 31, 2022, in order to be eligible to file an application for renewal of enrollment active status effective April 1, 2023.

Example 7. (i) Individual J, who was initially enrolled July 1, 2012, completes 1 hour of core continuing professional education credit and 2 hours of non-core continuing professional education credit between January 1, 2012, and December 31, 2013. Accordingly, effective April 1, 2014, J is placed on the roster of inactive enrolled actuaries and is ineligible to perform pension actuarial services as an enrolled actuary under ERISA and the Internal Revenue Code.

(ii) F completes 5 hours of core continuing professional education credit and 4 hours of non-core continuing professional education credit between January 1, 2014, and October 6, 2014. Because J did not complete the required 12 hours of continuing professional education (of which at least 6 hours must consist of core subject matter) during F's initial enrollment cycle, J is not eligible to file an application for a return to active enrollment on October 6, 2014, notwithstanding the fact that had J completed such hours between January 1, 2012, and December 31, 2013, J would have satisfied the requirements for renewed enrollment effective April 1, 2014.

(iii) Accordingly, J must complete an additional 24 hours of continuing professional education (of which at least 12 hours must consist of core subject matter) during his/her first inactive enrollment cycle before applying for renewal of enrollment.

Example 8. The facts are the same as in *Example 7* except that J completes 17 hours of core continuing professional education credit and 16 hours of non-core continuing professional education credit between January 1, 2014, and February 12, 2015. Accordingly, because as of February 12, 2015, J satisfied the continuing professional education requirements as set forth in paragraph (e)(2) of this section without regard to paragraph (e)(2)(ii) thereof, J may file an application for return to active enrollment status on February 12, 2015.

(p) With the exception of paragraphs (e)(1) and (f)(3)(iii) of this section, this section applies to the enrollment cycle beginning January 1, 2011, and all subsequent enrollment cycles.

§ 901.12 [Removed]

■ **Par. 6.** Section 901.12 is removed.

§ 901.13 [Redesignated as § 901.12]

■ **Par. 7.** Section 901.13 is redesignated as § 901.12.

■ **Par. 8.** Newly redesignated § 901.12 is amended by revising the section heading and paragraphs (a), (b), (d), and (e) to read as follows:

§ 901.12 Eligibility for enrollment.

(a) *In general.* An individual applying to be an enrolled actuary must fulfill the experience requirement of paragraph (b) of this section, the basic actuarial knowledge requirement of paragraph (c) of this section, and the pension actuarial knowledge requirement of paragraph (d) of this section.

(b) *Qualifying experience.* Within the 10-year period immediately preceding the date of application, the applicant shall have completed either—

(1) A minimum of 36 months of certified responsible pension actuarial experience; or

(2) A minimum of 60 months of certified responsible actuarial experience, including at least 18 months of certified responsible pension actuarial experience.

* * * * *

(d) *Pension actuarial knowledge.* (1) The applicant shall demonstrate pension actuarial knowledge by one of the following:

(i) *Joint Board pension examination.* Successful completion, within the 10-year period immediately preceding the date of the application, to a score satisfactory to the Joint Board, of an examination prescribed by the Joint Board in actuarial mathematics and methodology relating to pension plans, including the provisions of ERISA relating to the minimum funding requirements and allocation of assets on plan termination.

(ii) *Organization pension examinations.* Successful completion, within the 10-year period immediately preceding the date of the application, to a score satisfactory to the Joint Board, of one or more proctored examinations which are given by an actuarial organization and which the Joint Board has determined cover substantially the same subject areas, have at least a comparable level of difficulty, and require at least the same competence as the Joint Board pension examination referred to in paragraph (d)(1)(i) of this section.

(2) For purposes of this section, the date of successful completion of an examination is generally the date a candidate sits for the examination, provided that the candidate receives a passing grade on that examination. However, an applicant who sat for an

examination prior to the effective date of these regulations will be deemed to have sat for such examination on the effective date.

(e) *Form; fee.* An applicant who wishes to take an examination administered by the Joint Board under paragraph (c)(1) or (d)(1) of this section shall file an application on a form prescribed by the Joint Board. Such application shall be accompanied by payment in the amount set forth on the application form. The amount represents a fee charged to each applicant for examination and is designed to cover the costs for the administration of the examination. The fee shall be retained whether or not the applicant successfully completes the examination or is enrolled.

* * * * *

■ **Par. 9.** Section 901.20 is amended as follows:

■ A. Revising paragraphs (b), (d), (e), (f), and (g).

■ B. Redesignating paragraph (h) as paragraph (k), and adding new paragraph (h).

■ C. Adding and reserving paragraph (i).

■ D. Adding new paragraphs (j) and (l).

The revisions and additions read as follows:

§ 901.20 Standards of performance of actuarial services.

* * * * *

(b) *Professional duty.* (1) An enrolled actuary shall perform actuarial services only in a manner that is fully in accordance with all of the duties and requirements for such persons under applicable law and consistent with relevant generally accepted standards for professional responsibility and ethics.

(2) An enrolled actuary shall not perform actuarial services for any person or organization which he/she believes, or has reasonable grounds to believe, may utilize his/her services in a fraudulent manner or in a manner inconsistent with law.

* * * * *

(d) *Conflicts of interest.* (1) Except as provided in paragraph (d)(2) of this section, an enrolled actuary shall not perform actuarial services for a client if the representation involves a conflict of interest. A conflict of interest exists if—

(i) The representation of one client will be directly adverse to another client; or

(ii) There is a significant risk that the representation of one or more clients will be materially limited by the enrolled actuary's responsibilities to another client, a former client, or by a personal interest of the enrolled actuary.

(2) Notwithstanding the existence of a conflict of interest under paragraph (d)(1) of this section, the enrolled actuary may represent a client if—

(i) The enrolled actuary reasonably believes that he or she will be able to provide competent and diligent representation to each affected client;

(ii) The representation is not prohibited by law; and

(iii) Each affected client waives the conflict of interest and gives informed consent at the time the existence of the conflict of interest is known by the enrolled actuary.

(e) *Assumptions, calculations and recommendations.* (1) The enrolled actuary shall exercise due care, skill, prudence and diligence when performing actuarial services under ERISA and the Internal Revenue Code. In particular, in the course of preparing a report or certificate stating actuarial costs or liabilities, the enrolled actuary shall ensure that—

(i) Except as mandated by law, the actuarial assumptions are reasonable individually and in combination, and the actuarial cost method and the actuarial method of valuation of assets are appropriate;

(ii) The calculations are accurately carried out and properly documented; and

(iii) The report, any recommendations, and any supplemental advice or explanation relative to the report reflect the results of the calculations.

(2) An enrolled actuary shall include in any report or certificate stating actuarial costs or liabilities, a statement or reference describing or clearly identifying the data, any material inadequacies therein and the implications thereof, and the actuarial methods and assumptions employed.

(f) *Due diligence.* (1) An enrolled actuary must exercise due diligence—

(i) In preparing or assisting in the preparation of, approving, and filing tax returns, documents, affidavits, and other papers relating to the Department of the Treasury, the Department of Labor, the Pension Benefit Guaranty Corporation, or any other applicable Federal or State entity;

(ii) In determining the correctness of oral or written representations made by the enrolled actuary to the Department of the Treasury, the Department of Labor, the Pension Benefit Guaranty Corporation, or any other applicable Federal or State entity; and

(iii) In determining the correctness of oral or written representations made by the enrolled actuary to clients.

(2) An enrolled actuary advising a client to take a position on any document to be filed with the Department of the Treasury, the Department of Labor, the Pension Benefit Guaranty Corporation, or any other applicable Federal or State entity (or preparing or signing such a return or document) generally may rely in good faith without verification upon information furnished by the client. The enrolled actuary may not, however, ignore the implications of information furnished to, or actually known by, the enrolled actuary, and must make reasonable inquiries if the information as furnished appears to be incorrect, inconsistent with an important fact or another factual assumption, or incomplete.

(g) *Solicitations regarding actuarial services.* An enrolled actuary may not in any way use or participate in the use of any form of public communication or private solicitation related to the performance of actuarial services containing a false, fraudulent, or coercive statement or claim, or a misleading or deceptive statement or claim. An enrolled actuary may not make, directly or indirectly, an uninvited written or oral solicitation of employment related to actuarial services if the solicitation violates Federal or State law, nor may such person employ, accept employment in partnership form, corporate form, or any other form, or share fees with, any individual or entity who so solicits. Any lawful solicitation related to the performance of actuarial services made by or on behalf of an enrolled actuary must clearly identify the solicitation as such and, if applicable, identify the source of the information used in choosing the recipient.

(h) *Prompt disposition of pending matters.* An enrolled actuary may not unreasonably delay the prompt disposition of any matter before the Internal Revenue Service, the Department of Labor, the Pension Benefit Guaranty Corporation, or any other applicable Federal or State entity.

(i) [Reserved].

(j) *Return of client's records.* (1) In general, an enrolled actuary must, at the request of a client, promptly return any and all records of the client that are necessary for the client to comply with his or her legal obligations. The enrolled actuary may retain copies of the records returned to a client. The existence of a dispute over fees generally does not relieve the enrolled actuary of his or her responsibility under this section. Nevertheless, if applicable State law allows or permits the retention of a client's records by an enrolled actuary in the case of a dispute over fees for services rendered, the enrolled actuary

need only return those records that must be attached to the client's required forms under ERISA and the Internal Revenue Code. The enrolled actuary, however, must provide the client with reasonable access to review and copy any additional records of the client retained by the enrolled actuary under State law that are necessary for the client to comply with his or her obligations under ERISA and the Internal Revenue Code.

(2) For purposes of this section, records of the client include all documents or written or electronic materials provided to the enrolled actuary, or obtained by the enrolled actuary in the course of the enrolled actuary's representation of the client, that preexisted the retention of the enrolled actuary by the client. The term "records of the client" also includes materials that were prepared by the client or a third party (not including an employee or agent of the enrolled actuary) at any time and provided to the enrolled actuary with respect to the subject matter of the representation. The term "records of the client" also includes any return, claim for refund, schedule, affidavit, appraisal or any other document prepared by the enrolled actuary, or his or her employee or agent, that was presented to the client with respect to a prior representation if such document is necessary for the taxpayer to comply with his or her current obligations under ERISA and the Internal Revenue Code. The term "records of the client" does not include any return, claim for refund, schedule, affidavit, appraisal or any other document prepared by the enrolled actuary or the enrolled actuary's firm, employees or agents if the enrolled actuary is withholding such document pending the client's performance of its contractual obligation to pay fees with respect to such document.

* * * * *

(l) The rules of this section apply to all actuarial services and related acts performed on or after May 2, 2011.

■ **Par. 10.** Section 901.31 is amended by revising paragraphs (a) and (c) to read as follows:

§ 901.31 Grounds for suspension or termination of enrollment.

(a) *Failure to satisfy requirements for enrollment.* The enrollment of an actuary may be terminated if it is found that the actuary did not satisfy the eligibility requirements set forth in § 901.11 or § 901.12.

* * * * *

(c) *Disreputable conduct.* The enrollment of an actuary may be suspended or terminated if it is found that the actuary has, at any time after he/she applied for enrollment, engaged in any conduct set forth in § 901.12(f) or other conduct evidencing fraud, dishonesty, or breach of trust. Such other conduct includes, but is not limited to, the following:

* * * * *

■ **Par. 11.** Section 901.32 is amended by revising the last sentence to read as follows:

§ 901.32 Receipt of information concerning enrolled actuaries.

* * * If any other person has information of any such violation, he/she may make a report thereof to the Executive Director.

■ **Par. 12.** Section 901.47 is amended by revising the last sentence to read as follows:

§ 901.47 Transcript.

* * * Copies of exhibits introduced at the hearing or at the taking of depositions will be supplied to parties upon the payment of a reasonable fee (31 U.S.C. 9701).

■ **Par. 13.** Section 901.72 is added to read as follows:

§ 901.72 Additional rules.

The Joint Board may, in notice or other guidance of general applicability, provide additional rules regarding the enrollment of actuaries.

Approved: March 2, 2011.

Carolyn Zimmerman,

Chairman, Joint Board for the Enrollment of Actuaries.

[FR Doc. 2011–7573 Filed 3–29–11; 11:15 am]

BILLING CODE 4810–25–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 510, 520, 522, 524, and 558

[Docket No. FDA–2011–N–0160]

Animal Drugs, Feeds, and Related Products; Withdrawal of Approval of New Animal Drug Applications; Chorionic Gonadotropin; Cuprimyxin; Diethylcarbamazine; Levamisole; Nitrofurazone; Phenylbutazone; Pyrantel; Tylosin; Tylosin and Sulfamethazine

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; technical amendment.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations by removing those portions that reflect approval of 13 new animal drug applications (NADAs). In a notice published elsewhere in this issue of the **Federal Register**, FDA is withdrawing approval of these NADAs.

DATES: This rule is effective April 11, 2011.

FOR FURTHER INFORMATION CONTACT: John Bartkowiak, Center for Veterinary Medicine (HFV–212), Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855, 240–276–9079, e-mail: *john.bartkowiak@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: The sponsors of the 13 approved NADAs listed in table 1 have requested that FDA withdraw approval because the products are no longer manufactured or marketed.

TABLE 1—VOLUNTARY REQUESTS FOR WITHDRAWAL OF APPROVAL OF 13 NADAS

Sponsor	NADA No. product (established name of drug)	21 CFR section affected (sponsor's drug labeler code)
Roche Vitamins, Inc., 45 Waterview Blvd., Parsippany, NJ 07054–1298.	NADA 093–029, UNITOP Cream (cuprimyxin)	524.520 (063238).
Quali-Tech Products, Inc., 318 Lake Hazeltine Dr., Chaska, MN 55318.	NADA 097–981, TYLAN 40 Sulfa-G Premix (tylosin phosphate/sulfamethazine).	558.630 (016968).
Abraxis Pharmaceutical Products, Division of Abraxis Bioscience, 6133 River Rd., suite 500, Rosemont, IL 60018.	NADA 100–840, Chorionic Gonadotropin for Injection (chorionic gonadotropin).	522.1081 (063323).
Furst-McNess Co., Freeport, IL 61032	NADA 100–991, McNess Custom Premix L200 (tylosin phosphate).	558.625 (010439).
Fort Dodge Animal Health, Division of Wyeth Holdings, a wholly owned subsidiary of Pfizer, Inc., 235 East 42d St., New York, NY 10017.	NADA 101–079 TRAMISOL–10% Pig Wormer (levamisole)	Not codified (000856).
Waterloo Mills Co., 2050 Mitchell Ave., Waterloo, IA 50704	NADA 101–905, Mill Co-Medicator TY–10 (tylosin phosphate).	558.625 (017139).
Waterloo Mills Co., 2050 Mitchell Ave., Waterloo, IA 50704	NADA 101–906, Mill Co-Medicator TS–40 Premix (tylosin phosphate/sulfamethazine).	558.630 (017139).
Pegasus Laboratories, Inc., 8809 Ely Rd., Pensacola, FL 32514.	NADA 102–824,Phenylbutazone Tablets (phenylbutazone)	520.1720a (055246).
Wendt Laboratories, Inc., 100 Nancy Dr., Belle Plaine, MN 56011.	NADA 108–487, DEC Tabs (diethylcarbamazine citrate)	520.622a (015579).
Wendt Laboratories, Inc., 100 Nancy Dr., Belle Plaine, MN 56011.	NADA 108–863, DEC Chewable Tabs (diethylcarbamazine citrate).	520.622c (015579).
Furst-McNess Co., Freeport, IL 61032	NADA 140–820, TYLAN 40 Sulfa-G Premix (tylosin phosphate/sulfamethazine).	558.630 (010439).
Furst-McNess Co., Freeport, IL 61032	NADA 140–825, BANMINTH Intermediate Premix (pyrantel tartrate).	558.485 (010439).
Hess & Clark, Inc., 944 Nandino Blvd., Lexington, KY 40511.	NADA 140–910, NFZ Wound Powder (nitrofurazone)	524.1580c (050749).

In a notice published elsewhere in this issue of the **Federal Register**, FDA gave notice that approval of NADAs 93–029, 97–981, 100–840, 100–991, 101–079, 101–905, 101–906, 102–824, 108–487, 108–863, 140–820, 140–825, and 140–910, and all supplements and amendments thereto, is withdrawn, effective April 11, 2011. As provided in the regulatory text of this document, the animal drug regulations are amended to reflect these withdrawals of approval and a current format.

Following these changes of sponsorship, Abraxis Pharmaceutical Products, Furst-McNess Co., Roche Vitamins, Inc., Waterloo Mills Co., and Wendt Laboratories, Inc., are no longer the sponsors of an approved application. Accordingly, 21 CFR 510.600(c) is being amended to remove the entries for these firms.

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

List of Subjects

21 CFR Part 510

Administrative practice and procedure, Animal drugs, Labeling, Reporting and recordkeeping requirements.

21 CFR Parts 520, 522, and 524

Animal drugs.

21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR parts 510, 520, 522, 524, and 558 are amended as follows:

PART 510—NEW ANIMAL DRUGS

■ 1. The authority citation for 21 CFR part 510 continues to read as follows:

Authority: 21 U.S.C. 321, 331, 351, 352, 353, 360b, 371, 379e.

§ 510.600 [Amended]

■ 2. In § 510.600, in the table in paragraph (c)(1), remove the entries for "Abraxis Pharmaceutical Products", "Furst-McNess Co.", "Roche Vitamins, Inc.", "Waterloo Mills Co.", and "Wendt Laboratories, Inc."; and in the table in paragraph (c)(2), remove the entries for "010439", "015579", "017139", "063238", and "063323".

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS

■ 3. The authority citation for 21 CFR part 520 continues to read as follows:

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

■ 4. In § 520.622a, remove and reserve paragraph (a)(1); in paragraph (a)(5), remove "000081' and in its place add "No. 000061"; and revise paragraph (b)(2) to read as follows:

§ 520.622a Diethylcarbamazine citrate tablets.

* * * * *

(b) * * *

(2) *Limitations.* Federal law restricts this drug to use by or on the order of a licensed veterinarian.

■ 5. In § 520.622c, remove and reserve paragraph (b)(1); remove reserved paragraph (b)(7); and revise paragraph (c)(3) to read as follows:

§ 520.622c Diethylcarbamazine citrate chewable tablets.

* * * * *

(c) * * *

(3) *Limitations.* Federal law restricts this drug to use by or on the order of a licensed veterinarian.

§ 520.1720a [Amended]

■ 6. In § 520.1720a, remove and reserve paragraph (b)(4).

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS

■ 7. The authority citation for 21 CFR part 522 continues to read as follows:

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

§ 522.1081 [Amended]

■ 8. In paragraph (b)(2) of § 522.1081, remove "Nos. 058639 and 063323" and in its place add "No. 058639".

PART 524—OPHTHALMIC AND TOPICAL DOSAGE FORM NEW ANIMAL DRUGS

■ 9. The authority citation for 21 CFR part 524 continues to read as follows:

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

§ 524.520 [Removed]

■ 10. Remove § 524.520.

§ 524.1580c [Amended]

■ 11. In paragraph (b) of § 524.1580c, remove "Nos. 000010, 000069, and 050749" and in its place add "Nos. 000010 and 000069".

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

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

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

§ 558.485 [Amended]

■ 13. In § 558.485, in paragraph (b)(3), remove "010439".

§ 558.625 [Amended]

■ 14. In § 558.625, remove and reserve paragraphs (b)(42) and (b)(45).

§ 558.630 [Amended]

■ 15. In § 558.630, remove and reserve paragraph (b)(4); and in paragraph (b)(5), remove "010439," and "016968,".

Dated: March 25, 2011.

Leslie Kux,

Acting Assistant Commissioner for Policy.

[FR Doc. 2011–7560 Filed 3–30–11; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1310

[Docket No. DEA–320F]

RIN 1117–AB24

Control of Ergocristine, a Chemical Precursor Used in the Illicit Manufacture of Lysergic Acid Diethylamide, as a List I Chemical

AGENCY: Drug Enforcement Administration (DEA), Department of Justice.

ACTION: Final rule.

SUMMARY: This rulemaking finalizes a February 24, 2010, Notice of Proposed Rulemaking in which DEA proposed to control the chemical precursor ergocristine as a List I chemical under the Controlled Substances Act (CSA). Clandestine laboratories are using this chemical as a substitute for the List I chemicals ergotamine and ergonovine to illicitly manufacture the schedule I controlled substance lysergic acid diethylamide (LSD).

This rule is being finalized as proposed. Therefore, handlers of ergocristine shall be subject to the chemical regulatory provisions of the CSA and its implementing regulations. This rulemaking does not establish a threshold for domestic and international transactions of ergocristine. As such, all transactions involving ergocristine, regardless of size, shall be regulated. This rulemaking also specifies that chemical mixtures containing ergocristine will not be exempt from regulatory requirements at any concentration. Therefore, all transactions of chemical mixtures containing any quantity of ergocristine shall be regulated and subject to control under the CSA.

DATES: This rulemaking becomes effective May 2, 2011. Persons seeking registration must apply on or before May 2, 2011 to continue their business pending final action by DEA on their application.

FOR FURTHER INFORMATION CONTACT: Christine A. Sannerud, PhD, Chief, Drug and Chemical Evaluation Section, Office of Diversion Control, Drug Enforcement Administration, 8701 Morrissette Drive, Springfield, VA 22152; telephone: (202) 307–7183.

SUPPLEMENTARY INFORMATION:

Background

Lysergic acid diethylamide (LSD) is a synthetic schedule I hallucinogen. It is the most potent hallucinogen known and only microgram amounts are required to produce overt hallucinations. It induces a heightened awareness of sensory input that is accompanied by an enhanced sense of clarity, but reduced ability to control what is experienced.

Illicit Production of LSD

LSD has been manufactured illegally since the 1960s. A limited number of chemists, probably less than a dozen, are believed to be manufacturing nearly all of the LSD available in the United States. Clandestine laboratory operators must adhere to precise and complex production procedures, and production of LSD is relatively difficult.

LSD has historically been produced from lysergic acid, which is made from ergotamine or ergonovine, substances derived from an ergot fungus on rye, or from lysergic acid amide, a chemical found in morning glory seeds.

Movement to Ergocristine as LSD Precursor and Largest LSD Laboratory Ever Seized by DEA

Because of the existing CSA regulatory controls on the LSD precursors lysergic acid, lysergic acid amide, ergotamine, and ergonovine, clandestine laboratory operators have sought uncontrolled sources of precursor material for the production of LSD. This has led to the illicit utilization of the precursor chemical ergocristine as a direct substitute for ergotamine and ergonovine for the illicit production of LSD. In fact, the largest clandestine LSD laboratory ever seized by DEA utilized ergocristine as the LSD precursor. Recipes documenting procedures for utilizing ergocristine in LSD synthesis are easily found on the Internet.

Availability of the Precursor Chemical

DEA has determined that ergocristine is readily available from commercial chemical suppliers. DEA has identified at least three suppliers of ergocristine, of which one distributor is located domestically; the other two are based in Germany and the Czech Republic.

This rule implements both domestic and import/export controls on ergocristine (and its salts). As noted in the February 24, 2010, Notice of Proposed Rulemaking (75 FR 8287), such controls are deemed necessary for law enforcement to identify domestic and international transactions in ergocristine, due to growing concerns regarding its use for the illicit manufacture of LSD.

Regulation of Ergocristine as a List I Chemical

The CSA, specifically 21 U.S.C. 802(34), and its implementing regulations at 21 CFR 1310.02(c), provide the Attorney General with the authority to specify, by regulation, additional chemicals as List I chemicals" if they are used in the manufacture of a controlled substance in violation of the CSA, and are important to the manufacture of the controlled substance. Ergocristine is being used in clandestine laboratories as the precursor material for the illicit manufacture of the schedule I controlled substance LSD. This rule implements the regulation of ergocristine as a List I chemical because DEA finds that it is used in the illicit manufacture of the controlled substance LSD and is important to the illicit manufacture of the controlled substance LSD.

Handlers of ergocristine shall be subject to the chemical regulatory provisions of the CSA, including 21 CFR parts 1309, 1310, 1313, and 1316. This rulemaking does not establish a threshold for domestic and import transactions of ergocristine pursuant to the provisions of 21 CFR 1310.04(g). Due to the high potency of LSD, even a single gram (*i.e.,* 1/28th of an ounce) of ergocristine can be used illicitly to make thousands of dosage units of LSD. Therefore, all ergocristine transactions, regardless of size, shall be regulated transactions as defined in 21 CFR 1300.02(b)(28). As such, all ergocristine transactions will be subject to recordkeeping, annual manufacturer reporting of inventory and use data, import/export controls, and other CSA chemical regulatory requirements.

Comments

DEA did not receive any comments in response to the February 24, 2010, Notice of Proposed Rulemaking (NPRM), which proposed the control of ergocristine. Therefore, this rule finalizes the NPRM, as proposed.

As such, effective May 2, 2011, handlers of ergocristine shall be subject to the chemical regulatory provisions of the CSA and its implementing regulations, including 21 CFR parts 1309, 1310, 1313, and 1316.

Chemical Mixtures Containing Ergocristine

Chemical mixtures containing ergocristine will not be exempt from regulatory requirements at any concentration, unless an application for exemption of a chemical mixture is submitted by an ergocristine manufacturer and the application is reviewed and accepted by DEA under 21 CFR 1310.13 (Exemption by Application Process). Since even a small amount of ergocristine is able to be used in the illicit manufacture of a significant amount of LSD, the control of chemical mixtures containing any amount of ergocristine is necessary to prevent the illicit extraction, isolation, and use of the ergocristine. Therefore, all chemical mixtures containing any quantity of ergocristine will be subject to CSA control, unless the ergocristine manufacturer is granted an exemption by the application process discussed below. The Table of Concentration Limits in 21 CFR 1310.12(c) is hereby modified to reflect the fact that chemical mixtures containing any amount of ergocristine are subject to CSA chemical control provisions.

Exemption by Application Process

DEA has implemented an application process to exempt chemical mixtures from the requirements of the CSA and its implementing regulations (21 CFR 1310.13). Under the application process, manufacturers may submit an application for exemption for those mixtures that do not qualify for automatic exemption. Exemption status can be granted if DEA determines that the mixture is formulated in such a way that it cannot be easily used in the illicit production of a controlled substance and that the listed chemical cannot be readily recovered (*i.e.,* it meets the conditions in 21 U.S.C. 802(39)(A)(vi)).

Requirements for Handling List I Chemicals

The designation of ergocristine as a List I chemical subjects ergocristine handlers to all of the regulatory controls and administrative, civil, and criminal sanctions applicable to the manufacture, distribution, importing, and exporting of a List I chemical. Persons potentially handling ergocristine, including regulated chemical mixtures containing ergocristine, will be required to comply with the following List I chemical regulations:

Registration. Any person who manufactures, distributes, imports, or exports a List I chemical, or proposes to engage in the manufacture, distribution, importation, or exportation of a List I chemical, must obtain a registration pursuant to the CSA (21 U.S.C. 822, 957). Regulations describing registration for List I chemical handlers are set forth in 21 CFR part 1309. Consistent with 21 CFR parts 1309 and 1310, separate registrations will be required for manufacturing, distribution, importing, and exporting of ergocristine. Different locations operated by a single entity require separate registration if any location is involved with the manufacture, distribution, importation, or exportation of ergocristine. Further, a separate registration is required for each principal place of business at one general physical location where List I chemicals are manufactured, distributed, imported, or exported by a person (21 CFR 1309.23). Any person manufacturing, distributing, importing, or exporting an ergocristine chemical mixture will be subject to the registration requirement under the CSA as well.

DEA notes that warehouses are exempt from the requirement of registration and may lawfully possess List I chemicals, if the possession of those chemicals is in the usual course of business (21 U.S.C. 822(c)(2), 21 U.S.C. 957(b)(1)(B)). For purposes of this exemption, the warehouse must receive the List I chemical from a DEA registrant and shall only distribute the List I chemical back to the DEA registrant and registered location from which it was received. All other activities conducted by a warehouse do not fall under this exemption; a warehouse that distributes List I chemicals to persons other than the registrant and registered location from which they were obtained is conducting distribution activities and is required to register as such (21 CFR 1309.23(b)(1)).

Any person manufacturing, distributing, importing, or exporting ergocristine or a chemical mixture containing ergocristine will be subject to the registration requirement under the CSA. DEA recognizes, however, that it is not possible for persons who are subject to the registration requirement to immediately complete and submit an application for registration and for DEA to immediately issue registrations for those activities. Therefore, to allow continued legitimate commerce in ergocristine, DEA is establishing in 21 CFR 1310.09, a temporary exemption from the registration requirement for persons desiring to engage in activities with ergocristine, provided that DEA receives a properly completed application for registration on or before May 2, 2011. The temporary exemption for such persons will remain in effect until DEA takes final action on their application for registration or application for exemption of a chemical mixture.

The temporary exemption applies solely to the registration requirement; all other chemical control requirements, including recordkeeping and reporting, would become effective May 2, 2011. Therefore, all transactions of ergocristine and chemical mixtures

containing ergocristine will be regulated while an application for registration or exemption is pending. This is necessary because not regulating these transactions could result in increased diversion of chemicals desirable to drug traffickers.

Additionally, the temporary exemption does not suspend applicable Federal criminal laws relating to ergocristine, nor does it supersede State or local laws or regulations. All handlers of ergocristine must comply with applicable State and local requirements in addition to the CSA regulatory controls.

Records and Reports. The CSA (21 U.S.C. 830) requires that certain records be kept and reports be made with respect to listed chemicals. Regulations describing recordkeeping and reporting requirements are set forth in 21 CFR part 1310. Pursuant to 21 CFR 1310.04, a record must be made and maintained for two years after the date of a transaction involving a listed chemical, provided the transaction is a regulated transaction.

Each regulated bulk manufacturer of a listed chemical will be required to submit manufacturing, inventory, and use data on an annual basis (21 CFR 1310.05(d)). Existing standard industry reports containing the required information will be acceptable, provided the information is readily retrievable from the report.

Title 21 CFR 1310.05(a) requires that each regulated person shall report to DEA any regulated transaction involving an extraordinary quantity of a listed chemical, an uncommon method of payment or delivery, or any other circumstance that the regulated person believes may indicate that the listed chemical will be used in violation of the CSA and its corresponding regulations. Persons are also required to report any proposed regulated transaction with a person whose description or other identifying characteristics the Administration has previously furnished to the regulated person; any unusual or excessive loss or disappearance of a listed chemical under the control of the regulated person; any in-transit loss in which the regulated person is the supplier; and any domestic regulated transaction in a tableting or encapsulating machine.

Import/Export. All imports, exports, and international transactions of a listed chemical shall comply with the CSA import and export provisions including 21 U.S.C. 957 and 971. Regulations for importation and exportation of List I chemicals are described in 21 CFR part 1313.

Security. All applicants and registrants shall provide effective controls against theft and diversion of chemicals as described in 21 CFR 1309.71.

Administrative Inspection. Places, including factories, warehouses, or other establishments and conveyances, where registrants or other regulated persons may lawfully hold, manufacture, distribute, dispense, administer, or otherwise dispose of a regulated chemical/chemical mixture or where records relating to those activities are kept or required to be kept, are controlled premises as defined in 21 CFR 1316.02(c). The CSA (21 U.S.C. 880) allows for administrative inspections of these controlled premises as provided in 21 CFR part 1316, Subpart A.

Regulatory Certifications

Regulatory Flexibility Act and Small Business Concerns

The Administrator hereby certifies that this rulemaking has been drafted in accordance with the Regulatory Flexibility Act (5 U.S.C. 601–612). DEA has been able to identify only one U.S. distributor that lists ergocristine among its products. Because most of the firm's product source appears to be located outside the U.S. and because DEA has not been able to identify any U.S. manufacturer that produces a product containing ergocristine, DEA does not consider it likely that this domestic distributor would be subject to the rule, unless they imported ergocristine. The only probable legitimate commerce in this chemical appears to be the use of ergocristine as precursor material for the synthesis of a research compound. If used for this purpose, then there would be a registration and recordkeeping requirement for this distributor to import the ergocristine. Such use would likely be extremely limited. Therefore, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities.

Executive Order 12866

The Administrator certifies that this rulemaking has been drafted in accordance with the principles in Executive Order 12866 Section 1(b). It has been determined that this is "a significant regulatory action." Therefore, this action has been reviewed by the Office of Management and Budget. DEA has not conducted an economic analysis of the final rule because DEA has been able to identify only one company with a U.S. address that lists ergocristine among its products. DEA was able to identify only two foreign firms that list ergocristine as a product. These firms appear to sell ergocristine as an active pharmaceutical ingredient, but a search of the Food and Drug Administration's database of approved drugs did not identify any drug with ergocristine as an active ingredient. Consequently, DEA does not believe that at this time any firm conducting legitimate business is likely to have to comply with the rule.

Executive Order 12988

This regulation meets the applicable standards set forth in Sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform.

Executive Order 13132

This rulemaking does not preempt or modify any provision of State law; nor does it impose enforcement responsibilities on any State; nor does it diminish the power of any State to enforce its own laws. Accordingly, this rulemaking does not have federalism implications warranting the application of Executive Order 13132.

Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector, of $126,400,000 or more (adjusted for inflation) in any one year, and will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Congressional Review Act

This rule is not a major rule as defined by Section 804 of the Congressional Review Act/Small Business Regulatory Enforcement Fairness Act of 1996 (Congressional Review Act). This rule will not result in an annual effect on the economy of $100,000,000 or more; a major increase in cost or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

List of Subjects in 21 CFR Part 1310

Drug traffic control, Exports, Imports, Reporting and recordkeeping requirements.

For the reasons set out above, 21 CFR part 1310 is amended as follows:

PART 1310—RECORDS AND REPORTS OF LISTED CHEMICALS AND CERTAIN MACHINES

■ 1. The authority citation for part 1310 continues to read as follows:

Authority: 21 U.S.C. 802, 827(h), 830, 871(b), 890.

■ 2. Section 1310.02 is amended by adding a new paragraph (a)(30) to read as follows:

§ 1310.02 Substances covered.

* * * * *

(a) * * *

(30) Ergocristine and its salts 8612

* * * * *

■ 3. Section 1310.04 is amended by redesignating paragraphs (g)(1)(ii) through (g)(1)(ix) as paragraphs (g)(1)(iii) through (g)(1)(x), and adding a new paragraph (g)(1)(ii) to read as follows:

§ 1310.04 Maintenance of records.

* * * * *

(g) * * *

(1) * * *

(iii) Ergocristine and its salts

* * * * *

■ 4. Section 1310.09 is amended by adding new paragraph (l) to read as follows:

§ 1310.09 Temporary exemption from registration.

* * * * *

(l)(1) Each person required under sections 302 and 1007 of the Act (21 U.S.C. 822, 957) to obtain a registration to manufacture, distribute, import, or export regulated ergocristine and its salts, including regulated chemical mixtures pursuant to § 1310.12, is temporarily exempted from the registration requirement, provided that DEA receives a properly completed application for registration or application for exemption for a chemical mixture containing ergocristine and its salts pursuant to § 1310.13 on or before May 2, 2011. The exemption will remain in effect for each person who has made such application until the Administration has approved or denied that application. This exemption applies only to registration; all other chemical control requirements set forth in the Act and parts 1309, 1310, 1313, and 1316 of this chapter remain in full force and effect.

(2) Any person who manufactures, distributes, imports, or exports a chemical mixture containing ergocristine and its salts whose application for exemption is subsequently denied by DEA must obtain a registration with DEA. A temporary exemption from the registration requirement will also be provided for those persons whose applications for exemption are denied, provided that DEA receives a properly completed application for registration on or before 30 days following the date of official DEA notification that the application for exemption has been denied. The temporary exemption for such persons will remain in effect until DEA takes final action on their registration application.

■ 5. Section 1310.12 is amended by adding in alphabetical order an entry "Ergocristine and its salts" in the table "Table of Concentration Limits" to read as follows:

§ 1310.12 Exempt chemical mixtures.

* * * * *

(c) * * *

TABLE OF CONCENTRATION LIMITS

	DEA chemical code No.	Concentration	Special conditions
List I Chemicals			
* *	*	*	* * * *
Ergocristine and its salts	8612	Not exempt at any concentration.	Chemical mixtures containing any amount of ergocristine and its salts are not exempt.
* *	*	*	* * * *

* * * * *

Dated: March 21, 2011.

Michele M. Leonhart,

Administrator.

[FR Doc. 2011–7548 Filed 3–30–11; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 9515]

RIN 1545–BH20

Guidance Under Section 1502; Amendment of Matching Rule for Certain Gains on Member Stock; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correcting amendment.

SUMMARY: This document describes correcting amends to final and temporary regulations concerning the treatment of certain intercompany gain with respect to stock owned by members of a consolidated group. These regulations provide for the redetermination of intercompany gain as excluded from gross income in certain transactions involving stock transfers between members of a consolidated group. These errors were made when the agency published final and temporary regulations (TD 9515) in the **Federal Register** on Friday, March 4, 2011 (76 FR 11956).

DATES: This correction is effective on March 31, 2011, and is applicable on March 4, 2011.

FOR FURTHER INFORMATION CONTACT: John F. Tarrant, (202) 622–7790 or Lawrence M. Axelrod, (202) 622–7713 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Background

The final and temporary regulations (TD 9515) that are the subject of this document are under section 1502 of the Internal Revenue Code.

Need for Correction

As published, the final and temporary regulations (TD 9515) contain errors that may prove to be misleading and are 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 amendments:

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 1.1502–13 is amended by revising paragraphs (c)(6)(ii)(C)(*2*) and (c)(6)(ii)(D)(*1*) to read as follows:

§ 1.1502–13 Intercompany transactions.

* * * * *

(c) * * *

(6) * * *

(ii) * * *

(C) * * *

(*2*) *Effect on earnings and profits and investment adjustments.* Any amount excluded from gross income under paragraph (c)(6)(ii)(C)(*1*) of this section shall not be taken into account as earnings and profits of any member and shall not be treated as tax-exempt income under § 1.1502–32(b)(2)(ii).

(D) *Other amounts.* (*1*) The Commissioner may determine that treating S's intercompany item as excluded from gross income is consistent with the purposes of this section and other applicable provisions of the Internal Revenue Code, regulations, and published guidance, if the following conditions are met, depending on whether the intercompany item is an item of income or an item of gain:

* * * * *

■ **Par. 3.** Section 1.1502–13T is amended by revising paragraph (f)(5)(ii)(F)(*2*) to read as follows:

§ 1.1502–13T Intercompany transactions (temporary).

* * * * *

(f) * * *

(5) * * *

(ii) * * *

(F) * * *

(*2*) *Prior periods.* For transactions in which old T's liquidation into B occurs before October 25, 2007, see § 1.1502–13(f)(5)(ii)(B)(*1*) and (f)(5)(ii)(B)(*2*) in effect prior to October 25, 2007, as contained in 26 CFR part 1, revised April 1, 2009.

* * * * *

LaNita Van Dyke,

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

[FR Doc. 2011–7506 Filed 3–30–11; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 53

[USCG–2009–0239]

RIN 1625–AB33

Protection for Whistleblowers in the Coast Guard

AGENCY: Coast Guard, DHS.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: On December 21, 2010, the Coast Guard published a direct final rule that notified the public of the Coast Guard's intent to amend its "Coast Guard Whistleblower Protection" regulations to conform to statutory protections for all members of the Armed Forces. We have not received an adverse comment, or notice of intent to submit an adverse comment, on this rule. Therefore, the rule will go into effect as scheduled.

DATES: The effective date of the direct final rule published December 21, 2010, (75 FR 79956), is confirmed as April 20, 2011.

ADDRESSES: The docket for this rulemaking, USCG–2009–0239, is 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. You may also find this docket on the Internet by going to *http://www.regulations.gov,* typing USCG–2009–0239 in the "Keyword" box, and then clicking "Search."

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, e-mail or call Commander Michael Cavallaro, U.S. Coast Guard Office of General Law, telephone 202–372–3777, e-mail *Michael.S.Cavallaro@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION: On December 21, 2010, we published a direct final rule entitled "Protection for Whistleblowers in the Coast Guard" in the **Federal Register.** (75 FR 79956). That rule broadens the whistleblower protection already afforded uniformed members of the Coast Guard by conforming Coast Guard regulations to statutory changes made to broaden whistleblower protections for all members of the Armed Forces.

We published the rule as a direct final rule under 33 CFR 1.05–55 because we considered this rule to be noncontroversial and did not expect an adverse comment regarding this rulemaking. In the direct final rule we notified the public of our intent to make the rule effective on April 20, 2011, unless adverse comment or notice of intent to submit an adverse comment was received on or before February 22, 2011. We have not received any comments, or notice of intent to submit an adverse comment, on this rulemaking. Therefore the rule will go into effect as scheduled, on April 20, 2011.

Dated: March 25, 2011.

F.J. Kenney,

Rear Admiral, U.S. Coast Guard, Judge Advocate General.

[FR Doc. 2011–7642 Filed 3–30–11; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2010–0864]

RIN 1625–AA87

Security Zone: Passenger Vessels, Sector Southeastern New England Captain of the Port Zone

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule; change of effective period.

SUMMARY: The Coast Guard is extending the effective period for temporary fixed and moving security zones around certain passenger vessels in the Sector Southeastern New England Captain of the Port Zone through October 1, 2011. Temporary section 33 CFR 165.T01–0864, which established these temporary security zones, was set to expire on April 1, 2011. Extending the effective period for these security zones provides continued and uninterrupted protection of passengers, vessels, and the public from destruction, loss, or injury from sabotage, subversive acts, or other malicious acts of a similar nature.

DATES: Section 165.T01–0864 temporarily added at 75 FR 63717, October 18, 2010, effective from October 18, 2010, until April 1, 2011, will continue in effect through October 1, 2011.

ADDRESSES: Documents indicated in this preamble as being available in the

docket are part of docket USCG–2010–0864 and are available online by going to *http://www.regulations.gov,* inserting USCG–2010–0864 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 about this notice, call or e-mail Mr. Edward G. LeBlanc at Sector Southeastern New England; telephone (401) 435–2351, e-mail *Edward.G.LeBlanc@uscg.mil.* If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Regulatory Information

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are "impracticable, unnecessary, or contrary to the public interest." Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM). This rule extends the existing temporary security zones that are a necessary and key component of the Coast Guard's maritime security mission in Southeastern New England, and a separate permanent rulemaking is being pursued under docket USCG–2010–0803, where the public will be afforded ample opportunity to comment. Providing a public notice and comment period for this temporary final rule is contrary to national security concerns and the public interest.

For the same reasons, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register.**

Basis and Purpose

The security zones in place pursuant to the Temporary Final Rule at docket USCG–2010–0864 (75 FR 63714, October 18, 2010) were established to protect certain passenger vessels in the Southeastern New England Captain of the Port Zone from destruction, loss, or injury from sabotage, subversive acts, or other malicious acts of a similar nature. The authority for these security zones is set to expire on April 1, 2011. The Coast Guard is in the process of completing a separate rulemaking to create permanent security zones in these locations under docket USCG–2010–0803. The temporary security zones created by this rule ensures that there is no gap in authority relative to the Coast Guard's maritime security mission to protect passenger vessels from destruction, loss, or injury from sabotage, subversive acts, or other malicious acts of a similar nature while the rulemaking process is ongoing.

Discussion of Rule

The Coast Guard is extending the effective date of security zones within a maximum 100-yard radius around passenger vessels that are moored, or in the process of mooring, at any berth or at anchor within the Sector Southeastern New England Captain of The Port Zone. This rule will also continue fixed moving security zones that will be in effect in waters up to 200 yards around escorted passenger vessels while underway in the navigable waters within the Sector Southeastern New England Captain of The Port Zone.

Regulatory Analyses

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

Regulatory Planning and Review

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

The Coast Guard expects the economic impact of this rule to be so minimal that a full regulatory evaluation under the regulatory policies and procedures of DHS is unnecessary. The effect of this rule will not be significant. Temporary moving security zones will only be in effect while escorted passenger vessels are underway, and the zone will not restrict any waterway for a long period of time. The vast majority of passenger vessel transits in the waters of Sector Southeastern New England Captain of the Port Zone are less than two hours. Temporary fixed security zones around passenger vessels that are moored, or in the process of mooring, at any berth or at anchor are anticipated to have minimal impact on vessel traffic because such vessels anchored or moored in designated anchorages or at waterfront facilities are away from navigation channels used by mariners. Additionally, vessels may be permitted to enter these security zones with expressed permission of the Captain of the Port, minimizing any adverse impact. It has been determined that the necessary security enhancements provided by this rule greatly outweigh any potential negative impacts.

Small Entities

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

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

This rule may affect the following entities, some of which may be small entities: The owners and operators of vessels intending to transit the waters of Sector Southeastern New England Captain of the Port Zone while the security zones are enforced. These security zones will not have a significant impact on a substantial number of small entities for the following reasons: The moving security zones will only be enforced when an escorted passenger vessel is underway, and such transits in the Sector Southeastern New England Captain of the Port Zone are typically less than two hours in duration; the fixed security zones around passenger vessels moored, or in the process of mooring, at a berth or at anchorage, allow for vessel traffic to transit the navigable waters outside the zone. Additionally, vessels may be permitted to enter these security zones with the express prior permission of the Captain of the Port, minimizing any adverse impact.

Assistance for Small Entities

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

affected by this rule and you have any questions concerning its provisions or options for compliance, please call Mr. Edward G. Leblanc at (401) 435–2351.

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

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

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

Energy Effects

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

Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.,* specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies. This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

Environment

We have analyzed this rule under and Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321–4370f), and have concluded this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. This rule is categorically excluded, under figure 2–1, paragraph (34)(g) of the Instruction. This rule fits the category selected from paragraph (34)(g), as it establishes a temporary security zone for a limited period of time. A final "Environmental Analysis Check List" and a final "Categorical Exclusion Determination" will be available in the docket where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reports and recordkeeping requirements, Security measures, and Waterways.

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Section 165.T01–0864 temporarily added at 75 FR 63717, October 18, 2010, effective from October 18, 2010, until April 1, 2011, will continue in effect through October 1, 2011.

Dated: March 23, 2011.

V.B. Gifford, Jr.,

Captain, U.S. Coast Guard, Captain of the Port, Southeastern New England.

[FR Doc. 2011–7640 Filed 3–30–11; 8:45 am]

BILLING CODE 9110–04–P

POSTAL SERVICE

39 CFR Part 111

Forwarding and Return Service for Parcel Select Mailpieces

AGENCY: Postal Service™.

ACTION: Final rule.

SUMMARY: The Postal Service is revising the *Mailing Standards of the United*

States Postal Service, Domestic Mail Manual (DMM®) 507.1.5.4 and 507.2.3.6 to eliminate the free local forwarding of Parcel Select® mailpieces and to eliminate the option to request discontinuance of forwarding. The Postal Service also implements a new price for Parcel Select forwards and returns; those pieces will now pay the applicable Parcel Select barcoded nonpresort price, plus an additional service fee.

DATES: *Effective Date:* July 5, 2011.

FOR FURTHER INFORMATION CONTACT: Annette Raney at 202–268–4307, Karen Key at 202–268–7492, or Yvonne Gifford at 202–268–8082.

SUPPLEMENTARY INFORMATION: Current mailing standards permit Parcel Select mailpieces to be forwarded, without an additional postage charge, when the old and new addresses are served within the same Post Office unit. With this final rule, Parcel Select mailpieces will no longer be handed-off to facilitate local delivery within the same office but rather sent to a Centralized Forwarding System (CFS) facility for automated handling. Recipients will now incur an additional service fee, plus the cost of Parcel Select barcoded nonpresort postage for mailpieces that are forwarded locally, just as they do for those mailpieces that are forwarded beyond the local area.

Additionally, with this final rule, mailers who do not wish to pay for forwarding outside the local area may no longer request that parcels not be forwarded. PS Form 3546, which notifies the postmaster of the old address to discontinue forwarding Package Services or Parcel Select, has been revised accordingly.

Prior to December 2006, Parcel Select was forwarded and returned at the Parcel Post price. With the classification of Parcel Select as a competitive product, the DMM was revised to accommodate these changes; however, the price to forward and return Parcel Select was not separately mentioned. With this notice, we are specifying that the price to forward or return Parcel Select pieces will now be the applicable Parcel Select barcoded nonpresort price, plus an additional service fee, which will cover the cost for forwarding or returning the Parcel Select mailpiece.

The Postal Service filed a Notice with the Postal Regulatory Commission (PRC) on March 16, 2011 regarding the forwarding and return service for Parcel Select mailpieces. The regulatory review may take up to 30 days from that date.

The Postal Service herby adopts the following changes to the *Mailing Standards for the United States Postal Service,* Domestic Mail Manual (DMM), which is incorporated by reference in the Code of Federal Regulations. *See* 39 CFR 111.1.

List of Subjects in 39 CFR Part 111

Administrative practice and procedure, Postal Service.

Accordingly, 39 CFR part 111 is amended as follows:

PART 111—[AMENDED]

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

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

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

Mailing Standards of the United States Postal Service, Domestic Mail Manual (DMM)

* * * * *

500 Additional Mailing Services

* * * * *

507 Mailer Services

1.0 Treatment of Mail

* * * * *

1.3 Directory Service

USPS letter carrier offices give directory service to the types of mail listed below that have an insufficient address or cannot be delivered at the address given (the USPS does not compile a directory of any kind):

* * * * *

[Revise 1.3d as follows:]

d. Parcels mailed at any Package Services or Parcel Select price.

* * * * *

1.4 Basic Treatment

* * * * *

1.4.5 Extra Services

Mail with extra services is treated according to the charts for each class of mail in 1.5, except that:

* * * * *

[Revise 1.4.5b as follows:]

b. All insured First-Class Mail is forwarded and returned at no additional cost. All insured Standard Mail, Package Services, and Parcel Select is forwarded or returned.

* * * * *

1.5 Treatment for Ancillary Services by Class of Mail

* * * * *

1.5.4 Package Services and Parcel Select

[Revise introductory paragraph of 1.5.4 to include Parcel Select as follows:]

Undeliverable-as-addressed (UAA) Package Services and Parcel Select mailpieces are treated as described in Exhibit 1.5.4, with these additional conditions:

* * * * *

[Revise 1.5.4c as follows:]

c. The endorsement "Change Service Requested" is not permitted for Package Services or Parcel Select mailpieces containing hazardous materials under 601.10.0.

[Revise the first two sentences of 1.5.4d as follows:]

d. If a Package Services or a Parcel Select mailpiece and any attachment are not opened by the addressee, the addressee may refuse delivery of the piece and have it returned to the sender without affixing postage. Pieces endorsed "change service requested" as allowed in 1.5.4c are not returned to sender when refused. If a Package Services or Parcel Select piece or any attachment to that piece is opened by the addressee, the addressee must affix the applicable postage to return the piece to the sender. * * *

[Revise 1.5.4e as follows:]

e. An undeliverable Package Services or a Parcel Select mailpiece that bears postage with a postage evidencing imprint and that has no return address or illegible return address is returned to the meter licensee or PC Postage customer upon payment of the return postage. The reason for nondelivery is attached, with no address correction fee. All Package Services (except unendorsed Bound Printed Matter) and Parcel Select pieces must have a legible return address.

* * * * *

Exhibit 1.5.4 Treatment of Undeliverable Package Services Mail and Parcel Select

Mailer Endorsement—USPS Treatment of UAA Pieces

* * * * *

[Revise Address Service Requested, Forwarding Service Requested and Return Service Requested text of Exhibit 1.5.4 as follows:]

"Address Service Requested"

If no change-of-address order on file:

Piece is returned with reason for nondelivery attached (only return postage charged) as follows:

a. Parcel Select: At the Parcel Select barcoded nonpresort price plus the additional service fee.

b. Package Services: At the appropriate single-piece price for the specific class of mail.

If change of-address order on file:

• *Months 1 through 12:* Package Services forwarded locally (no charge); Package Services forwarded outside the local area at the single-piece price for the class of mail. Parcel Select forwarded as postage due to addressee at the Parcel Select barcoded nonpresort price plus the additional service fee for Parcel Select. In both cases, separate notice of new address is provided (address correction fee charged). If addressee refuses to pay postage due, piece is returned with reason for nondelivery attached and postage charged as follows:

a. Parcel Select: At the Parcel Select barcoded nonpresort price plus the additional service fee.

b. Package Services: At the single-piece price for the class of mail.

• *Months 13 through 18:* Piece returned with new address attached (postage charged as noted in items a and b under "Months 1 through 12").

• *After month 18:* Piece returned with reason for nondelivery attached (postage charged as noted in items a and b under "Months 1 through 12").

"Forwarding Service Requested" [2]

If no change-of-address order on file:

Piece returned with reason for nondelivery attached; return postage charged as follows:

a. Parcel Select: At the Parcel Select barcoded nonpresort price plus the additional service fee.

b. Package Services: At the appropriate single-piece price for the specific class of mail.

If change of-address order on file:

• *Months 1 through 12:* Package Services forwarded locally (no charge); Package Services forwarded outside the local area at the single-piece price for the class of mail. Parcel Select forwarded as postage due to addressee at the Parcel Select Barcoded Nonpresorted price plus the additional service fee for Parcel Select. If addressee refuses to pay postage due, piece returned with reason for nondelivery attached; postage charged as follows:

a. Parcel Select: At the Parcel Select barcoded nonpresort price plus the additional service fee.

b. Package Services: At the single-piece price for the class of mail.

• *Months 13 through 18:* Piece returned with new address attached (postage charged as noted in items a and b under "Months 1 through 12").

• *After month 18:* Piece returned with reason for nondelivery attached (postage charged as noted in items a and b under "Months 1 through 12").

"Return Service Requested"

In all cases:

Piece returned with new address or reason for nondelivery attached (return postage charged as follows):

a. Parcel Select: At the Parcel Select Barcoded Nonpresorted price plus the additional service fee.

b. Package Services: At the appropriate single-piece price for the specific class of mail.

* * * * *.

1.6 Attachments and Enclosures

* * * * *.

[Revise title and text of 1.6.3 as follows:]

1.6.3 Package Services and Parcel Select

Undeliverable, unendorsed mailpieces with a First-Class Mail attachment or enclosure are forwarded or returned as follows:

a. Parcel Select at the Parcel Select barcoded nonpresort price plus the additional service fee.

b. Package Services at the single-piece price for the specific class of mail.

c. For both types of host pieces, if the attachment or enclosure is a nonincidental First-Class Mail attachment or enclosure, the weight of the attachment or enclosure is not included when computing charges.

1.7 Mixed Classes

* * * * *

1.7.2 Other Combinations

[Revise text of 1.7.2 as follows:]

Pieces of Periodicals, Standard Mail, Package Services, or Parcel Select with other classes of mail attached or enclosed (other than incidental First-Class Mail attachments or enclosures) must be forwarded under standards for the host piece. Neither the enclosures nor the host piece are provided the forwarding service of First-Class Mail.

* * * * *.

1.9 Dead Mail

1.9.1 Basic Information

* * * Every reasonable effort is made to match articles found loose in the mail with the envelope or wrapper from which lost and to return or forward the articles.

* * * * *.

[Revise text of 1.9.1e as follows:]

e. Except for unendorsed Standard Mail, all undeliverable Standard Mail, Package Services, Parcel Select, and insured First-Class Mail containing Standard Mail or Package Services enclosures that cannot be returned because of an incorrect, incomplete, illegible, or missing return address is opened and examined to identify the sender or addressee.

* * * * *.

2.0 Forwarding

* * * * *

2.2 Forwardable Mail

* * * * *

2.2.3 Discontinued Post Office

[Revise text of 2.2.3 as follows:]

All Express Mail, First-Class Mail, Periodicals, Package Services, and Parcel Select mail addressed to a discontinued Post Office may be forwarded without charge to a Post Office that the addressee designates as more convenient than the office to which the USPS ordered the mail sent.

2.2.4 Rural Delivery

[Revise text of 2.2.4 as follows:]

When rural delivery service is established or changed, a customer of an office receiving mail from the original delivery office may file a written request with the postmaster at the original office to have all Express Mail, First-Class Mail, Periodicals, Package Services, and Parcel Select mail forwarded to the new delivery office without added charge.

* * * * *

2.2.6 Mail for Military Personnel

[Revise the first sentence of 2.2.6 as follows:]

All Express Mail, First-Class Mail, Periodicals, Package Services, and Parcel Select mail addressed to persons in the U.S. Armed Forces (including civilian employees) serving where U.S. mail service operates is forwarded at no added charge when the change of address is caused by official orders. * * *

* * * * *

2.3 Postage for Forwarding

* * * * *

2.3.6 Package Services and Parcel Select

[Revise text of 2.3.6 as follows:]

Package Services and Parcel Select pieces are subject to the collection of additional postage at the applicable price for forwarding; Parcel Select at the Parcel Select barcoded nonpresort price plus the additional service fee and Package Services at the single-piece price for the specific class of mail. Unless endorsed "Change Service Requested," all Package Services pieces are delivered without additional postage charge when the old and new addresses are served by the same Post Office. Shipper Paid Forwarding, used with

Address Change Service (4.0), provides mailers who ship Package Services and Parcel Select parcels an option of paying forwarding postage instead of the addressee paying postage due charges. The addressee may refuse any specific piece of Package Services or Parcel Select that has been forwarded.

* * * * *

We will publish an appropriate amendment to 39 CFR part 111 to reflect these changes.

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 2011–7405 Filed 3–30–11; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

39 CFR Part 111

Market Dominant Negotiated Service Agreement (NSA) for First-Class Mail and Standard Mail

AGENCY: Postal Service™.

ACTION: Final rule.

SUMMARY: The Postal Service will revise the *Mailing Standards of the United States Postal Service,* Domestic Mail Manual (DMM®) 709.1, to establish a new Negotiated Service Agreement (NSA) Market Dominant product for First-Class Mail® and Standard Mail® combined letter revenues.

DATES: Effective June 6, 2011.

FOR FURTHER INFORMATION CONTACT: Gregory Dawson at 202–268–7446, Steve Monteith at 202–268–6983, or Yvonne Gifford at 202–268–8082.

SUPPLEMENTARY INFORMATION: This new NSA for First-Class Mail and Standard Mail is based on the combined total revenue of First-Class Mail automation letters, Standard Mail automation letters, and Standard Mail carrier route barcoded automation-compatible letters.

Background

The 3-year agreement is designed to maintain and grow the total contribution the Postal Service receives from First-Class Mail and Standard Mail and to provide an incentive for net contribution growth beyond that. The agreement has five main components: A revenue threshold using a participant-specific baseline, a revenue threshold adjustment, a postage commitment, a rebate on First-Class Mail, and a rebate on Standard Mail.

Revenue Threshold

The revenue threshold is based on the amount of total postage paid for First-Class Mail automation letters, Standard Mail automation letters, and Standard Mail carrier route barcoded automation-compatible letters. The baseline for the revenue threshold is the total postage for these categories over the previous one-year period. The threshold is calculated at a negotiated percentage above the baseline for each year during the duration of the agreement.

Revenue Threshold Adjustment

The revenue threshold will be adjusted upward by a negotiated amount for every dollar decline in First-Class Mail postage. To qualify for rebates under this adjustment, a determined revenue amount of Standard Mail must be mailed to offset each dollar decline in postage from First-Class Mail.

Postage Commitment

The agreement contains a postage commitment, equal to the adjusted revenue threshold or any subsequent yearly adjusted threshold. If the amount of total postage from eligible mail in the first year of the contract is less than the adjusted threshold, a penalty is assessed for the difference between the adjusted revenue threshold and the actual total postage paid for contract year one. Subsequent year penalties for failing to meet the adjusted revenue threshold are negotiated by the parties prior to the end of the current contract year.

Rebates

If the mailer holding the agreement meets or exceeds the adjusted postage thresholds in any given year of the contract, the mailer will earn a rebate on the qualifying First-Class Mail and Standard Mail postage. For First-Class Mail, the rebate will be equal to a negotiated percent of the increase in postage as a result of a subsequent cumulative price increase (relative to First-Class Mail prices in existence at the initiation of the agreement) for all qualifying pieces. For Standard Mail, the rebate will be equal to a negotiated percent of the increase in postage as a result of a subsequent cumulative price increase (relative to Standard Mail prices in existence at the initiation of the agreement) for all qualifying pieces.

The NSA expires three years from the effective date. Either party can terminate the agreement, without penalty, for convenience, in the first nine months of any contract year provided the terminating party gives 90 days written notice prior to the planned termination date to the other party.

In accordance with the Postal Accountability and Enhancement Act, on January 14, 2011, the Postal Service filed a Notice with the Postal Regulatory Commission (PRC) regarding the Market Dominant Negotiated Service Agreement (NSA) for First-Class Mail and Standard Mail and it was approved on March 15, 2011.

The Postal Service adopts the following changes to *Mailing Standards of the United States Postal Service,* Domestic Mail Manual (DMM), incorporated by reference in the *Code of Federal Regulations. See* 39 CFR 111.1.

List of Subjects in 39 CFR Part 111

Administrative practice and procedure, Postal Service.

Accordingly, 39 CFR Part 111 is amended as follows:

PART 111—[AMENDED]

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

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

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

Mailing Standards of the United States Postal Service, Domestic Mail Manual (DMM)

* * * * *

700 Special Standards

* * * * *

[Rename the title of section 709 as follows:]

709 Negotiated Service Agreements and Experimental and Temporary Classifications

* * * * *

[Add new 1.4 as follows:]

1.4 Market Dominant First-Class Mail and Standard Mail Letters NSAs

1.4.1 Definition and Purpose

The First-Class Mail and Standard Mail NSA is based on the combined total revenue of First-Class Mail automation letters, Standard Mail automation letters, and Standard Mail carrier route automation letters, and provides an incentive to encourage the growth of First-Class Mail. A baseline is determined from the revenue generated from First-Class Mail automation letters, Standard Mail automation letters, and Standard Mail carrier route barcoded automation-compatible letters that are mailed as and eligible for full-service Intelligent Mail prices (705.23) during a prior specified 12-month period of time. It includes a postage threshold that is

adjusted from the baseline to qualify for a rebate. If the adjusted revenue threshold is met, a rebate is generated on a percentage of the difference of an increase in postage as a result of a subsequent cumulative First-Class Mail and Standard Mail price increase related to the prices in existence at the time of the agreement. If the adjusted revenue threshold is not met, the NSA holder will pay a penalty.

1.4.2 Candidate Factors and Requirements

Potential participants must be IMb full-service customers with substantial, but declining First-Class Mail volumes and significant volumes of Standard Mail. Candidates must also meet the standards in 1.1 through 1.3 to qualify. The basic agreement comprises five components:

a. Revenue threshold: Is based on the amount of total combined postage paid for First-Class Mail automation letters, Standard Mail automation letters, and Standard Mail carrier route barcoded automation-compatible letters. The baseline for the revenue threshold is the total postage for these categories over the previous one-year period. The threshold is calculated at a negotiated percentage above the baseline for each year during the duration of the agreement.

b. Revenue threshold adjustment: Will be adjusted upward by a negotiated amount for every dollar decline in First-Class Mail postage. To qualify for rebates under this adjustment, a pre-determined revenue amount of Standard Mail must be mailed to offset each dollar decline in postage from First-Class Mail.

c. Postage commitment with penalty: The postage commitment is an amount equal to the adjusted revenue threshold. If the amount of total postage from eligible mail in the first year of the contract is less than the adjusted revenue threshold, a negotiated percentage penalty in the amount of the difference between the adjusted revenue threshold and the actual total postage paid for contract year one must be paid. Subsequent year penalties for failing to meet the adjusted revenue threshold are negotiated by the parties prior to the end of the current contract year.

d. Rebate on First-Class Mail: If the mailer holding the agreement exceeds the adjusted revenue thresholds in any given year of the contract, it will earn rebates on its qualifying First-Class Mail postage. The rebate will be equal to a negotiated percent of the increase in postage as a result of a subsequent cumulative price increase (relative to First-Class Mail prices in existence at the initiation of the agreement) for all qualifying pieces.

e. Rebate on Standard Mail: If the mailer holding the agreement exceeds the adjusted revenue thresholds in any given year of the contract, it will earn rebates on its qualifying Standard Mail postage. The rebate will be equal to a negotiated percent of the increase in postage as a result of a subsequent cumulative price increase (relative to Standard Mail prices in existence at the initiation of the agreement) for all qualifying pieces.

1.4.3 General Requirements

Any proposed First-Class Mail and Standard Mail NSA under this classification must also contain, at a minimum, the following general candidate requirements and conditions:

a. The NSA expires three years from the effective date. Either party can terminate the agreement, without penalty, for convenience, in the first nine months of any contract year provided the terminating party gives 90 days written notice prior to the planned termination date to the other party.

b. The NSA will contain a merger and acquisition clause, which adjusts the threshold to account for increased mailing activity (or decreased, in the case of a sale or closure).

1.4.4 Initial Proposal

The proposal must explain how the candidate meets the requirements in 1.4.2 and also must meet the following conditions:

a. The candidate must submit a written proposal that includes appropriate supporting documentation to the USPS Manager of Correspondence & Transactions (*see* 608.8.0 for address).

b. The proposal must be initiated by the mailer and include a summary of the information responding to the applicable candidate features and general requirements described in 1.4.3.

c. A nondisclosure agreement must be signed before any substantive discussion of the proposal begins.

* * * * *

We will publish an appropriate amendment to 39 CFR Part 111 to reflect these changes.

Neva R. Watson,

Attorney, Legislative.

[FR Doc. 2011–7403 Filed 3–30–11; 8:45 am]

BILLING CODE 7710–12–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 100201058–0260–02]

RIN 0648–XA333

Fisheries of the Northeastern United States; Spiny Dogfish Fishery; Annual Quota Harvested

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

ACTION: Temporary rule; closure of spiny dogfish fishery.

SUMMARY: NMFS announces that the spiny dogfish commercial quota available to the coastal states from Maine through Florida for the 2010 fishing year (FY), May 1, 2010–April 30, 2011, has been harvested. Therefore, effective 0001 hours, April 1, 2011, federally permitted spiny dogfish vessels may not fish for, possess, transfer, or land spiny dogfish until May 1, 2011, when the quota for FY 2011 becomes available. Regulations governing the spiny dogfish fishery require publication of this notification to advise the coastal states from Maine through Florida that the quota has been harvested and to advise vessel permit holders and dealer permit holders that no Federal commercial quota is available for landing spiny dogfish in these states. This action is necessary to prevent the fishery from exceeding its annual quota and to allow for effective management of this stock.

DATES: The spiny dogfish fishery is closed effective 0001 hr local time, April 1, 2011, through 2400 hr local time April 30, 2011. Effective April 1, 2011, federally permitted dealers are also advised that they may not purchase spiny dogfish from federally permitted spiny dogfish vessels.

FOR FURTHER INFORMATION CONTACT: Lindsey Feldman at (978) 675–2179, or *Lindsey.Feldman@noaa.gov.*

SUPPLEMENTARY INFORMATION: Regulations governing the spiny dogfish fishery are found at 50 CFR part 648. The regulations require annual specification of a commercial quota, which is allocated into two quota periods based upon percentages specified in the fishery management plan. The fishery is managed from Maine through Florida, as described in § 648.230.

The total commercial quota for spiny dogfish for FY 2010 is 15 million lb

(6,803.89 mt) (75 FR 36012, June 24, 2010). The commercial quota is allocated into two periods (May 1 through October 31, and November 1 through April 30). Vessel possession limits were set at 3,000 lb (1.36 mt) for both Quota Periods 1 and 2. Quota Period 1 was allocated 8,685,000 lb (3,943.45 mt), and Quota Period 2 was allocated 6,315,000 lb (2,864.44 mt) of the commercial quota. The total quota cannot be exceeded, so landings in excess of the amount allocated to Period 1 have the effect of reducing the quota available to the fishery during Period 2.

The Administrator, Northeast Region, NMFS (Regional Administrator) monitors the commercial spiny dogfish quota for each quota period and, based upon dealer reports, state data, and other available information, determines when the total commercial quota will be harvested. NMFS is required to publish a notification in the **Federal Register** advising and notifying commercial vessels and dealer permit holders that, effective upon a specific date, the Federal spiny dogfish commercial quota has been harvested and no Federal commercial quota is available for landing spiny dogfish for the remainder of that quota period.

Section 648.4(b) provides that Federal spiny dogfish permit holders agree, as a condition of their permit, not to land spiny dogfish in any state after NMFS has published notification in the **Federal Register** that the commercial quota has been harvested and that no commercial quota for the spiny dogfish fishery is available. Therefore, effective 0001 hr local time, April 1, 2011, landings of spiny dogfish in coastal states from Maine through Florida by vessels holding commercial Federal fisheries permits will be prohibited through April 30, 2011, 2400 hr local time. The FY 2011 quota will be available for commercial spiny dogfish harvest on May 1, 2011. Effective April 1, 2011, federally permitted dealers are also advised that they may not purchase spiny dogfish from vessels issued Federal spiny dogfish permits that land in coastal states from Maine through Florida.

Classification

This action is required by 50 CFR part 648 and is exempt from review under Executive Order 12866.

The Assistant Administrator for Fisheries, NOAA (AA), finds good cause pursuant to 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment because it would be contrary to the public interest. The regulations at § 648.231 require such action to ensure that spiny dogfish vessels do not exceed the FY 2010 quota. Data indicating the spiny dogfish fleet will have landed the FY 2010 quota have only recently become available. If implementation of this closure was delayed to solicit prior public comment, the FY 2010 quota would be exceeded, thereby undermining the conservation objectives of the FMP. The AA further finds, pursuant to 5 U.S.C. 553(d)(3), good cause to waive the 30-day delayed effectiveness period for the reasons stated above.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: March 28, 2011.

Emily H. Menashes,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2011–7616 Filed 3–28–11; 4:15 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 101228634–1149–02]

RIN 0648–BA26

Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; 2011 Atlantic Bluefish Specifications; Regulatory Amendment

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

ACTION: Final rule; final specifications for the 2011 Atlantic bluefish fishery.

SUMMARY: NMFS issues final specifications for the 2011 Atlantic bluefish fishery, including total allowable landings (TAL), a commercial quota and recreational harvest limit (RHL), and a recreational possession limit. The intent of this action is to establish the allowable 2011 harvest levels and other management measures to achieve the target fishing mortality rate (F), consistent with the Atlantic Bluefish Fishery Management Plan (FMP). The final rule also amends the bluefish regulations that specify the process for setting the annual TAL and target F to more clearly reflect the intent of the FMP.

DATES: This rule is effective May 2, 2011. The final specifications for the 2011 Atlantic bluefish fishery are effective May 2, 2011, through December 31, 2011.

ADDRESSES: Copies of the specifications document, including the Environmental Assessment and Initial Regulatory Flexibility Analysis (EA/IRFA) and other supporting documents for the specifications, are available from Dr. Christopher M. Moore, Executive Director, Mid-Atlantic Fishery Management Council, Suite 201, 800 N. State Street, Dover, DE 19901. The specifications document is also accessible via the Internet at: *http://www.nero.noaa.gov.*

FOR FURTHER INFORMATION CONTACT: Jason Berthiaume, Fishery Management Specialist, (978) 281–9177.

SUPPLEMENTARY INFORMATION:

Background

The Atlantic bluefish fishery is managed cooperatively by the Mid-Atlantic Fishery Management Council (Council) and the Atlantic States Marine Fisheries Commission (Commission). The management unit for bluefish specified in the FMP is U.S. waters of the western Atlantic Ocean. Regulations implementing the FMP appear at 50 CFR part 648, subparts A and J. The regulations requiring annual specifications are found at § 648.16.

The FMP requires the Council to recommend, on an annual basis, a total allowable catch (TAC) and a TAL that will control fishing mortality. An estimate of annual discards is deducted from the TAC to calculate the TAL that can be made during the year by the commercial and recreational fishing sectors combined. The FMP requires that 17 percent of the TAL be allocated to the commercial fishery, as a quota (further allocated to the States from Maine to Florida in specified shares), with the remaining 83 percent of the TAL allocated as an RHL. The Council may also recommend a research set-aside (RSA) quota, which is deducted from the bluefish TAL (after any applicable transfer) in an amount proportional to the percentage of the overall TAL as allocated to the commercial and recreational sectors.

Pursuant to § 648.162, the annual review process for bluefish requires that the Council's Bluefish Monitoring Committee (Monitoring Committee) and Scientific and Statistical Committee (SSC) review and make recommendations based on the best available data, including, but not limited to, commercial and recreational catch/landing statistics, current estimates of fishing mortality, stock abundance, discards for the recreational fishery, and juvenile recruitment. Based on the recommendations of the Monitoring Committee and SSC, the Council makes a recommendation to the NMFS Northeast Regional

Administrator. Because this FMP is a joint plan, the Commission also meets during the annual specification process to adopt complementary measures.

The Council's recommendations must include supporting documentation concerning the environmental, economic, and social impacts of the recommendations. NMFS is responsible for reviewing these recommendations to assure they achieve the FMP objectives, and may modify them if they do not. NMFS then publishes proposed specifications in the **Federal Register**, and after considering public comment, NMFS will publish final specifications in the **Federal Register**. The proposed specifications were published in the **Federal Register** on January 14, 2011 (76 FR 2640), with a 15-day comment period which ended on January 31, 2011.

Final Specifications

Updated Model Estimates

According to Amendment 1 to the FMP (Amendment 1), overfishing for bluefish occurs when F exceeds the fishing mortality rate that allows maximum sustainable yield (F_{MSY}), or the maximum F threshold to be achieved. The stock is considered overfished if the biomass (B) falls below the minimum biomass threshold, which is defined as ½ B_{MSY}. Amendment 1 also established that the long-term target F is 90 percent of F_{MSY} (F_{MSY} = 0.19, therefore F_{target} = 90 percent of F_{MSY}, or 0.17), and the long-term target B is B_{MSY} = 324 million lb (146,964 mt).

An age-structured assessment program (ASAP) model for bluefish was approved by the 41st Stock Assessment Review Committee (SARC 41) in 2005 to estimate F and annual biomass. In June 2010, the ASAP model was updated in order to estimate the current status of the bluefish stock (*i.e.,* 2009 biomass and F estimates) and enable the Monitoring Committee and SSC to recommend 2011 specifications using landings information and survey indices through the 2009 fishing year. The results of the assessment update were as follows: (1) An estimated stock biomass for 2009, B_{2009} = 343.901 million lb (155,991 mt); and (2) an estimated fishing mortality rate for 2009, F_{2009} = 0.10. Based on the updated 2009 estimate of bluefish stock biomass, the bluefish stock is not considered overfished: B_{2009} is greater than the minimum biomass threshold, ½ B_{MSY} = 162 million lb (73,526 mt), and is above B_{MSY}. Biomass has been above the target since 2007, and the stock was declared rebuilt in October 2009, satisfying the rebuilding program requirement to achieve rebuilding by 2010 that was established in Amendment 1. Estimates of F have declined from 0.41 in 1991 to 0.10 in 2009. The updated model results also conclude that the Atlantic bluefish stock is not experiencing overfishing; *i.e.,* the most recent F (F_{2009} = 0.10) is less than the maximum F overfishing threshold specified by SARC 41 (F_{MSY} = 0.19).

2011 TAL

The Council's SSC met in July 2010 to review updated stock status and other fishery independent and dependent data to recommend an acceptable biological catch (ABC) for the 2011 bluefish fishing year. Based on the updated bluefish assessment, the SSC recommended an ABC of 31.744 million lb (14,399 mt), which corresponds to an F of 0.15. Following the SSC meeting, the Monitoring Committee met to review the SSC's ABC determination and recommend bluefish management measures for 2011. The MC recommended an F_{target} of 0.15 and a corresponding TAC of 31.744 million lb (14,399 mt). After subtracting an estimate of discards of 4.451 million lb (2,019 mt) (the average annual discard level from 2007–2009) from the TAC, the Monitoring Committee recommended a 2011 TAL of 27.293 million lb (12,380 mt). At its August 2010 meeting, the Council concurred with the recommendation of the Monitoring Committee for a TAC of 31.744 million lb (14,299 mt) and a TAL of 27.293 million lb (12,380 mt). The proposed TAL is a 7-percent decrease from the 2010 TAL of 29.264 million lb (13,274 mt) due to a slight decrease in the 2009 estimate of bluefish stock biomass. The discussion below describes the recommended allocation of TAL between the commercial and recreational sectors, and the proportional adjustments to account for the recommended bluefish RSA quota.

Final Commercial Quota and RHL

Based strictly on the percentages specified in the FMP (17 percent commercial, 83 percent recreational), the commercial quota for 2011 would be 4.640 million lb (2,105 mt) and the RHL would be 22.653 million lb (10,275 mt) in 2011. However, the FMP stipulates that, in any year in which 17 percent of the TAL is less than 10.500 million lb (4,763 mt), and the recreational fishery is not projected to land its harvest limit for the upcoming year, the commercial quota may be increased up to 10.500 million lb (4,763 mt), provided that the combined projected recreational landings and commercial quota would not exceed the TAL. The RHL would then be adjusted downward so that the TAL would be unchanged.

The Council postponed projections of estimated recreational harvest for 2011 until Marine Recreational Fisheries Statistics Survey (MRFSS) harvest data through Wave 5 of 2010 became available (six "Waves" of data are released each year by MRFSS). In the meantime, the 3-year average of annual recreational harvest from 2007 through 2009 (17.882 million lb (8,111 mt)) was applied as the estimated recreational harvest for 2011. As such, it was expected that a transfer of up to 4.772 million lb (2,164 mt) from the recreational sector to the commercial sector could be approved. This option represents the preferred alternative recommended by the Council in its specifications document.

Northeast Regional Office staff recently updated the recreational harvest projection using 2010 MRFSS data through Wave 6. The inclusion of Wave 6 data did not result in any quota overages for the fishing year and would, therefore, not impact the final quotas. Using the best available data, the 2011 recreational harvest was estimated to be 16.581 million lb (7,456 mt), or approximately 61 percent of the TAL. Consistent with the Council's recommendation, this allows for a transfer of 4.772 million lb (2,164 mt) from the recreational sector to the commercial sector. This results in an adjusted commercial quota of 9.411 million lb (4,269 mt) and an RHL of 17.882 million lb (8,111 mt).

RSA

Two research projects that would utilize bluefish RSA quota have been preliminarily approved and forwarded to NOAA's Grants Management Division. A 105,000-lb (48-mt) RSA quota is preliminarily approved for use by these projects during 2011. Proportional adjustments of this amount to the commercial and recreational allocations results in a final commercial quota of 9.375 million lb (4,253 mt) and a final RHL of 17.813 million lb (8,080 mt).

Final Recreational Possession Limit

The current recreational possession limit of up to 15 fish per person is maintained to achieve the RHL.

Final State Commercial Allocations

The final State commercial allocations of the 2011 commercial quota are shown in Table 1, based on the percentages specified in the FMP.

TABLE 1—FINAL BLUEFISH COMMERCIAL STATE-BY-STATE ALLOCATIONS FOR 2011 (INCLUDING RSA DEDUCTIONS)

State	Percent share	2011 Council-final commercial quota (lb)	2011 Council-final commercial quota (kg)
ME	0.6685	62,673	28,428
NH	0.4145	38,860	17,627
MA	6.7167	629,704	285,629
RI	6.8081	638,273	289,516
CT	1.2663	118,718	53,850
NY	10.3851	973,624	441,629
NJ	14.8162	1,389,049	630,062
DE	1.8782	176,085	79,871
MD	3.0018	281,425	127,652
VA	11.8795	1,113,727	505,178
NC	32.0608	3,005,765	1,363,392
SC	0.0352	3,300	1,497
GA	0.0095	891	404
FL	10.0597	943,117	427,791
Total	100.0001	9,375,204	4,252,521

Final Regulatory Amendment

Amendment 1, implemented in 2000, established a rebuilding schedule to rebuild the bluefish stock biomass to its biomass target using a graduated step reduction in F over a 9-yr period. Amendment 1 specified a target F of 90 percent of F_{MSY}, to become effective after the rebuilding period. The regulations at § 648.160(a) state that the Council must set the TAL to "achieve the target fishing mortality rate (F) specified in the Fishery Management Plan for Atlantic Bluefish for the upcoming fishing year or the estimated F for the fishing year preceding the Council submission of the recommended specifications, whichever F is lower." These regulations reflect the annual specification process during the rebuilding period; however, the regulations do not reflect the intent of the FMP for specification of the TAL after the rebuilding period. The "whichever F is lower" provision was only intended to apply to annual specifications during the rebuilding period. Therefore, this rule eliminates the "whichever F is lower" provision to more clearly reflect the intent of the FMP.

Comments and Responses

The public comment period for the proposed rule ended on January 31, 2011. Four comments were received. A summary and response to the concerns raised by the commenters are included below.

Comment 1: A member of the charter/party Atlantic bluefish fishery in New Jersey was supportive of the quotas, but feels the recreational bag limit of 15 fish per person per day is too high. The commenter stated that the combined pressure of recreational and party/charter, as well as a commercial presence in the Atlantic bluefish fishery, has caused significant reductions in catch levels. The commenter suggested a recreational bag limit of 5 fish per person per day.

Response: From 2000–2009, the recreational fishery overharvested its RHL in only 2 years, 2006 and 2007, with recreational landings of 16.752 and 21.163 million lb, respectively, or about 7 percent higher than the combined recreational harvest limit implemented those years. With the majority of the years from 2000–2009 having recreational landings well under the RHL for those years, and minimal overages occurring in 2006 and 2007, a reduction to the recreational bag limit from 15 fish per day to 5 fish would not allow the recreational fishery to achieve the RHL. The 15 fish per day limit is consistent with the conservation objectives in the Atlantic Bluefish FMP while allowing the recreational sector to achieve optimum yield.

Comment 2: Two comments suggested that the quotas were too high to be sustainable, and criticized the Council in general, but offered no scientific basis for this suggestion.

Response: Atlantic bluefish are not overfished, nor are they subject to overfishing; therefore, there is no scientific basis for reducing the quotas as suggested by these commenters.

Comment 3: One comment was in support of the quotas, but raised concerns regarding the IRFA. Specifically, the comment states that the IRFA should have used data through 2010 for all alternatives, rather than just for alternative 3. The comment also suggested that NMFS should conduct the analyses beyond Atlantic bluefish to include a comprehensive analysis of an entire suite of permits. The commenter stated that this could be performed by looking at the closure status of additionally permitted fisheries other than bluefish to quantify the fisheries a permit holder is able to participate in.

Response: Alternative 3 is the no action alternative and does not utilize 2010 data. If alternative 3 were to be the selected alternative, the 2011 specifications would remain the same as the 2010 Atlantic bluefish specifications. The no action alternative is considered to be synonymous with "status quo" management measures for 2010 since the alternative interpretation (failure to specify management measures) would be in violation of the Magnuson-Stevens Fishery Conservation and Management Act. Therefore, alternative 3 would not necessitate additional analysis and would maintain the 2010 quotas which rely upon the analysis used for setting the 2010 specifications. The analysis performed for alternatives 1 and 2 utilizes 2009 data and not the entire data set for 2010. At the time the data were presented to the Monitoring Committee and the Council, data were only available from the recreational fishery from Waves 1 and 2 of 2010. Historically, landings for Waves 1 and 2 comprise less than 5 percent, on average, of the total recreational landings since 2000. Therefore, it was suggested that this type of projection be postponed until more complete data are available. In the meantime, average recreational landings for 2007–2009 were used. After the proposed rule published on January 14, 2011, landings data through December 31, 2010, were utilized to determine if any quota overages occurred in 2010 and make any quota adjustments as necessary.

Section 603 of the Regulatory Flexibility Act requires that an IRFA be prepared for all proposed rules,

describing the impacts of the proposed rule on small entities. The IRFA prepared for this rule analyzed the 2011 Atlantic bluefish specifications, including the considered alternatives and the expected impacts by the Council. Each of the statutory requirements of section 603(b) and (c) have been addressed and are summarized in the Classification section of this final rule. The portion of this comment regarding regulatory closures in fisheries outside of Atlantic bluefish is beyond the scope of an IRFA and this rulemaking.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), the NMFS Assistant Administrator has determined that this final rule is consistent with the Atlantic Bluefish FMP, other provisions of the Magnuson-Stevens Act, and other applicable law.

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

This final rule does not duplicate, conflict, or overlap with any existing Federal rules.

The FRFA included in this final rule was prepared pursuant to 5 U.S.C. section 604(a), and incorporates the IRFA and a summary of analyses completed to support the action. No significant issues were raised by the public comment in response to the IRFA, other than the comment noted above. A public copy of the EA/RIR/IRFA is available from the Council (*see* **ADDRESSES**).

The preamble to the proposed rule included a detailed summary of the analyses contained in the IRFA, and that discussion is not repeated here.

Final Regulatory Flexibility Analysis

Statement of Objective and Need

A description of the reasons why this action is being taken, and the objectives of and legal basis for this final rule are contained in the preambles to the proposed rule and this final rule and are not repeated here.

Summary of Significant Issues Raised in Public Comments

Four comments were submitted on the proposed rule. One comment was received that commented on the economic analyses summarized in the IRFA and the economic impacts of the rule more generally, but did not raise significant issues. The response to this comment is provided above in the "Comments and Responses" section of this preamble. The remaining 3 comments did not refer to the economic analysis summarized in the IRFA or the economic impacts of the rule more generally. No changes were made to the final rule as a result of the comments received.

Description and Estimate of Number of Small Entities to Which the Rule Will Apply

Small businesses operating in commercial and recreational (*i.e.,* party and charter vessel operations) fisheries have been defined by the Small Business Administration as firms with gross revenues of up to $4.0 and $6.5 million, respectively. The categories of small entities likely to be affected by this action include commercial and charter/party vessel owners holding an active Federal permit for Atlantic bluefish, as well as owners of vessels that fish for Atlantic bluefish in State waters. All Federally permitted vessels fall into the definition of small businesses; thus, there would be no disproportionate impacts between large and small entities as a result of the final rule.

An active participant in the commercial sector was defined as any vessel that reported having landed 1 or more lb (0.45 kg) in the Atlantic bluefish fishery in 2009 (the last year for which there are complete data). The active participants in the commercial sector were defined using two sets of data. The Northeast dealer reports were used to identify 688 vessels that landed bluefish in States from Maine through North Carolina in 2009. However, the Northeast dealer database does not provide information about fishery participation in South Carolina, Georgia, or Florida. South Atlantic Trip Ticket reports were used to identify 908 vessels that landed bluefish in North Carolina, and 685 vessels that landed bluefish on Florida's east coast. Some of these vessels were also identified in the Northeast dealer data; therefore, double counting is possible. Bluefish landings in South Carolina and Georgia were near zero in 2009, representing a negligible proportion of the total bluefish landings along the Atlantic Coast. Therefore, this analysis assumed that no vessel activity for these two States took place in 2009. In recent years, approximately 2,063 party/charter vessels may have been active in the bluefish fishery and/or have caught bluefish.

Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

No additional reporting, recordkeeping, or other compliance requirements are included in this final rule.

Description of the Steps Taken To Minimize Economic Impact on Small Entities

Specification of commercial quota, recreational harvest levels, and possession limits is constrained by the conservation objectives of the FMP, under the authority of the Magnuson-Stevens Act. The commercial quota contained in this final rule is 8 percent lower than the 2010 quota and 61 percent higher than actual 2010 bluefish landings. All affected States will receive reductions in their individual commercial quota allocation in comparison to their respective 2010 individual State allocations. However, the magnitude of the reduction varies depending on the State's respective percent share in the total commercial quota, as specified in the FMP.

The RHL contained in this final rule is approximately 4 percent lower than the RHL in 2010. The small reduction in RHL is a reflection of a declining trend in recreational bluefish harvest in recent years. Since the 2011 RHL is greater than the total estimated recreational bluefish harvest for 2010, it does not constrain recreational bluefish harvest below a level that the fishery is anticipated to achieve. The possession limit for bluefish will remain at 15 fish per person, so there should be no impact on demand for party/charter vessel fishing and, therefore, no impact on revenues earned by party/charter vessels. No negative economic impacts on the recreational fishery are anticipated.

The impacts on revenues associated with the proposed RSA quota were analyzed and are expected to be minimal. Assuming that the full RSA quota 105,000 lb (48 mt) is landed and sold to support the proposed research projects, then all of the participants in the fishery would benefit from the improved fisheries data yielded from each project.

Because both the RHL and the commercial quota being implemented in this final rule are slightly lower than the 2009 RHL and commercial quotas, and there will be no impacts from the RSA quota, the economic impacts are expected to be minimal.

Under alternative 2, which was not selected, a transfer of bluefish landings from the recreational to the commercial fishery would not occur. The absence of a quota transfer under this alternative would result in decreased commercial fishing opportunity compared to 2010, and is therefore associated with a higher probability of commercial revenue

losses compared to the specifications being implemented in this final rule.

The not chosen alternative 3 would be the least restrictive alternative (*i.e.,* least restrictive commercial quota), but was not recommended because it is the status quo. Additionally, the TAC for alternative 3 would have been above the recommended acceptable biological catch which could possibly result in quota overages.

Small Entity Compliance Guide

Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 states that, for each rule or group of related rules for which an agency is required to prepare a FRFA, the agency shall publish one or more guides to assist small entities in complying with the rule, and shall designate such publications as "small entity compliance guides." The agency shall explain the actions a small entity is required to take to comply with a rule or group of rules. As part of this rulemaking process, a small entity compliance guide will be sent to all holders of Federal permits issued for the Atlantic bluefish fishery.

In addition, copies of this final rule and guide (*i.e.,* permit holder letter) are available from NMFS (*see* **ADDRESSES**) and at the following Web site: *http://www.nero.noaa.gov.*

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Recordkeeping and reporting requirements.

Dated: March 28, 2011.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 648 is amended as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

■ 1. The authority citation for part 648 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

■ 2. In § 648.160, paragraph (a) is revised to read as follows:

§ 648.160 Catch quotas and other restrictions.

* * * * *

(a) *Annual review.* On or before August 15 of each year, the Bluefish Monitoring Committee will meet to determine the total allowable level of landings (TAL) and other restrictions necessary to achieve the appropriate target fishing mortality rate (F) specified in the Atlantic Bluefish FMP. In determining the TAL and other restrictions necessary to achieve the appropriate F, the Bluefish Monitoring Committee will review the following data, subject to availability: Commercial, recreational, and research catch data; current estimates of fishing mortality; stock status; recent estimates of recruitment; virtual population analysis results; levels of noncompliance by fishermen or individual States; impact of size/mesh regulations; discards; sea sampling data; impact of gear other than otter trawls and gill nets on the mortality of bluefish; and any other relevant information.

* * * * *

[FR Doc. 2011–7630 Filed 3–30–11; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 101126522–0640–02]

RIN 0648–XA337

Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 in the Gulf of Alaska

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for pollock in Statistical Area 610 in the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the B season allowance of the 2011 total allowable catch of pollock for Statistical Area 610 in the GOA.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), March 28, 2011, through 1200 hrs, A.l.t., May 31, 2011.

FOR FURTHER INFORMATION CONTACT: Josh Keaton, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The B season allowance of the 2011 total allowable catch (TAC) of pollock in Statistical Area 610 of the GOA is 4,787 metric tons (mt) as established by the final 2011 and 2012 harvest specifications for groundfish of the GOA (76 FR 11111, March 1, 2011).

In accordance with § 679.20(d)(1)(i), the Regional Administrator has determined that the B season allowance of the 2011 TAC of pollock in Statistical Area 610 of the GOA will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 4,687 mt, and is setting aside the remaining 100 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for pollock in Statistical Area 610 of the GOA.

After the effective date of this closure the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the closure of pollock in Statistical Area 610 of the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of March 25, 2011.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: March 28, 2011.

Emily H. Menashes,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2011–7614 Filed 3–28–11; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 76, No. 62
Thursday, March 31, 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.

POSTAL SERVICE

39 CFR Part 241

Post Office Organization and Administration: Establishment, Classification, and Discontinuance

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: This proposed rule would amend postal regulations to improve the administration of the Post Office closing and consolidation process. In addition, certain procedures employed for the discontinuance of Post Offices would be applied to the discontinuance of other types of retail facilities operated by Postal Service employees.

DATES: Comments must be received on or before May 2, 2011.

ADDRESSES: Written comments should be mailed or delivered to the Manager, Customer Service Standardization, ATTN: Retail Discontinuance, 475 L'Enfant Plaza SW., Room 6816, Washington, DC 20260–6816. Copies of all written comments will be available for inspection and photocopying between 9 a.m. and 4 p.m., Monday through Friday, in the Postal Service Library, at the above address. Arrangements should be made in advance for inspection by contacting (202) 268–2900.

FOR FURTHER INFORMATION CONTACT: Annette Raney, (202) 268–4307.

SUPPLEMENTARY INFORMATION: The Postal Reorganization Act of 1970 directs the Postal Service to establish and maintain postal facilities "of such character and in such locations that postal patrons throughout the nation will, consistent with reasonable economies of postal operations, have ready access to essential postal services." 39 U.S.C. 403(b)(3). The 1976 amendments to the Postal Reorganization Act (PRA), codified in former section 404(b) of title 39 of the U.S. Code, require that the Postal Service provide adequate notice to customers of its intention to close or consolidate a Post Office™. (The codified statute was re-designated as 39 U.S.C. 404(d) under the Postal Accountability and Enhancement Act of 2006 (PAEA), Public Law 109–435, section 1010(e), 120 Stat. 3261.) Notice must be given at least 60 days in advance to enable customers to present their views. Section 404(d) further requires that the Postal Service consider specific criteria in making determinations to close or consolidate a post office, including the effects on community and employees, the ability to provide a maximum degree of effective and regular postal services to the affected community, and economic savings. A determination to close or consolidate any Post Office may be appealed to the Postal Regulatory Commission (Commission) within 30 days after such determination is made available to customers. The Commission has up to 120 days to issue a decision if an appeal is filed. Even if no appeal is filed, the Postal Service is prevented from taking action to close or consolidate a post office until 60 days have elapsed since its final determination has been made available to customers.

As part of ongoing efforts to rationalize its retail network, the Postal Service has undertaken a review of its regulations in 39 CFR part 241 to determine how the administration of the closing process can be improved. The Postal Service has identified various amendments to section 241.3 that would further the Plan's objective of improving the closing process. In addition, the Postal Service has determined, as a matter of policy, to apply the same discontinuance procedures to all retail facilities operated by Postal Service employees. These proposed measures are described below.

I. Application of Post Office Discontinuance Procedures to Other Retail Facilities

Section 404(d) of title 39, U.S. Code, applies only to the "closing or consolidation" of "post offices." A Post Office is an organizational unit headed by a postmaster that provides retail and delivery services, and mail processing, to residents and businesses in the ZIP Code areas that comprise that office's exclusive delivery service area. In using the term "Post Office" in its technical sense for well over a century, Congress has recognized the need for postal officials to establish facilities, including Post Offices, stations, and branches, and also to discontinue them. The authority of Congress "to establish post offices," U.S. Const. art. I, section 8, cl. 7, has been consistently delegated to the Postmaster General since the establishment of the Nation's postal system. See the discussion in *Ware* v. *United States,* 71 U.S. 617, 630–633 (1866).

Numerous other postal statutes, not directly concerned with the establishment of postal facilities, have also illustrated the distinction between a station or branch and a Post Office. For example, former 39 U.S.C. 3524–3530, which set compensation levels for postmasters and other management employees, clearly show the administrative distinction between a Post Office, supervised by a postmaster, and its subordinate stations and branches, generally under the direction of an officer in charge. Similarly, in extending the protection of criminal statutes to postal facilities and operations, Congress was careful to apply those statutes not only to Post Offices, but to their subordinate service units. *See, e.g.,* 18 U.S.C. 1703, 1708, 1709, 1712, 1721.

Furthermore, Congress was well aware of the longstanding distinction between Post Offices and other types of postal facilities when it enacted 39 U.S.C. 404(d). In proposing the legislation which provided the foundation for current section 404(d), Senator Jennings Randolph expressed his opposition to the "indiscriminate closing of our rural and small town post offices" as well as to the decision "to create branches out of many post offices close to large cities." To curtail such actions, he offered legislation requiring the Postal Service to "substantiate any proposal to change or eliminate independent post offices." *See* 122 Cong. Rec. 6314 (March 11, 1976). In its analysis of the subsequently enacted "Randolph Amendment," the conference report on H.R. 8603 explicitly limited its application to Post Offices: "[T]he managers intend that this provision apply to post offices only and not to other postal facilities." H.R. Rep. No. 94–1444, 94th Cong., 2d Sess. 17 (1976). Thus, as a legal matter, former 39 U.S.C. 404(b) and its modern analogue, 39 U.S.C. 404(d), apply only to Post Offices. *See Wilson* v. *United States*

Postal Service, 441 F. Supp. 803, 806 (C.D. Cal. 1977); *Knapp* v. *United States Postal Service,* 449 F. Supp. 158, 161–62 (E.D. Mich. 1978).

As a matter of policy, the Postal Service recognizes that the functional differences among respective types of retail facilities staffed by postal employees may not be readily apparent to its retail customers. The Postal Service is mindful of comments that the Commission has provided to this effect in multiple contexts. Accordingly, many customers expect the same discontinuance procedures to apply for their local station as to the nearest independent Post Office. In the interest of transparency and responsiveness to customer needs, the Postal Service has concluded that it makes sense, as a policy matter, to propose the application of a single set of discontinuance procedures to postal employee-operated retail facilities. Although customers of contractor-operated retail facilities may also experience and expect comparable levels of service to those of postal employee-operated retail facilities, exigencies of contracting relationships make it generally impractical to harmonize their discontinuance procedures with the deliberative timeframe and procedures required for discontinuance of Postal Service-operated facilities.

The Postal Service recognizes that its proposed rule represents a policy change that significantly enhances transparency for its customers. The proposed rule does not, however, change the text or legislative history of 39 U.S.C. 404(d), which indicate Congress's intent that the statute should apply only to independent Post Offices and not to subordinate retail facilities. By proposing the application of uniform procedures to all Postal Service-operated retail facilities, the Postal Service would exceed the procedural requirements of its operating statute in the interests of public transparency and participation.

One consequence of this procedural harmonization is that the distinguishing factor would become the identity of the facility as operated by the Postal Service or a contractor, and not the administrative classification of affected facilities as Post Offices, stations, or branches. The conversion of an independent Post Office to a subordinate Postal Service-operated retail facility would no longer constitute a "consolidation" that triggers discontinuance proceedings, as it does today. The governing statute does not define "close" and "consolidate," nor does it offer any guidance as to the distinction between the two terms. Postal Service facilities generally offer the same retail services to customers regardless of the facilities' administrative designation. Moreover, by applying the same discontinuance procedures to all Postal Service-operated retail facilities, the proposed rule would erase the effect of administrative designations on applicable discontinuance procedures. Therefore, the Postal Service does not consider it reasonable to continue applying discontinuance procedures to facility re-designations that do not entail any practical effect for customers. These changes would also harmonize with changes regarding administrative oversight of particular offices.

The proposed rule would not be retroactive. Therefore, until such time as any proposed changes are issued in a final rule and take effect, the proposed change in policy is not effective and would not affect the procedures currently in use for discontinuance of Postal Service retail facilities.

II. Procedural Changes

After an extensive review, the Postal Service is in the process of revising and updating its discontinuance procedures. This process significantly improves the internal timeframes, level of coordination, and approvals; it will maintain compliance with the statute and enhances public notice and involvement. The internal procedures for discontinuance actions are detailed in Handbook PO–101, *Post Office Discontinuance Guide,* which is undergoing revision. Certain changes are also required to 39 CFR 241.3 to reflect the new processes. For example, retail facility discontinuances may be prompted not only by local evaluations, but also by nationwide directives from the responsible Headquarters office.

In addition, current regulations require at least a 90-day waiting period after posting of a final determination (if not appealed to the Commission) or after a Commission order upholding the final determination. The statute, however, only requires a 60-day period after posting of the final determination. Accordingly, the proposed rule would make the mandatory waiting period consistent with statutory requirements, although the Postal Service could, at its discretion, defer implementation.

Finally, the proposed rule would give explicit guidance to District Managers as to the circumstances that may justify commencement of a discontinuance study.

III. Analysis of Proposed Changes

Section 241.1(a) and (b) would be updated to state the establishment requirements and classification system for Post Offices in accordance with *Postal Operations Manual* (POM) 123.11. The change in the classification system does not entail any change in how respective retail facilities are rated by revenue units within accounting groups. Subsection 241.1(a) would also clarify that Post Offices may be managed by postmasters, as is commonly the case, or by other designated personnel. The designation of a retail facility as a Post Office, classified station, or classified branch would not depend on whether any responsible personnel is a postmaster.

In keeping with the policy change concerning the scope of discontinuance procedures, the proposed rule would replace all references to "post office" in 39 CFR 241.3 with "USPS-operated retail facility" (or a similar term). A new subparagraph (a)(1)(ii) would be added to define "USPS-operated retail facility" as any Post Office, station, or branch that is operated by Postal Service employees, rather than by contractor personnel. Subparagraph (a)(1)(ii) would also define "contractor-operated retail facility" as any community post office, station, branch, or other facility offering retail postal services that is operated by a contractor, rather than by Postal Service employees.

Paragraph (a)(1) would be renumbered as subparagraph (a)(1)(i), and the scope of 39 CFR 241.3 would be defined in that subparagraph as applying to the closure or combination of any Postal Service-operated retail facility or facilities, or the replacement of such a facility with a contractor-operated retail facility. Corresponding changes would be made to paragraph (c)(2) with respect to the scope of a "consolidation" for purposes of 39 CFR 241.3. Subparagraph (a)(1)(iii) would be added to clarify that the reclassification of a Post Office as a Postal Service-operated station or branch, or the replacement of the former with the latter, is not a closing or consolidation subject to 39 CFR 241.3. Subparagraph (a)(1)(iii) would also clarify that discontinuance actions subject to 39 CFR 241.3 do not include staffing changes in the management of a post office such that it is staffed by a postmaster part-time or not at all and by another type of USPS employee during the remaining office hours.

Because the discontinuance procedures in 39 CFR 241.3 would apply beyond the extent legally required by 39 U.S.C. 404(d), paragraph (a)(2) would be renamed simply

"Requirements," and the reference to 39 U.S.C. 404(d) as the statutory source of such requirements would be deleted.

Paragraph (a)(2), subparagraph (a)(3)(ii), and paragraph (c)(1) would be amended to allow for the possibility that discontinuance actions may result from initiatives or instructions by the responsible Vice President or from District Managers. Although many discontinuance actions will continue to be prompted by local personnel's assessment of prevailing conditions, this change would reflect the fact that discontinuance actions could also flow from nationwide requirements for retail facilities established by relevant Headquarters offices.

Subparagraph (a)(2)(iv) currently refers to the statutory right of persons served by an affected Post Office to appeal a discontinuance determination to the Commission. Although the Postal Service is proposing to extend the applicability of its post office discontinuance procedures to other types of Postal Service-operated retail facilities, the Postal Service does not have the power to alter the scope of the Commission's statutory jurisdiction. Therefore, the Postal Service proposes to add a sentence to subparagraph (a)(2)(iv) to clarify that, in cases where customers of an affected Postal Service-operated retail facility other than a post office file an appeal with the Commission, the Postal Service's Office of General Counsel will determine whether to raise jurisdictional defenses on a case-by-case basis, without waiving any objections as to the Commission's general lack of jurisdiction over such attempted appeals. In addition, subparagraph (a)(2)(iv) would be amended to incorporate the "mailbox rule" for receipt of appeals by the Commission, in accordance with 39 U.S.C. 404(d)(6).

A new paragraph (a)(4) would be added to clarify the circumstances that may prompt a District Manager, Vice President, or a designee of either to initiate a discontinuance study. Permissible factors include postmaster vacancies, emergency suspensions, workload changes, drops in customer demand, availability of reasonable alternate access to postal services, and other special circumstances. Absent one or more such permissible circumstances, a deciding official of either may not initiate a discontinuance study because restroom facilities or building modifications for the handicapped are required, for reasons of compliance with the Occupational Health and Safety Act of 1970 (29 U.S.C. 651 *et seq.*), or because the retail facility is a small Post Office operating at a deficit.

The scope of paragraph (b)(4) would be extended to the replacement of any Postal Service-operated retail facility with another type of Postal Service-operated or contractor-operated retail facility.

Paragraph (b)(5) would be deleted, because the Publication that lists discontinued Post Offices referenced in that paragraph is obsolete.

Subparagraph (c)(4)(vii) would be reorganized to more accurately indicate the contents of the proposal notice. Clause (c)(4)(vii)(B) and subparagraph (f)(2)(ii) would be amended to require notice of appeal rights only for proposed discontinuances of post offices, in accordance with the scope of the Commission's statutory jurisdiction, as described in the analysis of subparagraph (a)(2)(iv) above.

Paragraph (d)(2) and the sample form included therein would be deleted. This form will be available to customers in accordance with these regulations. Current paragraphs (d)(3) and (4) would be renumbered (d)(2) and (3), respectively.

Paragraph (d)(3) (re-designated as (d)(2)) would be amended to clarify that a community meeting should be held unless the responsible Vice President or Area Manager of Delivery Programs Support instructs otherwise.

Subparagraph (d)(4)(v) (re-designated as (d)(3)(v)) would advise that certain personally identifiable information may be redacted from publicly accessible copies of the discontinuance record, in the interest of protecting personal privacy.

Subsection (e)(2)(ii)(A) and (B) would be amended to reflect the fact that discontinuance records are typically transmitted electronically, as well as forwarded in paper form. Therefore, it is more appropriate for the District Manager to certify accuracy of the record being transmitted, rather than to attach a separate certification as to the accuracy of copies.

Subparagraph (g)(1)(i) would be amended to remove the District Manager's obligation to notify the responsible Vice President of the date of posting.

The timeframe for implementation in the event that a final determination is not appealed, set forth in paragraph (g)(2), would be amended such that implementation can occur anytime after the statutorily required 60-day waiting period that commences the first day after posting of the final determination. Similarly, when the Commission upholds the Postal Service's final determination under subparagraph (g)(4)(i), the proposed rule would allow implementation anytime after issuance of the Commission's Order, so long as the 60-day waiting period after posting of the final determination is also satisfied. The current rule for both instances, that a discontinuance be effective on the first Saturday 90 days after the Commission's order, is not required by statute. Although the Postal Service may continue to apply a longer time period in some cases, the proposed rule would allow the Postal Service to do otherwise within the statutory framework.

Clause (g)(3)(ii)(B) would be amended to clarify that the Commission's final order and opinion need only be displayed at the Postal Service-operated retail facility subject to discontinuance for 30 days or until the effective date of the discontinuance, whichever is earlier.

The proposed rule would also make several minor changes to update terms. References to the former "Postal Rate Commission" would be replaced with "Postal Regulatory Commission," in accordance with the renaming of that entity under Section 604 of the PAEA, Public Law 109–435, 120 Stat. 3241–3242. References to Administrative Support Manual (ASM) 352.6 would be updated to refer to chapter 4 of Handbook AS–353, *Guide to Privacy, the Freedom of Information Act, and Records Management,* to which the ASM's records request regulations have been transferred. References to former 39 U.S.C. 404(b) would be updated to 39 U.S.C. 404(d). Subparagraph (g)(3)(ii) would assign responsibility to the Postal Service's Office of the General Counsel, rather than specifically to the former section for Legal Policy and Ratemaking Law. Finally, the position titles of District Manager, Customer Service and Sales, and Vice President, Delivery and Retail, throughout the section would be updated to District Manager and responsible Vice President, respectively.

Although exempt from the notice and comment requirements of the Administrative Procedure Act (5 U.S.C. 553(b), (c)) regarding proposed rulemaking by 39 U.S.C. 410(a), the Postal Service invites comments on the following proposed amendments to the Code of Federal Regulations.

An appropriate amendment to 39 CFR part 241 to reflect these changes will be published if the proposal is adopted.

List of Subjects in 39 CFR Part 241

Organization and functions (government agencies), Postal Service.

For the reasons set out in this document, the Postal Service proposes to amend 39 CFR part 241 as follows:

PART 241—RETAIL ORGANIZATION AND ADMINISTRATION: ESTABLISHMENT, CLASSIFICATION, AND DISCONTINUANCE

1. The authority citation for 39 CFR part 241 is revised to read as follows:

Authority: 39 U.S.C. 101, 401, 404, 410.

2. Revise § 241.1 to read as follows:

§ 241.1 Post offices.

(a) *Establishment.* Post offices are established and maintained at locations deemed necessary to ensure that regular and effective postal services are available to all customers within specified geographic boundaries. A post office may be operated or managed by a postmaster or by another type of postal employee.

(b) *Classification.* As of October 1 of each year, Post Offices are categorized through a cost ascertainment grouping (CAG) process based on allowable postal revenue units for the second proceeding fiscal year as follows:

(1) *CAG A–G.* Post offices having 950 or more revenue units.

(2) *CAG H–J.* Post offices having 190 but less than 950 revenue units.

(3) *CAG K.* Post offices having 36 but less 190 revenue units.

(4) *CAG L.* Post offices having less than 36 revenue units.

3. Revise § 241.3 to read as follows:

§ 241.3 Discontinuance of USPS-operated retail facilities.

(a) *Introduction*—(1) *Coverage.* (i) This section establishes the rules governing the Postal Service's consideration of whether an existing retail Post Office, station, or branch should be discontinued. The rules cover any proposal to:

(A) Replace a USPS-operated post office, station, or branch with a contractor-operated retail facility;

(B) Combine a USPS-operated post office, station, or branch with another USPS-operated retail facility, or

(C) Discontinue a USPS-operated post office, station, or branch without providing a replacement facility.

(ii) As used in this section, "USPS-operated retail facility" includes any Postal Service employee-operated post office, station, or branch, but does not include any station, branch, community post office, or other retail facility operated by a contractor. "Contractor-operated retail facility" includes any station, branch, community post office, or other facility, including a private business, offering retail postal services that is operated by a contractor, and does not include any USPS-operated retail facility.

(iii) The conversion of a post office into, or the replacement of a post office with, another type of USPS-operated retail facility is not a discontinuance action subject to this section. A change in the management of a post office such that it is staffed only part-time by a postmaster, or not staffed at all by a postmaster, but rather by another type of USPS employee, is not a discontinuance action subject to this section.

(2) *Requirements.* A District Manager or the responsible Vice President may initiate a study of a USPS-operated facility for possible discontinuance. Any decision to close or consolidate a USPS-operated retail facility may be effected only upon the consideration of certain factors. These include the effect on the community served; the effect on employees of the USPS-operated retail facility; compliance with government policy established by law that the Postal Service must provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining; the economic savings to the Postal Service; and any other factors the Postal Service determines necessary. In addition, certain mandatory procedures apply as follows:

(i) The public must be given 60 days' notice of a proposed action to enable the persons served by a USPS-operated retail facility to evaluate the proposal and provide comments.

(ii) After public comments are received and taken into account, any final determination to close or consolidate a USPS-operated retail facility must be made in writing and must include findings covering all the required considerations.

(iii) The written determination must be made available to persons served by the USPS-operated retail facility at least 60 days before the discontinuance takes effect.

(iv) Within the first 30 days after the written determination is made available, any person regularly served by a Post Office subject to discontinuance may appeal the decision to the Postal Regulatory Commission. Where persons regularly served by another type of USPS-operated retail facility subject to discontinuance file an appeal with the Postal Regulatory Commission, the General Counsel reserves the right to assert defenses, including the Commission's lack of jurisdiction over such appeals. For purposes of determining whether an appeal is filed within the 30-day period, receipt by the Commission is based on the postmark of the appeal, if sent through the mail, or on other appropriate documentation or indicia, if sent through another lawful delivery method.

(v) The Commission may only affirm the Postal Service determination or return the matter for further consideration but may not modify the determination.

(vi) The Commission is required to make any determination subject to 39 U.S.C. 404(d)(5) no later than 120 days after receiving the appeal.

(vii) The following table summarizes the notice and appeal periods defined by statute.

BILLING CODE 7710–12–P

Public Notice of Proposal

60-day notice

Public Notice of Final Determination

30 days for filing any appeal

_____

Up to 120 days for appeal consideration and decision

Wait at least 60 days from first day after posting final determination before closing USPS-operated retail facility

BILLING CODE 7710–12–C

(3) *Additional requirements.* This section also includes:

(i) Rules to ensure that the community's identity as a postal address is preserved.

(ii) Rules for consideration of a proposed discontinuance and for its implementation, if approved. These rules are designed to ensure that the reasons leading to discontinuance of a particular USPS-operated retail facility are fully articulated and disclosed at a stage that enables customer participation to make a helpful contribution toward the final decision.

(4) *Circumstances prompting decision to study*—(i) *Permissible circumstances.* A District Manager, the responsible Vice President, or a designee of either may initiate a study of a USPS-operated retail facility's potential discontinuance based upon circumstances including, but not limited to, the following:

(A) A postmaster vacancy;

(B) Emergency suspension of the USPS-operated retail facility due to cancellation of a lease or rental agreement when no suitable alternate quarters are available in the community, a fire or other natural disaster, severe health or safety hazards, challenge to the sanctity of the mail, or similar reasons;

(C) Earned workload below the minimum established level for the lowest non-bargaining (EAS) employee grade;

(D) Insufficient customer demand, evidenced by declining or low volume, revenue, revenue units, local business activity, or local population trends;

(E) The availability of reasonable alternate access to postal services for the community served by the USPS-operated retail facility; or

(F) The incorporation of two communities into one or other special circumstances.

(ii) *Impermissible circumstances.* In the absence of any circumstances identified in paragraph (a)(4)(i) of this section, the following do not constitute circumstances that justify initiation of a discontinuance study:

(A) Any claim that the continued operation of a building without handicapped modifications is inconsistent with the Architectural Barriers Act (42 U.S.C. 4151 *et seq.*);

(B) The absence of running water or restroom facilities;

(C) Compliance with the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 *et seq.*); or

(D) The operation of a small Post Office at a deficit.

(b) *Preservation of community address*—(1) *Policy.* The Postal Service permits the use of a community's separate address to the extent practicable.

(2) *ZIP Code assignment.* The ZIP Code for each address formerly served from the discontinued USPS-operated retail facility should be kept, wherever practical. In some cases, the ZIP Code originally assigned to the discontinued USPS-operated retail facility may be changed if the responsible District Manager receives approval from his or her Vice President, Area Operations, before any proposal to discontinue the USPS-operated retail facility is posted.

(i) In a consolidation, the ZIP Code for the replacement contractor-operated retail facility is the ZIP Code originally assigned to the discontinued facility.

(ii) If the ZIP Code is changed and the parent or gaining USPS-operated retail facility covers several ZIP Codes, the ZIP Code must be that of the delivery area within which the facility is located.

(3) *USPS-operated retail facility's city name in address.* If all the delivery addresses using the city name of the USPS-operated retail facility being discontinued continue to use the same ZIP Code, customers may continue to use the discontinued facility's city name in their addresses, instead of that of the new delivering USPS-operated retail facility.

(4) *Name of facility established by consolidation.* If a USPS-operated retail facility is replaced by a contractor-operated facility, the replacement unit is usually given the same name of the facility that is replaced.

(c) *Initial proposal*—(1) *In general.* If a District Manager believes that the discontinuance of a USPS-operated retail facility within his or her responsibility may be warranted, or if the responsible Vice President believes that the discontinuance of any USPS-operated retail facility may be warranted, the District Manager:

(i) Must use the standards and procedures in § 241.3(c) and (d).

(ii) Must investigate the situation.

(iii) May propose the USPS-operated retail facility be discontinued.

(2) *Consolidation.* The proposed action may include a consolidation of USPS-operated retail facilities. A consolidation arises when a USPS-operated retail facility is replaced with a contractor-operated retail facility.

(3) *Views of postmasters.* Whether the discontinuance under consideration involves a consolidation or not, the District Manager must discuss the matter with the postmaster (or the officer in charge) of the USPS-operated retail facility considered for discontinuance, and with the postmaster of any other USPS-operated retail facility affected by the change. The District Manager should make sure that these officials submit written comments and suggestions as part of the record when the proposal is reviewed.

(4) *Preparation of written proposal.* The District Manager, or a designee, must gather and preserve for the record all documentation used to assess the proposed change. If the District Manager thinks the proposed action is warranted, he or she, or a designee, must prepare a document titled "Proposal to (Close) (Consolidate) the (Facility Name)." This document must describe, analyze, and justify in sufficient detail to Postal Service management and affected customers the proposed service change. The written proposal must address each of the following matters in separate sections:

(i) *Responsiveness to community postal needs.* It is the policy of the Government, as established by law, that the Postal Service will provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining. The proposal should:

(A) Contrast the services available before and after the proposed change;

(B) Describe how the changes respond to the postal needs of the affected customers; and

(C) Highlight particular aspects of customer service that might be less advantageous as well as more advantageous.

(ii) *Effect on community.* The proposal must include an analysis of the effect the proposed discontinuance might have on the community served, and discuss the application of the requirements in § 241.3(b).

(iii) *Effect on employees.* The written proposal must summarize the possible effects of the change on postmasters and other employees of the USPS-operated retail facility considered for discontinuance.

(iv) *Savings.* The proposal must include an analysis of the economic savings to the Postal Service from the proposed action, including the cost or savings expected from each major factor contributing to the overall estimate.

(v) *Other factors.* The proposal should include an analysis of other factors that the District Manager determines are necessary for a complete evaluation of the proposed change, whether favorable or unfavorable.

(vi) *Summary.* The proposal must include a summary that explains why the proposed action is necessary, and assesses how the factors supporting the proposed change outweigh any negative factors. In taking competing considerations into account, the need to provide regular and effective service is paramount.

(vii) *Notice.* The proposal must include the following notices:

(A) *Supporting materials.* "Copies of all materials on which this proposal is based are available for public inspection at (Facility Name) during normal office hours."

(B) *Nature of posting.* "This is a proposal. It is not a final determination to (close) (consolidate) this facility."

(C) *Posting of final determination.* "If a final determination is made to close or consolidate this facility, after public comments on this proposal are received and taken into account, a notice of that final determination will be posted in this facility."

(D) *Appeal rights.* "The final determination will contain instructions on how affected customers may appeal a decision to close or consolidate a post office to the Postal Regulatory Commission. Any such appeal must be received by the Commission within 30 days of the posting of the final determination." The notice in this clause is provided when the USPS-operated retail facility under study is a post office. For purposes of this clause, the date of receipt by the Commission is based on the postmark of the appeal, if sent through the mail, or on other appropriate documentation or indicia, if sent through another lawful delivery method.

(d) *Notice, public comment, and record*—(1) *Posting proposal and comment notice.* A copy of the written proposal and a signed invitation for comments must be posted prominently in the USPS-operated retail facility under study and in any other affected

USPS-operated retail facility. The invitation for comments must:

(i) Ask interested persons to provide written comments within 60 days, to a stated address, offering specific opinions and information, favorable or unfavorable, on the potential effect of the proposed change on postal services and the community.

(ii) State that copies of the proposal with attached optional comment forms are available in the affected USPS-operated retail facilities.

(iii) Provide a name and telephone number to call for information.

(2) *Other steps.* In addition to providing notice and inviting comment, the District Manager must take any other steps necessary to ensure that the persons served by affected USPS-operated retail facilities understand the nature and implications of the proposed action. A community meeting should be held unless otherwise instructed by the responsible Vice President or the Area Manager of Delivery Programs Support.

(i) If oral contacts develop views or information not previously documented, whether favorable or unfavorable to the proposal, the District Manager should encourage persons offering the views or information to provide written comments to preserve them for the record.

(ii) As a factor in making his or her decision, the District Manager may not rely on communications received from anyone unless submitted in writing for the record.

(3) *Record.* The District Manager must keep as part of the record for consideration and review all documentation gathered about the proposed change.

(i) The record must include all information that the District Manager considered, and the decision must stand on the record. No written information or views submitted by customers may be excluded.

(ii) The docket number assigned to the proposal must be the ZIP Code of the office proposed for closing or consolidation.

(iii) The record must include a chronological index in which each document contained is identified and numbered as filed.

(iv) As written communications are received in response to the public notice and invitation for comments, they are included in the record.

(v) A complete copy of the record must be available for public inspection during normal office hours at the USPS-operated retail facility proposed for discontinuance or at the USPS-operated retail facility providing alternative service, if the office to be discontinued was temporarily suspended, beginning no later than the date on which notice is posted and extending through the comment period. When appropriate, certain personally identifiable information, such as individual names or residential addresses, may be redacted from the publicly accessible copy of the record.

(vi) Copies of documents in the record (except the proposal and comment form) are provided on request and on payment of fees as noted in chapter 4 of Handbook AS–353, *Guide to Privacy, the Freedom of Information Act, and Records Management.*

(e) *Consideration of public comments and final local recommendation*—(1) *Analysis of comments.* The District Manager or a designee must prepare an analysis of the public comments received for consideration and inclusion in the record. If possible, comments subsequently received should also be included in the analysis. The analysis should list and briefly describe each point favorable to the proposal and each point unfavorable to the proposal. The analysis should identify to the extent possible how many comments support each point listed.

(2) *Re-evaluation of proposal.* After completing the analysis, the District Manager must review the proposal and re-evaluate all the tentative conclusions previously made in light of additional customer information and views in the record.

(i) *Discontinuance not warranted.* If the District Manager decides against the proposed discontinuance, he or she must post, in the USPS-operated retail facility considered for discontinuance, a notice stating that the proposed closing or consolidation is not warranted.

(ii) *Discontinuance warranted.* If the District Manager decides that the proposed discontinuance is justified, the appropriate sections of the proposal must be revised, taking into account the comments received from the public. After making necessary revisions, the District Manager must:

(A) Transmit the revised proposal and the entire record to the responsible Vice President.

(B) Certify that all documents in the record are originals or true and correct copies.

(f) *Postal Service decision.*—(1) *In general.* The responsible Vice President or a designee must review the proposal of the District Manager and decide on the merits of the proposal. This review and the decision must be based on and supported by the record developed by the District Manager. The responsible Vice President can instruct the District Manager to provide more information to supplement the record. Each instruction and the response must be added to the record. The decision on the proposal of the District Manager, which must also be added to the record, may approve or disapprove the proposal, or return it for further action as set forth in this paragraph (f).

(2) *Approval.* The responsible Vice President or a designee may approve the proposed discontinuance, with or without further revisions. If approved without further revision, the term "Final Determination" is substituted for "Proposal" in the title. A copy of the Final Determination must be provided to the District Manager. The Final Determination constitutes the Postal Service determination for the purposes of 39 U.S.C. 404(d).

(i) *Supporting materials.* The Final Determination must include the following notice: "Copies of all materials on which this Final Determination is based are available for public inspection at the (Facility Name) during normal office hours."

(ii) *Appeal rights.* If the USPS-operated retail facility subject to discontinuance is a post office, the Final Determination must include the following notice: "This Final Determination to (close) (consolidate) the (Facility Name) may be appealed by any person served by that office to the Postal Regulatory Commission. Any appeal must be received by the Commission within 30 days of the date this Final Determination was posted. If an appeal is filed, copies of appeal documents prepared by the Postal Regulatory Commission, or the parties to the appeal, must be made available for public inspection at the (Facility Name) during normal office hours."

(3) *Disapproval.* The responsible Vice President or a designee may disapprove the proposed discontinuance and return it and the record to the District Manager with written reasons for disapproval. The District Manager or a designee must post a notice in each affected USPS-operated retail facility that the proposed closing or consolidation has been determined to be unwarranted.

(4) *Return for further action.* The responsible Vice President or a designee may return the proposal of the District Manager with written instructions to give additional consideration to matters in the record, or to obtain additional information. Such instructions must be placed in the record.

(5) *Public file.* Copies of each Final Determination and each disapproval of a proposal by the responsible Vice President must be placed on file in the Postal Service Headquarters library.

(g) *Implementation of final determination*—(1) *Notice of final determination to discontinue USPS-operated retail facility.* The District Manager must:

(i) Provide notice of the Final Determination by posting a copy prominently in the USPS-operated retail facilities likely to be serving the affected customers. The date of posting must be noted on the first page of the posted copy as follows: "Date of posting."

(ii) Ensure that a copy of the completed record is available for public inspection during normal business hours at each USPS-operated retail facility where the Final Determination is posted for 30 days from the posting date.

(iii) Provide copies of documents in the record on request and payment of fees as noted in chapter 4 of Handbook AS–353, *Guide to Privacy, the Freedom of Information Act, and Records Management.*

(2) *Implementation of determinations not appealed.* If no appeal is filed, the official closing date of the office must be published in the *Postal Bulletin* and effective, at the earliest, 60 days after the first day that Final Determination was posted. A District Manager may request a different date for official discontinuance in the Retail Change Announcement document submitted to the responsible Vice President or a designee. However, the USPS-operated retail facility may not be discontinued sooner than 60 days after the first day of the posting of the notice required by paragraph (g)(1) of this section.

(3) *Actions during appeal*—(i) *Implementation of discontinuance.* If an appeal is filed, only the responsible Vice President may direct a discontinuance before disposition of the appeal. However, the USPS-operated retail facility may not be permanently discontinued sooner than 60 days after the first day of the posting of the notice required by paragraph (g)(1) of this section.

(ii) *Display of appeal documents.* The Office of General Counsel must provide the District Manager with copies of all pleadings, notices, orders, briefs, and opinions filed in the appeal proceeding.

(A) The District Manager must ensure that copies of all these documents are prominently displayed and available for public inspection in the USPS-operated retail facility to be discontinued. If the operation of that USPS-operated retail facility has been suspended, the District Manager must ensure that copies are displayed in the USPS-operated retail facilities likely to be serving the affected customers.

(B) All documents except the Postal Regulatory Commission's final order and opinion must be displayed until the final order and opinion are issued. The final order and opinion must be displayed at the USPS-operated retail facility to be discontinued for 30 days or until the effective date of the discontinuance, whichever is earlier. The final order and opinion must be displayed for 30 days in the USPS-operated retail facilities likely to be serving the affected customers.

(4) *Actions following appeal decision*—(i) *Determination affirmed.* If the Commission dismisses the appeal or affirms the Postal Service's determination, the official closing date of the office must be published in the Postal Bulletin, effective anytime after the Commission renders its opinion, if not previously implemented under § 241.3(g)(3)(i). However, the USPS-operated retail facility may not be discontinued sooner than 60 days after the first day of the posting of the notice required under § 241.3(g)(1).

(ii) *Determination returned for further consideration.* If the Commission returns the matter for further consideration, the responsible Vice President must direct that either:

(A) Notice be provided under paragraph (f)(3) of this section that the proposed discontinuance is determined not to be warranted or

(B) The matter be returned to an appropriate stage under this section for further consideration following such instructions as the responsible Vice President may provide.

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 2011–7555 Filed 3–28–11; 4:15 pm]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R02–OAR–2010–1058, FRL–9288–5]

Approval and Promulgation of Implementation Plans; New York Reasonable Further Progress Plans, Emissions Inventories, Contingency Measures and Motor Vehicle Emissions Budgets

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing action on portions of a proposed State Implementation Plan revision submitted by New York that are intended to meet several Clean Air Act requirements for attaining the 0.08 part per million 8-hour ozone national ambient air quality standards. EPA is proposing to approve: the 2002 base year emission inventory and the projection year emissions, the motor vehicle emissions budgets used for planning purposes, the reasonable further progress plan, and the contingency measures as they relate to the New York portion of the New York-Northern New Jersey-Long Island, NY–NJ–CT and the Poughkeepsie 8-hour ozone moderate nonattainment areas.

DATES: Comments must be received on or before May 2, 2011.

ADDRESSES: Submit your comments, identified by Docket Number EPA–R02–OAR–2010–1058, by one of the following methods:

- *http://www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *E-mail: Werner.Raymond@epa.gov.*
- *Fax:* 212–637–3901.
- *Mail:* Raymond Werner, Chief, Air Programs Branch, Environmental Protection Agency, Region 2 Office, 290 Broadway, 25th Floor, New York, New York 10007–1866.
- *Hand Delivery:* Raymond Werner, Chief, Air Programs Branch, Environmental Protection Agency, Region 2 Office, 290 Broadway, 25th Floor, New York, New York 10007–1866. Such deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30 excluding Federal holidays.

Instructions: Direct your comments to Docket No. EPA–R02–OAR–2010–1058. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or e-mail. The *http://www.regulations.gov* Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through *http://www.regulations.gov* your e-mail address will be automatically captured and included as part of the comment

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

Docket: All documents in the docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy at the Environmental Protection Agency, Region II Office, Air Programs Branch, 290 Broadway, 25th Floor, New York, New York 10007–1866. EPA requests, if at all possible, that you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view the hard copy of the docket. You may view the hard copy of the docket Monday through Friday, 8 a.m. to 4 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Raymond Forde (*forde.raymond@epa.gov*) concerning emission inventories and reasonable further progress and Kirk Wieber (*wieber.kirk@epa.gov*) concerning other portions of the SIP revision, Air Programs Branch, Environmental Protection Agency, 290 Broadway, 25th Floor, New York, New York 10007–1866, (212) 637–4249.

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I. What action is EPA proposing?

The Environmental Protection Agency (EPA) has reviewed elements of New York's proposed comprehensive State Implementation Plan (SIP) revisions for the 0.08 parts per million (ppm) 8-hour ozone national ambient air quality standards (NAAQS or standard) [1] along with other related Clean Air Act (Act) requirements necessary to ensure attainment of the standard. The EPA is proposing to approve into the SIP the following elements: The State-wide 2002 base year emissions inventory, the ozone projection emission inventory, the motor vehicle emissions budgets used for planning purposes, the reasonable further progress (RFP) plan and the contingency measures. At this time, EPA is continuing to review the other components of the New York submissions (*i.e.,* attainment demonstrations and New York's request for a voluntary reclassification of the New York-Northern New Jersey-Long Island, NY–NJ–CT 8-hour ozone nonattainment area from "moderate" to "serious") and plans to address those other components of the proposed SIP submittals in one or more separate proposed actions in the near future.

EPA's analysis and findings are discussed in this proposed rulemaking and a more detailed discussion is contained in the Technical Support Document for this Proposal, which is available on line at *http://www.regulations.gov,* Docket number EPA–R02–OAR–2010–1058.

[1] Unless otherwise specifically noted in the action, references to the 8-hour ozone standard are to the 0.08 ppm ozone standard promulgated in 1997.

II. Background Information

A. What are the Act requirements for a Moderate 8-hour Ozone Nonattainment Area?

1. History and Time Frame for the State's Attainment Demonstration SIP

In 1997, EPA revised the health-based NAAQS for ozone, setting it at 0.08 ppm averaged over an 8-hour period. EPA set the 8-hour ozone standard based on scientific evidence demonstrating that ozone causes adverse health effects at lower ozone concentrations and over longer periods of time than was understood when the pre-existing 1-hour ozone standard was set. EPA determined that the 8-hour standard would be more protective of human health, especially with regard to children and adults who are active outdoors, and individuals with a pre-existing respiratory disease, such as asthma.

On April 30, 2004 (69 FR 23951), EPA finalized its attainment/nonattainment designations for areas across the country with respect to the 8-hour ozone standard. These actions became effective on June 15, 2004. The three 8-hour ozone moderate nonattainment areas located in New York State are, the New York-Northern New Jersey-Long Island, NY–NJ–CT nonattainment area, the Poughkeepsie nonattainment area, and the Jefferson County nonattainment area. The New York portion of the New York-Northern New Jersey-Long Island, NY–NJ–CT nonattainment area is composed of the five boroughs of New York City and the surrounding counties of Nassau, Suffolk, Westchester and Rockland. This is collectively referred to as the New York City Metropolitan Area or NYMA. The Poughkeepsie nonattainment area is composed of Dutchess, Orange and Putnam counties. On March 25, 2008 (73 FR 15672) EPA determined that Jefferson County attained the 8-hour ozone standard.

These designations triggered the Act's requirements under section 182(b) for moderate nonattainment areas, including a requirement to submit a demonstration of attainment. To assist States in meeting the Act's requirements for ozone, EPA released an 8-hour ozone implementation rule in two Phases. EPA's Phase 1 8-hour ozone implementation rule, published on April 30, 2004 (69 FR 23951) and referred to as the Phase 1 Rule, specifies that States must submit these attainment demonstrations to EPA by no later than three years from the effective date of designation, that is, submit them by

June 15, 2007.[2] On November 9, 2005, EPA published Phase 2 of the 8-hour ozone implementation rule (70 FR 71612), referred to as the Phase 2 Rule, which addresses the control obligations that apply to areas designated nonattainment for the 8-hour NAAQS.

2. Moderate Area Requirements

Among other things, the Phase 1 and Phase 2 Rules outline the SIP requirements and deadlines for various requirements in areas designated as moderate nonattainment. For such areas, RACT plans were due by September 15, 2006 (40 CFR 51.912(a)(2)). The rules further require that modeling and attainment demonstrations, RFP plans, RACM analysis, projection year emission inventories, motor vehicle emissions budgets and contingency measures were all due by June 15, 2007 (40 CFR 51.908(a), and (c)).

III. What was included in New York's proposed SIP submittals?

After completing the appropriate public notice and comment procedures, New York made a series of submittals in order to address the Act's 8-hour ozone attainment requirements previously described in Section II.A.2. On September 1, 2006, New York submitted its proposed State-wide 8-hour ozone RACT SIP, which included a determination that many of the RACT rules currently contained in its SIP meet the RACT obligation for the 8-hour standard. On February 8, 2008, New York submitted two proposed comprehensive 8-hour ozone SIPs—one for the NYMA, entitled, "New York SIP for Ozone—Attainment Demonstration for New York Metro Area" and one for the Poughkeepsie nonattainment area, entitled, "New York SIP for Ozone—Attainment Demonstration for Poughkeepsie, NY Area". On December 28, 2009 and January 26, 2011, New York supplemented its February 8, 2008 submittal. The submittals included the 2002 base year emissions inventory, projection year emissions, attainment demonstrations, RFP plans, RACM analysis, RACT analysis, contingency measures and on-road motor vehicle emission budgets. These proposed SIP revisions were subject to notice and comment by the public and the State addressed the comments received on the proposed SIPs before adopting the plans and submitting them for EPA review and rulemaking action.

With respect to the Poughkeepsie area, EPA has evaluated its air quality monitoring data and has determined the Poughkeepsie area has attained the 8-hour ozone standard. On December 7, 2009, EPA announced this determination in the **Federal Register** (74 FR 63993). Consistent with 40 CFR 51.918, this determination suspends the requirements for various SIP items, including, the requirement to submit an attainment demonstration, an RFP plan, and section 172(c)(9) contingency measures for the eight-hour ozone NAAQS for so long as the area continues to attain the ozone NAAQS. Therefore, EPA is not taking action on these proposed SIP elements for the Poughkeepsie area that are contained in the 8-hour ozone SIP proposal that was submitted to EPA on February 8, 2008. However, EPA is taking action on the 2002 base year emissions inventory for the Poughkeepsie Area.

In addition to the previously mentioned 8-hour ozone SIP submittals, on April 4, 2008, New York submitted to EPA a request for a voluntary reclassification of the New York-Northern New Jersey-Long Island, NY–NJ–CT 8-hour ozone nonattainment area from "moderate" to "serious" pursuant to section 181(b)(3) of the Act. Additionally, on June 14, 2010, New York submitted to EPA a Clean Data Petition for the New York-Northern New Jersey-Long Island, NY–NJ–CT 8-hour ozone nonattainment area. At this time, EPA is continuing to review collectively New York's request for a voluntary reclassification of the New York-Northern New Jersey-Long Island, NY–NJ–CT 8-hour ozone nonattainment area and Clean Data Petition and plans to address New York's requests in a separate proposed action in the near future.

On July 23, 2010 (75 FR 43066), EPA conditionally approved the reasonably available control technology requirement as it relates to the entire State of New York, including the New York portion of the New York-Northern New Jersey-Long Island, NY–NJ–CT and the Poughkeepsie 8-hour ozone moderate nonattainment areas and also conditionally approved the reasonably available control measure analysis as it relates to the New York portion of the New York-Northern New Jersey-Long Island, NY–NJ–CT 8-hour ozone moderate nonattainment area.

IV. EPA's Review and Technical Information

A. Emission Inventories

1. What are the Act requirements?

An emissions inventory is a comprehensive, accurate, current inventory of actual emissions from all sources and is required by section 172(c)(3) of the Act. For ozone nonattainment areas, the emissions inventory must contain volatile organic compounds (VOC), nitrogen oxides (NO_X) and carbon monoxide (CO) emissions because these pollutants are precursors to ozone formation.

2. What emission inventories were included in the SIP?

a. 2002 Base Year

New York submitted its proposed and final 2002 base year emissions inventories. A summary of the 2002 base year emissions inventory for the NYMA, the Poughkeepsie area and for the entire State are included in Tables 1A–2B of this action.

b. Projection Years

The 2002 VOC and NO_X anthropogenic emissions are projected to 2008 in order to determine the VOC and NO_X reductions needed for the 15 percent RFP plan for the NYMA. The 2008 projection year emission inventory was calculated by adjusting the 2002 base year inventory using factors that estimate growth from 2002 to the 2008 projection year. EPA requires specific growth factors be considered for each source type in the inventory since source emissions typically change at different rates. The 2008 projection inventory was also adjusted by the State to reflect the benefits of control measures that were adopted since the 2002 emission inventory. Table 3 shows the 2008 VOC and NO_X projection emission inventory after applying the appropriate growth indicators/methodologies and expected controls to the 2002 base year emissions inventory for the NYMA.

[2] On December 22, 2006, the United States Court of Appeals for the District of Columbia Circuit (the Court) vacated the Phase 1 Rule. *South Coast Air Quality Management Dist.* v. *EPA,* 472 F.3d 882 (DC Cir. 2006). Subsequently, in *South Coast Air Quality Management Dist.* v. *EPA,* 489 F.3d 1295 (DC Cir. 2007), in response to several petitions for rehearing, the Court clarified that the Phase 1 Rule was vacated only with regard to those parts of the rule that had been successfully challenged. The court did not vacate the portions of the Phase 1 Rule relating to EPA's classification system under subpart 2. The portions of the rule that were vacated to not affect this proposed action.

TABLE 1A—2002 BASE YEAR INVENTORY SUMMERTIME DAILY EMISSIONS

[In tons/day]

	NYMA			Poughkeepsie area		
	VOC	NO_X	CO	VOC	NO_X	CO
Point	10.7	174.4	39.49	3.78	17.88	2.67
Area	445.4	77.6	28.70	38.23	5.39	5.67
Non-road	283.5	186.2	2,824.03	26.48	16.93	199.65
On-road	236.8	327.3	2,384.72	32.46	50.33	410.39
Total	976.40	762.5	5,276.90	100.95	91.10	618.38

TABLE 1B—2002 BASE YEAR INVENTORY ANNUAL EMISSIONS

[In tons/year]

	NYMA			Poughkeepsie area		
	VOC	NO_X	CO	VOC	NO_X	CO
Point	3,570	45,634	10,737	1,396	6,672	960
Area	152,147	54,494	23,834	18,825	3,695	19,755
Non-road	60,635	55,984	667,739	5,161	5,313	42,689
On-road	81,499	124,640	1,106,919	11,250	19,435	189,510
Total	297,851	280,752	1,809,229	36,632	35,115	243,914

TABLE 2A—2002 ENTIRE NEW YORK STATE EMISSIONS INVENTORY SUMMERTIME DAILY EMISSIONS

[In tons/day]

	VOC	NO_X	CO
Point	41.52	377.25	188.23
Area	855.1	162.9	148.31
Non-road	749.45	400.78	5,386.05
On-road	546.65	844.22	6,518.33
Total	2,192.72	1,784.65	12,240.92

TABLE 2B—2002 ENTIRE NEW YORK STATE EMISSIONS INVENTORY ANNUAL EMISSIONS

[In tons/year]

	VOC	NO_X	CO
Point	15,034	118,765	66,157
Area	503,797	98,804	356,287
Non-road	157,892	119,808	1,206,370
On-road	179,731	313,890	2,942,730
Total	855,454	651,267	4,571,544

TABLE 3—NYMA—2002 BASE YEAR AND 2008 PROJECTION YEAR EMISSION INVENTORIES

[In tons/day]

	2002 base year actual inventory		2008 projection year inventory (controlled)	
	VOC	NO_X	VOC	NO_X
Point	10.7	174.4	19.8	178.9
Area	445.4	77.6	413.6	84.4
Non-Road Mobile	283.5	186.2	215.1	174.4
On-Road Mobile	236.8	327.3	148.8	211.8
Total	976.40	762.5	798.4	649.5

3. What is EPA's evaluation?

Based on EPA's review, the 2002 base year emissions inventory for the NYMA, the Poughkeepsie area and the entire State includes essential data elements, source categories, sample calculations or report documentation to allow EPA to adequately determine if the inventory is accurate and complete. Consequently, New York's 2002 base year emissions inventory is consistent with the ozone base year emission inventory reporting requirements based on EPA guidance. Similarly, EPA has determined the 2008 projection year emissions inventory for the NYMA is consistent with the essential emission inventory reporting requirements. New York's 2002 base year inventories are consistent with the ozone base year emission inventory reporting requirements for the following reasons:

- The point and area source emissions inventory reports identify the actual activity data and emissions factors.
- Information on how rule effectiveness, control efficiencies and rule penetration, where appropriate, are applied and the associated sample calculations with numerical values are provided.
- Point and area source inventory documentation identifies emissions factors, activity levels, seasonal adjustment factors, and sample calculations. Referenced information for the input values to equations was identified.
- Point, area, non-road and on-road mobile source emissions are presented on a source by source category basis or on a county basis.
- The appropriate non-road and on-road emissions model are used.
- Annual and summertime daily point, area, non-road and on-road emissions are identified in the inventory.

New York's 2008 projection year inventory is consistent with the emission inventory reporting requirements for the following reasons:

- For projecting point, area, non-road and on-road mobile emissions, there is evidence the uncontrolled projection emission inventories were projected from 2002 to 2008 and controls applied correctly for future years.
- Point and area source inventory source documentation identify growth factors, emissions factors, activity levels, seasonal adjustment factors, and sample calculations. The referenced information for the input values into equations was included.
- Point, area, non-road and on-road projection inventories identify summary reports on a source by source basis.

With this information and documentation, EPA is able to verify the accuracy and representativeness of the base year and projection year emission inventories and whether the RFP plans are calculated correctly and result in sufficient emissions reductions towards achieving attainment.

A more detailed discussion of how the emission inventories were reviewed and the results of EPA's review are provided in the Technical Support Document (TSD) for this action. EPA is proposing to approve the 2002 base year for the NYMA and Poughkeepsie ozone nonattainment areas and the entire State and the 2008 projection year emission inventories for the NYMA area as the State used these inventories in developing the RFP plan.

New York also submitted 2008 and 2009 projection year inventories for the Poughkeepsie area and 2011 and 2012 projection year inventories for the NYMA (in support of the request for reclassification from "moderate" nonattainment to "serious"). EPA is deferring action on New York's reclassification request and the Poughkeepsie area proposed SIP revisions at this time.

B. Reasonable Further Progress Plans

1. What are the Act requirements?

Section 182(b)(1) of the Act and EPA's 8-hour ozone implementation rule (40 CFR 51.910) require each 8-hour ozone nonattainment area designated moderate and above to submit an RFP Plan for EPA review and approval into its SIP, that describes how the area will achieve actual emissions reductions of VOC and NO_X from a baseline emissions inventory.

The process for determining the emissions baseline from which the RFP reductions are calculated is described in section 182(b)(1) of the Act and 40 CFR 51.910. This baseline value has been determined to be the 2002 adjusted base year inventory. Sections 182(b)(1)(B) and (D) require the exclusion from the base year inventory of emissions benefits resulting from the Federal Motor Vehicle Control Program (FMVCP) regulations promulgated by January 1, 1990, and the Reid Vapor Pressure (RVP) regulations promulgated June 11, 1990 (55 FR 23666). The FMVCP and RVP emissions reductions are determined by the State using EPA's MOBILE6 on-road mobile source emissions modeling software. The FMVCP and RVP emission reductions are then removed from the base year inventory by the State, resulting in an adjusted base year inventory. The emission reductions needed to satisfy the RFP requirement are then calculated from the adjusted base year inventory. These reductions are then subtracted from the base year inventory to establish the emissions target for the RFP milestone year (2008).

For moderate areas like those in New York, the Act requires emissions of ozone precursors be reduced by 15 percent over an initial six-year period. As discussed earlier, on November 9, 2005, EPA published the final rule to implement the 8-hour ozone standard (70 FR 71612), commonly referred to as the Phase 2 Rule. The Phase 2 Rule outlines the SIP requirements and deadlines for various requirements in areas designated as moderate nonattainment or higher. In the Phase 2 Rule, EPA provided that an area classified as moderate or higher must meet the RFP requirement pursuant to either section 182(b)(1), using VOC emission reductions, or section 172(c)(2), using VOC and NO_X emission reductions.

In the NYMA, EPA previously approved a 15 percent RFP plan for the entire nonattainment area under the 1-hour ozone standard (67 FR 5170 (February 4, 2002)). EPA's Phase 2 Rule permits emissions reductions of either VOC and/or NO_X to meet the 15 percent reduction in cases where EPA previously approved a 15 percent RFP plan under the 1-hour standard, such as is the case with the NYMA. Therefore, the NYMA is subject to the 15 percent RFP requirement pursuant to section 172(c)(2) of the Act, which permits reductions of either VOC and/or NO_X emission reductions to meet the 15 percent reduction.

It is important to note that section 182(b)(l) of the Act also requires the RFP plan for moderate areas to provide for reductions in VOC and NO_X emissions "as necessary to attain the national primary ambient air quality standard for ozone." This requirement can be met using EPA-approved modeling techniques and the adoption of any additional control measures beyond those needed to meet the 15 percent emissions reduction requirements.

2. What reasonable further progress plans were included in the SIP?

For the NYMA, New York included RFP plans for milestone years 2008, 2011 and 2012 consistent with a serious classification as requested by New York. In this notice, EPA will act on the 2008 RFP plan and defer action on the 2011 and 2012 RFP plans. Using the 2002 base year emission inventory, New York calculated an "adjusted baseline inventory" by removing the biogenic and non-creditable reductions (Federal

Motor Vehicle Control and RVP) from the base year emissions. RFP requires a minimum VOC emission reduction of 15 percent between 2002 and 2008 above any growth that occurs during this period. The 15 percent was applied to the adjusted baseline year inventory to yield the 2008 VOC emission target levels. New York provided in its SIP submittal a 15 percent plan with the associated control measures that would contribute towards achieving that target level of emissions for milestone year 2008 summarized in Table 4.

TABLE 4—VOC EMISSION REDUCTION MEASURES INCLUDED IN THE NEW YORK 2008 (15%) RFP PLAN

VOC Control measures	NYMA ozone NAA (tons per day)
Required Reduction in VOC to Meet 2008 Milestone	125.16
Point Source Control Measures	*42.3
Emission Reduction Credits (ERCs)	−1.1
Non-Road Mobile Source Control Measures	0
On-Road Mobile Source Control Measures	
Low Emission Vehicle (LEV) 2	2.5
New York Vehicle Inspection Program (NYVIP)	4.0
Fuels	8.7
Heavy Duty Diesel	.1
Stationary Area Source Control Measures	
Consumer Products	17.1
Portable Fuel Containers	13.9
Architectural and Industrial Maintenance Coatings	22.5
Mobile Equipment Repair	12.6
Solvent Metal Cleaning	5.3
Total VOC Benefits From All Sources	129.1
VOC Shortfall = (VOC Reductions Needed To Meet Target Level) − (VOC Benefits From All Sources)	125.16 − 129.1 = −3.94.
VOC PLAN RESULTS IN 3.94 Tons Per Day Surplus	

* Includes a summation of all emissions reduction from regulations that were effective prior to 2002.

Based on Table 4, New York's VOC control plan meets the 15 Percent Plan reduction requirements. It results in 3.94 tons per day surplus.

3. What is EPA's evaluation?

Based on the RFP calculations included in New York's SIP submittal, New York's VOC 15 percent control plan results in 3.94 tons per day VOC emission reduction surplus in the NYMA. New York followed EPA's requirements and guidance in calculating the "adjusted baseline inventories," and 2008 target level emissions, the total emission reductions (net of growth) needed from the 2008 uncontrolled projection inventory to reach the target levels for the 2008 milestone year was provided and therefore New York's RFP demonstration is consistent with the RFP emissions inventory reporting requirements.

In addition, New York's RFP plan is based on a 2002 base-year and projection emissions inventories, which as noted earlier in Section IV.A.3 are consistent with the emission inventory reporting requirements. New York identified how RFP will be achieved, *i.e.,* a complete list of control measures and the relevant emission reductions for each source category. New York did provide in its SIP submittal a list of control measures that would contribute towards RFP (*see* Table 4) and there was information associated with the control measures in New York's SIP submittal for EPA to adequately determine that RFP will be achieved for milestone year 2008.

Based on the reasons mentioned above, EPA is proposing to approve New York's 2008 RFP plan for the NYMA.

C. Contingency Measures

1. What are the Act requirements?

For ozone nonattainment areas classified as moderate or above, States must include in their submittals contingency measures to be implemented if an area fails to make RFP or to attain the NAAQS by the applicable attainment date (sections 172(c)(9) and 182(c)(9)). Contingency measures are intended to achieve reductions over and beyond those relied on in the RFP and attainment demonstrations. The Act does not preclude a State from implementing such measures before they are triggered. EPA interprets the Act to require sufficient contingency measures in the submittal, so that upon implementation of such measures, additional emissions reductions of up to three percent of the adjusted base year inventory would be achieved in the year after the failure has been identified. For a more detailed description of the contingency measures requirement please *see* the April 16, 1992 General Preamble (57 FR 13498, 13512) and the November 29, 2005 Phase 2 8-hour ozone implementation rule (70 FR 71612).

2. What contingency measures were included in the SIP?

New York identified an additional three percent (of the adjusted base year inventory) reduction of VOC emissions, or an equivalent combination of VOC and NO_X, for the NYMA to satisfy the contingency plan requirement for each milestone year. These reductions will be achieved by a host of control measures that have been adopted and implemented by New York.

3. What is EPA's evaluation?

New York identified the necessary quantity of emissions reductions for contingency. Those calculations are based on a 2002 base-year inventory and projection inventories, which as noted earlier in Section IV.A.3 are consistent with the emission inventory reporting requirements. All of the control measures identified in Table 4 and used to make the necessary reductions for contingency have been adopted and implemented by New York. EPA has determined that New York's SIP

adequately addresses the RFP contingency plans for the NYMA consistent with the Act, as interpreted in EPA's regulations, guidance and policies. Therefore, EPA is proposing to approve New York's RFP contingency plans for the NYMA.

D. Motor Vehicle Emissions Budgets

1. What are the Act requirements?

Section 176(c)(1)(A) of the Act requires that Federal actions in nonattainment and maintenance areas "conform to" the SIPs and that such actions will not: (a) Cause or contribute to any new violation of any NAAQS in any area; (b) increase the frequency or severity of any existing violation of any NAAQS in any area; or (c) delay timely attainment of any NAAQS or delay any required interim emissions reduction milestone in any area (section 176(c)(1)(B) of the Act). Actions involving Federal Highway Administration (FHWA) or Federal Transit Administration (FTA) funding or approval are subject to the transportation conformity rule (40 CFR part 93, subpart A). Under this rule, metropolitan planning organizations (MPOs) in nonattainment and maintenance areas coordinate with State air quality and transportation agencies, EPA, and the FHWA and FTA to demonstrate that their long range transportation plans ("plans") and transportation improvement programs (TIPs) conform to applicable SIPs. This is typically determined by showing that estimated emissions from existing and planned highway and transit projects are less than or equal to the motor vehicle emissions budgets ("budgets") contained in a SIP. The General Conformity regulation (40 CFR part 93, subpart B) requires actions initiated by other Federal agencies in nonattainment and maintenance areas to also conform to the SIP. One option for Federal agencies to demonstrate general conformity is to meet facility-wide emissions budgets that are specified in the SIP. New York has not chosen to establish facility-wide emissions budgets for any major Federal facilities in the SIP.

2. What motor vehicle emissions budgets were included in the SIP?

In its February 8, 2008 SIP submittals, New York established 2008, 2011, and 2012 on-road motor vehicle emission budgets for the NYMA 8-hour moderate ozone nonattainment area. Table 5 lists the New York on-road motor vehicle emissions budgets.

TABLE 5—MOTOR VEHICLE EMISSIONS BUDGETS SUBMITTED BY NEW YORK

[Tons per day]

8-Hour Ozone Nonattainment Area	2008		2011		2012	
	VOC	NO_X	VOC	NO_X	VOC	NO_X
NYMA	148.85	211.77	120.93	163.84	111.08	147.43

3. What is EPA's evaluation?

EPA is proposing to approve the 2008 RFP on-road motor vehicle emissions budgets established for the NYMA because these budgets are based on a 2002 base year emissions inventory that is consistent with the emission inventory reporting requirements and EPA guidance, as discussed in Section IV.A. A more detailed discussion of how the emission inventories were reviewed and the results of these reviews are provided in section IV.A and the TSD for this action. EPA is also proposing approval of these budgets because EPA has now completed its review of the overall RFP plan which demonstrates the required percent reductions needed for the plan approval. The 2008 RFP on-road budgets are consistent with the overall RFP plan. EPA is deferring action on the 2011 and 2012 motor vehicle emission budgets for the NYMA, submitted by New York in support of its reclassification request, until action is taken on the submitted attainment demonstration for this area.

V. What are EPA's conclusions?

EPA is proposing to approve into the SIP the following elements which are required by the Act: 2002 base year emissions inventory, the 2008 ozone projection year emissions inventories, the 2008 motor vehicle emissions budgets used for planning purposes, the 2008 RFP plan, and the contingency measures for failure to meet the 2008 RFP plan milestone as they apply to the New York portion of the New York-Northern New Jersey-Long Island, NY–NJ–CT 8-hour ozone moderate nonattainment area. These elements were submitted to EPA by New York in a package entitled "New York SIP for Ozone—Attainment Demonstration for New York Metro Area," dated February 8, 2008 and supplemented on December 28, 2009 and January 26, 2011.

EPA is also proposing to approve: The 2002 base year emissions inventory for the Poughkeepsie 8-hour ozone moderate nonattainment area and the State-wide 2002 base year emissions inventory, submitted by New York on February 8, 2008 and supplemented on December 28, 2009 and January 26, 2011.

EPA is not taking action at this time on New York's attainment demonstration, reclassification request (and relevant SIP elements associated with a reclassification) or Clean Data Petition for the New York-Northern New Jersey-Long Island, NY–NJ–CT 8-hour ozone moderate nonattainment area, but will do so in one or more proposed actions in the near future.

VI. Statutory and Executive Order Reviews

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

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described

in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);

• Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);

• Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

• Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);

• Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and

• Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Oxides of nitrogen, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: March 18, 2011.

Judith A. Enck,

Regional Administrator, Region 2.

[FR Doc. 2011–7631 Filed 3–30–11; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. NHTSA–2009–0108]

Final Vehicle Safety Rulemaking and Research Priority Plan 2011–2013

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

ACTION: Plan availability.

SUMMARY: This document announces the availability of the Final NHTSA Vehicle Safety and Fuel Economy Rulemaking and Research Priority Plan 2011–2013 (Priority Plan) in Docket No. NHTSA–2009–0108. This Priority Plan is an update to the Final Vehicle Safety Rulemaking and Research Priority Plan 2009–2011 (October 2009 Plan) that was announced in the November 9, 2009, edition of the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Joseph Carra, Director of Strategic Planning and Integration, National Highway Traffic Safety Administration, Room W45–336, 1200 New Jersey Avenue, SE., Washington, DC 20590. *Telephone:* 202–366–0361. *E-mail: joseph.carra@dot.gov.*

SUPPLEMENTARY INFORMATION: On November 9, 2009, NHTSA published a Final Notice in the **Federal Register** (74 FR 57623) announcing the availability of the October 2009 Plan. Today's document announces the availability of the Final NHTSA Vehicle Safety and Fuel Economy Rulemaking and Research Priority Plan 2011–2013.

This plan is an internal management tool as well as a means to communicate to the public NHTSA's highest priorities to meet the Nation's motor vehicle safety challenges. Among them are programs and projects involving rollover crashes, children (both inside as well as just near vehicles), motorcoaches and fuel economy that must meet Congressional mandates or Secretarial commitments. Since these are expected to consume a significant portion of the agency's rulemaking resources, they affect the schedules of the agency's other priorities listed in this plan. This plan lists the programs and projects the agency anticipates working on even though there may not be a rulemaking planned to be issued by 2013, and in several cases, the agency doesn't anticipate that the research will be done by the end of 2013. Thus, in some cases the next step would be an agency decision in 2013 or 2014.

For purposes of apprising the public on the status of progress relative to the efforts delineated in the October 2009 Plan, NHTSA has included in the current Priority Plan a section (Section V) that compares the October 2009 Plan to the current Priority Plan.

Interested persons may obtain a copy of the plan, "Final Vehicle Safety Rulemaking and Research Priority Plan 2011–2013," by downloading a copy of the document. To download a copy of the document, go to *http://www.regulations.gov* and follow the online instructions, or visit Docket Management Facility at U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001 and reference Docket No. NHTSA–2009–0108.

Authority: 49 U.S.C. 30111, 30117, 30168; delegation of authority at 49 CFR 1.50 and 501.8.

Ronald L. Medford,

Deputy Administrator.

[FR Doc. 2011–7433 Filed 3–30–11; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 665

[Docket No. 100803320–1201–01]

RIN 0648–AY93

Fisheries in the Western Pacific; Mechanism for Specifying Annual Catch Limits and Accountability Measures

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

ACTION: Proposed rule; request for comments.

SUMMARY: This proposed rule would establish procedures and timing for specifying annual catch limits (ACLs) and accountability measures (AMs) for western Pacific fisheries. The proposed rule is procedural in nature, and is intended to help NMFS end and prevent overfishing, rebuild overfish stocks, and achieve optimum yield.

DATES: Comments on the proposed rule must be received by May 16, 2011.

ADDRESSES: Comments on this proposed rule, identified by 0648–AY93, may be sent to either of the following addresses:

• *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal *http://www.regulations.gov;* or

• *Mail:* Mail written comments to Michael D. Tosatto, Regional Administrator, NMFS, Pacific Islands Region (PIR), 1601 Kapiolani Blvd, Suite 1110, Honolulu, HI 96814–4700.

Instructions: Comments must be submitted to one of the two addresses to ensure that the comments are received, documented, and considered by NMFS. Comments sent to any other address or individual, or received after the end of the comment period, may not be considered. All comments received are a part of the public record and will generally be posted for public viewing on *http://www.regulations.gov* without

change. All personal identifying information (*e.g.,* name, address, *etc.*) submitted voluntarily by the sender may be publicly accessible. Do not submit confidential business information, or otherwise sensitive or protected information. NMFS will accept anonymous comments (enter "N/A" in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word or Excel, WordPerfect, or Adobe PDF file formats only.

This proposed rule would implement the recommendations of the Western Pacific Fishery Management Council (Council) in Amendment 1 to the Fishery Ecosystem Plan (FEP) for the Pacific Remote Islands Areas (PRIA), Amendment 2 to the American Samoa FEP, Amendment 2 to the Mariana Archipelago FEP, Amendment 3 to the Hawaii FEP, and Amendment 4 to the Western Pacific Pelagic FEP. The amendments establish a procedural framework (mechanism) that the Council would use to set ACLs and AMs in the western Pacific, and are consolidated into a single document. The amendments are currently under review by the Secretary of Commerce. The amendment document, which contains an environmental assessment and background information on this proposed rule, is available from *http://www.regulations.gov,* and from the Council, 1164 Bishop St., Suite 1400, Honolulu, HI 96813, tel 808–522–8220, fax 808–522–8226, *http://www.wpcouncil.org.*

FOR FURTHER INFORMATION CONTACT: Jarad Makaiau, NMFS PIR, Sustainable Fisheries, 808–944–2108.

SUPPLEMENTARY INFORMATION: In 2006, Congress amended the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) to include provisions to help NMFS prevent and end overfishing and rebuild overfished stocks, the objectives of National Standard 1. Specifically, the Magnuson-Stevens Act requires that regional fishery management councils develop fishery management plans that include a mechanism for specifying ACLs at a level such that overfishing does not occur and that does not exceed the fishing level recommendation of a council's Scientific and Statistical Committee (SSC). AMs are also required to prevent ACLs from being exceeded, and to correct or mitigate overage of an ACL should it occur. Currently, the FEPs do not contain ACLs or AMs, nor do they contain a procedure by which to establish ACLs or AMs; the Council addressed this issue in the amendments to the FEPs, which this proposed rule would implement.

The Magnuson-Stevens Act requirements for ACLs and AMs does not apply to fisheries for stocks that are subject to international fishery agreements in which the U.S. participates, or for species with life cycles of approximately one year. These stocks are excepted either because ACLs and AMs are provided for by the international agreements (and establishing ACL mechanisms and AMs on just the U.S. portion of the fishery is unlikely to have any impact on ending overfishing and rebuilding), or because ACLs or AMs are unnecessary or impractical for short-lived species. Accordingly, this proposed rule contains these two types of exceptions. Even though they are exempt from the ACL and AM requirements, the FEPs for international stocks must identify status determination criteria and maximum sustainable yield, and for short life cycle stocks, the FEPs must identify status determination criteria, maximum sustainable yield, optimum yield, and acceptable biological catch (ABC) with a related control rule.

ACLs and AMs would also not be required for species classified in a fishery management plan as "ecosystem component species," which this rule would define as "any western Pacific [management unit species] that the Council has identified to be, generally, a non-target species, not determined to be subject to overfishing, approaching overfished, or overfished, not likely to become subject to overfishing or overfished, and generally not retained for sale or personal use." Because ecosystem component species are not in danger of being overfished, management measures are not necessary for them, and NMFS would exempt these species from the ACLs and AMs. While this rule would establish the procedures for the Council to use to establish the ACLs and AMs, the actual ACLs and AMs will be specified through future action.

To comply with the Magnuson-Stevens Act and National Standard 1 guidelines, this proposed rule would implement a mechanism for the Council and NMFS to specify ACLs, possibly including multi-year ACLs, and AMs in western Pacific fisheries. Briefly, the mechanism requires the Council to recommend an ACL to NMFS at least two months before the start of a fishing year. The ACL recommendation may include a downward adjustment to account for the fishery exceeding the ACL in the previous year. The Council's recommendation should be based on the SSC's recommendation of the ABC for the subject species or fishery, and it may not exceed the SSC's recommendation. At least one month before the fishing year starts, NMFS will announce the proposed ACL and request public comments. Before the start of the fishing year, NMFS will notify fishermen and the public of the final ACL specification.

NMFS monitors the fishery on an ongoing basis throughout the fishing year. When an ACL is projected to be reached during the year, NMFS will notify fishermen and the public that fishing for the regulated stock will be restricted through one or more inseason accountability measures to ensure that the ACL is not exceeded. Restrictions may include, but are not limited to, closing the fishery, closing specific areas, changing bag limits, or otherwise restricting effort or catch. Any inseason restriction will generally remain in effect until the end of the fishing year. If inseason monitoring or subsequent data analyses indicate that an ACL was exceeded in the previous fishing year, the Council may recommend that NMFS reduce the ACL for the subsequent year by the amount of the overage. In determining whether an overage adjustment is necessary, the Council would consider the magnitude of the overage and its impact on the affected stock's status. Additionally, if an ACL is exceeded more than once in a four-year period, the Council will re-evaluate the mechanism of ACLs and AMs, and adjust the system, as necessary, to improve its performance and effectiveness.

As described in the amendment, the Council's SSC would use a tier of control rules, based on the availability and quality of data about the stocks, to determine the appropriate ABC, which the Council would, in turn, use to identify appropriate ACLs and AMs. For example, if it has supporting data, the mechanism would allow the SSC to base ABC on a probability of overfishing that is less than 50 percent when biological reference points (*e.g.,* biomass, maximum sustainable yield, *etc.*) are directly available from statistical-based stock assessments. The amendment also includes a qualitative approach for determining the appropriate probability of overfishing. Other control rules would estimate fishing mortality for stocks where information is insufficient to use model-based assessment tools, and would set ABC as a reduced proportion of the maximum sustainable yield or recent harvests. Details of the tiers and control rules are found in the amendment [*see* **ADDRESSES**].

The Council and NMFS would use the mechanism implemented through this proposed rule to specify ACLs and AMs

starting in 2011, and would provide the public with opportunities to review and comment on the specific ACLs and AMs at the time they are specified.

To be considered, comments on this proposed rule must be received by May 16, 2011, not postmarked or otherwise transmitted by that date.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that this proposed rule is consistent with the FEPs for American Samoa, Hawaii, the Marianas, PRIA, and western Pacific pelagic fisheries, other provisions of the Magnuson-Stevens Act, and other applicable laws, subject to further consideration after public comment.

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

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities, as follows:

The Western Pacific Fishery Management Council proposes to amend its fishery ecosystem plans to establish a mechanism for specifying annual catch limits (ACL), and accountability measures (AM) to prevent an ACL from being exceeded, and correct or mitigate any overages of ACLs. The proposed rule would codify the ACL and AM mechanism, including the procedures for, and timing of, specifications, and exceptions to ACL and AM requirements. The proposed rule does not specify any ACL or AM for western Pacific fisheries. Rather, the rule is purely administrative in nature, and only applies to NMFS' and the Council's internal procedures to determine appropriate ACLs and AMs. If adopted, the rule would not add, remove or modify any existing rights or obligations of any parties, including business entities of any size. A description of the action, why it is being considered, and the legal basis for this action are contained in the preamble to this proposed rule.

The proposed rule does not duplicate, overlap, or conflict with other Federal rules and is not expected to have any impact on small entities, organizations or government jurisdictions as the action is primarily administrative in nature and would only establish a mechanism for specifying ACLs and AMs for Federal fisheries.

NMFS will begin specifying ACLs and AMs for each fishery that requires them using the proposed notice-and-comment mechanism starting in fishing year 2011. When fishery-specific ACLs and AMs are proposed through subsequent rulemaking, NMFS will assess each proposed specification for compliance with all applicable laws, including any relevant impacts on small businesses, organizations and small government jurisdictions, and will prepare an initial regulatory flexibility analysis for that action, if warranted.

For these reasons, an initial regulatory flexibility analysis is not required and none has been prepared.

List of Subjects in 50 CFR Part 665

Annual catch limits, Accountability measures, Fisheries, Fishing, Western and central Pacific.

Dated: March 28, 2011.

John Oliver,

Deputy Assistant Administrator for Operations, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 665 is proposed to be amended as follows:

PART 665—FISHERIES IN THE WESTERN PACIFIC

1. The authority for part 665 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. In part 665, add a new § 665.4 to read as follows:

§ 665.4 Annual catch limits.

(a) *General.* For each fishing year, the Regional Administrator shall specify an annual catch limit, including any overage adjustments, for each stock or stock complex of management unit species defined in subparts B through F of this part, as recommended by the Council, and considering the best available scientific, commercial, and other information about the fishery for that stock or stock complex. The annual catch limit shall serve as the basis for invoking accountability measures in paragraph (f) of this section

(b) *Overage adjustments.* If landings of a stock or stock complex exceed the specified annual catch limit in a fishing year, the Council will take action in accordance with 50 CFR 600.310(g), which may include recommending that the Regional Administrator reduce the annual catch limit for the subsequent year by the amount of the overage or other measures, as appropriate.

(c) *Exceptions.* The Regional Administrator is not required to specify an annual catch limit for a management unit species that is statutorily excepted from the requirement pursuant to 50 CFR 600.310(h)(2), or that the Council has identified as an ecosystem component species. The Regional Administrator will publish in the **Federal Register** the list of ecosystem component species, and will publish any changes to the list, as necessary.

(d) *Annual catch target.* For each fishing year, the Regional Administrator may also specify an annual catch target that is below the annual catch limit of a stock or stock complex, as recommended by the Council. When used, the annual catch target shall serve as the basis for invoking accountability measures in paragraph (f) of this section.

(e) *Procedures and timing.* (1) No later than 60 days before the start of a fishing year, the Council shall recommend to the Regional Administrator an annual catch limit, including any overage adjustment, for each stock or stock complex. The recommended limit should be based on a recommendation of the SSC of the acceptable biological catch for each stock or stock complex. The Council may not recommend an annual catch limit that exceeds the acceptable biological catch recommended by the SSC. The Council may also recommend an annual catch target below the annual catch limit.

(2) No later than 30 days before the start of a fishing year, the Regional Administrator shall publish in the **Federal Register** a notice of the proposed annual catch limit specification and any associated annual catch target, and request public comment.

(3) No later than the start of a fishing year, the Regional Administrator shall publish in the **Federal Register** and use other methods to notify permit holders of the final annual catch limit specification and any associated annual catch target.

(f) *Accountability measures.* When any annual catch limit or annual catch target is projected to be reached, based on available information, the Regional Administrator shall publish notification to that effect in the **Federal Register** and shall use other means to notify permit holders.

(1) The notice will include an advisement that fishing for that stock or stock complex will be restricted beginning on a specified date, which shall not be earlier than 7 days after the date of filing the notice for public inspection at the Office of the **Federal Register**. The restriction may include, but is not limited to, closure of the fishery, closure of specific areas, changes to bag limits, or restrictions in effort. The restriction will remain in

effect until the end of the fishing year, except that the Regional Administrator may, based on a recommendation from the Council, remove or modify the restriction before the end of the fishing year.

(2) It is unlawful for any person to conduct fishing in violation of the restrictions specified in the notification issued pursuant to paragraph (f)(1) of this section.

3. In § 665.12 add the definitions of "Ecosystem component species" and "SSC" in alphabetical order to read as follows:

§ 665.12 Definitions.

* * * * *

Ecosystem component species means any western Pacific MUS that the Council has identified to be, generally, a non-target species, not determined to be subject to overfishing, approaching overfished, or overfished, not likely to become subject to overfishing or overfished, and generally not retained for sale or personal use.

* * * * *

SSC means the Scientific and Statistical Committee of the Western Pacific Fishery Management Council.

* * * * *

4. In § 665.15 add a new paragraph (u) to read as follows:

§ 665.15 Prohibitions.

* * * * *

(u) Fail to comply with the restrictions specified in the notification issued pursuant to § 665.4(f)(1), in violation of § 665.15(f)(2).

[FR Doc. 2011–7622 Filed 3–30–11; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 665

[Docket No. 0808051054–91123–01]

RIN 0648–AW67

Western Pacific Pelagic Fisheries; Prohibiting Purse Seine Fishing in the U.S. EEZ Around Guam and the Northern Mariana Islands, and Prohibiting Longline Fishing Within 30 nm of the Northern Mariana Islands

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

ACTION: Proposed rule; request for comments.

SUMMARY: Through this action, NMFS proposes to prohibit purse seine fishing in the U.S. Exclusive Economic Zone (EEZ) around Guam and the Commonwealth of the Northern Mariana Islands (CNMI), and to prohibit pelagic longline fishing within 30 nautical miles (nm) of the CNMI. The purse seine prohibition is intended to reduce the potential for localized fish depletion by purse seine fishing, limit catch competition and gear conflicts between the purse seine fishery and the Guam and CNMI pelagic longline and trolling fleets, and reduce the potential impacts of purse seine fishing on the recruitment of juvenile bigeye tuna. By establishing a longline fishing prohibited area around the CNMI, NMFS intends to reduce the potential for localized fish depletion by longline fishing, and to limit catch competition and gear conflicts between the developing CNMI longline fishery and the CNMI pelagic trolling fleet. This rule also would make several administrative clarifications to the pelagic fishing regulations.

DATES: NMFS must receive comments on the proposed rule by May 16, 2011.

ADDRESSES: The Western Pacific Fishery Management Council (Council) prepared Amendment 2 to the Fishery Ecosystem Plan for Pelagic Fisheries of the Western Pacific Region (FEP), which describes the issues, and includes an environmental assessment (EA). Copies of Amendment 2 and EA are available from *http://www.regulations.gov* or the Council, 1164 Bishop St., Suite 1400, Honolulu, HI 96813, tel 808–522–8220, fax 808–522–8226, *http://www.wpcouncil.org.*

You may send a comment on this proposed rule, identified by 0648–AW67, to either of the following addresses:

- *Electronic Submission:* Send electronic public comments via the Federal e-Rulemaking Portal *http://www.regulations.gov;* or
- *Mail:* Mail written comments to Michael D. Tosatto, Regional Administrator, NMFS, Pacific Islands Region (PIR), 1601 Kapiolani Blvd., Suite 1110, Honolulu, HI 96814–4700.

Instructions: You must send comments to one of the above two addresses to ensure that NMFS receives, documents, and considers all comments. Comments sent to any other address or individual, or received after the end of the comment period, may not be considered. All comments received are a part of the public record and will generally be posted to *http://www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, *etc.*) submitted voluntarily by the sender may be publicly accessible. Do not submit confidential business information, or otherwise sensitive or protected information. NMFS will accept anonymous comments (enter "N/A" in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word or Excel, WordPerfect, or Adobe PDF file formats only.

FOR FURTHER INFORMATION CONTACT: Toby Wood, NMFS PIR Sustainable Fisheries, 808–944–2234.

SUPPLEMENTARY INFORMATION: Pelagic fisheries in the U.S. western Pacific are managed under the Pelagics FEP. The Council is concerned that any influx of purse seine fishing near the islands of Guam and the CNMI might affect the sustained participation by local fishing communities in those areas, which are made up almost exclusively of small vessel trollers that have a strong cultural and economic dependence on inshore pelagic catches. Similarly, the Council is also concerned that the CNMI troll fishery is vulnerable to potential catch competition and gear conflicts with the growing CNMI longline fleet in areas where both fleets fish.

In response to these concerns, and pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), the Council prepared Amendment 2 to the Pelagic FEP in the Mariana Archipelago. In Amendment 2, the Council proposes to prohibit purse seine fishing in the EEZ around Guam and the CNMI, and to prohibit pelagic longline fishing within 30 nm (55.6 km) of the CNMI. If Amendment 2 is adopted, this rule would implement the Council's recommendations.

Fisheries

The following section describes the fisheries that would be affected by this rule, if it is promulgated. Because 2008 is the most recent year for which we have comprehensive information about all fisheries considered, we use 2008 as the baseline year for analyzing the potential effects of this proposed rule. Although more recent troll, longline, and purse seine fishery information has become available, including this information would not change the analysis, management objectives, or measures of the Council's proposed action.

Pelagic fisheries in the Mariana Islands (Guam and the CNMI) consist of small trolling fleets and several pelagic longline vessels. Purse seine vessels have been based in Guam, but have not

historically reported fishing within the U.S. EEZ around the Mariana Islands.

Guam's pelagic fishery consists mostly of small trolling boats that are either towed to launching sites or berthed in marinas that fish in local waters. Most of these boats are shorter than 33 ft (10 m) in length overall (LOA), and are usually owned and operated by fishermen who earn a living outside of fishing, even though most fishermen sell a portion of their catch. Estimated annual landings of pelagic fish in Guam have ranged between 301,504 to 935,809 lb (136 to 424 mt) over the past 20 years. In 2008, landings of pelagic fish—primarily of skipjack tuna, yellowfin tuna, mahimahi (dorado), wahoo, and blue marlin—totaled 551,504 lb (250 mt), with an estimated total ex-vessel value of $247,188. Additionally, the pelagic fishing fleet landed an estimated 296,121 lb (134 mt) of skipjack tuna and 19,899 (9 mt) of yellowfin tuna. For 2008, Guam's pelagic fishery consisted of 385 boats: Non-charter boats made 5,057 fishing trips, and charter boats made 1,891 trips.

Trolling is also the primary fishing method in the CNMI pelagic fishery. CNMI's troll fleet consists primarily of vessels shorter than 24 ft (7.3 m) in LOA, with a travel radius from Saipan of about 20 miles (32 km). The number of fishermen landing pelagic fish in the CNMI in the past 20 years has ranged from 114 in 1996 to 47, as of 2008. The primary target for the CNMI troll fleet is skipjack tuna. In 2008, skipjack tuna landings comprised over 157,708 lb (71 mt), or three-quarters of total pelagic landings, and was valued at nearly $280,000 ex-vessel. The CNMI troll fleet also catches yellowfin tuna and mahimahi on a seasonal basis. In 2008, this fleet landed 16,344 lb (7.4 mt) of yellowfin tuna, and 11,169 lb (5 mt) of mahimahi.

Pelagic longline fishing in the Mariana Archipelago targets bigeye and yellowfin tuna. U.S. longline vessels range in length from 40 to 100 ft (12 to 30 m) in LOA, and a single fishing trip can last for more than 30 days. Longline gear can range in length from one to 60 miles (1.6 to 96.6 km). Interest in this fishery has been variable in recent years. Four permitted longline vessels are based in the CNMI and one is based in Guam. As recently as 2010, three longline vessels have been actively fishing in the EEZ around the CNMI, but no longline vessels have reported landings from the EEZ around Guam since 2000. In 1992, the Council proposed and NMFS implemented a 50 nm (92.6 km) longline prohibited area around Guam to prevent gear conflicts between the developing longline fishery and the troll fishery, and to assist in preserving the local availability of important pelagic troll caught species (57 FR 45989, October 6, 1992).

CNMI longline vessels target yellowfin and bigeye tunas and retain incidental catches of albacore, blue marlin, mahimahi, skipjack tuna, and spearfish. From 2007 through 2010, these vessels made approximately 30 trips in the EEZ around the CNMI. Section 402 of the Magnuson-Stevens Act generally prohibits the release of confidential fishery information that is submitted to the Secretary of Commerce in accordance with the Magnuson-Stevens Act and is identifiable to an individual submitter. Because of the limited size of the longline fleet in the Marianas, NMFS is prohibited from releasing fishery information, as such a release could be used to identify the activities of specific vessels. Accordingly, proxy information about catch from the nearby Federated States of Micronesia (FSM) fishery, and the operating characteristic of longliners in American Samoa are used to analyze fishing impacts.

Between 2007 and 2008, activity by the U.S. purse seine fleet in the western and central Pacific Ocean (WCPO) increased from 21 U.S. vessels to 38, respectively. The current U.S. purse seine fleet in the WCPO stands at 36 vessels. These vessels range in length from 191 to 293 ft (58 to 89 m). Fish-carrying capacities range from approximately 800 to 1,500 mt (1.8 to 3.3 million lb). The U.S. purse seine catch in the western Pacific is made on the high seas, in foreign EEZs under licenses issued in accordance with the South Pacific Tuna Treaty (SPTA), and in the U.S. EEZ around American Samoa and the U.S. Pacific Remote Island Areas (*i.e.,* Wake, Baker, Howland, and Jarvis Islands, Johnston Atoll, Kingman Reef, and Palmyra Atoll). According to the most recent information available, U.S. purse seine catches of skipjack in the WCPO increased from 75,210 mt (165 million lb) in 2007 to 127,307 mt (280 million lb) in 2008.

No U.S. purse seine catches have been recorded from the EEZ around the CNMI, and no U.S. purse seine catches have been recorded from the EEZ around Guam since 1980. To estimate the potential impact of U.S. purse seine fishing in the Marianas, Japan's purse seine statistics (as the purse seine fishery operating closest to the Mariana Archipelago) were used as a proxy for potential U.S. purse seine catches from the EEZ around the Marianas. The average daily skipjack and yellowfin tuna catches by Japan purse seine fishery from 2004 to 2006 were 57,320 lb (26 mt) and 6,613 lb (3 mt), respectively. This daily amount is approximately 13 and 18 percent of the total annual catches of skipjack and yellowfin tuna, respectively, landed in 2008 by the longline and troll fleets of Guam and the CNMI.

Council Concerns

The Council is concerned about the potential impacts, such as localized stock depletion, on other pelagic fisheries if U.S. purse seine vessels begin fishing in the EEZ around Guam and the CNMI. Localized fish depletion occurs when a stock in a small area is reduced by the removal of large amounts of fish, thereby temporarily depleting the availability of the stock to fishing activity or other predators in that area. Some studies suggest that temporary, localized depletion could occur when purse seines take large quantities of fish.

In recent years the competition for skipjack tuna among multi-national purse seine fleets in the WCPO has increased, and as a result U.S. purse seiners could turn to fishing grounds such as the EEZ around the Mariana Archipelago, where foreign fishing is prohibited, to increase their catch. The recent closures of two high seas fishing areas and restrictions placed on the use of fish aggregating devices by the Western and Central Pacific Fishery Commission could also encourage U.S. purse seiners to fish around the Marianas. Additionally, the Council is concerned that the President's establishment in 2009 of three new Marine National Monuments in the Marianas, Rose Atoll, and the Pacific Remote Islands Areas, which include large areas now closed to commercial fishing, could displace purse seine fishing into the EEZ around Guam and the CNMI.

If purse seine effort shifts to areas fished by the troll and longline fisheries of Guam and the CNMI, those smaller vessels could experience reduced catch rates, or have to travel further to maintain catch rates, resulting in lost revenue and possible safety-at-sea issues. Reduced catch rates could negatively impact ex-vessel revenue of the troll and longline fleets. To maintain catches or catch rates, vessels may need to fish longer or travel farther to find more abundant fish populations. These factors could increase costs associated with fishing, such as fuel, food, crew time, and ice, while also increasing safety risks for small vessels that would have to fish farther from shore and for longer intervals.

Although the purse seine fleet is highly mobile and can harvest large quantities of fish, it does not (with the current fishing technologies) target mature fish. While targeting skipjack tuna, particularly through the use of fish aggregating devices, purse seines also catch juvenile yellowfin and bigeye tuna. Bigeye tuna is currently subject to overfishing, and the harvest of juvenile bigeye by purse seines contributes to recruitment overfishing. The impacts from an increase in juvenile catch of bigeye tuna could reduce the number of mature fish in the population, thereby decreasing the number of fish reproduced. This reduction could also decrease the future availability of adult fish for fisheries that target adult bigeye tuna.

The Council is also concered that any future expansion of longline fishing around the Mariana Archipelago could result in adverse impacts to the CNMI troll fleet. If the number of CNMI-based longline vessels increases and they move into areas traditionally utilized by the local troll fleet (typically within 30 nm (55.6 km) of shore), there is potential for gear conflict and catch competition between the two fleets. Longline gear can be up to 60 nm (111 km) long, deployed horizontally at depth of 25 to 100 meters with floats at the surface, and drifting with the current. Troll vessels drag gear through the water column, and could snag or cut shallow longline gear or lines attached to floats. Consequently, troll vessels may need to move to other areas that do not have longline gear in the area to avoid these interactions.

Since tunas tend to aggregate around objects in the water, offshore banks and reefs are a popular place for fishing activity by the troll fleet. Accordingly, competition for fish can be concentrated in these areas when fish are available. By including those banks and reefs within the proposed prohibited area, the Council plans to reduce the potential for catch competition, and the related stock losses. at these locations.

The Council is also concerned that increased longline fishing could take yellowfin tuna and other species on which the troll fishery depends, causing enough localized depletion to impact trolling catch rates. In addition, any growth of the longline fishery could result in increased costs (*i.e.,* more fuel, time at sea, and ice) for the troll fleet trolling costs, along with decreased revenues due to an increase of market supply of fish like yellowfin tuna.

Proposed Actions

Due to these concerns, the Council has recommended, pursuant to the Magnuson-Stevens Act, the following measures. These recommendations are precautionary approaches intended to reduce temporary localized depletion, catch competition, and gear conflicts to sustain local troll and longline fisheries, and to limit the potential impacts of purse seine fishing on recruitment of juvenile bigeye tuna. To address their concerns about the potential impact of purse seine fishing on the troll and longline fisheries in the Marianas, the Council recommended prohibiting U.S. purse seine vessels from fishing within the EEZ around Guam and the CNMI. To address the Council's concerns about the potential impact of uncontrolled expansion in the CNMI longline fishery, the Council recommended a prohibition on longline fishing within 30 nm (55.6 km) of the islands (*see* Fig. 1).

Additionally, if implemented, this rule would make administrative housekeeping changes to the pelagic fishing regulations, unrelated to Amendment 2. All prohibited areas would be grouped into one section, making the area requirements easier for fishermen and the general public to find. Existing longline prohibited areas (in Hawaii and Guam) and the American Samoa large vessel prohibited areas for pelagic fishing would be combined into 50 CFR 665.806. The proposed purse seine and CNMI longline prohibited areas would also be added to that section.

As described above, the Council's approach under Amendment 2 is precautionary. NMFS notes that no U.S. purse seine catches have been recorded from the EEZ surrounding the CNMI, and no U.S. purse seine catches have been recorded from the EEZ surrounding Guam since 1980. NMFS also notes that there is only limited longline activity currently being conducted out of the Mariana Archipelago. Accordingly, NMFS specifically invites public comments addressing whether the action is "necessary and appropriate" according to MSA 303(a)(1) to accomplish its identified conservation and management objectives, and the state of the science supporting the action.

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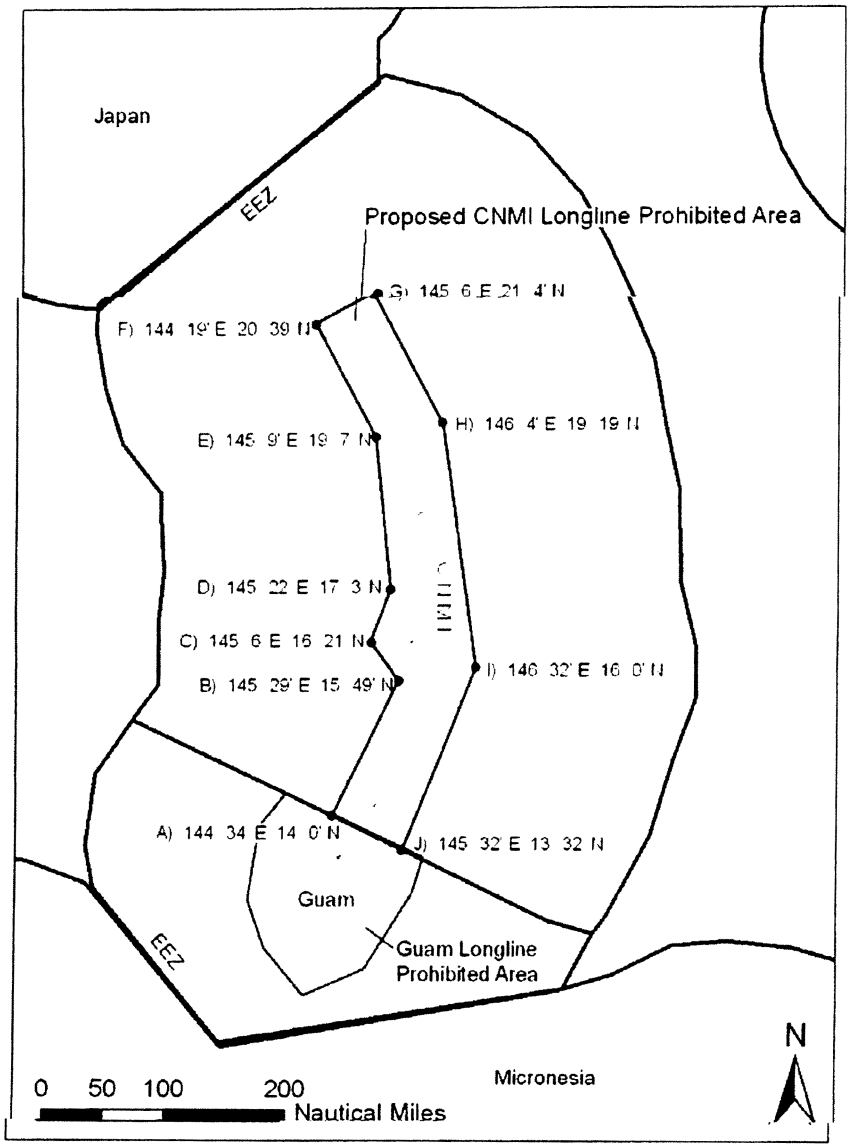

Figure 1. U.S. EEZ around the Mariana Archipelago, existing Guam longline prohibited area, and proposed CNMI longline prohibited area.

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Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that this proposed rule is consistent with the FEP, other provisions of the Magnuson-Stevens Act, and other applicable laws, subject to further consideration after public comment.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. The analysis follows:

"This rule would prohibit purse seine fishing in the U.S. Exclusive Economic Zone (EEZ) around Guam and the Commonwealth of the Northern Mariana Islands (CNMI), and would prohibit longline fishing within 30 nm (55.6 km) of the CNMI. A description of the action, why it is being considered, and the legal basis are contained in the preamble to this proposed rule. Briefly, the purse seine prohibition is intended to reduce the potential for localized fish depletion by purse seine fishing, limit catch competition and gear conflicts between the purse seine fishery and the Guam and CNMI pelagic longline and trolling fleets, and reduce the potential impacts of purse seine fishing on the recruitment of juvenile bigeye tuna. The longline fishing prohibited area around the CNMI, is intended to reduce the potential for localized fish depletion by longline fishing, and to limit catch competition and gear conflicts between the developing CNMI longline fishery and the CNMI pelagic trolling fleet.

This proposed rule consists of three actions:

1. Prohibit pelagic longline fishing within 30 nm (55.6 km) of the CNMI;
2. Prohibit pelagic purse seine fishing within the EEZ around the CNMI; and
3. Prohibit pelagic purse seine fishing within the EEZ around Guam.

Action 1 would impact the longline vessels in and operating from the CNMI. This is a relatively small fishery; the number of permits issued to vessel owners in this fishery in recent years has ranged from four to eight. Fishing vessels are considered to be small entities by the SBA if they are independently-owned or operated, are not dominant in their field of operation, and have annual gross receipts not in excess of $4 million. Although exact revenue data for the CNMI longline vessel group are not available, similarly-situated vessels operating in Hawaii earn an average of less than $4 million per year. Using this figure as a proxy for annual revenue, this analysis assumes the affected vessels are small entities.

Prohibiting fishing within 30 nm (55.6 km) of shore could require vessels to spend more time and fuel traveling offshore before fishing, and could prevent catching any target fish stocks that might occur within the prohibited area. However, logbook information suggests that the affected longline vessels currently fish farther than 30 nm (55.6 km) from shore. Action 1 would not modify their current fishing practices and, therefore, is not expected to impact the affected vessels' revenue.

Additionally, Action 1 could benefit the local CNMI troll fleet, which fishes closer to shore than longliners, by reducing the likelihood of catch competition and gear conflict between trolling and longlining. In 2008, the CNMI troll fleet consisted of 47 boats, most of which were less than 24 ft (7 m) long. That year, these boats made 989 trips, landing 197,013 lb (89.4 mt) of fish, and earned total ex-vessel revenue of $317,330, or $6,752 per vessel. Accordingly, these vessels are all considered small entities under the RFA. This rule, however, would not modify these vessels' activities. The rule is intended as a precautionary measure to protect and conserve the fish stocks and fishing resources around Guam and the CNMI, and if implemented would reduce the risk that local stocks would decline due to longline fishing. Additionally, Action 1 would reduce the potential for gear conflicts between CNMI trollers and the longline fleet.

Because Action 1 of this rule is not expected to alter the current fishing practices of the longline fleet, and because it is expected to benefit the CNMI troll fleet as well as the local fishery resources, Action 1, if implemented, will not have a significant economic impact on a substantial number of small entities.

If implemented, Actions 2 and 3 could potentially affect purse seine fishing vessels. The average 1998 gross revenue per purse seine vessel was $4.7 million, equivalent to $6.1 million in 2009 dollars. Therefore, most or all of the 38 purse seine licenses in 2009–10 were held by large entities. NMFS recognizes that newly-permitted vessels may experience lower revenues during the start-up period, and may constitute small entities under the RFA, but it is expected that the purse seine provisions of the rule will only affect large entities.

Similar to the effects of Action 1, prohibiting fishing within the EEZ could force any Guam- or CNMI-based purse seine vessels to spend more time and fuel traveling beyond the EEZ before fishing, and could prevent catching any target fish stocks that occur within the EEZ. However, the U.S. purse seine fishery has never operated in the EEZ around Guam and the CNMI, nor it is expected to in the near future. Accordingly, these small entities will likely not be affected by these actions.

Based on the above analysis indicating that few or no potentially affected vessels currently fish in the areas closed by this proposed rule because this rule is a precautionary measure meant to conserve local fisheries and fish stocks, NMFS has determined that the proposed rule would not result in "a substantial economic impact to a significant number of small entities."

Accordingly, an initial regulatory flexibility analysis is not required and none has been prepared.

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

List of Subjects in 50 CFR Part 665

Administrative practice and procedure, Fisheries, Fishing, Guam, Longline, Northern Mariana Islands, Prohibited areas, Purse seine.

Dated: March 28, 2011.

John Oliver,

Deputy Assistant Administrator for Operations, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR chapter VI is proposed to be amended as follows:

PART 665—FISHERIES IN THE WESTERN PACIFIC

1. The authority citation for part 665 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. In § 665.800, add a definition of "Purse seine" in alphabetical order to read as follows:

§ 665.800 Definitions.

* * * * *

Purse seine means a floated and weighted encircling net that is closed by means of a drawstring threaded through rings attached to the bottom of the net.

* * * * *

3. In § 665.802, revise paragraphs (v), (w), and (xx) to read as follows:

§ 665.802 Prohibitions.

* * * * *

(v) Use longline gear to fish within a longline fishing prohibited area in violation of § 665.806, except as allowed pursuant to an exemption issued under §§ 665.17 or 665.807.

(w) Use a purse seine to fish within a purse seine fishing prohibited area in

violation of § 665.806, except as allowed pursuant to an exemption issued under § 665.17.

* * * * *

(xx) Use a large vessel to fish for western Pacific Pelagic MUS within an American Samoa large vessel prohibited area in violation of § 665.806, except as allowed pursuant to an exemption issued under §§ 665.17 or 665.818.

* * * * *

4. Revise § 665.806 to read as follows:

§ 665.806 Prohibited area management.

(a) *Longline fishing prohibited areas.* Longline fishing is prohibited in the longline fishing prohibited areas as defined in paragraphs (a)(1) through (a)(4) of this section.

(1) *NWHI protected species zone.* The NWHI protected species zone is the portion of the EEZ within 50 nm of the center geographical positions of certain islands and reefs in the NWHI, as follows:

Name	N. lat.	W. long.
Nihoa Island	23°05′	161°55′
Necker Island	23°35′	164°40′
French Frigate Shoals	23°45′	166°15′
Gardner Pinnacles	25°00′	168°00′
Maro Reef	25°25′	170°35′
Laysan Island	25°45′	171°45′
Lisianski Island	26°00′	173°55′
Pearl and Hermes Reef	27°50′	175°50′
Midway Island	28°14′	177°22′
Kure Island	28°25′	178°20′

Where the areas are not contiguous, parallel lines drawn tangent to and connecting those semicircles of the 50-nm areas that lie between Nihoa Island and Necker Island, French Frigate Shoals and Gardner Pinnacles, Gardner Pinnacles and Maro Reef, and Lisianski Island and Pearl and Hermes Reef, delimit the remainder of the NWHI longline protected species zone.

(2) *Main Hawaiian Islands (MHI).* (i) From February 1 through September 30 each year, the MHI longline fishing prohibited area is the portion of the EEZ around Hawaii bounded by straight lines connecting the following coordinates in the order listed:

Point	N. lat.	W. long.
A	18°05′	155°40′
B	18°20′	156°25′
C	20°00′	157°30′
D	20°40′	161°40′
E	21°40′	161°55′
F	23°00′	161°30′
G	23°05′	159°30′
H	22°55′	157°30′
I	21°30′	155°30′
J	19°50′	153°50′
K	19°00′	154°05′
A	18°05′	155°40′

(ii) From October 1 through the following January 31 each year, the MHI longline fishing prohibited area is the portion of the EEZ around Hawaii bounded by straight lines connecting the following coordinates in the order listed:

Point	N. lat.	W. long.
A	18°05′	155°40′
L	18°25′	155°40′
M	19°00′	154°45′
N	19°15′	154°25′
O	19°40′	154°20′
P	20°20′	154°55′
Q	20°35′	155°30′
R	21°00′	155°35′
S	22°30′	157°35′
T	22°40′	159°35′
U	22°25′	160°20′
V	21°55′	160°55′
W	21°40′	161°00′
E	21°40′	161°55′
D	20°40′	161°40′
C	20°00′	157°30′
B	18°20′	156°25′
A	18°05′	155°40′

(3) *Guam.* The Guam longline fishing prohibited area is the portion of the EEZ around Guam bounded by straight lines connecting the following coordinates in the order listed:

Point	N. lat.	E. long.
A	14°25′	144°00′
B	14°00′	143°38′
C	13°41′	143°33′33″
D	13°00′	143°25′30″
E	12°20′	143°37′
F	11°40′	144°09′
G	12°00′	145°00′
H	13°00′	145°42′
I	13°27′	145°51′

(4) *CNMI.* The CNMI longline fishing prohibited area is the portion of the EEZ around the CNMI bounded by straight lines connecting the following coordinates in the order listed:

Point	N. lat.	E. long.
A	14°00′	144°34′
B	15°49′	145°29′
C	16°21′	145°06′
D	17°03′	145°22′
E	19°07′	145°09′
F	20°39′	144°19′
G	21°04′	145°06′
H	19°19′	146°04′
I	16°00′	146°32′
J	13°32′	145°32′
A	14°00′	144°34′

(b) *American Samoa large vessel prohibited areas.* A large vessel of the United States may not be used to fish for western Pacific pelagic MUS in the American Samoa large vessel prohibited areas as defined in paragraphs (b)(1) and (b)(2) of this section, except as allowed pursuant to an exemption issued under § 665.818.

(1) *Tutuila Island, Manua Islands, and Rose Atoll (AS–1).* The Tutuila Island, Manua Islands, and Rose Atoll large vessel prohibited area is the portion of the EEZ around American Samoa enclosed by straight lines connecting the following coordinates:

Point	S. lat.	W. long.
AS–1–A	13°30′	167°25′
AS–1–B	15°13′	167°25′

and from Point AS–1–A westward along the latitude 13°30′ S. until intersecting the U.S. EEZ boundary with Samoa, and from Point AS–1–B westward along the latitude 15°13′ S. until intersecting the U.S. EEZ boundary with Samoa.

(2) *Swains Island (AS–2).* The Swains Island large vessel prohibited area is the portion of the EEZ around American Samoa enclosed by straight lines connecting the following coordinates:

Point	S. lat.	W. long.
AS–2–A	11°48′	171°50′
AS–2–B	11°48′	170°20′

and from Point AS–2–A northward along the longitude 171°50′ W. until intersecting the U.S. EEZ boundary with Tokelau, and from Point AS–2–B northward along the longitude 170°20′ W. until intersecting the U.S. EEZ boundary with Tokelau.

(c) *Purse seine fishing prohibited areas.* Purse seine fishing is prohibited in the EEZ around Guam and the CNMI.

5. Revise the section heading in § 665.807 to read as follows:

§ 665.807 Exemptions for Hawaii longline fishing prohibited areas; procedures.

* * * * *

§ 665.817 [Removed and Reserved]

6. Remove and reserve § 665.817.

[FR Doc. 2011–7633 Filed 3–30–11; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register
Vol. 76, No. 62
Thursday, March 31, 2011

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

North Central Idaho Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The North Central Idaho RAC will meet in Grangeville, Idaho. The committee is meeting as authorized under the Secure Rural Schools and Community Self-Determination Act (Pub. L. 110–343) and in compliance with the Federal Advisory Committee Act. The purpose of the meeting is to select projects for 2012. The authority of the RAC to recommend projects expires on September 30, 2011, so they need to complete recommendations for two year's worth of projects in the next few months.

DATES: The meeting will be held on April 14, 2011, at 10 a.m. (PST).

ADDRESSES: The meeting will be held at the Nez Perce National Forest Supervisors Office, 104 Airport Road, Grangeville, Idaho. Written comments should be sent to Laura Smith at 104 Airport Road in Grangeville, Idaho 83530. Comments may also be sent via e-mail to *lasmith@fs.fed.us* or via facsimile to Laura at 208–983–4099.

FOR FURTHER INFORMATION CONTACT: Laura Smith, Designated Forest Official at 208–983–5143.

SUPPLEMENTARY INFORMATION: The meeting is open to the public. A public forum will begin at 3:15 p.m. (PST) on the first meeting day. The following business will be conducted: Comments and questions from the public to the committee. Persons who wish to bring related matters to the attention of the Committee may file written statements with the Committee staff before or after the meeting.

Dated: March 17, 2011.

Rick Brazell,

Forest Supervisor.

[FR Doc. 2011–7081 Filed 3–30–11; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Forest Service

Huron-Manistee Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Huron-Manistee Resource Advisory Committee (RAC) will meet in Mio, Michigan. The committee is meeting as authorized under the Secure Rural Schools and Community Self-Determination Act (Pub. L. 110–343) and in compliance with the Federal Advisory Committee Act. The purpose of the meeting is to hold the first meeting of the newly formed committee.

DATES: The first meeting will be held Thursday April 21, 2011, 6:30 p.m. to 9:30 p.m.

ADDRESSES: The meeting will be held at the Mio Ranger Station, 107 McKinley Road, Mio, MI. Written comments should be sent to Huron-Manistee National Forests RAC, c/o Mio Ranger Station, 107 McKinley Road, Mio, MI 48647. Comments may also be sent via e-mail to *cnscott@fs.fed.us,* or via facsimile to (989) 826–6073.

All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may request to inspect comments received at the Mio Ranger Station.

FOR FURTHER INFORMATION CONTACT: Steven Goldman, Designated Federal Official or Carrie Scott, Natural Resource Planner, Huron-Manistee National Forests, Mio Ranger Station, 107 McKinley Road, Mio, MI 48647; (989) 826–3252.

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The meeting is open to the public. The following business will be conducted: (1) Introduction of all committee members, alternate members and Forest Service personnel; (2) Selection of a committee chairperson; (3) Review of materials explaining the processes for recommending and considering Title II projects; and (4) Public comment.

Dated: March 24, 2011.

Steven A. Goldman,

Designated Federal Official.

[FR Doc. 2011–7574 Filed 3–30–11; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Forest Service

Southern Montana Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Custer and Gallatin National Forest's Resource Advisory Committee will meet in Columbus, Montana. The committee is meeting as authorized under the Secure Rural Schools and Community Self-Determination Act (Pub. L. 110–343) and in compliance with the Federal Advisory Committee Act. The purpose is to hold the first meeting of the newly formed committee.

DATES: The meeting will be held on May 3, 2011, and will begin at 10 a.m.

ADDRESSES: The meeting will be held at the Columbus City Hall, Court Room, 408 East 1st Avenue North, 2nd Floor, Columbus, MT. Written comments should be sent to Babete Anderson, Custer National Forest, 1310 Main Street, Billings, MT 59105. Comments may also be sent via e-mail to *branderson@fs.fed.us,* or via facsimile to 406–657–6222.

All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at Custer National Forest, 1310 Main Street, Billings, MT 59105. Visitors are encouraged to call ahead to 406–657–6205 ext 239.

FOR FURTHER INFORMATION CONTACT: Babete Anderson, RAC coordinator, USDA, Custer National Forest, 1310 Main Street, Billings, MT 59105; (406) 657–6205 ext 239; E-mail *branderson@fs.fed.us.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Mountain Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The meeting is open to the public. The following business will be conducted: (1) Introductions of all committee members, replacement members and Forest Service personnel. (2) Selection of a chairperson by the committee members. (3) Receive materials explaining the process for considering and recommending Title II projects; and (4) Public Comment. Persons who wish to bring related matters to the attention of the Committee may file written statements with the Committee staff before or after the meeting.

Dated: March 22, 2011.

Mary C. Erickson,

Designated Federal Officer.

[FR Doc. 2011–7575 Filed 3–30–11; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Forest Service

Umatilla National Forest, Southeast Washington Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Umatilla National Forest, Southeast Washington Resource Advisory Committee will meet in Pomeroy, Washington. The committee is meeting as authorized under the Secure Rural Schools and Community Self-Determination Act, as amended, (Pub. L. 110–343) and in compliance with the Federal Advisory Committee Act. Purpose of the meeting is to conduct general business review proposed projects. This meeting is open to the public.

DATES: The meeting will be held on April 28, 2011, and will begin at 7 p.m.

ADDRESSES: The meeting will be held at the Pomeroy Ranger District Office, 71 West Main Street, Pomeroy, WA. Written comments should be sent to Monte Fujishin, Pomeroy Ranger District, 71 West Main Street, Pomeroy, WA 99347. Comments may also be sent via email to *mfujishin@fs.fed.us,* or via facsimile to 509–843–4621.

All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at Pomeroy Ranger District, 71 West Main Street, Pomeroy, WA 99347. Visitors are encouraged to call ahead to 509–843–1891 to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Monte Fujishin, RAC Designated Federal Official, USDA, Umatilla National Forest, Pomeroy Ranger District, 71 West Main Street, Pomeroy, WA 99347; (509) 843–1891; E-mail *mfujishin@fs.fed.us.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Idaho, Washington Relay Service at 1–800–377–3529, 24 hours a day, 365 days a year.

SUPPLEMENTARY INFORMATION: The meeting is open to the public. The following business will be conducted: (1) Review of past projects and progress of continuing projects. (2) Discussion and selection proposed projects for 2012 and if there are participants. (3) Public Comment. Persons who wish to bring related matters to the attention of the Committee may file written statements with the Committee staff before or after the meeting.

Dated: March 25, 2011.

Monte Fujishin,

Designated Federal Officer.

[FR Doc. 2011–7570 Filed 3–30–11; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Forest Service

Umatilla National Forest, Columbia County Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Umatilla National Forest, Columbia County Resource Advisory Committee will meet in Dayton, Washington. The committee is meeting as authorized under the Secure Rural Schools and Community Self-Determination Act, as amended, (Pub. L 110–343) and in compliance with the Federal Advisory Committee Act. Purpose of the meeting is to conduct general business review proposed projects. This meeting is open to the public.

DATES: The meeting will be held on May 9, 2011, and will begin at 7 p.m.

ADDRESSES: The meeting will be held at the U.S. Post Office, 202 South Second Street, Dayton, WA. Written comments should be sent to Monte Fujishin, Pomeroy Ranger District, 71 West Main Street, Pomeroy, WA 99347. Comments may also be sent via e-mail to *mfujishin@fs.fed.us,* or via facsimile to 509–843–4621.

All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at Pomeroy Ranger District, 71 West Main Street, Pomeroy, WA 99347. Visitors are encouraged to call ahead to 509–843–1891 to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Monte Fujishin, RAC Designated Federal Official, USDA, Umatilla National Forest, Pomeroy Ranger District, 71 West Main Street, Pomeroy, WA 99347; (509) 843–1891; E-mail *mfujishin@fs.fed.us.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Idaho, Washington Relay Service at 1–800–377–3529, 24 hours a day, 365 days a year.

SUPPLEMENTARY INFORMATION: The meeting is open to the public. The following business will be conducted: (1) Review of past projects and progress of continuing projects. (2) Discussion and selection proposed projects for 2012 and if there are participants, (3) Public Comment. Persons who wish to bring related matters to the attention of the Committee may file written statements with the Committee staff before or after the meeting.

Dated: March 25, 2011.

Monte Fujishin,

Designated Federal Officer.

[FR Doc. 2011–7576 Filed 3–30–11; 8:45 am]

BILLING CODE 3410–11–P

COMMISSION ON CIVIL RIGHTS

Sunshine Act Notice

AGENCY: United States Commission on Civil Rights.

ACTION: Notice of meeting.

DATE AND TIME: Friday, April 8, 2011; 9:30 a.m. EDT.

PLACE: 624 Ninth Street, NW., Room 540, Washington, DC 20425.

Meeting Agenda

This meeting is open to the public.

Portions of this meeting may be held in closed session.

I. Approval of Agenda

II. Management and Operations:

- Staff Director's report

III. Ethics Officer Presentation

IV. Program Planning:

- Update on Inter-student Violence Report

V. State Advisory Committee Issues:

- Re-chartering the Illinois SAC

- Re-chartering the Minnesota SAC
- Re-chartering the Alabama SAC

VI. Approval of March 11, 2011 Meeting Minutes
VII. Announcements
VIII. Adjourn

CONTACT PERSON FOR FURTHER INFORMATION: Lenore Ostrowsky, Acting Chief, Public Affairs Unit (202) 376–8591. Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact Pamela Dunston at (202) 376–8105 or at *signlanguage@usccr.gov* at least three business days before the scheduled date of the meeting.

Dated: March 29, 2011.

Kimberly A. Tolhurst,

Senior Attorney-Advisor.

[FR Doc. 2011–7765 Filed 3–29–11; 4:15 pm]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

Proposed Information Collection; Comment Request; Direct Investment Surveys: BE–15, Annual Survey of Foreign Direct Investment in the United States

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before May 31, 2011.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue, NW., Washington, DC 20230, or via e-mail at *dhynek@doc.gov.*

FOR FURTHER INFORMATION CONTACT: Request for additional information or copies of the information collection instrument and instructions should be directed to David H. Galler, Chief, Direct Investment Division (BE–50), Bureau of Economic Analysis, U.S. Department of Commerce, Washington, DC 20230; *phone:* (202) 606–9835; *fax:* (202) 606–5318; or via e-mail at *david.galler@bea.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The Annual Survey of Foreign Direct Investment in the United States (Form BE–15) obtains sample data on the financial structure and operations of U.S. affiliates of foreign investors. The data are needed to provide reliable, useful, and timely measures of foreign direct investment in the United States, assess its impact on the U.S. economy, and based upon this assessment, make informed policy decisions regarding foreign direct investment in the United States. The data are used to derive annual estimates of the operations of U.S. affiliates of foreign investors, including their balance sheets; income statements; property, plant, and equipment; employment and employee compensation; merchandise trade; sales of goods and services; taxes; and research and development activity. In addition, data covering employment are collected by state. The data are also used to update similar data for the universe of U.S. affiliates collected once every five years on the BE–12 benchmark survey.

The survey forms remain the same as in the past. No changes in the data collected or in exemption levels are proposed.

II. Method of Collection

The BE–15 annual survey is sent to potential respondents in March of each year. A completed report covering a reporting company's fiscal year ending during the previous calendar year is due by May 31. Reports must be filed by every U.S. business enterprise that is owned 10 percent or more by a foreign investor and that has total assets, sales or gross operating revenues, or net income (or loss) of over $40 million.

As an alternative to filing paper forms, BEA will offer an electronic filing option, its eFile system, for use in reporting on Form BE–15. For more information about eFile, go to *http://www.bea.gov/efile.*

Potential respondents are those U.S. business enterprises that reported in the 2007 benchmark survey of foreign direct investment in the United States, along with businesses that subsequently entered the direct investment universe. The BE–15 is a sample survey, as described; universe estimates are developed from the reported sample data.

III. Data

OMB Control Number: 0608–0034.
Form Number: BE–15.
Type of Review: Regular submission.
Affected Public: Business or other for-profit organizations.
Estimated Number of Respondents: 3,650 annually.
Estimated Time per Response: 18.8 hours is the average, but may vary considerably among respondents because of differences in company size and complexity.
Estimated Total Annual Burden Hours: 68,750.
Estimated Total Annual Cost to Public: $0.
Respondent's Obligation: Mandatory.
Legal Authority: International Investment and Trade in Services Survey Act (Pub. L. 94–472, 22 U.S.C. 3101–3108, as amended by Pub. L. 98–573 and Pub. L. 101–533).

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (b) the accuracy of the Agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: March 25, 2011.

Glenna Mickelson,

Management Analyst, Office of Chief Information Officer.

[FR Doc. 2011–7530 Filed 3–30–11; 8:45 am]

BILLING CODE 3510–06–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–930]

Circular Welded Austenitic Stainless Pressure Pipe From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

DATES: *Effective Date:* March 31, 2011.

SUMMARY: The Department of Commerce ("the Department") is conducting the first administrative review of the

antidumping duty order on circular welded austenitic stainless pressure pipe ("austenitic pipe") from the People's Republic of China ("PRC"). The period of review ("POR") is September 5, 2008, through February 28, 2010. The Department has preliminarily determined that sales have not been made below normal value ("NV") by the respondent during the POR. Interested parties are invited to comment on these preliminary results. We intend to issue the final results of this review no later than 120 days from the date of publication of this notice.

FOR FURTHER INFORMATION CONTACT:

Brandon Farlander or Patrick O'Connor, AD/CVD Operations, Office 4, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230, telephone: (202) 482–0182 or (202) 482–0989 respectively.

SUPPLEMENTARY INFORMATION:

Background

On March 17, 2009, the Department published in the **Federal Register** the antidumping duty order on austenitic pipe from the PRC.[1] On March 1, 2010, the Department published a notice of opportunity to request an administrative review of the austenitic pipe order.[2]

The Department received a timely request for an administrative review of the austenitic pipe order from Zhejiang Jiuli Hi-Tech Metals Co., Ltd. ("Jiuli TC") on March 31, 2010, in accordance with section 751(a) of Tariff Act of 1930, as amended (the "Act"). On April 27, 2010, the Department published in the **Federal Register** a notice of initiation of an administrative review of the austenitic pipe order.[3]

The Department issued its initial and supplemental questionnaires to Jiuli TC from May to December 2010. The Department received questionnaire responses from June to December 2010. On July 30, 2010, Petitioners[4] submitted comments to the Department regarding certain submissions and responses of Jiuli TC.

On September 15, 2010, the Department released a letter to interested parties which listed potential surrogate countries and invited interested parties to comment on surrogate country and surrogate value ("SV") selection. Between August and October 2010, Petitioners and Jiuli TC submitted publicly available SV information, as well as comments and rebuttal comments on the selection of a surrogate country and SVs. For a discussion of the selection of the surrogate country, *see* "Surrogate Country" section below.

On November 19, 2010, pursuant to section 751(a)(3)(A) of the Act, the Department extended the time period for completing the preliminary results of review by 120 days.[5]

From January 10 to January 14, 2011, the Department conducted a verification of Jiuli TC in the PRC. On January 26 and 27, 2011, the Department verified Jiuli TC's U.S. affiliate in Houston, Texas.

Scope of the Order

The merchandise covered by the order is circular welded austenitic stainless pressure pipe not greater than 14 inches in outside diameter. This merchandise includes, but is not limited to, the American Society for Testing and Materials ("ASTM") A–312 or ASTM A–778 specifications, or comparable domestic or foreign specifications. ASTM A–358 products are only included when they are produced to meet ASTM A–312 or ASTM A–778 specifications, or comparable domestic or foreign specifications. Excluded from the scope are: (1) Welded stainless mechanical tubing, meeting ASTM A–554 or comparable domestic or foreign specifications; (2) boiler, heat exchanger, superheater, refining furnace, feedwater heater, and condenser tubing, meeting ASTM A–249, ASTM A–688 or comparable domestic or foreign specifications; and (3) specialized tubing, meeting ASTM A–269, ASTM A–270 or comparable domestic or foreign specifications.

The subject imports are normally classified in subheadings 7306.40.5005; 7306.40.5040; 7306.40.5062; 7306.40.5064; and 7306.40.5085 of the Harmonized Tariff Schedule of the United States ("HTSUS"). They may also enter under HTSUS subheadings 7306.40.1010; 7306.40.1015; 7306.40.5042; 7306.40.5044; 7306.40.5080; and 7306.40.5090. The HTSUS subheadings are provided for convenience and customs purposes only, the written description of the scope of the order is dispositive.

Verification

As provided in section 782(i) of the Act, we verified the information provided by Jiuli TC using standard verification procedures including on-site inspection of the manufacturer's facilities and the examination of relevant sales and financial records. Our verification results are outlined in the PRC and U.S. verification reports,[6] the public versions of which are available in the Central Records Unit, Room 7046 of the main Department building.

Affiliation and Collapsing

Based on the evidence presented in Jiuli TC's questionnaire responses and at verification, which is that Jiuli TC owns 75 percent of Huzhou Jiuli Welded Stainless Steel Pipe Co., Ltd. ("Jiuli SD Co."), we preliminarily find affiliation between Jiuli TC and Jiuli SD Co. pursuant to section 771(33)(E) of the Act.

In addition, pursuant to 19 CFR 351.401(f), the Department will treat affiliated producers as a single entity, or "collapse" them, where: (1) The producers have production facilities for producing similar or identical products that would not require substantial retooling of either facility in order to restructure manufacturing priorities; and (2) there is a significant potential for manipulation of price or production. In determining whether a significant potential for manipulation exists, 19 CFR 351.401(f)(2) states that the Department may consider various factors, including: (i) The level of common ownership; (ii) the extent to which managerial employees or board members of one firm sit on the board of directors of an affiliated firm; and (iii) whether the operations of the affiliated firms are intertwined through the sharing of sales information, involvement in production and pricing decisions, the sharing of facilities or employees, or significant transactions between the affiliated producers.

The Department preliminarily concludes that the totality of the record evidence supports collapsing Jiuli TC and Jiuli SD Co. into a single entity, pursuant to 19 CFR 351.401(f)(1) and (2). Accordingly, the Department preliminarily based its margin

[1] *See Antidumping Duty Order: Circular Welded Austenitic Stainless Pressure Pipe from the People's Republic of China,* 74 FR 11351 (March 17, 2009).

[2] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review,* 75 FR 9162 (March 1, 2010).

[3] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part,* 75 FR 22107 (April 27, 2010).

[4] Petitioners are Bristol Metals, LLC; Felker Brothers Corporation; Marcegaglia U.S.A., Inc.; and Outokumpu Stainless Products.

[5] *See Circular Welded Austenitic Stainless Pressure Pipe From the People's Republic of China: Extension of the Time Limit for the Preliminary Results of the Antidumping Duty Administrative Review,* 75 FR 70908 (November 19, 2010).

[6] *See* memoranda to the file through Howard Smith, Program Manager, AD/CVD Operations, Office 4, entitled "Verification of the Questionnaire Responses of Zhejiang Jiuli Hi-Tech Metals Co., Ltd." ("PRC verification report") and "Verification of the Questionnaire Responses of Zhejiang Jiuli Hi-Tech Metals Co., Ltd.'s ("Jiuli TC") U.S. affiliate Jiuli USA, Inc.", dated February 25, 2011.

calculation on information submitted pertaining to Jiuli TC and Jiuli SD Co. For further discussion on the Department's decision to collapse Jiuli TC with Jiuli SD Co., *see* the memorandum to Abdelali Elouaradia, Office Director, "Whether to Collapse Zhejiang Jiuli Hi-Tech Metals Co., Ltd. and Huzhou Jiuli Welded Stainless Steel Pipe Co., Ltd.", dated concurrently with this notice.[7]

Non-Market Economy Treatment

In every case conducted by the Department involving the PRC, the PRC has been treated as a non-market economy ("NME") country. In accordance with section 771(18)(C)(i) of the Act, any determination that a foreign country is an NME country shall remain in effect until revoked by the administering authority. No party has challenged the designation of the PRC as an NME country in this review. Accordingly, the Department calculated NV in accordance with section 773(c) of the Act, which applies to NME countries.

Surrogate Country

When the Department reviews imports from an NME country, section 773(c)(1) of the Act directs it to base NV, in most circumstances, on the NME producer's factors of production ("FOPs") valued in a surrogate market-economy country or countries considered to be appropriate by the Department. In accordance with section 773(c)(4) of the Act, in valuing the FOPs, the Department shall utilize, to the extent possible, the prices or costs of FOPs in one or more market-economy countries that are: (A) At a level of economic development comparable to that of the NME country, and (B) significant producers of comparable merchandise. Further, pursuant to 19 CFR 351.408(c)(2), the Department will normally value all FOPs in a single country, except for labor.

During this review, the Department identified India, the Philippines, Indonesia, Thailand, Ukraine, and Peru as a non-exhaustive list of countries that are at a level of economic development comparable to the PRC and for which good quality data is most likely available.[8] Once the countries that are economically comparable to the PRC have been identified, the Department selects an appropriate surrogate country by determining whether an economically comparable country is a significant producer of comparable merchandise and whether the data for valuing FOPs are both available and reliable.

The Department has preliminarily determined that it is appropriate to use India as a surrogate country pursuant to section 773(c)(4) of the Act based on the following: (A) It is at a level of economic development comparable to the PRC; (B) it is a significant producer of comparable merchandise.[9] Also, there is reliable data from India that can be used to value the FOPs. Thus, the Department calculated NV using publicly available Indian prices when available and appropriate to value the FOPs of Jiuli TC.[10]

In accordance with 19 CFR 351.301(c)(3)(ii), interested parties may submit publicly-available information to value FOPs until 20 days after the date of publication of the preliminary results of this review.[11]

Separate Rates

In proceedings involving NME countries, the Department holds a rebuttable presumption that all companies within the country are subject to government control and thus should be assessed a single antidumping duty rate. It is the Department's policy to assign all exporters of subject merchandise in an NME country this single rate unless an exporter can demonstrate that it is sufficiently independent so as to be entitled to a separate rate. Exporters can demonstrate this independence through the absence of both *de jure* and *de facto* governmental control over export activities. The Department analyzes each entity exporting the subject merchandise under the test announced in the *Final Determination of Sales at Less Than Fair Value: Sparklers from the People's Republic of China,* 56 FR 20588 (May 6, 1991) ("*Sparklers*"), as further developed in *Notice of Final Determination of Sales at Less Than Fair Value: Silicon Carbide from the People's Republic of China,* 59 FR 22585 (May 2, 1994) ("*Silicon Carbide*"). However, if the Department determines that a company is wholly foreign-owned or located in a market economy, then a separate rate analysis is not necessary to determine whether it is independent from government control.[12]

Jiuli TC provided evidence that it is a publicly traded company on the Shenzhen Stock Exchange with Jiuli Group Joint Stock Ltd., a Chinese entity, as its primary shareholder.[13]

Thus, the Department has analyzed whether Jiuli TC has demonstrated the absence of *de jure* and *de facto* governmental control over its export activities.

a. Absence of De Jure Control

The Department considers the following *de jure* criteria in determining whether an individual company may be granted a separate rate: (1) An absence of restrictive stipulations associated with an individual exporter's business and export license; (2) legislative enactments decentralizing control of companies; and (3) other formal measures by the government decentralizing control of companies.[14]

The evidence provided by Jiuli TC supports a preliminary finding of *de jure* absence of governmental control based on the following: (1) An absence of restrictive stipulations associated with the individual exporter's business and export licenses; (2) the existence of applicable legislative enactments

[7] We are treating Zhejiang Jiuli Hi-Tech Metals Co., Ltd. and Huzhou Jiuli Welded Stainless Steel Pipe Co., Ltd. as the combined entity, "Jiuli TC."

[8] *See* Memorandum from Carole Showers, Director, Office of Policy, to Howard Smith, Program Manager, AD/CVD Operations, Office 4, "Request for a List of Surrogate Countries for an Administrative Review of the Antidumping Duty Order on Circular Welded Austenitic Stainless Pressure Pipe" (August 30, 2010).

[9] *See* the financial statements of Ratnamani Metals & Tubes, Ltd. ("Ratnamani") and Jindal SAW, Ltd. ("Jindal") for the fiscal year January 1, 2009, through March 31, 2010, in Petitioners' October 12, 2010 SV submission at Exhibits 10 and 11. Ratnamani's and Jindal's financial statements at 2, 39, 41, 42, and 44 and at 19, 26–29, 71, and 72, respectively, demonstrate that these companies produce merchandise both identical and comparable to subject merchandise. Hence, based on Ratnamani's and Jindal's production experience during the POR, we determine that India is a significant producer of identical and comparable merchandise.

[10] *See* Memorandum to the File from Brandon Farlander and Patrick O'Connor, International Trade Compliance Analysts, AD/CVD Operations, Office 4, "Administrative Review of Circular Welded Austenitic Stainless Pressure Pipe from the People's Republic of China: Surrogate Value Memorandum," (March 25, 2011) ("Surrogate Value Memorandum").

[11] In accordance with 19 CFR 351.301(c)(1), for the final results of this administrative review, interested parties may submit factual information to rebut, clarify, or correct factual information submitted by an interested party less than ten days before, on, or after, the applicable deadline for submission of such factual information. However, the Department notes that 19 CFR 351.301(c)(1) permits new information only insofar as it rebuts, clarifies, or corrects information placed on the record. The Department generally will not accept the submission of additional, previously absent-from-the-record alternative surrogate value information pursuant to 19 CFR 351.301(c)(1). *See Glycine from the People's Republic of China: Final Results of Antidumping Duty Administrative Review and Final Rescission, in Part,* 72 FR 58809 (October 17, 2007) and accompanying Issues and Decision Memorandum at Comment 2.

[12] *See Notice of Final Determination of Sales at Less Than Fair Value: Creatine Monohydrate From the People's Republic of China,* 64 FR 71104, 71105 (December 20, 1999) (where the respondent was wholly foreign-owned and thus qualified for a separate rate).

[13] *See* Jiuli TC's Section A response, dated June 7, 2010, at 3–5 and PRC verification report at 5.

[14] *See Sparklers,* 56 FR at 20589.

decentralizing control of Chinese companies; and (3) the implementation of formal measures by the government decentralizing control of Chinese companies.[15]

b. Absence of De Facto Control

The Department considers four factors in evaluating whether each respondent is subject to *de facto* governmental control of its export functions: (1) Whether the export prices are set by or are subject to the approval of a governmental agency; (2) whether the respondent has authority to negotiate and sign contracts and other agreements; (3) whether the respondent has autonomy from the government in making decisions regarding the selection of management; and (4) whether the respondent retains the proceeds of its export sales and makes independent decisions regarding disposition of profits or financing of losses.[16] The Department has determined that an analysis of *de facto* control is critical in determining whether respondents are, in fact, subject to a degree of governmental control which would preclude the Department from assigning separate rates.

The evidence provided by Jiuli TC supports a preliminary finding of *de facto* absence of governmental control based on statements and supporting documentation showing that the company: (1) Set its own export prices independent of the government and without the approval of a government authority; (2) has the authority to negotiate and sign contracts and other agreements; (3) maintains autonomy from the government in making decisions regarding the selection of management; and (4) retains the proceeds of its export sales and makes independent decisions regarding disposition of profits or financing of losses.[17]

Therefore, the evidence placed on the record of this review by Jiuli TC demonstrates an absence of *de jure* and *de facto* government control under the criteria identified in *Sparklers* and *Silicon Carbide.* Accordingly, the Department has preliminarily granted Jiuli TC separate rate status.[18]

Fair Value Comparison

In accordance with section 777A(d)(2) of the Act, to determine whether sales of austenitic pipe to the United States by Jiuli TC were made at less than NV, the Department compared the weighted-average export price ("EP") and constructed export price ("CEP") to NV, as described in the "U.S. Price" and "Normal Value" sections of this notice.

U.S. Price

In accordance with section 772(a) of the Act, the Department used EP as the basis for U.S. price for Jiuli TC's sales where the first sale to unaffiliated purchasers was made prior to importation. In accordance with section 772(c) of the Act, the Department calculated EP for Jiuli TC by deducting inland freight from the plant to the port, domestic brokerage and handling, international freight and marine insurance expenses from the starting price charged to the first unaffiliated customer in the United States.[19] In accordance with section 772(b) of the Act, the Department used CEP as the basis for U.S. price for Jiuli TC's sales where Jiuli TC first sold subject merchandise to its affiliated company in the United States (Jiuli USA, Inc.), which in turn sold subject merchandise to unaffiliated U.S. customers. In accordance with section 772(b) of the Act, CEP is the price at which the subject merchandise is first sold (or agreed to be sold) in the United States before or after the date of importation by or for the account of the producer or exporter of such merchandise or by a seller affiliated with the producer or exporter, to a purchaser not affiliated with the producer or exporter, as adjusted under sections 772(c) and (d) of the Act. The Department calculated CEP for Jiuli TC based on prices to unaffiliated purchasers in the United States and made deductions, where applicable, from the U.S. sales price for movement expenses (inland freight from the plant to the port and domestic brokerage and handling), in accordance with section 772(c)(2)(A) of the Act.[20] In accordance with section 772(d)(1) of the Act, the Department deducted early payment discounts, credit expenses and indirect selling expenses from the U.S. price, all of which relate to commercial activity in the United States. Also, the Department deducted CEP profit, in accordance with sections 772(d)(3) and 772(f) of the Act. Additionally, for the expenses that were either provided by an NME vendor or paid for using an NME currency, the Department based the expenses on SVs, as appropriate. For details regarding the CEP calculation, *see* Jiuli TC Analysis Memorandum.

Normal Value

Section 773(c)(1) of the Act provides that the Department shall determine NV using an FOP methodology if the merchandise is exported from an NME country and the information does not permit the calculation of NV using home-market prices, third-country prices, or constructed value under section 773(a) of the Act. The Department bases NV on FOPs because the presence of government controls on various aspects of NMEs renders price comparisons and the calculation of production costs invalid under the Department's normal methodologies.[21]

Under section 773(c)(3) of the Act, FOPs include, but are not limited to: (1) Hours of labor required; (2) quantities of raw materials employed; (3) amounts of energy and other utilities consumed; and (4) representative capital costs, including depreciation. The Department based NV on FOPs and consumption quantities reported by Jiuli TC for materials, energy, labor and packing.

Factor Valuation Methodology

In accordance with section 773(c) of the Act, the Department calculated NV based on FOP data reported by Jiuli TC. To obtain the input costs used to calculate NV, the Department multiplied the reported per-unit factor-consumption rates by publicly available Indian SVs. As appropriate, the Department adjusted input prices by including freight costs to make them delivered prices. Specifically, the Department added to Indian import SVs a surrogate freight cost using the shorter of the reported distance from the domestic supplier to the respondent's factory or the distance from the nearest seaport to the respondent's factory where appropriate. This adjustment is in accordance with the Court of Appeals for the Federal Circuit's decision in

[15] *See* Jiuli TC's Section A response, dated June 7, 2010, at 3–5 and PRC verification report at 5–7.

[16] *See Silicon Carbide,* 59 FR at 22586–87; *see also Notice of Final Determination of Sales at Less Than Fair Value: Furfuryl Alcohol From the People's Republic of China,* 60 FR 22544, 22545 (May 8, 1995).

[17] *See* Jiuli TC's Section A response, dated June 7, 2010, at 5–7 and PRC verification report at 7–9.

[18] *See* "Preliminary Results of Review" section below.

[19] *See* memorandum from Brandon Farlander and Patrick O'Connor, International Trade Compliance Analysts, AD/CVD Operations, Office 4, to the File, "Administrative Review of Circular Welded Austenitic Stainless Pressure Pipe from the People's Republic of China: Preliminary Analysis Memorandum for Zhejiang Jiuli Hi-Tech Metals Co., Ltd." (March 25, 2011) ("Jiuli TC Analysis Memorandum").

[20] *See* Jiuli TC Analysis Memorandum.

[21] *See, e.g., Preliminary Determination of Sales at Less Than Fair Value, Affirmative Critical Circumstances, In Part, and Postponement of Final Determination: Certain Lined Paper Products from the People's Republic of China,* 71 FR 19695, 19703 (April 17, 2006), unchanged in *Notice of Final Determination of Sales at Less Than Fair Value, and Affirmative Critical Circumstances, In Part: Certain Lined Paper Products From the People's Republic of China,* 71 FR 53079 (September 8, 2006).

Sigma Corp. v. *United States,* 117 F.3d 1401, 1407–08 (Fed. Cir. 1997). A detailed description of all SVs used for Jiuli TC can be found in the Surrogate Value Memorandum.

In selecting SVs, the Department considered the quality, specificity, and contemporaneity of the data.[22] Further, in accordance with section 773(c)(1) of the Act and Departmental practice, the Department selected, to the extent practicable, SVs which are non-export average values, contemporaneous with the POR, product-specific, and tax-exclusive.[23] In the instant review, the Department used Indian import statistics from the Global Trade Atlas ("GTA"), as published by Global Trade Information Services, and other publicly available Indian sources in order to calculate SVs for Jiuli TC's FOPs (*i.e.,* direct materials, energy, packing materials) and certain movement expenses. The record shows that data in the GTA Indian import statistics, as well as those from the other Indian sources, are contemporaneous with the POR, product-specific, and tax-exclusive.[24] In those instances where we could not obtain publicly available information contemporaneous to the POR with which to value factors, we adjusted the SVs using, where appropriate, the Indian Wholesale Price Index as published in the International Monetary Fund's International Financial Statistics.[25]

Jiuli TC reported that one of its raw material inputs, steel, was sourced in part from market-economy countries and paid for in market-economy currencies. Pursuant to 19 CFR 351.408(c)(1), when a respondent sources inputs from a market-economy supplier in meaningful quantities (*i.e.,* not insignificant quantities), the Department normally will only use the actual price paid by the respondent to value those inputs except when prices may have been distorted by findings of dumping by the PRC and/or subsidies.[26] Where the facts developed in either U.S. or third-country countervailing duty findings include the existence of subsidies that appear to be used generally (in particular, broadly available, non-industry specific export subsidies), the Department will have reason to believe or suspect that prices of the inputs from the country granting the subsidies may be subsidized.[27] Information reported by Jiuli TC demonstrates that it did not purchase significant quantities (*i.e.,* 33 percent or more) of steel from market-economy suppliers. Thus, to value steel, the Department weight-averaged the market-economy purchase price and the appropriate surrogate value for steel using the market economy and NME percentages of the reported total volume of purchases.[28] Where appropriate, we added freight to the market-economy purchase price of steel.

In accordance with legislative history, the Department continues to apply its long-standing practice of disregarding SVs if it has a reason to believe or suspect the source data may be subsidized.[29] In this regard, the Department has previously found that it is appropriate to disregard such prices from India, Indonesia, South Korea and Thailand because we have determined that these countries maintain broadly available, non-industry specific export subsidies.[30] Based on the existence of these subsidy programs that were generally available to all exporters and producers in these countries at the time of the POR, the Department finds that it is reasonable to infer that all exporters from India, Indonesia, South Korea and Thailand may have benefitted from these subsidies. Therefore, the Department has not used prices from Indonesia, South Korea and Thailand in calculating the Indian import-based SVs.

Additionally, the Department disregarded prices from NME countries. Finally, imports that were labeled as originating from an "unspecified" country were excluded from the average value because the Department could not be certain that they were not from either an NME country or a country with general export subsidies.[31]

On May 14, 2010, the Court of Appeals for the Federal Circuit ("CAFC") in *Dorbest Ltd.* v. *United States,* 604 F.3d 1363, 1372 (CAFC 2010), found that the {regression-based} method for calculating wage rates, as stipulated by 19 CFR 351.408(c)(3), uses data not permitted by the statutory requirements laid out in section 773 of the Act (*i.e.,* 19 U.S.C. 1677b(c)).

The Department is continuing to evaluate options for determining labor values in light of the recent CAFC decision. However, for these preliminary results, we have calculated an hourly wage rate to use in valuing the respondent's reported labor input by averaging industry-specific earnings and/or wages in countries that are economically comparable to the PRC and that are significant producers of comparable merchandise.

For the preliminary results of this review, the Department is valuing labor

[22] *See, e.g., Fresh Garlic From the People's Republic of China: Final Results of Antidumping Duty New Shipper Review,* 67 FR 72139 (December 4, 2002) and accompanying Issues and Decision Memorandum at Comment 6; *Final Results of First New Shipper Review and First Antidumping Duty Administrative Review: Certain Preserved Mushrooms From the People's Republic of China,* 66 FR 31204 (June 11, 2001) and accompanying Issues and Decision Memorandum at Comment 5.

[23] *See, e.g., Notice of Preliminary Determination of Sales at Less Than Fair Value, Negative Preliminary Determination of Critical Circumstances and Postponement of Final Determination: Certain Frozen and Canned Warmwater Shrimp From the Socialist Republic of Vietnam,* 69 FR 42672, 42682 (July 16, 2004), unchanged in *Final Determination of Sales at Less Than Fair Value: Certain Frozen and Canned Warmwater Shrimp From the Socialist Republic of Vietnam,* 69 FR 71005 (December 8, 2004).

[24] *See* Surrogate Value Memorandum at Exhibit 1.

[25] *See, e.g., Certain Kitchen Appliance Shelving and Racks From the People's Republic of China: Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination,* 74 FR 9591, 9600 (March 5, 2009), unchanged in *Certain Kitchen Appliance Shelving and Racks From the People's Republic of China: Final Determination of Sales at Less than Fair Value,* 74 FR 36656 (July 24, 2009).

[26] *See Antidumping Duties; Countervailing Duties,* 62 FR 27296, 27366 (May 19, 1997); *see also Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From the People's Republic of China; Final Results of 1998–1999 Administrative Review, Partial Rescission of Review, and Determination Not To Revoke Order in Part,* 66 FR 1953 (January 10, 2001) ("*TRBs 1998–1999*"), and accompanying Issues and Decision Memorandum at Comment 1.

[27] *See TRBs 1998–1999* at Comment 1; *see also Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From the People's Republic of China; Final Results of 1999–2000 Administrative Review, Partial Rescission of Review, and Determination Not To Revoke Order in Part,* 66 FR 57420 (November 15, 2001), and accompanying Issues and Decision Memorandum at Comment 1; *China National Machinery Imp. & Exp. Corp. v. United States,* 293 F. Supp. 2d 1334, 1338–39 (Ct. Int'l Trade 2003).

[28] *See Antidumping Methodologies: Market Economy Inputs, Expected Non-Market Economy Wages, Duty Drawback; and Request for Comments,* 71 FR 61716, 61717 (October 19, 2006) ("*Antidumping Methodologies*").

[29] Omnibus Trade and Competitiveness Act of 1988, Conf. Report to Accompany H.R. 3, H.R. Rep. No. 576, 100th Cong., 2nd Sess. (1988) at 590.

[30] *See e.g., Carbazole Violet Pigment 23 from India: Final Results of the Expedited Five-year (Sunset) Review of the Countervailing Duty Order,* 75 FR 13257 (March 19, 2010) and accompanying Issues and Decision Memorandum at 4–5; *Certain Cut-to-Length Carbon-Quality Steel Plate from Indonesia: Final Results of Expedited Sunset Review,* 70 FR 45692 (August 8, 2005) and accompanying Issues and Decision Memorandum at 4; *Corrosion-Resistant Carbon Steel Flat Products from the Republic of Korea: Final Results of Countervailing Duty Administrative Review,* 74 FR 2512 (January 15, 2009) and accompanying Issues and Decision Memorandum at 17, 19–20; *Final Affirmative Countervailing Duty Determination: Certain Hot-Rolled Carbon Steel Flat Products From Thailand,* 66 FR 50410 (October 3, 2001) and accompanying Issues and Decision Memorandum at 23.

[31] *See Polyethylene Terephthalate Film, Sheet, and Strip from the People's Republic of China: Preliminary Determination of Sales at Less Than Fair Value,* 73 FR 24552, 24559 (May 5, 2008), unchanged in *Polyethylene Terephthalate Film, Sheet, and Strip from the People's Republic of China: Final Determination of Sales at Less Than Fair Value,* 73 FR 55039 (September 24, 2008).

using a simple average industry-specific wage rate using earnings or wage data reported under Chapter 5B by the International Labor Organization ("ILO"). To achieve an industry-specific labor value, we relied on industry-specific labor data from the countries we determined to be both economically comparable to the PRC and significant producers of comparable merchandise. A full description of the industry-specific wage rate calculation methodology is provided in the Surrogate Value Memorandum. The Department calculated a simple average industry-specific wage rate of $1.36 for these preliminary results. Specifically, for this review, the Department has calculated the wage rate using a simple average of the data provided to the ILO under Sub-Classification 28 of the ISIC—Revision 3 standard by countries determined to be both economically comparable to the PRC and significant producers of comparable merchandise. The Department finds the two-digit description under International Standard Industrial Classification—Revision 3 ("Manufacture of fabricated metal products, except machinery and equipment") to be the best available wage rate surrogate value on the record because it is specific and derived from industries that produce merchandise comparable to the subject merchandise. Consequently, we averaged the ILO industry-specific wage rate data or earnings data available from the following countries found to be economically comparable to the PRC and significant producers of comparable merchandise: Ecuador, Egypt, Indonesia, Jordan, Peru, the Philippines, Thailand, and Ukraine.[32] For further information on the calculation of the wage rate, *see* Surrogate Value Memorandum.

The Department valued truck freight expenses using a per-unit average rate calculated from data on the infobanc Web site: *http://www.infobanc.com/logistics/logtruck.htm.* The logistics section of this Web site contains inland freight truck rates between many large Indian cities. The value is contemporaneous with the POR.[33]

The Department valued electricity using price data for small, medium, and large industries, as published by the Central Electricity Authority of the Government of India in its publication entitled "Electricity Tariff & Duty and Average Rates of Electricity Supply in India," dated March 2008. These electricity rates represent actual country-wide, publicly available information on tax-exclusive electricity rates charged to small, medium, and large industries in India. We did not inflate this value because utility rates represent current rates, as indicated by the effective dates listed for each of the rates provided.[34] We valued water using the revised Maharashtra Industrial Development Corporation water rates available at *http://www.midcindia.com/water-supply.*

At verification, we obtained records from one month of the POR which allow us to calculate a scrap offset that is more specific to subject merchandise than Jiuli TC's reported scrap offset. We do not, however, have these records for the entire POR. Because necessary information is not on the record for the entire POR, pursuant to section 776(a) of the Act, as facts available, we are basing Jiuli TC's POR scrap offset for subject merchandise on record information obtained at verification for one month of the POR. *See* Surrogate Value Memorandum.

The Department valued brokerage and handling expenses using a price list for procedures necessary to export a standardized cargo of goods in India. The price list is compiled based on a survey of the procedural requirements for trading a standard shipment of goods by ocean freight in India that is published in *Doing Business 2009: India* by the World Bank. Because these data were current throughout the POR, we did not inflate the value for brokerage and handling.[35]

The Department valued factory overhead, selling, general, and administrative expenses, and profit using data from two Indian companies, Ratnamani and Jindal, producers of merchandise both identical and comparable to the subject merchandise, for the fiscal year January 1, 2009, through March 31, 2010.[36]

Currency Conversion

The Department made currency conversions into U.S. dollars, in accordance with section 773A(a) of the Act, based on the exchange rates in effect on the dates of the U.S. sales as certified by the Federal Reserve Bank. These exchange rates are available on Import Administration's Web site at *http://ia.ita.doc.gov/exchange/index.html.*

Preliminary Results of Review

The Department preliminarily determines that the following weighted-average dumping margin exists:

Exporter	Weighted-average percent margin
Zhejiang Jiuli Hi-Tech Metals Co., Ltd./Huzhou Jiuli Welded Stainless Steel Pipe Co., Ltd.	0.01

Disclosure

The Department will disclose the calculations performed within five days of the date of publication of this notice to parties in this proceeding in accordance with 19 CFR 351.224(b).

Public Comment

Interested parties may submit written comments no later than 30 days after the date of publication of these preliminary results of review.[37] Parties that submit comments are requested to submit with each argument a statement of the issue and a brief summary of the argument. Rebuttal comments must be limited to the issues raised in the written comments and may be filed no later than five days after the deadline for filing case briefs.[38] Parties submitting written comments or rebuttals are requested to provide the Department with an additional copy of those comments on CD–ROM. Any interested party may request a hearing within 30 days of publication of these preliminary results.[39] Any hearing, if requested, ordinarily will be held two days after the scheduled date for submission of rebuttal briefs.[40] Parties should confirm

[32] Because India (the primary surrogate country) did not report wage data in ISIC–Revision 3, which was relied upon for industry-specific wage rates in these preliminary results, it is not among the countries that the Department considered for inclusion in the average.

[33] *See* Surrogate Value Memorandum at Exhibit 11.

[34] *See* Surrogate Value Memorandum at Exhibit 7.

[35] *See* Surrogate Value Memorandum at Exhibit 13.

[36] *See* Surrogate Value Memorandum at Exhibit 9. Also note that Jindal changed its financial reporting period from the calendar year (January 1 to December 31) to the Indian fiscal calendar year (April 1 to March 31). As a result, Jindal's 2009–2010 financial statement shows a 15 month period (January 1, 2009, to March 31, 2010) because it reflects this transition.

[37] *See* 19 CFR 351.309(c)(1)(ii).

[38] *See* 19 CFR 351.309(d).

[39] *See* 19 CFR 351.310(c).

[40] *See* 19 CFR 351.310(d).

by telephone the date, time, and location of the hearing two days before the scheduled date.

The Department will issue the final results of the administrative review, which will include the results of its analysis of issues raised in the briefs, within 120 days of publication of these preliminary results, in accordance with 19 CFR 351.213(h)(1) unless the time limit is extended.

Assessment Rates

Pursuant to 19 CFR 351.212, the Department will determine, and U.S. Customs and Border Protection ("CBP") shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review. For assessment purposes, in accordance with 19 CFR 351.212(b)(1), the Department calculated exporter/importer (or customer)-specific assessment rates for merchandise subject to this review. Where the respondent has reported reliable entered values, the Department calculated importer (or customer)-specific *ad valorem* rates by aggregating the dumping margins calculated for all U.S. sales to each importer (or customer) and dividing this amount by the total entered value of the sales to each importer (or customer). *See* 19 CFR 351.212(b)(1). Where an importer (or customer)-specific *ad valorem* rate is greater than *de minimis,* we will apply the assessment rate to the entered value of the importer's/customer's entries during the POR. *See* 19 CFR 351.212(b)(1). Where an importer (or customer)-specific *ad valorem* rate is zero or *de minimis* (*i.e.,* less than 0.50 percent), the Department will instruct CBP to liquidate that importer's (or customer's) entries of subject merchandise without regard to antidumping duties. *See* 19 CFR 351.106(c)(2).

The Department intends to issue appropriate assessment instructions directly to CBP 15 days after publication of the final results of this review. The Department intends to instruct CBP to liquidate entries containing subject merchandise exported by the PRC-wide entity at the PRC-wide rate in the final results of this review.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this review for all shipments of subject merchandise from the PRC entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(2)(C) of the Act: (1) For the exporter listed above, the cash deposit rate will be that established in the final results of this review (except, if the rate is zero or *de minimis, i.e.,* less than 0.5 percent, a zero cash deposit rate will be required for that company); (2) for previously investigated or reviewed PRC and non-PRC exporters not listed above that have separate rates, the cash deposit rate will continue to be the exporter-specific rate published for the most recent period; (3) for all PRC exporters of subject merchandise which have not been found to be entitled to a separate rate, the cash deposit rate will be the PRC-wide rate of 55.21 percent; and (4) for all non-PRC exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the PRC exporters that supplied that non-PRC exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

The Department is issuing and publishing these preliminary results of administrative review in accordance with section 777(i)(1) of the Act, and 19 CFR 351.221(b)(4).

Dated: March 25, 2011.

Ronald K. Lorentzen,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 2011–7621 Filed 3–30–11; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Antidumping Duty Administrative Reviews, Requests for Revocation in Part, and Deferral of Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce ("the Department") has received requests to conduct administrative reviews of various antidumping duty orders and findings with February anniversary dates. In accordance with the Department's regulations, we are initiating those administrative reviews. The Department received a request to revoke two antidumping duty orders in part. The Department also received a request to defer the initiation of an administrative review for one antidumping duty order.

DATES: *Effective Date:* March 31, 2011.

FOR FURTHER INFORMATION CONTACT: Sheila E. Forbes, Office of AD/CVD Operations, Customs Unit, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230, *telephone:* (202) 482–4697.

SUPPLEMENTARY INFORMATION:

Background

The Department has received timely requests, in accordance with 19 CFR 351.213(b), for administrative reviews of various antidumping and countervailing duty orders and findings with February anniversary dates. With respect to the antidumping duty orders on Frozen Warmwater Shrimp from Brazil, India, and Thailand, the initiation of the antidumping duty administrative review for these cases will be published in a separate initiation notice. The Department received timely requests to revoke in part the antidumping duty order on Stainless Steel Bar from India with respect to one exporter and on Certain Frozen Warmwater Shrimp from the People's Republic of China with respect to one exporter. The Department also received a request in accordance with 19 CFR 351.213(c) to defer for one year the initiation of the February 1, 2010, through January 31, 2011, administrative review of the antidumping duty order on Stainless Steel Bar from Japan. The Department received no objections to this request from any party cited in 19 CFR 351.213(c)(1)(ii).

All deadlines for the submission of various types of information, certifications, or comments or actions by the Department discussed below refer to the number of calendar days from the applicable starting time.

Notice of No Sales

If a producer or exporter named in this notice of initiation had no exports, sales, or entries during the period of review ("POR"), it must notify the Department within 60 days of publication of this notice in the **Federal Register**. All submissions must be made in accordance with 19 CFR 351.303 and are subject to verification in accordance

with section 782(i) of the Tariff Act of 1930, as amended ("Act"). Six copies of the submission should be submitted to the Assistant Secretary for Import Administration, International Trade Administration, Room 1870, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230. Further, in accordance with 19 CFR 351.303(f)(3)(ii), a copy of each request must be served on every party on the Department's service list.

Respondent Selection

In the event the Department limits the number of respondents for individual examination for administrative reviews, the Department intends to select respondents based on U.S. Customs and Border Protection ("CBP") data for U.S. imports during the POR. We intend to release the CBP data under Administrative Protective Order ("APO") to all parties having an APO within seven days of publication of this initiation notice and to make our decision regarding respondent selection within 21 days of publication of this **Federal Register** notice. The Department invites comments regarding the CBP data and respondent selection within five days of placement of the CBP data on the record of the applicable review.

Separate Rates

In proceedings involving non-market economy ("NME") countries, the Department begins with a rebuttable presumption that all companies within the country are subject to government control and, thus, should be assigned a single antidumping duty deposit rate. It is the Department's policy to assign all exporters of merchandise subject to an administrative review in an NME country this single rate unless an exporter can demonstrate that it is sufficiently independent so as to be entitled to a separate rate.

To establish whether a firm is sufficiently independent from government control of its export activities to be entitled to a separate rate, the Department analyzes each entity exporting the subject merchandise under a test arising from the *Final Determination of Sales at Less Than Fair Value: Sparklers From the People's Republic of China,* 56 FR 20588 (May 6, 1991), as amplified by *Notice of Final Determination of Sales at Less Than Fair Value: Silicon Carbide From the People's Republic of China,* 59 FR 22585 (May 2, 1994). In accordance with the separate-rates criteria, the Department assigns separate rates to companies in NME cases only if respondents can demonstrate the absence of both *de jure* and *de facto* government control over export activities.

All firms listed below that wish to qualify for separate-rate status in the administrative reviews involving NME countries must complete, as appropriate, either a separate-rate application or certification, as described below. For these administrative reviews, in order to demonstrate separate-rate eligibility, the Department requires entities for whom a review was requested, that were assigned a separate rate in the most recent segment of this proceeding in which they participated, to certify that they continue to meet the criteria for obtaining a separate rate. The Separate Rate Certification form will be available on the Department's Web site at *http://www.trade.gov/ia* on the date of publication of this **Federal Register** notice. In responding to the certification, please follow the "Instructions for Filing the Certification" in the Separate Rate Certification. Separate Rate Certifications are due to the Department no later than 30 calendar days after publication of this **Federal Register** notice. The deadline and requirement for submitting a Certification applies equally to NME-owned firms, wholly foreign-owned firms, and foreign sellers who purchase and export subject merchandise to the United States.

Entities that currently do not have a separate rate from a completed segment of the proceeding [1] should timely file a Separate Rate Application to demonstrate eligibility for a separate rate in this proceeding. In addition, companies that received a separate rate in a completed segment of the proceeding that have subsequently made changes, including, but not limited to, changes to corporate structure, acquisitions of new companies or facilities, or changes to their official company name,[2] should timely file a Separate Rate Application to demonstrate eligibility for a separate rate in this proceeding. The Separate Rate Status Application will be available on the Department's Web site at *http://www.trade.gov/ia* on the date of publication of this **Federal Register** notice. In responding to the Separate Rate Status Application, refer to the instructions contained in the application. Separate Rate Status Applications are due to the Department no later than 60 calendar days of publication of this **Federal Register** notice. The deadline and requirement for submitting a Separate Rate Status Application applies equally to NME-owned firms, wholly foreign-owned firms, and foreign sellers that purchase and export subject merchandise to the United States.

For exporters and producers who submit a separate-rate status application or certification and subsequently are selected as mandatory respondents, these exporters and producers will no longer be eligible for separate-rate status unless they respond to all parts of the questionnaire as mandatory respondents.

Initiation of Reviews:

In accordance with 19 CFR 351.221(c)(1)(i), we are initiating administrative reviews of the following antidumping duty orders and findings. We intend to issue the final results of these reviews not later than February 29, 2012. Also, in accordance with 19 CFR 351.213(c) we are deferring for one year the initiation of the February 1, 2010, through January 31, 2011 administrative review of the antidumping duty order on Stainless Steel Bar from Japan (A–588–833) with respect to one exporter.

	Period to be reviewed
Antidumping Duty Proceedings	
Argentina: Honey,[3] A–357–812	12/1/09–11/30/10
Algodonera Avellaneda, S.A.	
Brazil: Frozen Warmwater Shrimp,[4] A–351–838	2/1/10–1/31/11

[1] Such entities include entities that have not participated in the proceeding, entities that were preliminarily granted a separate rate in any currently incomplete segment of the proceeding (*e.g.,* an ongoing administrative review, new shipper review, *etc.*) and entities that lost their separate rate in the most recently complete segment of the proceeding in which they participated.

[2] Only changes to the official company name, rather than trade names, need to be addressed via a Separate Rate Application. Information regarding new trade names may be submitted via a Separate Rate Certification.

	Period to be reviewed
India: Certain Preserved Mushrooms, A–533–813	2/1/10–1/31/11
Agro Dutch Foods Limited (Agro Dutch Industries Limited)	
Himalya International Ltd.	
Hindustan Lever Ltd. (formerly Ponds India, Ltd.)	
Transchem, Ltd.	
Weikfield Foods Pvt. Ltd.	
India: Certain Stainless Steel Flanges, A–533–809	2/1/10–1/22/11
Pradeep Metals Ltd.	
India: Stainless Steel Bar, A–533–810	2/1/10–1/31/11
Ambica Steels Limited	
Atlas Stainless Corporation	
Bhansali Bright Bars Pvt. Ltd.	
Chandan Steel Limited	
FACOR Steels Limited	
Grand Foundry, Ltd.	
India Steel Works, Ltd.	
Meltroll Engineering Pvt. Ltd.	
Mukand, Ltd.	
Sindia Steels Limited	
Snowdrop Trading Pvt. Ltd.	
Venus Wire Industries Pvt. Ltd.	
India: Frozen Warmwater Shrimp,[5] A–533–840	2/1/10–1/31/11
Italy: Stainless Steel Butt-Weld Pipe Fittings, A–475–828	2/1/10–1/31/11
Filmag Italia SRL	
Tectubi Raccordi S.p.A.	
Thailand: Frozen Warmwater Shrimp,[6] A–549–822	2/1/10–1/31/11
The Republic of Korea: Certain Cut-to-Length Carbon-Quality Steel Plate, A–580–836	2/1/10–1/31/11
Dongkuk Steel Mill Co., Ltd.	
The People's Republic of China: Certain Preserved Mushrooms,[7] A–570–851	2/1/10–1/31/11
Ayecue (Liaocheng) Foodstuff Co., Ltd.	
Blue Field (Sichuan) Food Industrial Co., Ltd.	
China National Cereals, Oils & Foodstuffs Import & Export Corp.	
China Processed Food Import & Export Co.	
Dujiangyan Xingda Foodstuff Co., Ltd.	
Fujian Golden Banyan Foodstuffs Co., Ltd.	
Fujian Pinghe Baofeng Canned Foods	
Fujian Yuxing Fruits and Vegetables Foodstuffs Development Co., Ltd.	
Fujian Zishan Group Co., Ltd.	
Guangxi Eastwing Trading Co., Ltd.	
Guangxi Hengyong Industrial & Commercial Dev. Ltd.	
Guangxi Jisheng Foods, Inc.	
Linyi City Kangfa Foodstuff Drinkable Co., Ltd.	
Longhai Guangfa Food Co., Ltd.	
Primera Harvest (Xiangfan) Co., Ltd.	
Shandong Fengyu Edible Fungus Corporation Ltd.	
Shandong Jiufa Edible Fungus Corporation, Ltd.	
Sun Wave Trading Co., Ltd.	
Xiamen Greenland Import & Export Co., Ltd.	
Xiamen Gulong Import & Export Co., Ltd.	
Xiamen International Trade & Industrial Co., Ltd.	
Xiamen Jiahua Import & Export Trading Co., Ltd.	
Xiamen Longhuai Import & Export Co., Ltd.	
Zhangzhou Ganchang Canned Foods Co., Ltd.	
Zhangzhou Golden Banyan Foodstuffs Industrial Co., Ltd.	
Zhangzhou Hongda Import & Export Trading Co., Ltd.	
Zhangzhou Tongfa Foods Industry Co., Ltd.	
Zhejiang Iceman Food Co., Ltd.	
The People's Republic of China: Certain Frozen Warmwater Shrimp,[8] A–570–893	2/1/10–1/31/11
Allied Pacific Aquatic Products Zhanjiang Co Ltd	
Allied Pacific Food (Dalian) Co., Ltd	
Asian Seafoods (Zhanjiang) Co., Ltd.	
Beihai Evergreen Aquatic Product Science And Technology Co Ltd.	
Beihai Qinguo Frozen Foods Co., Ltd.	
Capital Prospect	
Dalian Hualian Foods Co., Ltd.	
Dalian Shanhai Seafood Co., Ltd.	
Dalian Z&H Seafood Co., Ltd.	
Ever Hope International Co., Ltd.	
Everflow Ind. Supply	
Flags Wins Trading Co., Ltd.	
Fuchang Aquatic Products Freezing	
Fujian Chaohui International Trading	
Fuqing Minhua Trade Co., Ltd.	

	Period to be reviewed
Fuqing Yihua Aquatic Food Co., Ltd.	
Fuqing Yiyuan Trading Co., Ltd.	
Gallant Ocean (Nanhai), Ltd.	
Guangdong Jiahuang Foods	
Guangdong Jinhang Foods Co., Ltd.	
Guangdong Wanya Foods Fty. Co., Ltd.	
Hai Li Aquatic Co., Ltd.	
Hainan Brich Aquatic Products Co., Ltd.	
Hainan Golden Spring Foods Co., Ltd.	
Hainan Hailisheng Food Co., Ltd.	
Hainan Seaberry Seafoods Corporation	
Hainan Xiangtai Fishery Co., Ltd.	
Haizhou Aquatic Products Co., Ltd.	
Hilltop International	
Hua Yang (Dalian) International	
Jet Power International Ltd.	
Jin Cheng Food Co., Ltd.	
Leizhou Yunyuan Aquatic Products Co., Ltd.	
Maple Leaf Foods International	
North Seafood Group Co.	
Panasonic Mfg. Xiamen Co	
Phoenix Intl.	
Rizhao Smart Foods	
Rui'an Huasheng Aquatic Products Processing Factory	
Savvy Seafood Inc.	
Sea Trade International Inc.	
Shanghai Linghai Fisheries Trading Co. Ltd.	
Shanghai Smiling Food Co., Ltd.	
Shanghai Zhoulian Foods Co., Ltd.	
Shantou Jiazhou Foods Industry	
Shantou Jin Cheng Food Co., Ltd.	
Shantou Longfeng Foodstuff Co., Ltd.	
Shantou Longsheng Aquatic Product Foodstuff Co., Ltd.	
Shantou Ruiyuan Industry Company Ltd.	
Shantou Wanya Foods Fty. Co., Ltd.	
Shantou Xinwanya Aquatic Product Ltd Company	
Shantou Yue Xiang Commercial Trading Co., Ltd.	
Shantou Yuexing Enterprises Co.	
Shengsi Huali Aquatic Co., Ltd.	
SLK Hardware	
Thai Royal Frozen Food Zhanjiang Co., Ltd.	
Tongwei Hainan Aquatic Products Co. Ltd.	
Top One Intl.	
Xiamen Granda Import & Export Co., Ltd.	
Xinjiang Top Agricultural Products Co., Ltd.	
Xinxing Aquatic Products Processing Factory	
Yancheng Hi-king Agriculture Developing Co., Ltd.	
Yangjiang Wanshida Seafood Co., Ltd.	
Yelin Enterprise Co., Ltd.	
Zhangzhou Xinwanya Aquatic Product	
Zhanjiang East Sea Kelon Aquatic Products Co. Ltd.	
Zhanjiang Evergreen Aquatic Product Science and Technology Co., Ltd.	
Zhanjiang Fuchang Aquatic Products Co., Ltd.	
Zhanjiang Go Harvest Aquatic Products Co., Ltd.	
Zhanjiang Haizhou Aquatic Product Co. Ltd.	
Zhanjiang Jinguo Marine Foods Co., Ltd.	
Zhanjiang Longwei Aquatic Products Industry Co., Ltd.	
Zhanjiang Regal Integrated Marine Resources Co., Ltd.	
Zhanjiang Universal Seafood Corp.	
Zhejiang Daishan Baofa Aquatic Products Co., Ltd.	
Zhejiang Industrial Group Co., Ltd.	
Zhejiang Shaoxing Green Vegetable Instant Freezing Co., Ltd.	
Zhejiang Zhoufu Food Co., Ltd.	
Zhongshan Foodstuffs & Aquatic Imp. & Exp. Group Co. Ltd. of Guangdong	
Zhoushan City Shengtai Aquatic Co.	
Zhoushan Junwei Aquatic Product Co. Ltd.	
Zhoushan Lianghong Aquatic Foods Co. Ltd.	
Zhoushan Mingyu Aquatic Product Co. Ltd.	
Zhoushan Putuo Huafa Sea Products Co., Ltd.	
The People's Republic of China: Small Diameter Graphite Electrodes,[9] A–570–929	2/1/10–1/31/11
5–Continent Imp. & Exp. Co., Ltd.	
Acclcarbon Co., Ltd.	
Allied Carbon (China) Co., Limited	

	Period to be reviewed
AMGL	
Anssen Metallurgy Group Co., Ltd.	
Beijing Fangda Carbon Tech Co., Ltd.	
Beijing Xinchengze Inc.	
Beijing Xincheng Sci-Tech. Development Inc.	
Brilliant Charter Limited	
Chang Cheng Chang Electrode Co., Ltd.	
Chengdelh Carbonaceous Elements Factory	
Chengdu Jia Tang Corp.	
Chengdu Rongguang Carbon Co., Ltd.	
China Industrial Mineral & Metals Group	
China Shaanxi Richbond Imp. & Exp. Industrial Corp. Ltd.	
China Xingyong Carbon Co., Ltd.	
CIMM Group Co., Ltd.	
Dalian Carbon & Graphite Corporation	
Dalian Hongrui Carbon Co., Ltd.	
Dalian Honest International Trade Co., Ltd.	
Dalian Horton International Trading Co., Ltd.	
Dalian LST Metallurgy Co., Ltd.	
Dalian Shuangji Co., Ltd.	
Dalian Thrive Metallurgy Imp. & Exp. Co., Ltd.	
Datong Carbon	
Datong Carbon Plant	
Datong Xincheng Carbon Co., Ltd.	
Dechang Shida Carbon Co., Ltd.	
De Well Container Shipping Corp.	
Dewell Group	
Dignity Success Investment Trading Co., Ltd.	
Double Dragon Metals and Mineral Tools Co., Ltd.	
Fangda Carbon New Material Co., Ltd	
Fangda Lanzhou Carbon Joint Stock Company Co. Ltd.	
Foset Co., Ltd.	
Fushun Carbon Co., Ltd.	
Fushun Carbon Plant	
Fushun Jinli Petrochemical Carbon Co., Ltd.	
Fushun Jinly Petrochemical Carbon Co., Ltd.	
GES (China) Co., Ltd.	
Guangdong Highsun Yongye (Group) Co., Ltd.	
Guanghan Shida Carbon Co., Ltd.	
Haimen Shuguang Carbon Industry Co., Ltd.	
Handan Hanbo Material Co., Ltd.	
Hebei Long Great Wall Electrode Co., Ltd.	
Hefei Carbon Co., Ltd.	
Heilongjiang Xinyuan Carbon Products Co., Ltd.	
Heilongjiang Xinyuan Metacarbon Company, Ltd.	
Henan Sanli Carbon Products Co., Ltd.	
Hopes (Beijing) International Co., Ltd.	
Huanan Carbon Factory	
Hunan Mec Machinery and Electronics Imp. & Exp. Corp.	
Hunan Yinguang Carbon Factory Co., Ltd.	
Inner Mongolia QingShan Special Graphite and Carbon Co., Ltd.	
Inner Mongolia Xinghe County Hongyuan Electrical Carbon Factory	
Jiang Long Carbon	
Jiangsu Yafei Carbon Co., Ltd.	
Jiaozuo Zhongzhou Carbon Products Co., Ltd.	
Jichun International Trade Co., Ltd. of Jilin Province	
Jiexiu Juyuan Carbon Co., Ltd./Jiexiu Ju-Yuan & Coaly Co., Ltd.	
Jilin Carbon Graphite Material Co., Ltd.	
Jilin Carbon Import and Export Company	
Jilin Songjiang Carbon Co Ltd.	
Jinneng Group	
Jinyu Thermo-Electric Material Co., Ltd.	
Kaifeng Carbon Company Ltd.	
KASY Logistics (Tianjin) Co., Ltd.	
Kimwan New Carbon Technology and Development Co., Ltd.	
Kingstone Industrial Group Ltd.	
L & T Group Co., Ltd.	
Laishui Long Great Wall Electrode Co. Ltd.	
Lanzhou Carbon Co., Ltd./Lanzhou Carbon Import & Export Corp.	
Lanzhou Hailong New Material Co	
Lanzhou Hailong Technology	
Lanzhou Ruixin Industrial Material Co., Ltd.	
LH Carbon Factory of Chengde	

	Period to be reviewed
Lianxing Carbon Qinghai Co., Ltd.	
Lianxing Carbon Science Institute	
Lianxing Carbon (Shandong) Co., Ltd.	
Lianyungang Jianglida Mineral Co., Ltd.	
Lianyungang Jinli Carbon Co., Ltd.	
Liaoning Fangda Group Industrial Co., Ltd.	
Liaoyang Carbon Co. Ltd.	
Linghai Hongfeng Carbon Products Co., Ltd.	
Linyi County Lubei Carbon Co., Ltd.	
Maoming Yongye (Group) Co., Ltd.	
Nantong Falter New Energy Co., Ltd.	
Nantong River-East Carbon Co., Ltd.	
Nantong River-East Carbon Joint Stock Co., Ltd.	
Nantong Yangtze Carbon Corp. Ltd.	
Orient (Dalian) Carbon Resouces Developing Co., Ltd.	
Peixian Longxiang Foreign Trade Co. Ltd.	
Qingdao Grand Graphite Products Co., Ltd.	
Quingdao Haosheng Metals & Minerals Imp. & Exp. Co., Ltd.	
Qingdao Haosheng Metals Imp. & Exp. Co., Ltd.	
Qingdao Likun Graphite Co., Ltd.	
Qingdao Liyikun Carbon Development Co., Ltd.	
Qingdao Ruizhen Carbon Co., Ltd.	
Rt Carbon Co., Ltd.	
Ruitong Carbon Co., Ltd.	
Shandong Basan Carbon Plant	
Shandong Zibo Contient Carbon Factory	
Shanghai Carbon International Trade Co., Ltd.	
Shanghai GC Co., Ltd.	
Shanghai Jinneng International Trade Co., Ltd.	
Shanghai P.W. International Ltd.	
Shanghai Shen-Tech Graphite Material Co., Ltd.	
Shanghai Topstate International Trading Co., Ltd.	
Shanxi Datong Energy Development Co., Ltd.	
Shanxi Foset Carbon Co. Ltd.	
Shanxi Jiexiu Import and Export Co., Ltd.	
Shanxi Jinneng Group Co., Ltd.	
Shanxi Yunheng Graphite Electrode Co., Ltd.	
Shenyang Jinli Metals & Minerals Imp. & Exp. Co., Ltd.	
Shida Carbon Group	
Shijaizhuang Carbon Co., Ltd.	
Shijiazhuang Huanan Carbon Factory	
Sichuan 5–Continent Imp. & Exp. Co., Ltd.	
Sichuan Dechang Shida Co., Ltd.	
Sichuan Shida Trading Co., Ltd.	
Sichuan GMT International Inc.	
Sichuan Guanghan Shida Carbon Co., Ltd.	
Sinosteel Anhui Co., Ltd.	
Sinosteel Corp.	
Sinosteel Jilin Carbon Co., Ltd.	
Sinosteel Jilin Carbon Imp. & Exp. Co., Ltd.	
Sinosteel Sichuan Co., Ltd.	
SMMC Group Co., Ltd.	
Tangshan Kimwan Special Carbon & Graphite Co., Ltd.	
Tengchong Carbon Co., Ltd.	
Tianjin (Teda) Iron & Steel Trade Co., Ltd.	
Tianjin Kimwan Carbon Technology and Development Co., Ltd.	
Tianjin Yue Yang Industrial & Trading Co., Ltd.	
Tianzhen Jintian Graphite Electrodes Co., Ltd.	
Tielong (Chengdu) Carbon Co., Ltd.	
UK Carbon & Graphite	
United Carbon Ltd.	
United Trade Resources, Inc.	
Weifang Lianxing Carbon Co., Ltd.	
World Trade Metals & Minerals Co., Ltd.	
XC Carbon Group	
Xinghe Muzi Carbon Co., Ltd.	
Xinghe County Muzi Carbon Co., Ltd.	
Xinghe County Muzi Carbon Plant	
Xinghe Xingyong Carbon Co., Ltd.	
Xinghe Xinyuan Carbon Products Co., Ltd.	
Xinyuan Carbon Co., Ltd.	
Xuanhua Hongli Refractory and Mineral Company	
Xuchang Minmetals & Industry Co., Ltd.	

	Period to be reviewed
Xuzhou Carbon Co., Ltd.	
Xuzhou Electrode Factory	
Xuzhou Jianglong Carbon Manufacture Co., Ltd.	
Yangzhou Qionghua Carbon Trading Ltd.	
Yixing Huaxin Imp & Exp Co. Ltd.	
Youth Industry Co., Ltd.	
Zhengzhou Jinyu Thermo-Electric Material Co., Ltd.	
Zibo Continent Carbon Factory	
Zibo DuoCheng Trading Co., Ltd.	
Zibo Lianxing Carbon Co., Ltd.	
Zibo Wuzhou Tanshun Carbon Co., Ltd.	
The People's Republic of China: Uncovered Innerspring Units,[10] A–570–928	2/1/10–1/31/11
Reztec Industries Sdn Bhd	
Goodnite Sdn Bhd	
Socialist Republic of Vietnam: Frozen Warmwater Shrimp,[11] A–552–802	2/1/10–1/31/11
Bac Lieu Fisheries Company Limited, aka.	
Bac Lieu Fisheries Company Limited ("Bac Lieu") aka.	
Bac Lieu Fisheries Joint Stock Company aka.	
Bac Lieu Fisheries Limited Company aka.	
Bac Lieu Fishieries Company Limited	
Bac Lieu Fisheries Company Limited and/or Bac Lieu Fisheries Company Limited ("Bac Lieu")	
C.P. Vietnam Livestock Company Limited ("C.P. Vietnam") aka.	
C.P. Vietnam Livestock Company Limited aka.	
C.P. Vietnam Livestock Corporation ("C.P. Vietnam")	
C.P. Vietnam Livestock Corporation	
C.P. Vietnam Livestock Co., Ltd.	
Minh Hai Sea Products Import Export Company ("Seaprimex Co"), aka	
Ca Mau Seafood Joint Stock Company ("SEAPRIMEXCO") aka.	
Seaprimexco Vietnam, aka.	
Seaprimexco.	
Ca Mau Seafood Joint Stock Company ("Seaprimexco")	
Minh Hai Seaproducts Import Export Corporation	
Seaprimexco.	
Minh Hai Seaproducts Co Ltd. (Seaprimexco)	
Cadovimex Seafood Import-Export and Processing Joint Stock Company ("CADOVIMEX–VIETNAM") aka.	
Cai Doi Vam Seafood Import-Export Company ("Cadovimex") aka.	
Cai Doi Vam Seafood aka.	
Cai Doi Vam Seafood Im-Ex Company (Cadovimex) aka.	
Cai Doi Vam Seafood Processing Factory aka.	
Caidoivam Seafood Company (Cadovimex) aka.	
Caidoivam Seafood Im-Ex Co.	
Cafatex Fishery Joint Stock Corporation ("Cafatex Corp.") aka.	
Cantho Animal Fisheries Product Processing Export Enterprise (Cafatex), aka.	
Cafatex, aka.	
Cafatex Vietnam, aka.	
Xi Nghiep Che Bien Thuy Suc San Xuat Kau Cantho, aka.	
Cas, aka.	
Cas Branch, aka.	
Cafatex Saigon, aka.	
Cafatex Fishery Joint Stock Corporation, aka.	
Cafatex Corporation, aka.	
Taydo Seafood Enterprise.	
Cafatex Corp	
Cafatex Fishery Joint Stock Corporation ("Cafatex Corp.") and/or Cafatex Fishery Joint Stock Corporation ("CAFATEX CORP.")	
Cadovimex Seafood Import-Export and Processing Joint Stock Company ("CADOVIMEX–VIETNAM") aka.	
Cai Doi Vam Seafood Import-Export Company ("Cadovimex") aka.	
Cai Doi Vam Seafood aka.	
Cai Doi Vam Seafood Im-Ex Company (Cadovimex) aka.	
Cai Doi Vam Seafood Processing Factory aka.	
Caidoivam Seafood Company (Cadovimex) aka.	
Caidoivam Seafood Im-Ex Co.	
Cadovimex Seafood Import-Export and Processing Joint Stock Company ("CADOVIMEX") and/or Cadovimex Seafood Import-Export and Processing Joint-Stock Company ("Cadovimex-Vietnam")	
Cadovimex II Seafood Import and Export and/or Cadovimex II Seafood Joint Processing Stock Company	
Can Tho Agricultural and Animal Products Import Export Company ("CATACO") aka.	
Can Tho Agricultural Products aka.	
CATACO aka.	
Can Tho Agricultural and Animal Products Imex Company	
Can Tho Agricultural and Animal Product Import Export Company ("CATACO") and/or Can Tho Agricultural and Animal Products Import Export Company ("CATACO")	
Cam Ranh Seafoods Processing Enterprise Company ("Camranh Seafoods") aka.	
Camranh Seafoods	

	Period to be reviewed
Cam Ranh Seafoods Processing Enterprise Company (“Camranh Seafoods”) and/or Cam Ranh Seafoods Processing Enterprise PTE and/or Camramh Seafoods	
Carnranh Seafoods Processing Enterprise Pte. aka.	
Cam Ranh Seafoods aka.	
Camranh Seafoods Processing & Exporting Company Limited	
Camranh Seafoods and its branch factory, Branch of Camranh Seafoods Processing Enterprise Pte.	
Quang Ninh Export Aquatic Products Processing Factory aka.	
Quang Ninh Seaproducts Factory	
Can Tho Agricultural Products	
Camau Frozen Seafood Processing Import Export Corporation (“CAMIMEX”) aka.	
Camimex aka.	
Camau Seafood Factory No. 4 aka.	
Camau Seafood Factory No. 5 aka.	
Camau Frozen Seafood Processing Import & Export aka.	
Camau Frozen Seafood Processing Import Export Corp. (CAMIMEX–FAC 25) aka.	
Frozen Factory No. 4	
Ca Mau Frozen Seafood Processing Import Export Corporation, or Camau Seafood Factory No. 4 (“CAMIMEX”) and/or Camau Frozen Seafood Processing Import Export Corporation (“CAMIMEX”)	
Camau Frozen Seafood Processing Import & Export Co.	
Camimex Factory 25	
Coastal Fishery Development aka.	
Coastal Fisheries Development Corporation (“Cofidec”) aka.	
COFIDEC aka.	
Coastal Fisheries Development Corporation aka.	
Coastal Fisheries Development Co., aka.	
Coastal Fisheries Development Corp.	
Coastal Fisheries Development Corporation (Cofidec) and/or Coastal Fisheries Development Corporation (“COFIDEC”)	
Coastal Fisheries Development Corporation (Cofidec)	
Cuulong Seaproducts Company (“Cuu Long Seapro”) aka.	
Cuu Long Seaproducts Limited (“Cuulong Seapro”) aka.	
Cuulong Seapro aka.	
Cuulong Seaproducts Company (“Cuulong Seapro”) aka.	
Cuu Long Seaproducts Company (“Cuu Long Seapro”) aka.	
Cuu Long Seaproducts Company aka.	
Cuu Long Seapro aka.	
Cuulong Seaproducts Company (“Cuu Long Seapro”) aka.	
Cuu Long Seaproducts Limited (Cuulong Seapro) aka.	
Cuulong Seapro aka.	
Cuulong Seaproduct Company	
Cuulong Seaproducts Company (“Cuu Long Seapro”) and/or Cuulong Seaproducts Company (“Cuulong Seapro”) and/or Cuulong Seaprodex Co.	
Can Tho Import Export Fishery Limited Company (“CAFISH”)	
Danang Seaproducts Import Export Corporation (“Seaprodex Danang”) aka.	
Danang Seaproducts Import Export Corporation aka.	
Danang Seaproduct Import-Export Corporation aka.	
Danang Seaproducts Import Export aka.	
Tho Quang Seafood Processing & Export Company aka.	
Seaprodex Danang aka.	
Tho Quang Seafood Processing and Export Company aka.	
Tho Quang, aka.	
Tho Quang Co.	
Danang Seaproducts Import Export Corporation (“Seaprodex Danang”) and/or Danang Seaproducts Import Export Corporation (and its affiliates) (“Seaprodex Danang”)	
Grobest & I–Mei Industrial Vietnam, aka.	
Grobest, aka.	
Grobest & I–Mei Industrial (Vietnam) Co., Ltd.	
Grobest & I–Mei Industry Vietnam	
Gallant Ocean (Vietnam) Co., Ltd. (“Gallant Ocean Vietnam”)	
Gallant Ocean (Vietnam) Co. Ltd.	
Investment Commerce Fisheries Corporation (“Incomfish”) aka.	
Incomfish aka.	
Investment Commerce Fisheries Corp., aka.	
Incomfish Corp., aka.	
Incomfish Corporation aka.	
Investment Commerce Fisheries aka.	
Investment Commerce Fisheries Corporation	
Investment Commerce Fisheries Corporation (“Incomfish”) and/or Investment Commerce Fisheries Corporation (“INCOMFISH”)	
Kim Anh Company Limited (“Kim Anh”)	
Kim Anh Co., Ltd.	
Minh Phat Seafood Co., Ltd aka.	
Minh Phat Seafood aka.	

	Period to be reviewed
Minh Phu Seafood Export Import Corporation (and affiliates Minh Qui Seafood Co. Ltd. and Minh Phat Seafood Co., Ltd.) aka.	
Minh Phu Seafood Corp. aka.	
Minh Phu Seafood Corporation aka.	
Minh Qui Seafood aka.	
Minh Qui Seafood Co., Ltd.	
Minh Phat Seafood and/or Minh Phat Seafood Co., Ltd.	
Minh Phu Seafood Export Import Corporation (and affiliates Minh Qui Seafood Co., Ltd. and Minh Phat Seafood Co., Ltd.) and/or Minh Phu Seafood Export Import Corporation (and affiliates Minh Qui Seafood Co., Ltd. and Minh Phat Seafood Co., Ltd.) (collectively "Minh Phu Group")	
Minh Hai Export Frozen Seafood Processing Joint Stock Company aka.	
Minh Hai Jostoco aka.	
Minh Hai Export Frozen Seafood Processing Joint-Stock Company ("Minh Hai Jostoco") aka.	
Minh Hai Export Frozen Seafood Processing Joint-Stock Company aka.	
Minh Hai Joint Stock Seafood Processing Joint-Stock Company aka.	
Minh Hai Export Frozen Seafood Processing Joint-Stock Co., aka.	
Minh-Hai Export Frozen Seafood Processing Joint-Stock Company	
Minh Hai Export Frozen Seafood Processing Joint-Stock Company ("Minh Hai Jostoco") and/or Minh Hai Export Frozen Seafood Processing Joint-Stock Company ("Minh Hai Jotosco")	
Minh Hai Joint-Stock Seafoods Processing Company ("Seaprodex Minh Hai") aka.	
Sea Minh Hai aka.	
Minh Hai Joint-Stock Seafoods Processing Company aka.	
Seaprodex Minh Hai aka.	
Seaprodex Min Hai aka.	
Seaprodex Minh Hai (Minh Hai Joint Stock Seafoods Processing Co.) aka.	
Seaprodex Minh Hai Factory aka.	
Seaprodex Minh Hai Factory No. 69 aka.	
Seaprodex Minh Hai Workshop 1 aka.	
Seaprodex Minh Hai-Factory No. 78 aka.	
Workshop I Seaprodex Minh Hai	
Minh Hai Joint-Stock Seafoods Processing Company ("Seaprodex Minh Hai") and/or Minh Hai Joint-Stock Seafoods Processing Company ("Sea Minh Hai")	
Minh Hai Sea Products Import Export Company ("Seaprimex Co"), aka.	
Ca Mau Seafood Joint Stock Company ("SEAPRIMEXCO") aka.	
Seaprimexco Vietnam, aka.	
Seaprimexco.	
Ca Mau Seafood Joint Stock Company ("Seaprimexco")	
Minh Hai Seaproducts Import Export Corporation	
Seaprimexco.	
Minh Hai Seaproducts Co Ltd. (Seaprimexco)	
Nha Trang Seaproduct Company ("Nha Trang Seafoods") aka.	
Nha Trang Seafoods aka.	
Nha Trang Seaproducts Company Nha Trang Seafoods	
Nha Trang Seaproduct Company ("Nha Trang Seafoods") and/or Nha Trang Seaproduct Company ("NHA TRANG SEAFOODS")	
Nha Trang Fisheries Joint Stock Company ("Nha Trang Fisco") aka.	
Nha Trang Fisheries Joint Stock Company aka.	
Nhatrang Fisheries Joint Stock Company aka.	
Nha Trang Fisco aka.	
Nhatrang Fisco aka.	
Nha Trang Fisheries Joint Stock Company ("Nha Trang Fisco") aka.	
Nha Trang Fisheries, Joint Stock	
Nha Trang Fisheries Joint Stock Company ("Nha Trang Fisco") and/or Nha Trang Fisheries Joint Stock Company ("Nha Trang FISCO")	
Ngoc Sinh Private Enterprise aka.	
Ngoc Sinh Seafoods aka.	
Ngoc Sinh Seafoods Processing and Trading Enterprise aka.	
Ngoc Sinh Fisheries aka.	
Ngoc Sinh Private Enterprises aka.	
Ngoc Sinh Seafoods Processing and Trading Enterprises aka.	
Ngoc Sinh aka.	
Ngoc Sinh Seafood Processing Company aka.	
Ngoc Sinh Seafoods (Private Enterprise)	
Ngoc Sinh Seafood Trading & Processing Enterprise	
Phu Cuong Seafood Processing and Import-Export Co., Ltd.	
Phuong Nam Co., Ltd. ("Phuong Nam") aka.	
Western Seafood Processing and Exporting Factory ("Western Seafood")	
Phuong Nam Co. Ltd. and/or Phuong Nam Foodstuff Corp.	
Sao Ta Foods Joint Stock Company ("Fimex VN") aka.	
Sao Ta Foods Joint Stock Company aka.	
Fimex VN aka.	
Sao Ta Seafood Factory aka.	
Saota Seafood Factory	

	Period to be reviewed
Sao Ta Foods Joint Stock Company (“Fimex VN”) and/or Sao Ta Foods Joint Stock Company (“FIMEX”)	
Soc Trang Aquatic Products and General Import Export Company (“Stapimex”) aka.	
Soc Trang Seafood Joint Stock Company (“Stapimex”) aka.	
Soc Trang Aquatic Products and General Import Export Company aka.	
Stapimex aka.	
Soc Trang Aquatic Products and General Import Export Company-(Stapimex) aka.	
Stapimex Soc Trans Aquatic Products and General Import Export Company aka.	
Stapmex	
Soc Trang Aquatic Products and General Import Export Company (“Stapimex”) and/or Soc Trang Aquatic Products and General Import-Export Company (“STAPIMEX”) and/or Soc Trang Aquatic Seafood Joint-Stock Company	
Thuan Phuoc Seafoods and Trading Corporation aka.	
Frozen Seafoods Factory No. 32 aka.	
Seafoods and Foodstuff Factory aka.	
My Son Seafoods Factory	
Frozen Seafoods Factory No. 32 and/or Frozen Seafoods Fty No. 32	
UTXI Aquatic Products Processing Company aka.	
UT XI Aquatic Products Processing Company aka.	
UT–XI Aquatic Products Processing Company aka.	
UTXI aka.	
UTXI Co. Ltd., aka.	
Khanh Loi Seafood Factory aka.	
Hoang Phuong Seafood Factory aka.	
UTXI Aquatic Products Processing Corporation (“UTXICO”)	
Viet Hai Seafood Co., Ltd. aka.	
Vietnam Fish One Co., Ltd. (“Fish One”)	
Vietnam Fish One Co., Ltd.	
Viet Foods Co., Ltd. aka.	
Nam Hai Foodstuff and Export Company Ltd	
Vinh Loi Import Export Company (“Vimexco”), aka.	
Vinh Loi Import Export Company (“VIMEX”), aka.	
VIMEXCO aka.	
VIMEX aka.	
Vinh Loi Import/Export Co., aka.	
Vinhloi Import Export Company aka.	
Vinh Loi Import-Export Company	
Vinh Loi Import Export Company (“Vimexco”) and/or Vinh Loi Import Export Company (“VIMEX”)	
Amanda Foods (Vietnam) Ltd.	
Agrex Saigon	
Anvifish Joint Stock Co.	
BIM Seafood Joint Stock Company	
Can Tho Import Export Seafood Joint Stock Company (CASEAMEX)	
Can Tho Imp. Exp. Fishery Ltd.	
Cau Tre Enterprise (C. T. E.)	
Cautre Export Goods Processing Joint Stock Company	
Cong Ty Tnhh Thong Thuan (Thong Thuan)	
D & N Foods Processing (Danang Company Ltd.)	
Hai Thanh Food Company Ltd.	
Hai Viet Corporation (“HAVICO”)	
Hai Vuong Co., Ltd.	
Hoa Phat Aquatic Products Processing And Trading Service Co., Ltd.	
Interfood Shareholding Co.	
Kien Long Seafoods Co. Ltd.	
Minh Chau Imp. Exp. Seafood Processing Co., Ltd.	
Ngoc Chau Co., Ltd. and/or Ngoc Chau Seafood Processing Company	
Ngoc Tri Seafood Joint Stock Company	
Quoc Viet Seaproducts Processing Trading Import and Export Co., Ltd.	
S.R.V. Freight Services Co., Ltd.	
Sea Product	
Sustainable Seafood	
Tan Thanh Loi Frozen Food Co., Ltd.	
Thanh Doan Seaproducts Import & Export Processing Joint-Stock Company (THADIMEXCO)	
Thanh Hung Frozen Seafood Processing Import Export Co., Ltd.	
Thanh Tri Seafood Processing Co. Ltd.	
Tho Quang Seafood Processing & Export Company	
Thuan Phuoc Seafoods and Trading Corporation and/or Thuan Phuoc Seafoods and Trading Corporation (and its affiliates)	
Tien Tien Garment Joint Stock Company	
Tithi Co., Ltd.	
Viet Cuong Seafood Processing Import Export Joint-Stock Company	
Viet I–Mei Frozen Foods Co., Ltd.	
Vietnam Clean Seafood Corporation (VINA Cleanfood)	
Vietnam Northern Viking Technologies Co. Ltd.	
Vinatex Danang	

	Period to be reviewed
Vinh Hoan Corp.	
Countervailing Duty Proceedings	
None.	
Suspension Agreements	
None.	
Deferral of Initiation of Administrative Review	
Japan: Stainless Steel Bar,[12] A–588–833 ..... Misumi Corporation	2/1/10–1/31/11

During any administrative review covering all or part of a period falling between the first and second or third and fourth anniversary of the publication of an antidumping duty order under 19 CFR 351.211 or a determination under 19 CFR 351.218(f)(4) to continue an order or suspended investigation (after sunset review), the Secretary, if requested by a domestic interested party within 30 days of the date of publication of the notice of initiation of the review, will determine, consistent with *FAG Italia* v. *United States,* 291 F.3d 806 (Fed. Cir. 2002), as appropriate, whether antidumping duties have been absorbed by an exporter or producer subject to the review if the subject merchandise is sold in the United States through an importer that is affiliated with such exporter or producer. The request must include the name(s) of the exporter or producer for which the inquiry is requested.

For the first administrative review of any order, there will be no assessment of antidumping or countervailing duties on entries of subject merchandise entered, or withdrawn from warehouse, for consumption during the relevant provisional-measures "gap" period, of the order, if such a gap period is applicable to the POR.

Interested parties must submit applications for disclosure under administrative protective orders in accordance with 19 CFR 351.305. On January 22, 2008, the Department published *Antidumping and Countervailing Duty Proceedings: Documents Submission Procedures; APO Procedures,* 73 FR 3634 (January 22, 2008). Those procedures apply to administrative reviews included in this notice of initiation. Parties wishing to participate in any of these administrative reviews should ensure that they meet the requirements of these procedures (*e.g.,* the filing of separate letters of appearance as discussed at 19 CFR 351.103(d)).

Any party submitting factual information in an antidumping duty/countervailing duty ("AD/CVD") proceeding must certify to the accuracy and completeness of that information. *See* section 782(b) of the Act. Parties are hereby reminded that revised certification requirements are in effect for company/government officials as well as their representatives in all segments of any AD/CVD proceedings initiated on or after March 14, 2011. *See Certification of Factual Information to Import Administration During Antidumping and Countervailing Duty Proceedings: Interim Final Rule,* 76 FR 7491 (February 10, 2011) ("*Interim Final Rule*"), amending 19 CFR 351.303(g)(1) and (2). The formats for the revised certifications are provided at the end of the *Interim Final Rule.* The Department intends to reject factual submissions in any proceeding segments initiated on or after March 14, 2011 if the submitting party does not comply with the revised certification requirements.

These initiations and this notice are in accordance with section 751(a) of the Act (19 U.S.C. 1675(a)), and 19 CFR 351.221(c)(1)(i).

Dated: March 28, 2011.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2011–7623 Filed 3–30–11; 8:45 am]

BILLING CODE 3510–DS–P

[3] The company name listed above was misspelled in the initiation notice that published on February 24, 2011 (76 FR 10329). The correct spelling of the company name is listed in this notice.

[4] The initiation of the administrative review for the above referenced case will be published in a separate initiation notice.

[5] The initiation of the administrative review for the above referenced case will be published in a separate initiation notice.

[6] The initiation of the administrative review for the above referenced case will be published in a separate initiation notice.

[7] If one of the above-named companies does not qualify for a separate rate, all other exporters of Certain Preserved Mushrooms from the People's Republic of China ("PRC") who have not qualified for a separate rate are deemed to be covered by this review as part of the single PRC entity of which the named exporters are a part.

[8] If one of the above-named companies does not qualify for a separate rate, all other exporters of Certain Frozen Warmwater Shrimp from the PRC who have not qualified for a separate rate are deemed to be covered by this review as part of the single PRC entity of which the named exporters are a part.

[9] If one of the above-named companies does not qualify for a separate rate, all other exporters of Small Diameter Graphite Electrodes from the PRC who have not qualified for a separate rate are deemed to be covered by this review as part of the single PRC entity of which the named exporters are a part.

[10] If one of the above-named companies does not qualify for a separate rate, all other exporters of Uncovered Innerspring Units from the PRC who have not qualified for a separate rate are deemed to be covered by this review as part of the single PRC entity of which the named exporters are a part.

[11] If one of the above-named companies does not qualify for a separate rate, all other exporters of Certain Frozen Warmwater Shrimp from the PRC who have not qualified for a separate rate are deemed to be covered by this review as part of the single PRC entity of which the named exporters are a part.

[12] Pursuant to 19 CFR 351.213(c) the Department received a request to defer the administrative review with respect to Misumi Corporation for one year. The Department did not receive any objections to the deferral within 15 days after the end of the anniversary month. As such, we will initiate the administrative review with respect to Misumi Corporation in the month immediately following the next anniversary month.

DEPARTMENT OF COMMERCE

International Trade Administration

A–570–937]

Citric Acid and Certain Citrate Salts From the People's Republic of China: Extension of Time Limit for the Preliminary Results of the Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

DATES: *Effective Date:* March 31, 2011.

FOR FURTHER INFORMATION CONTACT: Krisha Hill or Lilit Astvatsatrian, AD/CVD Operations, Office 8, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; *telephone:* (202) 482–4037 or (202) 482–6412, respectively.

SUPPLEMENTARY INFORMATION:

Background

On June 30, 2010, the Department of Commerce ("the Department") published the initiation of the administrative review of the antidumping duty order on citric acid and certain citrate salts ("citric acid") from the People's Republic of China ("PRC"). *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Deferral of Administrative Review,* 75 FR 37759 (June 30, 2010). On January 25, 2011, the Department published the extension of time limits for the preliminary results of the administrative review of the antidumping duty order. *See Citric Acid and Certain Citrate Salts from the People's Republic of China: Notice of Extension of Time Limit for the Preliminary Results of the Antidumping Duty Administrative Review,* 76 FR 4288 (January 25, 2011). This review covers the periods November 20, 2008, through May 19, 2009, and May 29, 2009, through April 30, 2010. The preliminary results of review are currently due no later than April 1, 2011.

Extension of Time Limit for Preliminary Results of Review

Pursuant to section 751(a)(3)(A) of the Tariff Act of 1930, as amended ("the Act"), the Department shall make a preliminary determination in an administrative review of an antidumping duty order within 245 days after the last day of the anniversary month of the date of publication of the order. The Act further provides, however, that the Department may extend that 245-day period to 365 days if it determines it is not practicable to complete the review within the foregoing time period.

The Department finds that it is not practicable to complete the preliminary results of the administrative review of citric acid from the PRC within this time limit. Specifically, additional time is needed to examine the respondents' production process, factors of production (FOPs), and determine surrogate values with which to value FOPs. Therefore, in accordance with section 751(a)(3)(A) of the Act, the Department is extending the time period for completion of the preliminary results of this review, which is currently due on April 1, 2011, by 60 days. Therefore, the preliminary results are now due no later than May 31, 2011.

This notice is published in accordance with sections 751(a)(3)(A) and 777(i) of the Act.

March 25, 2011.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2011–7626 Filed 3–30–11; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–851]

Certain Preserved Mushrooms From the People's Republic of China: Initiation of Antidumping Duty New Shipper Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (the Department) has received a request for a new shipper review (NSR) of the antidumping duty order on certain preserved mushrooms from the People's Republic of China (PRC). In accordance with section 751(a)(2)(B) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.214(d), we are initiating an antidumping duty NSR of Zhangzhou Long Mountain Foods Co., Ltd. (Long Mountain). The period of review (POR) of this NSR is February 1, 2010, through January 31, 2011.

DATES: *Effective Date:* March 31, 2011.

FOR FURTHER INFORMATION CONTACT: Fred Baker, Scott Hoefke, or Robert James, AD/CVD Operations, Office 7, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230, telephone: (202) 482–2924, (202) 482–4947, or (202) 482–0649, respectively.

SUPPLEMENTARY INFORMATION:

Background

On February 19, 1999, the Department published the antidumping duty order on certain preserved mushrooms from the PRC. *See Notice of Amendment of Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Certain Preserved Mushrooms From the People's Republic of China,* 64 FR 8308 (February 19, 1999). Thus, the antidumping duty order on certain preserved mushrooms from the PRC has a February anniversary month. On February 28, 2011, the Department received a request for an NSR from Long Mountain. In its request for review, Long Mountain identified itself as both exporter and producer of the subject merchandise. The Department determined that Long Mountain's request contained certain deficiencies and requested that it correct its submission. *See* March 15, 2011 letter from Robert James, Program Manager, to Long Mountain. In accordance with the Department's requests, Long Mountain corrected the problems in its initial submission in a revised submission dated March 18, 2011. For the purpose of initiating this NSR, the Department determines that Long Mountain's request for an NSR was timely filed.

Pursuant to the requirements set forth in section 751(a)(2)(B)(i) of the Act and 19 CFR 351.214(b)(2), Long Mountain certified that (1) It did not export subject merchandise to the United States during the period of investigation (POI) (*see* section 751(a)(2)(B)(i)(I) of the Act and 19 CFR 351.214(b)(2)(i)); (2) since the initiation of the investigation it has never been affiliated with any company that exported subject merchandise to the United States during the POI, including those companies not individually examined during the investigation (*see* section 751(a)(2)(B)(i)(II) of the Act and19 CFR 351.214(b)(2)(iii)(A)); and (3) its export activities were not controlled by the central government of the PRC (*see* 19 CFR 351.214(b)(2)(iii)(B)). Additionally, in accordance with 19 CFR 351.214(b)(2)(iv), Long Mountain submitted documentation establishing the following: (1) The date on which it first shipped subject merchandise to the United States; (2) the volume of its first shipment; and (3) the date of its first sale to an unaffiliated customers in the United States. In accordance with 19 CFR 351.214(b)(2)(iv)(B), Long Mountain also provided the volume of its one subsequent shipment, dated January 30, 2011, which the company indicated was in transit to the United States.

Initiation of Review

Based on information on the record, and in accordance with section 751(a)(2)(B) of the Act and 19 CFR 351.214(d), we find the request Long Mountain submitted meets the statutory and regulatory requirements for initiation of an NSR. *See* Memorandum to the File through Richard Weible, "Initiation of AD New Shipper Review: Certain Preserved Mushrooms from the People's Republic of China (A–570–851)," dated March 31, 2011. Accordingly, we are initiating an NSR of the antidumping duty order on certain preserved mushrooms from the PRC produced and exported by Long Mountain. This review covers the period February 1, 2010, through January 31, 2011. We intend to issue the preliminary results of this review no later than 180 days after the date on which this review is initiated, and the

final results within 90 days after the date on which we issue the preliminary results. *See* section 751(a)(2)(B)(iv) of the Act and 19 CFR 351.214(h)(i).

In cases involving non-market economies, the Department requires that a company seeking to establish eligibility for an antidumping duty rate separate from the country-wide rate provide evidence of *de jure* and *de facto* absence of government control over the company's export activities. *See, generally, Wooden Bedroom Furniture from the People's Republic of China: Preliminary Results of Antidumping Duty New Shipper Reviews,* 75 FR 72794 (November 26, 2010), unchanged in *Wooden Bedroom Furniture from the People's Republic of China: Final Results of Antidumping Duty New Shipper Reviews,* 76 FR 9747 (February 22, 2011). Accordingly, we will issue a questionnaire to Long Mountain that will include a separate rates section. This review will proceed if the response provides sufficient indication that Long Mountain is not subject to either *de jure* or *de facto* government control with respect to its shipments of preserved mushrooms.

Upon initiation, we will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of any unliquidated entries of subject merchandise produced and exported by Long Mountain and will instruct the CBP to allow, at the option of the importer, the posting, until the completion of the review, of a bond or security in lieu of a cash deposit for certain entries of the subject merchandise produced and exported by Long Mountain in accordance with section 751(a)(2)(B)(iii) of the Act and 19 CFR 351.214(e). Because Long Mountain certified that it both produced and exported the subject merchandise, the sales of which form the basis for its NSR request, we will instruct CBP to permit the use of a bond only for entries of subject merchandise where Long Mountain acted both as producer and exporter.

To assist in its analysis of the *bona fides* of Long Mountain's sales, upon initiation of this NSR, the Department will require Long Mountain to submit on an ongoing basis complete transaction information concerning any sales of subject merchandise to the United States that were made subsequent to the POR.

Interested parties requiring access to business proprietary information in this NSR should submit applications for disclosure under administrative protective order in accordance with 19 CFR 351.305 and 351.306.

This notice serves as a reminder that any party submitting factual information in an AD/CVD proceeding must certify to the accuracy and completeness of that information. *See* Section 782(b) of the Act. Parties are hereby reminded that revised certification requirements are in effect for company/government officials as well as their representatives in all AD/CVD investigations or proceedings initiated on or after March 14, 2011. *See Certification of Factual Information to Import Administration During Antidumping and Countervailing Duty Proceedings: Interim Final Rule,* 76 FR 7491 (February 10, 2011) (*Interim Final Rule*) amending 19 CFR 351.303(g)(1) and (2). The formats for the revised certifications are provided at the end of the *Interim Final Rule.* The Department intends to reject factual submissions in investigations/proceedings initiated on or after March 14, 2011 if the submitting party does not comply with the revised certification requirements.

Dated: March 24, 2011.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2011–7619 Filed 3–30–11; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–552–801]

Certain Frozen Fish Fillets From the Socialist Republic of Vietnam: Initiation of Antidumping Duty New Shipper Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

DATES: *Effective Date:* March 31, 2011.

SUMMARY: The Department of Commerce ("Department") has determined that a request for a new shipper review ("NSR") of the antidumping duty order on certain frozen fish fillets ("fish fillets") from the Socialist Republic of Vietnam ("Vietnam"), received on February 28, 2011, meets the statutory and regulatory requirements for initiation. The period of review ("POR") for this NSR is August 1, 2010, through January 31, 2011.

FOR FURTHER INFORMATION CONTACT: Ricardo Martinez Rivera, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; *telephone:* 202–482–4532.

SUPPLEMENTARY INFORMATION:

Background

The notice announcing the antidumping duty order on fish fillets from Vietnam was published in the **Federal Register** on August 12, 2003. *See Notice of Antidumping Duty Order: Certain Frozen Fish Fillets from the Socialist Republic of Vietnam,* 68 FR 47909 (August 12, 2003). On February 28, 2011, pursuant to section 751(a)(2)(B)(i) of the Tariff Act of 1930, as amended ("Act"), the Department received a properly filed NSR request during the semi-annual anniversary month of the antidumping duty order from Thuan An Production Trading & Services Co., Ltd. ("Tafishco"). Tafishco certified that it is both the producer and exporter of the subject merchandise upon which the request was based.

Pursuant to section 751(a)(2)(B)(i)(I) of the Act and 19 CFR 351.214(b)(2)(i), Tafishco certified that it did not export subject merchandise to the United States during the period of investigation ("POI"). In addition, pursuant to section 751(a)(2)(B)(i)(II) of the Act and 19 CFR 351.214(b)(2)(iii)(A), Tafishco certified that, since the initiation of the investigation, it has never been affiliated with any Vietnamese exporter or producer who exported subject merchandise to the United States during the POI, including those respondents not individually examined during the POI. As required by 19 CFR 351.214(b)(2)(iii)(B), Tafishco also certified that its export activities were not controlled by the central government of Vietnam.

In addition to the certifications described above, pursuant to 19 CFR 351.214(b)(2)(iv)(A), (B) and (C), Tafishco submitted documentation establishing the following: (1) The date on which Tafishco first shipped subject merchandise for export to the United States; (2) the volume of its first shipment; and (3) the date of its first sale to an unaffiliated customer in the United States.

The Department conducted U.S. Customs and Border Protection ("CBP") database queries in an attempt to confirm that Tafishco's shipments of subject merchandise had entered the United States for consumption and that liquidation of such entries had been properly suspended for antidumping duties. The Department also examined whether the CBP data confirmed that such entries were made during the NSR POR. The information we examined was consistent with that provided by Tafishco.

Initiation of New Shipper Review

Pursuant to section 751(a)(2)(B) of the Act and 19 CFR 351.214(d)(1), we find that Tafishco meets the threshold requirements for initiation of a NSR for the shipments of fish fillets from Vietnam produced and exported by Tafishco. *See* "Memorandum to the File from Ricardo Martinez Rivera, International Trade Compliance Analyst, Initiation of AD New Shipper Review: Certain Frozen Fish Fillets from the Socialist Republic of Vietnam (A–552–801)," dated concurrently with this notice.

The Department intends to issue the preliminary results of this NSR no later than 180 days from the date of initiation, and the final results no later than 270 days from the date of initiation. *See* section 751(a)(2)(B)(iv) of the Act.

It is the Department's usual practice, in cases involving non-market economy countries, to require that a company seeking to establish eligibility for an antidumping duty rate separate from the country-wide rate provide evidence of *de jure* and *de facto* absence of government control over the company's export activities. Accordingly, we will issue a questionnaire to Tafishco, which will include a section requesting information concerning Tafishco's export activities for separate rates purposes. The review will proceed if the response provides sufficient indication that Tafishco is not subject to either *de jure* or *de facto* government control with respect to its export of subject merchandise.

We will instruct U.S. Customs and Border Protection to allow, at the option of the importer, the posting, until the completion of the review, of a bond or security in lieu of a cash deposit for each entry of the subject merchandise from Tafishco in accordance with section 751(a)(2)(B)(iii) of the Act and 19 CFR 351.214(e). Because Tafishco certified that it produced and exported the subject merchandise, the sale of which is the basis for this new shipper review request, we will apply the bonding privilege to Tafishco only for subject merchandise which Tafishco both produced and exported.

To assist in its analysis of the *bona fides* of Tafishco's sales, upon initiation of this new shipper review, the Department will require Tafishco to submit on an ongoing basis complete transaction information concerning any sales of subject merchandise to the United States that were made subsequent to the POR.

Interested parties requiring access to proprietary information in this NSR should submit applications for disclosure under administrative protective order in accordance with 19 CFR 351.305 and 351.306. This initiation and notice are published in accordance with section 751(a)(2)(B) of the Act and 19 CFR 351.214 and 351.221(c)(1)(i).

Dated: March 24, 2011.

Gary Taverman,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2011–7358 Filed 3–30–11; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Proposed Information Collection; Comment Request; Usage of Elevators for Occupant Evacuation Questionnaire

AGENCY: National Institute of Standards and Technology (NIST), Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before May 31, 2011.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dHynek@doc.gov).*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Erica Kuligowski, *erica.kuligowski@nist.gov,* 301–975–2309.

SUPPLEMENTARY INFORMATION:

I. Abstract

NIST's research on elevators has primarily focused on the technical aspects of ensuring safe and reliable evacuation for the occupants of tall buildings. In addition, the International Code Council and the National Fire Protection Association provide requirements for the use of elevators for both occupant evacuation and fire fighter access into the building. However, there still is little understanding of how occupants use elevator systems during fire emergencies.

The main focus of this research effort is to gain an understanding of how elevators are currently used by occupants of existing multi-story buildings in the United States during fire emergencies. This research aims to summarize emergency plans and procedures from buildings that make use of one or multiple elevators from the existing elevator system (used for normal building traffic) for the evacuation of building occupants during fire emergencies. Building managers and designated safety personnel from existing buildings in the United States, including federal buildings, will be contacted to fill out a questionnaire asking about how the buildings' evacuation plans incorporate the use of the existing elevator system to evacuate occupants during fire emergencies, specifically individuals with disabilities, if at all.

II. Method of Collection

This data will be collected electronically. Questionnaires will be made available on a secured website and the link to this website will be distributed by NIST staff to building property managers and designated safety personnel.

III. Data

OMB Control Number: None.

Form Number: None.

Type of Review: Regular submission (new information collection).

Affected Public: Selected individuals, such as building managers and designated safety personnel, who are familiar with or in charge of developing emergency procedures for multi-story buildings in the United States, including both federal and private sector buildings.

Estimated Number of Respondents: 1,500.

Estimated Time per Response: 15 minutes.

Estimated Total Annual Burden Hours: 375.

Estimated Total Annual Cost to Public: $0.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the

proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: March 25, 2011.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2011–7559 Filed 3–30–11; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Northeast Region Permit Family of Forms

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before May 31, 2011.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dHynek@doc.gov).*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Rich Malinowski, (727) 824–5305 or *rich.malinowski@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This is an extension of a currently approved information collection. National Marine Fisheries Service (NMFS) Southeast Region manages the United States (U.S.) fisheries of the exclusive economic zone (EEZ) off the South Atlantic, Caribbean, and Gulf of Mexico under the Fishery Management Plans (FMP) for each Region. The Regional Fishery Management Councils prepared the FMPs pursuant to the Magnuson-Stevens Fishery Conservation and Management Act. The regulations implementing the FMPs that have reporting requirements are at 50 CFR part 622.

The recordkeeping and reporting requirements at 50 CFR part 622 form the basis for this collection of information. NMFS Southeast Region requests information from fishery participants. This information, upon receipt, results in an increasingly more efficient and accurate database for management and monitoring of the fisheries of the EEZ off the South Atlantic, Caribbean, and Gulf of Mexico.

II. Method of Collection

Paper applications, electronic reports, and telephone calls are required from participants, and methods of submittal include Internet, electronic forms, and facsimile transmission of paper forms.

III. Data

OMB Control Number: 0648–0205.

Form Number: None.

Type of Review: Regular submission (extension of a currently approved information collection).

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 60,250.

Estimated Total Annual Burden Hours: 16,013.

Estimated Total Annual Cost to Public: $650,679.

Multiple Fishery Dealer Application, Notification of Permit Purchase Price—Permit Transfer, Notification Harvest Activity—Aquaculture Live Rock, Request for Octocoral or Allowable Chemical Vessel Permit, and the Transit Notification—Golden Crab Vessel, 5 minutes; Rock Shrimp Vessel Position Report, 15 minutes; Multiple Fishery Vessel Application, South Atlantic Wreckfish Vessel Form, South Atlantic Golden Crab Vessel Form, Colombian Treaty Vessel Form, Aquaculture Live Rock Site Permit, Endorsement Transfer Gulf Red Snapper, Endorsement South Atlantic Rock Shrimp, Endorsement Mackerel Gillnet, Notification of Transfers, 25 minutes; Dolphin/Wahoo Permit Application/Operator card, 30 minutes; Aquaculture Live Rock Site Evaluation Report, 45 minutes; Rock Shrimp Vessel Operator Permit Card Application, one hour; Rock Shrimp Vessel Non-Renewed Endorsement Request, two hours; Rock Shrimp Vessel Monitoring System Installation Form, 4 hours.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: March 25, 2011.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2011–7568 Filed 3–30–11; 8:45 am]

BILLING CODE 3510–22–P

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meetings

TIME AND DATE: 11 a.m., Friday April 29, 2010.

PLACE: 1155 21st St., NW., Washington, DC, 9th Floor Commission Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance and Enforcement Matters.

CONTACT PERSON FOR MORE INFORMATION: Sauntia S. Warfield, 202–418–5084.

Sauntia S. Warfield,

Assistant Secretary of the Commission.

[FR Doc. 2011–7703 Filed 3–29–11; 11:15 am]

BILLING CODE 6351–01–P

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meetings

TIME AND DATE: 11 a.m., Friday April 22, 2011.

PLACE: 1155 21st St., NW., Washington, DC, 9th Floor Commission Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance and Enforcement Matters.

CONTACT PERSON FOR MORE INFORMATION: Sauntia S. Warfield, 202–418–5084.

Sauntia S. Warfield,

Assistant Secretary of the Commission.

[FR Doc. 2011–7704 Filed 3–29–11; 4:15 pm]

BILLING CODE 6351–01–P

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meetings

TIME AND DATE: 11 a.m., Friday April 15, 2011.

PLACE: 1155 21st St., NW., Washington, DC, 9th Floor Commission Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance and Enforcement Matters.

CONTACT PERSON FOR MORE INFORMATION: Sauntia S. Warfield, 202–418–5084.

Sauntia S. Warfield,

Assistant Secretary of the Commission.

[FR Doc. 2011–7705 Filed 3–29–11; 11:15 am]

BILLING CODE 6351–01–P

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meetings

TIME AND DATE: 11 a.m., Friday April 1, 2011.

PLACE: 1155 21st St., NW., Washington, DC, 9th Floor Commission Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance and Enforcement Matters.

CONTACT PERSON FOR MORE INFORMATION: Sauntia S. Warfield, 202–418–5084.

Sauntia S. Warfield,

Assistant Secretary of the Commission.

[FR Doc. 2011–7709 Filed 3–29–11; 11:15 am]

BILLING CODE 6351–01–P

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meetings

TIME AND DATE: 11 a.m., Friday April 8, 2011.

PLACE: 1155 21st St., NW., Washington, DC, 9th Floor Commission Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance and Enforcement Matters.

CONTACT PERSON FOR MORE INFORMATION: Sauntia S. Warfield, 202–418–5084.

Sauntia S. Warfield,

Assistant Secretary of the Commission.

[FR Doc. 2011–7706 Filed 3–29–11; 11:15 am]

BILLING CODE 6351–01–P

DEPARTMENT OF DEFENSE

Department of the Army

Notice of Intent To License Government-Owned Inventions; Intent To License Exclusively

AGENCY: Department of the Army, DoD.

ACTION: Notice.

SUMMARY: The invention listed below is assigned to the United States Government as represented by the Secretary of the Army. The U.S. Army Edgewood Chemical Biological Center intends to license this invention exclusively to Sage-N Research, Inc, a California Corporation with principal offices at, 1525 McCarthy Boulevard, Suite 1000, Milpitas, CA 95035. The invention to be licensed is known as "Methods for Detection and Identification of Cell Types (DICT)," and its U.S. Patent Application serial number is 12/570,038, filed on September 30, 2009.

ADDRESSES: Requests for more information and/or objections should be directed to Eric McGill telephone: 410–436–8467, *eric.s.mcgill@us.army.mil,* U.S. Army Edgewood Chemical Biological Center (ECBC), AMSRD–ECB–PI–BP–TT, Bldg E3330/Rm 241 5183 Blackhawk Road, APG, MD 21010–5424. Any requests of objections should be made within 15 days of the publication of this notice.

FOR FURTHER INFORMATION CONTACT: Dhirajlal Parekh, Office of Research and Technology Applications, U.S. Army Edgewood Chemical Biological Center, AMSRD–ECB–PI–BP–TT, Bldg E3330/Rm 241 5183 Blackhawk Road, APG, MD 21010–5424, telephone: 410–436–8400, e-mail: *dhirajlal.parekh@us.army.mil.*

SUPPLEMENTARY INFORMATION: None.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2011–7587 Filed 3–30–11; 8:45 am]

BILLING CODE 3710–08–P

DEPARTMENT OF DEFENSE

Department of the Army

Notice of Intent To License Government-Owned Inventions; Intent To License Exclusively

AGENCY: Department of the Army, DoD.

ACTION: Notice.

SUMMARY: The inventions listed below are assigned to the United States Government as represented by the Secretary of the Army. The U.S. Army Edgewood Chemical Biological Center intends to license these inventions exclusively in the field of virus detection in Agricultural and Veterinary Diagnostics and Agricultural and Veterinary Disease Detection, to NanoEngineering Corporation, a Florida Corporation with principal offices at 1717 Edgar Street—Unit 103, and West Palm Beach, Florida 33401–6976. The inventions to be licensed are U.S. Patent No. 6,051,189 issued April 18, 2000, and entitled "System and method for detection, identification and monitoring of submicron-sized particles," U.S. Patent No. 6,485,686 issued November 26, 2002, and entitled "Method and apparatus for counting submicron sized particles," U.S. Patent No. 6,491,872 issued December 10, 2002, and entitled "Method and system for detecting and recording submicron sized particles," and U.S. Patent No. 7,250,138 issued July 31, 2007, and entitled "Method and system for detecting and recording submicron sized particles."

ADDRESSES: Requests for more information and/or objections should be directed to Eric McGill telephone: 410–436–8467, *eric.s.mcgill@us.army.mil,* U.S. Army Edgewood Chemical Biological Center (ECBC), AMSRD–ECB–PI–BP–TT, Bldg E3330/Rm 241 5183 Blackhawk Road, APG, MD 21010–5424. Any requests of objections should be made within 15 days of the publication of this notice.

FOR FURTHER INFORMATION CONTACT: Dhirajlal Parekh, Office of Research and Technology Applications, U.S. Army Edgewood Chemical Biological Center, AMSRD–ECB–PI–BP–TT, Bldg E3330/Rm 241 5183 Blackhawk Road, APG, MD 21010–5424, telephone: 410–436–8400, e-mail: *dhirajlal.parekh@us.army.mil.*

SUPPLEMENTARY INFORMATION: None.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2011–7590 Filed 3–30–11; 8:45 am]

BILLING CODE 3710–08–P

DEPARTMENT OF DEFENSE

Department of the Army

Notice of Intent To License Government-Owned Inventions; Intent To License Exclusively

AGENCY: Department of the Army, DoD.

ACTION: Notice.

SUMMARY: The inventions listed below are assigned to the United States Government as represented by the Secretary of the Army. The U.S. Army Edgewood Chemical Biological Center intends to license these inventions exclusively to Guild Associates, Inc., an Ohio Corporation with principal offices 5750 Shier-Rings Road Dublin, OH 43016. The inventions to be licensed are known as "Filtration Media and process for the Removal of Hazardous Material from Air Streams," and "Zirconium Hydroxide for Decontaminating Toxic Agents." The U.S. Patent Application serial numbers for these inventions are 12/914,334 filed on October 28, 2010 and 12/917,811 filed on November 2, 2010, respectively.

ADDRESSES: Requests for more information and/or objections should be directed to Eric McGill telephone: 410–436–8467, *eric.s.mcgill@us.army.mil*, U.S. Army Edgewood Chemical Biological Center (ECBC), AMSRD–ECB–PI–BP–TT, Bldg E3330/Rm 241 5183 Blackhawk Road, APG, MD 21010–5424. Any requests of objections should be made within 15 days of the publication of this notice.

FOR FURTHER INFORMATION CONTACT: Dhirajlal Parekh, Office of Research and Technology Applications, U.S. Army Edgewood Chemical Biological Center, AMSRD–ECB–PI–BP–TT, Bldg E3330/Rm 241 5183 Blackhawk Road, APG, MD 21010–5424, telephone: 410–436–8400, e-mail: *dhirajlal.parekh@us.army.mil*.

SUPPLEMENTARY INFORMATION: None.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2011–7618 Filed 3–30–11; 8:45 am]

BILLING CODE 3710–08–P

DEPARTMENT OF DEFENSE

Department of the Army

Interim Change to the Military Freight Traffic Unified Rules Publication (MFTURP) No. 1

AGENCY: Department of the Army, DoD.

SUMMARY: The Military Surface Deployment and Distribution Command (SDDC) is providing notice that it is releasing the new version of the MFTURP No. 1, effective April 1, 2011.

ADDRESSES: Submit comments to Publication and Rules Manager, Strategic Business Directorate, Business Services, 1 Soldier Way, Building 1900W, *Attn:* SDDC–OPM, Scott AFB 62225. Request for additional information may be sent by e-mail to: *chad.t.privett@us.army.mil* or *cory.dearolf@us.army.mil* or *george.alie@us.army.mil.*

FOR FURTHER INFORMATION CONTACT: Mr. Chad Privett, (618) 220–6901, or Mr. Cory Dearolf, (618) 220–6959, or Mr. George Alie, (618) 220–5870.

SUPPLEMENTARY INFORMATION:

Reference: Military Freight Traffic Unified Rules Publications (MFTURP) No. 1.

Background: The MFTURP No. 1 governs the purchase of surface freight transportation in the Continental United States (CONUS) by DoD using Federal Acquisition Regulation (FAR) exempt transportation service contracts.

Miscellaneous: This publication, as well as the other SDDC publications, can be accessed via the SDDC Web site at: *http://sddcbiz.sddc.army.mil/Public/Global%20Cargo%20Distribution/Domestic/Publications?summary=fullcontent.*

Larry L. Earick,

Chief, SDDC, G9, Business Services.

[FR Doc. 2011–7620 Filed 3–30–11; 8:45 am]

BILLING CODE 3710–08–P

DEPARTMENT OF DEFENSE

Department of the Army

Record of Decision (ROD) for the Realignment, Growth, and Stationing of Army Aviation Assets

AGENCY: Department of the Army, DoD.

ACTION: Notice of Availability (NOA).

SUMMARY: The Assistant Deputy Chief of Staff of the Army, G–3/5/7, has reviewed the "Final Programmatic Environmental Impact Statement (FPEIS) for Realignment, Growth, and Stationing of Army Aviation Assets" and has made the decision to proceed with the implementation of Alternative 3 (preferred alternative). Specific details of the decision are captured in the Army's ROD for this action. This ROD explains the Army will activate and station a new Combat Aviation Brigade (CAB) at Fort Carson, Colorado, resulting in a total growth of approximately 2,700 Soldiers and 113 helicopters. As part of this decision, Joint Base Lewis-McChord (JBLM), Washington, will receive existing aviation units that will be realigned from other locations and will gain approximately 1,400 new Soldiers and 44 helicopters. Implementation of this decision will include CAB training at each installation and at their respective satellite maneuver training areas: Piñon Canyon Maneuver Site (PCMS) for Fort Carson and Yakima Training Center (YTC) for JBLM. This alternative best supports the need for realignment, growth, and realignment of aviation units.

ADDRESSES: Questions or comments regarding the ROD should be forwarded to: Public Affairs Office, U.S. Army Environmental Command, Attention: IMPA–AE, 1835 Army Boulevard, Fort Sam Houston, TX 78234–2686.

FOR FURTHER INFORMATION CONTACT: Public Affairs Office at (210) 221–0882; fax (410) 436–1693, during normal business hours; or e-mail APGR-*USAECNEPA@conus.army.mil.*

SUPPLEMENTARY INFORMATION: The ROD incorporates analyses contained in the "Final Programmatic Environmental Impact Statement (FPEIS) for the Realignment, Growth, and Stationing of Army Aviation Assets," including comments provided during formal comment and review periods. The ROD discusses each alternative for the Proposed Action and provides a discussion of environmental impacts and mitigation commitments the Army will implement as part of this decision. The selected action best supports the need for con-solidation, growth, and stationing of aviation assets. This need includes addressing imbalances between mission requirements and available aviation forces, and also improving training opportunities for aviation and ground units. The decision will increase the availability of rotary wing units to meet current and future national security requirements and will allow the Army better to organize existing aviation units to promote more effective training and force management. Existing CABs cannot meet the continuing high demand sufficient to meet the Army's goal of a one year deployed boots-on-the-Ground (BOG) to a two-year home station stabilization or 1:2 BOG to dwell ratio. The completion of these stationing actions will provide sufficient aviation assets to allow Soldiers more time at home between deployments. Furthermore, Fort Carson and JBLM do not currently have a CAB to support integrated air-ground operations. Air-ground integration training between CAB units and ground units allows each

type of unit to maneuver more effectively with the other, understand key limitations and requirements, promote increased training readiness, and effectively prepare Army units for operational deployments abroad. In addition, both Fort Carson and JBLM are world-class military installations that have modernized range and training infrastructure and existing airfields capable of supporting CAB units. Both installations have adequate maneuver lands and airspace access, and the capability to provide CAB units with new or existing administrative space and garrison support infrastructure.

The decision to realign components of a CAB to JBLM instead of stationing a full CAB there will reduce the impacts a full CAB would have had to traffic on Interstate 5 and other congested roadways and also reduce impacts on local schools. Split stationing existing CAB units and realigning less than a full CAB to JBLM will also ensure that critical aviation lift assets will remain in Alaska to support operations there. This split stationing approach will provide units at JBLM with full CAB training capability and benefits when realigned units are added to JBLMs existing aviation units.

Environmental impacts associated with the implementation of the decision include potentially significant impacts to: transportation on the Interstate 5 corridor near JBLM, fish and water quality in Puget Sound, and noise impacts to sensitive receptors. There are potentially significant impacts to biological resources at YTC from increased potential for wildfire and habitat degradation associated with aviation training. There may also be significant but mitigable impacts to soils at Fort Carson, PCMS, and YTC as well as significant but mitigable impacts to water resources at YTC. At PCMS, cumulative impacts to soils are predicted to be manageable with current dust control mitigation techniques. Impacts to cultural resources, air quality, noise, and public land use were all predicted to be less than significant.

This decision provides the proper balance for addressing the shortfall in aviation force structure, optimizing training readiness, and enhancing quality of life for Soldiers and their Families by increasing the times between deployments for aviation Soldiers. As part of the implementation of this decision, the Army will take practical measures to mitigate impacts to protect and sustain the environment.

A summary of environmental impacts and rationale for the decision can be found in the ROD which is available along with the FPEIS for public review at *http://aec.army.mil/usaec/nepa/topics00.html.*

Dated: March 25, 2011.

Hershell E. Wolfe,

Acting Deputy Assistant Secretary of the Army (Environment, Safety and Occupational Health)

[FR Doc. 2011–7507 Filed 3–30–11; 8:45 am]

BILLING CODE 3710–08–P

DEPARTMENT OF EDUCATION

Credit Enhancement for Charter School Facilities Program

AGENCY: Office of Innovation and Improvement, Department of Education.

ACTION: Notice inviting applications for new awards for fiscal year (FY) 2011; correction.

Overview Information:

Catalog of Federal Domestic Assistance (CFDA) Number: 84.354A.

SUMMARY: On March 11, 2011, the Department of Education published in the **Federal Register** (76 FR 13365) a notice inviting applications for new awards for FY 2011 for the Credit Enhancement for Charter School Facilities program (March 11 NIA). This notice makes two corrections to the March 11 NIA.

FOR FURTHER INFORMATION CONTACT: Ann Margaret Galiatsos. Telephone: (202) 205–9765; or by e-mail: *ann.galiatsos@ed.gov;* or by mail: (Attention: Credit Enhancement for Charter School Facilities Program), U.S. Department of Education, 400 Maryland Avenue, SW., Room 4W259, Washington, DC 20202.

If you use a telecommunications device for the deaf (TDD), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

Individuals with disabilities can obtain this document in an accessible format (*e.g.,* braille, large print, audiotape, or computer diskette) on request to the contact listed in this section.

SUPPLEMENTARY INFORMATION:

Correction

On pages 13365, 13366, and 13367 of the March 11 NIA, we indicated that there would be only one pre-application meeting and that it would be held on April 4, 2011 at 9:00 a.m., Washington, DC time. We are correcting the March 11 NIA to reflect that the Department is offering a second pre-application meeting at 2:00 p.m. on April 5, 2011. The corrections are as follows:

On page 13365, second column, the "Date of Pre-Application Meeting" section is corrected to read "Dates of Pre-Application Meetings: April 4, 2011 at 9:00 a.m., Washington, DC time and April 5, 2011 at 2:00 p.m., Washington, DC time."

On page 13366, third column, and page 13367, first column, the "Date of Pre-Application Meeting" section is corrected to read as follows:

"Dates of Pre-Application Meetings: The Department will hold two pre-application meetings for prospective applicants. The first pre-application meeting will be held on April 4, 2011 at 9:00 a.m., Washington, DC time, at the U.S. Department of Education, Room 1W128, 400 Maryland Avenue, SW., Washington, DC. The second pre-application meeting will be held on April 5, 2011 at 2:00 p.m., Washington, DC time, via conference call.

Interested parties are invited to participate in these meetings to discuss the purpose of the program, priorities, selection criteria, application requirements, submission requirements, and reporting requirements. Interested parties may participate in the first pre-application meeting either by conference call or in person. Interested parties may participate in the second pre-application meeting by conference call.

The site for the first pre-application meeting is accessible by Metro on the Blue, Orange, Green, and Yellow lines at the Seventh Street and Maryland Avenue exit of the L'Enfant Plaza station. After the first meeting, program staff will be available from 12:00 p.m. to 2:00 p.m. on that same day to provide information and technical assistance through individual consultation.

To participate by conference call in either the first or second pre-application meetings, the conference line number is 1–888–456–0285 and the participant pass code is 1704354. If you use a telecommunications device for the deaf (TDD), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

Individuals interested in attending either meeting are encouraged to preregister by e-mailing their name, organization, and contact information with the subject heading PRE–APPLICATION MEETING to *ann.galiatsos@ed.gov.* There are no registration fees for attending these meetings.

For further information about the pre-application meetings, contact Ann Margaret Galiatsos, U.S. Department of Education, 400 Maryland Avenue, SW., Room 4W259, Washington, DC 20202–5970. Telephone: (202) 205–9765 or by e-mail: *ann.galiatsos@ed.gov.*"

Program Authority: 20 U.S.C. 7223–7223j.

Electronic Access to This Document

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Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *http://www.gpo.gov/fdsys.*

Dated: March 28, 2011.

James H. Shelton, III,

Assistant Deputy Secretary for Innovation and Improvement.

[FR Doc. 2011–7636 Filed 3–30–11; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Intent To Compromise Claim Against the District of Columbia Public Schools

AGENCY: Department of Education.

ACTION: Notice of intent to compromise claim with request for comments.

SUMMARY: The United States Department of Education (Department) intends to compromise a claim against the District of Columbia Public Schools (DCPS) now pending before the Office of Administrative Law Judges (OALJ), Docket No. 07–42–R. Before compromising a claim, the Department must publish its intent to do so in the **Federal Register** and provide the public an opportunity to comment on that action.

DATES: We must receive your comments on the proposed action on or before May 16, 2011.

ADDRESSES: Address all comments concerning the proposed action to Ronald B. Petracca, Office of the General Counsel, U.S. Department of Education, 400 Maryland Avenue, SW., room 6C111, Washington, DC 20202–2110.

FOR FURTHER INFORMATION CONTACT: Ronald B. Petracca. Telephone: (202) 401–6008. If you use a telecommunications device for the deaf (TDD), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339. Individuals with disabilities can obtain this document in an accessible format (*e.g.,* braille, large print, audio tape, or computer diskette) on request to the contact person listed under **FOR FURTHER INFORMATION CONTACT**.

SUPPLEMENTARY INFORMATION:

Invitation To Comment

We invite you to submit comments regarding this proposed action. During and after the comment period, you may inspect all public comments about this notice in room 6E312, FB–6, 400 Maryland Avenue, SW., Washington, DC, between the hours of 8:30 a.m. and 4:00 p.m., Washington, DC time, Monday through Friday of each week except Federal holidays.

Assistance to Individuals With Disabilities in Reviewing Comments

On request, we will supply an appropriate aid, such as a reader or print magnifier, to an individual with a disability who needs assistance to review the comments. If you want to schedule an appointment for this type of aid, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Background

On July 12, 2007, the Assistant Secretary for Elementary and Secondary Education and the Assistant Secretary for Special Education and Rehabilitative Services (collectively, the Assistant Secretaries) jointly issued a program determination letter (PDL) seeking to recover from DCPS $1,354,679 in funds under Title I, Part A (Title I) of the Elementary and Secondary Education Act of 1965 (ESEA), Title I, Part B, Subpart 1 of the ESEA (Reading First), Title II, Part A of the ESEA (Improving Teacher Quality or ITQ), and Part B of the Individuals with Disabilities Education Act (IDEA–B). These funds, based on findings in a single audit of DCPS (Audit Control Number 03–04–68025), were determined by the Assistant Secretaries to have been expended, during fiscal year 2003, in violation of Title I, Reading First, ITQ, and IDEA–B. Specifically, the Assistant Secretaries found that DCPS had: Failed to maintain appropriate documentation supporting payroll costs for Title I, ITQ, and IDEA–B; failed to provide proof of payment for various accrued expenses billed to Title I, ITQ, and IDEA–B; failed to maintain appropriate documentation for expenditures under ITQ and IDEA–B; failed to maintain source documentation to support journal entries for costs attributed to Title I, ITQ, and IDEA–B; failed to maintain adequate documentation to support the acquisition and disposition of property obtained with Reading First and Title I funds; and lacked adequate supporting documentation for items charged to IDEA–B.

DCPS filed an *Application for Review* of this PDL with the Office of Administrative Law Judges (OALJ) on September 10, 2007. On October 24, 2007, the OALJ granted the parties' *Joint Motion to Conduct Voluntary Discovery, Engage in Settlement Negotiations, and Suspend the Procedural Schedule (Joint Motion).* Since this *Joint Motion* was granted, DCPS [1] has presented the Department with extensive documentation, not available to the Department at the time the PDL was issued, to support the withdrawal from this claim of $571,978 in questioned costs. In particular, DCPS provided copies of purchase orders, printouts from DCPS' accounting system with transaction detail, and copies of corresponding checks to support $556,033 in accrued expenses billed to Title I, ITQ, and IDEA–B. In addition, DCPS provided printouts from its accounting system with transaction detail and copies of corresponding checks demonstrating that expenditures under ITQ and IDEA–B totaling $15,945 were, in fact, made. After conducting a thorough review of this documentation, the Assistant Secretaries have decided to accept DCPS' documentation, thereby reducing the claim to $782,701.

The Department proposes to compromise this remaining claim to $675,000. Based on litigation risks, the high percentage of funds being recovered (86 percent of the remaining claim), and the costs of proceeding through the administrative and, possibly, court process for this appeal, the Department has determined that it would not be practical or in the public interest to continue this proceeding. In making this determination, the Department recognizes that DCPS has entered into a High Risk Corrective Action Plan (HRCAP) with the Department, which includes a plan to address weaknesses in financial management, procurement, and property management, among other issues. Since entering into the HRCAP, the Department has worked closely with DCPS to support DCPS in resolving the issues addressed in the HRCAP, including the practices or procedures that gave rise to the disallowances in the PDL. Therefore, the Department does

[1] Since DCPS filed its application for review, the Office of the State Superintendent of Education (OSSE) was established as the District of Columbia's State educational agency (SEA). Although OSSE has been involved in settlement discussions and would necessarily have a role in any compromise, for ease of reference and consistent with the pleadings before the OALJ, this notice refers to DCPS as the relevant party.

not anticipate recurrence of violations that gave rise to this PDL. As a result, under the authority in 20 U.S.C. 1234a(j), the Department has determined that compromise of this claim to $675,000 is appropriate. The public is invited to comment on the Department's intent to compromise this claim. Additional information may be obtained by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**.

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Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www.gpoaccess.gov/nara/index.html.*

Program Authority: 20 U.S.C. 1234a(j).

Delegation of Authority: The Secretary of Education has delegated authority to Thomas Skelly, Director, Budget Service, to perform the functions and duties of the Chief Financial Officer of the Department of Education.

Dated: March 28, 2011.

Thomas Skelly,

Director, Budget Service.

[FR Doc. 2011–7638 Filed 3–30–11; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Notice of Availability of the Draft Environmental Impact Statement and Public Hearing for a Proposed Federal Loan Guarantee To Support Construction and Start-Up of the Topaz Solar Farm, San Luis Obispo County, CA

AGENCY: U.S. Department of Energy.

ACTION: Notice of Availability of the Draft Environmental Impact Statement and Public Hearing.

SUMMARY: The U.S. Department of Energy (DOE) announces the availability of the *Draft Environmental Impact Statement for the DOE Loan Guarantee to Royal Bank of Scotland for Construction and Startup of the Topaz Solar Farm, San Luis Obispo County, California* (DOE/EIS–0458D) (Draft EIS) for public review and comment, as well as the date, location and time for a public hearing. The Draft EIS analyzes the potential environmental impacts of the DOE's proposed action of issuing a Federal loan guarantee to support construction and startup of the Topaz Solar Farm Project located in San Luis Obispo County, California (Proposed Project). The Royal Bank of Scotland plc, as Lender-Applicant, with Topaz Solar Farms, LLC (Topaz) as the borrower, submitted an application to DOE under the Federal loan guarantee program pursuant to the Energy Policy Act of 2005 (EPAct 2005). Topaz is a limited liability company that is owned by First Solar, Inc. The loan guarantee would support the financing arranged by the Royal Bank of Scotland for the construction and start up of the Proposed Project.

Topaz proposes to develop the Project on up to 4,100 acres of land. As proposed, the nominal 550-megawatt electric generation project would include the installation of about nine million photovoltaic (PV) solar modules within approximately 437 arrays and associated electric equipment. Generated electricity would be sold to Pacific Gas and Electric (PG&E) under a long-term power purchase agreement. The Project would be interconnected into PG&E's existing Morro Bay-Midway 230-kilovolt (kV) transmission line, which runs in an east-to-west direction through the site and portions of Kern County.

DATES: DOE invites the public to submit comments on the Draft EIS during the public comment period, which began on March 25, 2011 and ends on May 9, 2011. DOE will consider all comments postmarked or received during the comment period in preparing the Final EIS. Comments received or postmarked after May 9, 2011, will be considered to the extent practicable. In addition to receiving comments in writing and by e-mail [*See* **ADDRESSES**], DOE will convene a public hearing at which government agencies, private-sector organizations, Native American Tribes and individuals are invited to present oral and written comments on the Draft EIS. The public hearing will be held on April 13, 2011 at the Carrisa Plains Heritage Association Community Center, 10750 Carrisa Highway (Highway 58), Santa Margarita, California, 93458; located approximately one mile east of Soda Lake Road. Oral comments will be heard during the formal portion of the public hearing beginning at 6:30 pm. The public is also invited to an informal Question & Answer Open House beginning at 5:30 pm at the location above, during which DOE and Topaz personnel will be available for individual discussions with attendees to answer questions about the project and DOE's Proposed Action. Displays and other forms of information about the proposed agency action, the EIS process, and Topaz's Proposed Project will also be available for review.

DOE requests that anyone who wishes to present oral comments at the public hearing contact Ms. Colamaria by phone or e-mail [*see* **ADDRESSES**]. Individuals who do not make advance arrangements to speak may register at the meeting. Speakers who need more than five minutes should indicate the length of time desired in their request. DOE may need to limit speakers to five minutes initially, but will provide additional opportunities as time permits. Written comments on the Draft EIS can also be submitted to DOE officials at the public hearing.

The public hearing and Question & Answer Open House will be accessible to people with disabilities. In addition, any individual needing specific assistance, such as a sign language interpreter or translator, should contact Ms. Colamaria [*see* **ADDRESSES**] at least 48 hours in advance of the hearing so that arrangements can be made.

ADDRESSES: Public comments can be submitted electronically or by U.S. Mail. Written comments on the proposed EIS scope should be signed and addressed to the NEPA Document Manager for this project: Ms. Angela Colamaria, Loan Guarantee Program (LP–10), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585. Electronic submission of comments is encouraged due to processing time required for regular mail. Comments can be submitted electronically by sending an e-mail to: *Topaz-EIS@hq.doe.gov.* All electronic and written comments should reference the following document number: DOE/EIS–0458.

FOR FURTHER INFORMATION CONTACT: To obtain additional information about this EIS, the public hearing, or to receive a copy of the Draft EIS, contact Angela Colamaria by telephone: 202–287–5387; toll-free number: 800–832–0885 ext. 75387; or electronic mail: *Angela.Colamaria@hq.doe.gov.* For general information on the DOE NEPA process, please contact: Ms. Carol M. Borgstrom, Director, Office of NEPA Policy and Compliance (GC–54), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585; telephone: 202–586–4600; facsimile: 202–586–7031; electronic mail: *askNEPA@hq.doe.gov;*

or leave a toll-free message at 800–472–2756.

SUPPLEMENTARY INFORMATION: Title XVII of EPAct 2005 established a Federal loan guarantee program for eligible energy projects, and was amended by the American Recovery and Reinvestment Act of 2009 to create Section 1705 of Title XVII (42 U.S.C. 16516), authorizing a new program for rapid deployment of renewable energy projects and related manufacturing facilities, electric power transmission projects, and leading edge biofuels projects. The Section 1705 Program is designed to address the current economic conditions of the nation, in part, through financing such projects.

The Royal Bank of Scotland plc, as Lender-Applicant, with Topaz as the borrower, applied to DOE for a federal loan guarantee under the Solicitation entitled, "Federal Loan Guarantees for Commercial Technology Renewable Energy Generation Projects under the Financial Institution Partnership Program" (Solicitation No. DE–FOA–0000166), issued on October 7, 2009.

The purpose and need for action by DOE is to comply with its mandate under EPAct 2005 by selecting eligible projects that meet the goals of Section 1705 Program, as summarized above. The EIS will inform DOE's decision on whether to issue a loan guarantee to Topaz to support the Proposed Project. DOE's proposed action is to issue a loan guarantee to Topaz to support construction and start-up of the Topaz Solar Farm. The Proposed Project would be located in an unincorporated portion of eastern San Luis Obispo County, California, adjacent to Highway 58 and east of Bitterwater Road. Topaz has options to purchase approximately 10,000 acres of land in the Project area. The Proposed Project would be developed on up to 4,100 acres of land within one of two overlapping study areas.

The Proposed Project would consist of: a solar field of approximately nine million ground-mounted PV modules that collect solar radiation to produce electricity; an electrical collection system that converts generated power from direct current (DC) to alternating current (AC) and delivers it to a new Project substation which collects and converts the generated power from 34.5 kV to 230 kV for delivery via a new PG&E switching station to PG&E's existing Morro Bay-Midway 230-kV transmission line; and the aforementioned PG&E switching station that interconnects the Proposed Project to PG&E's existing transmission line. After construction, PG&E would own and operate the switching station. As part of the Proposed Project, Topaz would also construct and operate a Monitoring and Maintenance Facility and a Solar Energy Learning Center within the Proposed Project's site boundary. The Proposed Project would also include up to 22 miles of on-site access roads as well as leach field and septic systems for the two facilities listed above.

Topaz has interconnection agreements in place for the first 400 MW of Project capacity. The California Independent System Operator has determined that network upgrades would be required to accommodate the Proposed Project's remaining 150 MW, as well as other generation projects in the region. Network upgrades could include the reconductoring of 35 miles of the 230-kV transmission lines between the new PG&E switching station and the Midway Substation. Such upgrades would extend the height of every other existing tower by 20 feet, but would not introduce a new structure.

Alternatives

In determining the range of reasonable alternatives to be considered in the EIS for the Proposed Project, DOE identified the reasonable alternatives that would satisfy the underlying purpose and need for agency action. Rather than being directly responsible for the siting, construction, and operation of respective projects selected in response to solicitations under EPAct 2005, DOE's actions are limited to guaranteeing the debt obligation for the project. Therefore, DOE's overall decision will be to either provide a loan guarantee for the Proposed Project or to decline to provide a loan guarantee (*i.e.,* the No Action alternative, as discussed below). The potential environmental impacts of a No Action alternative, as well as two Project-Specific alternatives, are analyzed in the EIS.

The Project-Specific alternatives include alternate configurations for the solar arrays. Within the Proposed Project site, Topaz identified two Study Areas (Study Area A and Study Area B) that would be suitable for the Proposed Project, although construction of the Proposed Project would take place on only one Study Area if the Proposed Project is approved. DOE analyzed both Study Areas available to Topaz as project-specific alternatives (Project-Specific Alternative A and Project-Specific Alternative B).

Under the No Action alternative, DOE would not provide the loan guarantee to Topaz. In this case, Topaz may have greater difficulty obtaining financing for the Project, which may result in a delay in the start of construction, construction in smaller phases over a longer time period, potentially increased project cost, or could possibly result in the Proposed Project not being built. Although Topaz may still pursue the Project without the loan guarantee, as defined above, for purposes of the Draft EIS analysis, it is assumed that the No Action alternative would result in no Project or in a no build scenario. DOE does not have a preferred alternative at this time, and will identify its preferred alternative in the Final EIS.

Floodplain Assessment

In the October 22, 2010 Notice of Intent to Prepare an Environmental Impact Statement (75 FR 65306), DOE provided notice of a proposed DOE action in a floodplain pursuant to DOE Floodplain and Wetland Environmental Review Requirements (10 CFR Part 1022). Overhead electrical lines would need to cross 100-year floodplains (unnamed drainages within the Carrizo Plain, northwest of Soda Lake). Since some of the floodplains on the project site are greater than 200 feet wide and posts are needed every 200 feet to support overhead lines, the installation of posts within the floodplain is anticipated. DOE has prepared a floodplain assessment as required by DOE regulations. Interested parties may comment on the floodplain assessment, which has been incorporated into the Draft EIS.

Scope of Draft EIS and Environmental Review Process

The DOE prepared this Draft EIS pursuant to the National Environmental Policy Act of 1969, as amended (NEPA), the Council on Environmental Quality (CEQ) NEPA regulations, and the DOE NEPA implementing procedures. The Draft EIS analyzes the environmental consequences that may result from the Proposed Action, including the alternative layout options, and the No Action Alternative. Potential impacts identified during the scoping process and analyzed in the Draft EIS related to the following: Air quality; greenhouse gas emissions and climate change; energy use and production; water resources, including groundwater and surface waters; wetlands and floodplains; geological resources; ecological resources, including species of special concern and threatened and endangered species such as the San Joaquin kit fox, longhorn fairy shrimp and vernal pool fairy shrimp; cultural resources, including historic structures and properties, sites of religious and cultural significance to Tribes, and archaeological resources; land use;

visual resources and aesthetics; transportation and traffic; noise and vibration; hazardous materials and solid waste management; human health and safety; accidents and terrorism; socioeconomics, including impacts to community services; environmental justice; and cumulative impacts. Because the Proposed Project may affect listed species under the Endangered Species Act (ESA), DOE has also initiated consultation regarding the project with the U.S. Department of the Interior's Fish and Wildlife Service under Section 7 of the ESA.

The Topaz Proposed Project site is expected to impact waters subject to the jurisdiction of the U.S. Army Corps of Engineers (USACE); therefore the Proposed Project will require a Clean Water Act (CWA) Section 404 Permit. As a result, USACE has participated as a cooperating agency in the preparation of this Draft EIS and will use this EIS (in part) to determine whether to issue a Section 404 permit. USACE will issue a separate decision document on the CWA Section 404 permit for the Proposed Project that will incorporate the environmental analyses from this EIS.

The DOE will use and coordinate the NEPA public comment process to satisfy the public involvement requirements of Section 106 of the National Historic Preservation Act (16 U.S.C. 470f) as provided for in 36 CFR 800.2(d)(3). DOE has invited Federally-recognized American Indian Tribes that have historic interests in the area to also participate in government-to-government consultation regarding the Proposed Project. In addition to these Federally-recognized tribes, the California Native American Heritage Commission provided DOE with a Native American contacts list in the project area. DOE contacted parties on the list to solicit concerns or comments on the Proposed Project.

Availability of the Draft EIS

Copies of the Draft EIS have been distributed to: Members of Congress; Native American Tribal governments, Federal, State, and local officials; and agencies, organizations and individuals who may be interested or affected. The Draft EIS is on the Department of Energy's NEPA Web site at *http://www.nepa.energy.gov* under "DOE NEPA Documents" and on the Loan Program Office's Web site at *http://www.lgprogram.energy.gov/NEPA_EIS.html.*

Copies of the Draft EIS are also available for review at the Simmler Public Library/California Valley Community Service District; 13080 Soda Lake Road; California Valley, CA 93453 and the San Luis Obispo County Department of Planning and Building; 976 Osos St. Room 300; San Luis Obispo, CA 93408.

Issued in Washington, DC, on March 25, 2011.

Jonathan M. Silver,

Executive Director, Loan Programs Office.

[FR Doc. 2011–7583 Filed 3–30–11; 8:45 am]

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DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

Objective Merit Review of Discretionary Financial Assistance and Other Transaction Authority Applications

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Notice of Objective Merit Review Procedure.

SUMMARY: This Notice establishes the procedure for program offices operating under the authority of the Assistant Secretary for Energy Efficiency and Renewable Energy in conducting the objective merit review of discretionary financial assistance and Other Transaction Authority funding applications. The effective date for the Objective Merit Review Procedure contained in this notice is March 18, 2011.

FOR FURTHER INFORMATION CONTACT: U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585–0121, 1–877–337–3463.

SUPPLEMENTARY INFORMATION:

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I. Introduction
II. Applicability of Notice
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I. Introduction—The Department of Energy (DOE), Office of Energy Efficiency and Renewable Energy (EERE) hereby gives notice of the procedure for the objective merit review of projects seeking discretionary financial assistance. The procedures described in this notice implement the objective merit review provisions of the DOE Financial Assistance Rules at 10 CFR 600.13. Specifically, this notice covers the procedure for applications received competitively and non-competitively. This notice also provides procedures for establishing peer and merit review panels, naming a Federal Merit Review Manager, conducting merit reviews, and preparing a Merit Review Advisory Report for the Selection Official.

DOE provides financial assistance, in the form of grants cooperative agreements and technology investment agreements. The principal purpose of these transactions is the transfer of a thing of value, usually money but occasionally property or other items of value, to a recipient to accomplish a public purpose identified. DOE funds only those programs authorized by Federal statute. Financial assistance may be either discretionary or mandatory. Discretionary financial assistance means DOE provides funding to a recipient of DOE's choosing; DOE has the discretion to select a recipient as well as the size of the award. Mandatory financial assistance means DOE must provide the assistance to the entities named and the amounts stated by statute.

These procedures do not cover acquisition. Financial assistance differs from an acquisition, which refers to instruments used when the principal purpose of the transaction is the acquisition of supplies or services for the direct benefit of the Government. The procedures pursuant to this notice do not apply to acquisitions, which are covered by the Federal Acquisition Regulations (FAR).

II. Applicability of Notice—These procedures apply to the evaluation of discretionary financial assistance applications received for programs within the DOE EERE.

(a) Distinction Between Solicited Applications and Unsolicited Proposals—Solicited applications constitute direct responses by interested organizations or individuals to DOE Funding Opportunity Announcements (FOA) in the form of applications for discretionary financial assistance awards. Funding opportunities are announced using the process set forth in 10 CFR 600.8. When a proposal is submitted solely on the proposer's initiative, and the idea, method or approach would be ineligible for assistance under a recent, current, or planned solicitation, and if, as determined by DOE, a competitive solicitation would not be appropriate, the proposal is considered an unsolicited proposal. Unsolicited proposals are awarded on a non-competitive basis using the criteria set forth in 10 CFR 600.6(c). The two types of proposals are treated differently for

merit review and the processes are described below.

(b) Renewals—A renewal award adds one or more budget periods to an existing award's project period. Applications for renewal awards may be submitted competitively (against a FOA that provides for renewal applications) or non-competitively.

(c) Non-competitive Actions—Non-competitive actions are reviewed and approved in a manner similar to that of unsolicited proposals using the criteria set forth in 10 CFR 600.6(c) and as described in Section III(d), herein.

III. Objective Merit Review Procedure—*(a) Definition and Purpose*—A merit review constitutes the process of evaluating applications for discretionary financial assistance while using established criteria. Reviews shall be thorough, consistent, and independent, and completed by individuals knowledgeable in the field or subject matter for which support is requested (*see* Appendix 1 for EERE merit reviewer qualification guidelines). The purpose of the merit review is to provide advice and recommendations on the scientific and technical merits of an application for consideration by the Selection Official. The Selection Official has authority to select applications for negotiation of a financial assistance award.

(b) Review Standards—Solicited Applications—1. Initial Compliance Review—EERE will review each financial assistance application received for conformance with initial review criteria and administrative requirements published in the FOA, program rule or notice.

i. Any application not meeting the initial review criteria will be determined to be non-compliant and precluded from further technical merit review.

ii. Any applicant that is determined to be non-compliant will be notified in writing, along with the reasons the application will not be evaluated further.

iii. Applications meeting the initial compliance review criteria will be reviewed for merit in accordance with the stated evaluation criteria in the FOA, program rule or notice.

2. Merit Review of Solicited Applications—The Merit Review Panel (Panel) will conduct an objective merit review for each application that passes the initial compliance review, using the criteria published in the FOA, program rule, or notice. The criteria to be used in the merit review and the other mandatory information specified in 10 CFR 600.8 must be included in the FOA, program rule or notice. Typically, the merit review criteria will be weighted individually to reflect their relative importance in the overall merit of the application. The Panel will review solicited applications based on information in the FOA. The merit review will typically include the following attributes:

i. Applications that pass the initial compliance review will be reviewed by the Federal Merit Review Panel. Peer review panels will provide individual evaluations, which may include a score to the Federal Merit Review Manager. DOE Federal Merit Review Panel will provide a consensus rating (numeric, adjectival, or comparable) for each criterion outlined in the FOA, program rule or notice based on the strengths and weaknesses of the applications.

ii. An overall consensus rating will be determined for each application by the DOE Federal Merit Review Panel.

iii. The DOE Federal Merit Review Panel will prepare a Merit Review Advisory Report for the Selection Official. The report will discuss the peer review, if any. The DOE Federal Merit Review Panel will establish a selection range to include applications that were deemed technically acceptable. The recommended selection range will be determined at the conclusion of the DOE Federal Merit Review Panel meeting. Rationale for the range must be included in the Merit Review Advisory Report.

(c) Review Standards—Unsolicited Proposals—1. Unsolicited proposals will receive an initial review to determine if the proposal will be eligible under 10 CFR 600.6(c). For an unsolicited proposal to be eligible for an award, a proposal must meet one of the following criteria:

i. The activity to be funded is necessary to the satisfactory completion of, or is a continuation or renewal of, an activity presently being funded by DOE or another Federal agency, and for which competition for support would have a significant adverse effect on continuity or completion of the activity.

ii. The activity is being or would be conducted by the applicant using its own resources or those donated or provided by third parties; however, DOE support of that activity would enhance the public benefits to be derived and DOE knows of no other entity which is conducting or is planning to conduct such an activity.

iii. The applicant is a unit of government and the activity to be supported is related to performance of a governmental function within the subject jurisdiction, thereby precluding DOE provision of support to another entity.

iv. The applicant has exclusive domestic capability to perform the activity successfully, based upon unique equipment, proprietary data, technical expertise, or other such unique qualifications.

v. The award implements an agreement between the United States Government and a foreign government to fund a foreign applicant.

vi. Time constraints associated with a public health, safety, welfare or national security requirement preclude competition.

vii. The proposed project was submitted as an unsolicited proposal and represents a unique or innovative idea, method, or approach which would not be eligible for financial assistance under a recent, current, or planned solicitation, and if, as determined by DOE, a competitive solicitation would not be appropriate.

viii. The responsible program Assistant Secretary, Deputy Administrator, or other official of equivalent authority determines that a noncompetitive award is in the public interest. This authority may not be delegated.

2. Unsolicited proposals that pass the initial review shall be reviewed against the criteria outlined in EERE's Guide for the Submission of Unsolicited Proposals by a Merit Review Panel. These criteria include:

i. Unique and innovative methods, approaches or concepts demonstrated by the proposal;

ii. Overall scientific/technical or socioeconomic merit of the proposed activity;

iii. Potential contribution of the effort to the DOE's specific mission;

iv. The proposer's capabilities, related experience, facilities, techniques, or unique combinations of these which are integral factors for achieving the proposal objectives;

v. The qualifications, capabilities, and experience of the proposed principal investigator, team leader, or key personnel who are critical in achieving the proposal objectives;

vi. The realism of the proposed costs; and

vii. The availability of funding to support the proposed project, and the relative merit of the project compared with others that could be supported with the same funds.

(*See http://www.netl.doe.gov/business/usp/USPGuide.pdf).*

3. When the substance of an unsolicited proposal is available to the Government without restriction from another source, or closely resembles that of a pending competitive solicitation, or does not demonstrate an innovative and

unique method, approach or concept, the unsolicited proposal shall not be accepted. *See* Federal Acquisition Regulation (FAR), part 15.607(a).

4. Additional guidance for reviewing noncompetitive proposals, including renewal applications, and the template for the review plan are provided in Appendix C of the DOE Merit Review Guide for Financial Assistance (available at *http://www.management.energy.gov/documents/meritrev.pdf*). Appendix C of the DOE Merit Review Guide for Financial Assistance, rather than Sections IV–VI of this Notice, applies to the review of unsolicited proposals.

(d) The Merit Review Panel—1. The Merit Review Panel can be established in many ways. It should always include at least one DOE Federal employee. Non-DOE Federal experts may be part of the Merit Review Panel as Peer Reviewers, but are not required. The most typical arrangements are a peer review panel and a DOE Federal employee; a peer review panel and a DOE Federal panel; or only a DOE Federal panel. Peer review panels and DOE Federal panels should include at least three technically qualified individuals. Merit review that involves a Federal review panel is preferred over merit review that involves only one Federal reviewer. The names of the Merit Review Panel will not be released to the public.

2. *Merit Review Panel Member Selection.* The DOE Senior Procurement Executive (SPE) has the ultimate responsibility for designating a Selection Official. DOE officials, in accordance with the applicable designation, may be appointed as the Selection Official. The SPE may delegate authority to designate a Selection Official to other DOE officials. Examples of officials to whom the authority may be delegated include the Deputy Assistant Secretary, the Executive Director of Field Operations, Head of Contracting Activity, the Program Managers, or other similar positions within DOE. The Selection Official may not be a member of the Merit Review Panel. Members of the Merit Review Panel must be qualified personnel. Non-DOE Peer Reviewers may include qualified personnel from Federal agencies, other Government entities, academia, industry, and DOE contractors, including national laboratory employees. The Contracting Officer may serve on the Merit Review Panel in an ex officio capacity.

3. *Conflicts of Interest.* The Federal Merit Review Manager, in consultation with Legal Counsel or the Contracting Officer, shall review instances of potential conflicts involving members of the Merit Review Panel. Merit Review Panel members must act in a manner consistent with 5 CFR part 2635 *et seq.* Merit Review Panel members with a conflict of interest shall immediately notify the Federal Merit Review Manager of the conflict of interest and comply with any mitigation measures required by the Federal Merit Review Manager, including excusing themselves from all deliberations involving the application for which they have a conflict of interest.

i. In determining potential conflicts, the Federal Merit Review Manager shall give close scrutiny to reviewers who perform any of the following:

a. Have any decision-making role regarding the application or provide technical assistance to the applicant in regards to the application;

b. Audit the recipient for the project; or

c. If included in the review, will give the appearance of a conflict of interest.

ii. Situations that could be perceived as conflicts of interest may include:

a. The application being reviewed was submitted by a reviewer's recent student, recent teacher, former employer, close personal friend or relative of the reviewer, spouse, or the reviewer's minor children.

b. The application being reviewed was submitted by a person with whom the reviewer has had longstanding differences.

c. The application being reviewed is similar to projects being conducted by the reviewer or by the reviewer's organization.

iii. When situations arise that present a perceived or actual conflict of interest, the Federal Merit Review Manager, with consultation from Legal Counsel, may permit reviewers to participate if a Conflict of Interest (COI) waiver is granted and an acceptable mitigation plan is implemented. The mitigation implemented shall be reflected in the Merit Review Advisory Report. However, in no event will a waiver be granted to permit a reviewer to evaluate an application/proposal for his/her/host or affiliated organization or if participation is prohibited by language in the FOA.

iv. Each member of the Merit Review Panel, including ex-officio members, shall sign a Confidentiality and Conflict of Interest Certification and Acknowledgement, which requires adherence to the following guidelines:

a. Reviewers shall not discuss the evaluation process with any unauthorized personnel.

b. Reviewers shall not divulge their identities to any applicant.

c. Reviewers shall not contact applicants.

d. Reviewers shall not discuss the Panel proceedings outside of the Merit Review Panel meeting, even after the selection and award.

e. Reviewers shall not accept any invitations, gratuities (*i.e.,* meals, gifts, favors, etc.), or job offers from any applicant. If a reviewer is offered any invitations, gratuities, or job offers by or on behalf of any applicant, the reviewer shall immediately report it to the Contracting Officer.

f. Reviewers shall only evaluate information provided by the applicants in the applications and only evaluate against the published criteria. No additional criteria are to be considered by the Panel.

g. Typically, reviewers shall initially rate all applications independently and without consultation between reviewers.

h. Reviewers will inform the Federal Merit Review Manager of any personal or organizational conflicts of interest arising out of applications they are asked to review.

i. Reviewers may contact the Federal Merit Review Manager to obtain clarifications regarding applications.

For more details see the DOE's Merit Review Guide for Financial Assistance at *http://www.management.energy.gov/documents/meritrev.pdf.*

4. *Authorized Uses of Information.* The Merit Review Panel must act in a manner consistent with 10 CFR 600.15 when dealing with applications containing trade secrets, privileged, confidential commercial, and/or financial information.

5. *Federal Merit Review Manager*—The Selection Official must appoint a person from the EERE headquarters program as Federal Merit Review Manager of the Merit Review Panel. The Federal Merit Review Manager is responsible for:

i. Selecting the Merit Review Panel members and obtaining approval from the EERE Program Manager;

ii. Ensuring a comprehensive and robust Evaluation and Selection Plan;

iii. Overseeing the merit review process and all panel meetings, ensuring that merit review procedures are followed consistently, as well as applicable statutes and regulations including, but not limited to, the Federal Advisory Committee Act, 5 U.S.C. App. 2;

iv. Ensuring that Merit Review Panel members understand the evaluation criteria and merit review procedures/process;

v. In the event of multiple Merit Review Panels due to large number of

applications, ensuring consistency among the panels;

vi. Ensure each application is evaluated by the Merit Review Panel in accordance with the Evaluation and Selection Plan;

vii. Ensuring that reviewers provide sound, well documented evaluations;

viii. Addressing any unexpected or unique circumstances presented and maintaining the integrity of the Merit Review process;

ix. Reviewing and approving the written summary of the evaluation and recommendations for the Selection Official via the Merit Review Advisory Report;

x. Performing the merit review duties of a regular Merit Review Panel member, if necessary or appropriate;

xi. Ensuring that the Contracting Officer and Legal Counsel take appropriate action to mitigate conflicts of interest of Merit Review Panel members as discussed in section III(d)(3) herein;

xii. Recommending application of the program policy factors, when appropriate; ensuring that the Merit Review Advisory Report is prepared in conformity with guidance set out in Part IV, herein; and

xiii. Making a presentation, if requested, to the Selection Official and other advisors to the Selection Official in the form of a pre-selection briefing.

6. *Co-Federal Merit Review Manager*—The Selection Official may appoint a person from the program's field staff as Co-Federal Merit Review Manager. The Co-Federal Merit Review Manager is responsible for:

i. Preparing the Evaluation and Selection Plan for Federal Merit Review Manager and Selection Official approval;

ii. Managing merit review logistics, including panel meetings, etc.;

iii. Obtaining signed certificates of confidentiality from all Merit Review Panel members to be kept on file at the issuing agency;

iv. Preparing the written summary of the evaluation and recommendations for the Selection Official via the Merit Review Advisory Report;

v. Ensuring that the Merit Review Advisory Report is prepared in conformity with guidance set out in Part V, herein;

vi. Performing the merit review duties of a regular Merit Review Panel member, if necessary or appropriate;

vii. Working with the Federal Merit Review Manager to ensure that the technical merit review procedures are followed consistently when carrying out the technical merit review. In the event of multiple merit review panels due to large number of applications, the Federal Merit Review Manager shall ensure consistency among the panels;

viii. Working with the Contracting Officer and Legal Counsel to take appropriate action to mitigate conflicts of interest of Merit Review Panel members as discussed in section III(d)(3) herein;

ix. Assisting the Federal Merit Review Manager with the merit review process;

x. Assuring control and security of applications;

xi. Preparing the Merit Review Advisory Report for the Selection Official;

xii. Assisting in making a presentation, if requested, to the Selection Official and other advisors to the Selection Official in the form of a pre-selection briefing;

xiii. Notifying unsuccessful applicants; and

xiv. Maintaining all merit review documentation.

7. Non-DOE Peer Reviewers typically will provide additional expertise to the DOE Federal Merit Review Panel. Peer reviewers provide specialized expertise and technical input to the DOE Federal Merit Review Panel by reviewing applications and providing written and sometimes verbal comments and ratings (numeric, adjectival or comparable) based on their reviews of applications. Peer Reviewers must be fully briefed by the Federal Merit Review Manager regarding the review criteria and the peer reviewers must be aware that any criteria not specified in the solicitation must not be used to evaluate the applications. Peer Reviewers must sign a Confidentiality and Conflict of Interest Certification and Acknowledgement, as provided in 10 CFR 600.13(d). All Peer Reviewers forward their comments and scores as required to the Merit Review Panel. At the DOE Federal Merit Review Panel's discretion, all or a subset of the Peer Reviewers may be invited to present their scores and identified strengths and weaknesses so the DOE Federal Merit Review Panel may discuss the Peer Reviewers' comments and better understand the Peer Reviewers' scores and comments. However, unless specifically allowed by statute, the Peer Reviewers may not provide consensus scores or comments to the DOE Federal Merit Review Panel. The DOE Federal Merit Review Panel will dismiss all non-Federal reviewers prior to making any decisions regarding recommendations to the Selection Official for award selection or establishment of the selection range.

i. The Merit Review Panel should only task the minimum number of Peer Reviewers necessary to effectively review the submitted applications; and

ii. Selection of Peer Reviewers shall be done in accordance with the selection of members of the Merit Review Panel, part III(d)(2) herein.

IV. *Merit Review Advisory Report*—The purpose of the Merit Review Advisory Report is to present the findings of the Merit Review Panel and recommend applications that merit funding to the Selection Official. The Federal Merit Review Manager shall provide the complete report for review and obtain concurrence from the Contracting Officer and Legal Counsel prior to submitting the report to the Selection Official. The report will typically include four sections—one to establish the purpose of the report, a second to document the compliance review performed, a third to record the merit review process used and any deviations from protocol, and a fourth that contains a draft Selection Statement for execution by the Selection Official. In addition, relevant attachments will be included as referenced below.

(a) Section 1 shall include the following:

1. A brief statement as to the purpose of the Merit Review Advisory Report; and

2. A brief summary of the number of applications received and the number deemed technically acceptable by the DOE Federal Merit Review Panel for selection for negotiation of award.

(b) Section 2 shall include the following:

1. A list of applications rejected in the Initial Compliance Review, if any; and

2. A list of the reasons why the application was rejected and not comprehensively reviewed.

(c) Section 3 shall include the following:

1. The number of members on the DOE Federal Merit Review Panel and the number of peer reviewers, their names and a brief discussion of their qualifications, a statement that all applications were independently reviewed in accordance with the requirements contained herein, and a statement that all Panel members, including ex-officio members, signed a Confidentiality and Conflict of Interest Certification and Acknowledgement;

2. A discussion of the peer review process for all applications;

3. Details of the Merit Review Panel meeting and the process followed, including a discussion of any deviations, such as issues with conflicts of interest;

4. A discussion of the development of consensus scores for each application, the ranking process, the number of

applications deemed technically acceptable, and any observations or findings that impacted the decision regarding the acceptable selection range; and

5. Details of the Panel's process to set the selection range, and a reference to the final list of applications deemed technically acceptable in the Record of Consensus Scores for All Applications.

(d) Section 4 shall include the following:

1. A request for action from the Selection Official regarding application of the program policy factors and selection of applications for negotiation of award; and

2. Instructions regarding these actions and subsequent communication of his/her decision to the Contracting Officer.

(e) Attachments to the Merit Review Advisory Report shall include the following:

1. Record of Consensus Strengths and Weaknesses for each application;

2. Record of Consensus Scores for All Applications;

3. Program Policy Factor Information Sheet; and

4. Draft Selection Statement for execution by the Selection Official.

(f) For non-competitive applications including renewal applications, the report to the Selection official will consist of individual review forms and a summary statement consistent with that found in Appendix C of the DOE Merit Review Guide for Financial Assistance (available at *http://www.management.energy.gov/documents/meritrev.pdf*). Additionally, a Selection Statement will be prepared to document the Selection Official's selection of the project.

V. *Application of program policy factors*—Each application deemed technically acceptable by the Merit Review Panel may receive a program policy review by the Selection Official or personnel designated by the Selection Official. The Selection Official may, at his/her discretion, consider the program policy factors when making selections.

VI. *Selection*—The Selection Official will complete the Selection Statement. The Selection Official will document all selections with a written narrative, noting which program policy factors, if any, were applied in making the selections. The Selection Official shall notify the Contracting Officer in the selection statement of the applications designated as "alternate." In addition, the Selection Official may identify negotiation strategies, if any, in the second page of the Selection Statement entitled "Negotiation Strategy."

VII. *Deviations*—If an EERE program office intends to deviate from these procedures for merit review of an application or a class of applications but will still follow the rules of 10 CFR 600.13, that office must obtain written permission from the Assistant Secretary of Energy Efficiency and Renewable Energy. Permission to use procedures which deviate from 10 CFR 600 must be requested in writing addressed to the responsible DOE Contracting Officer in accordance with 10 CFR 600.4. The Head of Contracting Activity has the authority to approve such procedures for a single case deviation, while the Director, Procurement and Assistance Management (Senior Procurement Executive) has the authority to approve a class deviation. A deviation may be authorized only upon written determination that the deviation is necessary for any of the reasons set forth in 10 CFR 600.4(b).

Henry Kelly,

Acting Assistant Secretary, Energy Efficiency and Renewable Energy, U.S. Department of Energy.

Appendix 1—Energy Efficiency and Renewable Energy Reviewer Qualification Guidelines—May 28, 2010

For typical EERE Funding Opportunity Announcements (FOAs), examples of reviewer qualifications are identified below. Stronger qualifications may be needed for certain FOAs. For example, the Energy Innovation Hubs are modeled after Bell Labs, which recruited the nation's best and brightest and sought a level of scientific quality not possible in all R&D endeavors. The Department plans to invest more than $120 million over five years in the Hubs, with a possible extension to ten years. Therefore, reviewer selection criteria should be consistent with the high quality of science expected and the significant level of investment. Reviewer qualifications for typical EERE FOAs:

- *At least 5 years of experience in a relevant field.* People with less experience should have some other strong credentials, *e.g.,* a PhD with a strong publication or patent record specific to the technology being evaluated, a young investigator award, or a strong pedigree (e.g., a PhD from a high caliber institution or under a recognized leader in the field). If a newly minted PhD with a strong pedigree is being considered as a reviewer, he/she should have some additional accomplishments such as a seminal paper in the field, or an invited talk to a major conference.
- *Publications and Patents.* This could include having a significant number of peer-reviewed publications and/or patents in the technology being evaluated. For those who have a lengthy and diverse publication history, the timeframe of publications and/or patents should reflect that the reviewer's knowledge of the technology is relevant and not outdated.
- *Other evidence that the person is a recognized expert in the field.* This could include having managed a public policy program that has had a national impact, a record of bringing innovations to the market, or holding key patents.
- *An advanced degree* (Ph.D., Sc.D., D.Eng., M.S., or M.B.A.) in a relevant field. Those with a Bachelors degree should have more experience and/or a record of accomplishments indicating their expertise in the field.
- *Relevant awards.* This would include being a recipient of a National Medal of Science, American Chemical Society National Award, Young Investigator Award, R&D 100 Award, or other awards specific to a technology (*e.g.,* Fuel Cell Seminar Award).
- *Key Society Membership.* Member of the National Academy of Sciences (NAS) or Engineering (NAE) member, American Physics Society Fellow, National Laboratory Fellow.

[FR Doc. 2011–7581 Filed 3–30–11; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER01–989–008.

Applicants: Green Mountain Power Corporation.

Description: Supplemental of Green Mountain Power Corporation to triennial market power update report.

Filed Date: 03/15/2011.

Accession Number: 20110315–5176.

Comment Date: 5 p.m. Eastern Time on Tuesday, April 5, 2011.

Docket Numbers: ER11–2365–000; *ER11–2365–001.*

Applicants: Paradise Solar Urban Renewal, L.L.C.

Description: Paradise Solar Urban Renewal, L.L.C. Revision to Market Power Analysis.

Filed Date: 03/23/2011.

Accession Number: 20110323–5129.

Comment Date: 5 p.m. Eastern Time on Wednesday, April 13, 2011.

Docket Numbers: ER11–2774–000.

Applicants: Virginia Electric and Power Company, Dominion Energy Marketing, Inc., Dominion Nuclear Connecticut, Inc., Dominion Energy Kewaunee, Inc., Dominion Energy Brayton Point, LLC, Dominion Energy Manchester Street, Inc. Dominion Energy New England, Inc., Dominion Energy Salem Harbor, LLC, Dominion Retail, Inc., Elwood Energy, LLC, Fairless Energy, LLC, Kincaid Generation, L.L.C. NedPower Mt. Storm, LLC, State Line Energy, L.L.C., Fowler Ridge Wind Farm LLC.

Description: Response of the Dominion Companies to the letter dated February 24, 2011 from FERC Staff.
Filed Date: 03/17/2011.
Accession Number: 20110317–5075.
Comment Date: 5 p.m. Eastern Time on Thursday, April 7, 2011.

Docket Numbers: ER11–3053–001.
Applicants: Holcim (US) Inc.
Description: Holcim (US) Inc. submits tariff filing per 35.17(b): Holcim MBRA App Amendment to be effective 5/9/2011.
Filed Date: 03/23/2011.
Accession Number: 20110323–5001.
Comment Date: 5 p.m. Eastern Time on Wednesday, April 13, 2011.

Docket Numbers: ER11–3173–000.
Applicants: Arizona Public Service Company.
Description: Arizona Public Service Company submits tariff filing per 35.13(a)(2)(iii: Rate Schedule No. 217 Amendment to Exhibit B.CAG to be effective 11/15/2010.
Filed Date: 03/23/2011.
Accession Number: 20110323–5002.
Comment Date: 5 p.m. Eastern Time on Wednesday, April 13, 2011.

Docket Numbers: ER11–3174–000.
Applicants: Idaho Power Company.
Description: Idaho Power Company submits tariff filing per 35.13(a)(2)(iii: Imnaha Service Agreement to be effective 4/1/2011.
Filed Date: 03/23/2011.
Accession Number: 20110323–5003.
Comment Date: 5 p.m. Eastern Time on Wednesday, April 13, 2011

Docket Numbers: ER11–3176–000.
Applicants: Midwest Independent Transmission System Operator, Inc.
Description: Midwest Independent Transmission System Operator, Inc. submits tariff filing per 35.13(a)(2)(iii: Cancellation of BREC RR–1 to be effective 3/24/2011.
Filed Date: 03/23/2011.
Accession Number: 20110323–5022.
Comment Date: 5 p.m. Eastern Time on Wednesday, April 13, 2011.

Docket Numbers: ER11–3177–000.
Applicants: Union Leader Corporation.
Description: Union Leader Corporation submits tariff filing per 35.1: Union Leader Baseline Electric Tariff to be effective 3/23/2011.
Filed Date: 03/23/2011.
Accession Number: 20110323–5025.
Comment Date: 5 p.m. Eastern Time on Wednesday, April 13, 2011.

Docket Numbers: ER11–3178–000.
Applicants: The Order of St. Benedict of New Hampshire.
Description: The Order of St. Benedict of New Hampshire submits tariff filing per 35.1: Order of St. Benedict FERC Electric Tariff to be effective 3/23/2011.
Filed Date: 03/23/2011.
Accession Number: 20110323–5026.
Comment Date: 5 p.m. Eastern Time on Wednesday, April 13, 2011.

Docket Numbers: ER11–3179–000.
Applicants: North American Energy Markets Association.
Description: Mid-Continent Energy Marketers Association submits tariff filing per 35.13(a)(2)(iii: Notice of Succession to be effective 2/22/2011.
Filed Date: 03/23/2011.
Accession Number: 20110323–5064.
Comment Date: 5 p.m. Eastern Time on Wednesday, April 13, 2011.

Docket Numbers: ER11–3180–000.
Applicants: Westerly Hospital Energy Company, LLC.
Description: Westerly Hospital Energy Company, LLC submits tariff filing per 35.1: Westerly Hospital FERC Electric Tariff to be effective 3/23/2011.
Filed Date: 03/23/2011.
Accession Number: 20110323–5065.
Comment Date: 5 p.m. Eastern Time on Wednesday, April 13, 2011.

Docket Numbers: ER11–3181–000.
Applicants: Ohio Valley Electric Corporation.
Description: Ohio Valley Electric Corporation submits tariff filing per 35.1: OVEC Inter-Company Power Agreement and OVEC–IKEC Power Agreement to be effective 5/23/2011.
Filed Date: 03/23/2011.
Accession Number: 20110323–5071.
Comment Date: 5 p.m. Eastern Time on Wednesday, April 13, 2011.

Docket Numbers: ER11–3182–000.
Applicants: The Connecticut Light and Power Company.
Description: The Connecticut Light and Power Company submits tariff filing per 35.13(a)(2)(iii: Interconnection Agreement Between CL&P and NRG to be effective 3/13/2011.
Filed Date: 03/23/2011.
Accession Number: 20110323–5078.
Comment Date: 5 p.m. Eastern Time on Wednesday, April 13, 2011.

Docket Numbers: ER11–3183–000.
Applicants: Entergy Arkansas, Inc.
Description: Entergy Arkansas, Inc. submits tariff filing per 35.13(a)(2)(iii: Attachment V Amendments re: On-Peak Hours, etc. to be effective 5/22/2011.
Filed Date: 03/23/2011.
Accession Number: 20110323–5102.
Comment Date: 5 p.m. Eastern Time on Wednesday, April 13, 2011.

Docket Numbers: ER11–3184–000.
Applicants: PJM Interconnection, L.L.C.
Description: PJM Interconnection, L.L.C. submits tariff filing per 35.13(a)(2)(iii: Revisions to Schedule 10–NERC of the PJM Tariff to correct typographical errors to be effective 6/1/2011.
Filed Date: 03/23/2011.
Accession Number: 20110323–5103.
Comment Date: 5 p.m. Eastern Time on Wednesday, April 13, 2011.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

As it relates to any qualifying facility filings, the notices of self-certification [or self-recertification] listed above, do not institute a proceeding regarding qualifying facility status. A notice of self-certification [or self-recertification] simply provides notification that the entity making the filing has determined the facility named in the notice meets the applicable criteria to be a qualifying facility. Intervention and/or protest do not lie in dockets that are qualifying facility self-certifications or self-recertifications. Any person seeking to challenge such qualifying facility status may do so by filing a motion pursuant to 18 CFR 292.207(d)(iii). Intervention and protests may be filed in response to notices of qualifying facility dockets other than self-certifications and self-recertifications.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the

Federal Energy Regulatory Commission, 888 First St., NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: March 24, 2011.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2011–7563 Filed 3–30–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings No. 2

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP10–1216–001.

Applicants: Hardy Storage Company, LLC.

Description: Hardy Storage Company, LLC submits tariff filing per NAESB v 1.9 revision to be effective N/A.

Filed Date: 03/16/2011.

Accession Number: 20110316–5137.

Comment Date: 5 p.m. Eastern Time on Monday, March 28, 2011.

Docket Numbers: RP10–1236–001.

Applicants: Columbia Gas Transmission, LLC.

Description: Columbia Gas Transmission, LLC submits tariff filing per NAESB v 1.9 to be effective N/A.

Filed Date: 03/16/2011.

Accession Number: 20110316–5131.

Comment Date: 5 p.m. Eastern Time on Monday, March 28, 2011.

Docket Numbers: RP10–1238–002.

Applicants: Columbia Gulf Transmission Company.

Description: Columbia Gulf Transmission Company submits tariff filing per: NAESB v 1.9 to be effective N/A.

Filed Date: 03/16/2011.

Accession Number: 20110316–5132.

Comment Date: 5 p.m. Eastern Time on Monday, March 28, 2011.

Docket Numbers: RP10–1248–001.

Applicants: Central Kentucky Transmission Company.

Description: Central Kentucky Transmission Company submits tariff filing per: NAESB v 1.9 revision to be effective N/A.

Filed Date: 03/16/2011.

Accession Number: 20110316–5136.

Comment Date: 5 p.m. Eastern Time on Monday, March 28, 2011.

Docket Numbers: RP11–1765–001.

Applicants: Leaf River Energy Center LLC.

Description: Leaf River Energy Center LLC submits tariff filing per 154.203: Leaf River Energy Center LLC—Compliance with Order Accepting Initial Tariff to be effective 3/11/2011.

Filed Date: 03/18/2011.

Accession Number: 20110318–5099.

Comment Date: 5 p.m. Eastern Time on Wednesday, March 30, 2011.

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Such protests must be filed on or before 5 p.m. Eastern time on the specified comment date. Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests in lieu of paper using the "eFiling" link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: March 21, 2011.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2011–7565 Filed 3–30–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings No. 2

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP11–1670–002.

Applicants: Eastern Shore Natural Gas Company.

Description: Eastern Shore Natural Gas Company submits tariff filing per 154.203: T–1 Compliance Filing to be effective 7/1/2011.

Filed Date: 03/23/2011.

Accession Number: 20110323–5068.

Comment Date: 5 p.m. Eastern Time on Monday, April 04, 2011.

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Such protests must be filed on or before 5 p.m. Eastern time on the specified comment date. Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests in lieu of paper using the "eFiling" link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: March 24, 2011.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2011–7567 Filed 3–30–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings No. 1

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP11–1889–000.
Applicants: Mojave Pipeline Company, LLC.
Description: Mojave Pipeline Company, LLC submits tariff filing per 154.204: Capacity Release Agreement Update to be effective 5/1/2011.
Filed Date: 03/22/2011.
Accession Number: 20110322–5098.
Comment Date: 5 p.m. Eastern Time on Monday, April 4, 2011.

Docket Numbers: RP11–1890–000.
Applicants: Eastern Shore Natural Gas Company.
Description: Eastern Shore Natural Gas Company submits tariff filing per 154.403: Storage Tracker 03–2011 to be effective 4/1/2011.
Filed Date: 03/22/2011.
Accession Number: 20110322–5111.
Comment Date: 5 p.m. Eastern Time on Monday, April 4, 2011.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St., NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: March 24, 2011.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2011–7566 Filed 3–30–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings No. 1

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP11–1882–000.
Applicants: Elba Express Company, L.L.C.
Description: Annual Interruptible Crediting Report of Elba Express Company, L.L.C.
Filed Date: 03/15/2011.
Accession Number: 20110315–5041.
Comment Date: 5 p.m. Web site Eastern Time on Monday, March 28, 2011.

Docket Numbers: RP11–1883–000.
Applicants: Texas Eastern Transmission, LP.
Description: Texas Eastern Transmission, LP submits tariff filing per 154.204: Cleanup of Feb 2011 EPC Filing to be effective 2/1/2011.
Filed Date: 03/16/2011.
Accession Number: 20110316–5028.
Comment Date: 5 p.m. Web site Eastern Time on Monday, March 28, 2011.

Docket Numbers: RP11–1884–000.
Applicants: Natural Gas Pipeline Company of America LLC.
Description: Natural Gas Pipeline Company of America LLC submits tariff filing per 154.204: J.P. Morgan Negotiated Rate Filing to be effective 4/1/2011.
Filed Date: 03/16/2011.
Accession Number: 20110316–5086.
Comment Date: 5 p.m. Web site Eastern Time on Monday, March 28, 2011.

Docket Numbers: RP11–1885–000.
Applicants: Natural Gas Pipeline Company of America LLC.
Description: Natural Gas Pipeline Company of America LLC submits tariff filing per 154.204: Wisconsin Electric Negotiated Rate Filing to be effective 4/1/2011.
Filed Date: 03/16/2011.
Accession Number: 20110316–5106.
Comment Date: 5 p.m. Web site Eastern Time on Monday, March 28, 2011.

Docket Numbers: RP11–1886–000.
Applicants: SG Resources Mississippi, L.L.C.
Description: SG Resources Mississippi, L.L.C. submits tariff filing per 154.204: SG Resources Mississippi, L.L.C—Post-Acquisition Tariff Modifications to be effective 4/16/2011.
Filed Date: 03/17/2011.
Accession Number: 20110317–5084.
Comment Date: 5 p.m. Web site Eastern Time on Tuesday, March 29, 2011.

Docket Numbers: RP11–1887–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: Iroquois Gas Transmission System, L.P. submits tariff filing per 154.202: 03/17/11—Agreements Tariff Baseline to be effective 4/17/2011.
Filed Date: 03/17/2011.
Accession Number: 20110317–5119.
Comment Date: 5 p.m. Web site Eastern Time on Tuesday, March 29, 2011.

Docket Numbers: RP11–1888–000.
Applicants: Questar Pipeline Company.
Description: Questar Pipeline Company submits tariff filing per 154.204: Negotiated Rate—Atmos Energy to be effective 4/1/2011.
Filed Date: 03/21/2011.
Accession Number: 20110321–5034.
Comment Date: 5 p.m. Web site Eastern Time on Monday, April 04, 2011.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to

be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St., NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: March 21, 2011.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2011–7564 Filed 3–30–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP11–1891–000.

Applicants: Dauphin Island Gathering Partners.

Description: Dauphin Island Gathering Partners submits tariff filing per 154.204: Negotiated Rates 2011–03–24 to be effective 3/25/2011.

Filed Date: 03/24/2011.

Accession Number: 20110324–5047.

Comment Date: 5 p.m. Eastern Time on Tuesday, April 05, 2011.

Docket Numbers: RP11–1892–000.

Applicants: Columbia Gulf Transmission Company.

Description: Columbia Gulf Transmission Company's Request for Limited Waiver of Gas Quality Tariff Provision.

Filed Date: 03/24/2011.

Accession Number: 20110324–5080.

Comment Date: 5 p.m. Eastern Time on Tuesday, April 05, 2011.

Docket Numbers: RP11–1893–000.

Applicants: Southeast Supply Header, LLC.

Description: Southeast Supply Header, LLC submits tariff filing per 154.204: Modifications to Rate Schedule FTS, PPAs and Waiver to be effective 4/24/2011.

Filed Date: 03/24/2011.

Accession Number: 20110324–5129.

Comment Date: 5 p.m. Eastern Time on Tuesday, April 05, 2011.

Docket Numbers: RP11–1894–000.

Applicants: Gulf South Pipeline Company, LP.

Description: Gulf South Pipeline Company, LP submits tariff filing per 154.204: EnCana 38560 Negotiated Rate Agreement to be effective 4/1/2011.

Filed Date: 03/25/2011.

Accession Number: 20110325–5028.

Comment Date: 5 p.m. Eastern Time on Wednesday, April 06, 2011.

Docket Numbers: RP11–1895–000.

Applicants: Gulf South Pipeline Company, LP.

Description: Gulf South Pipeline Company, LP submits tariff filing per 154.204: Mobile Gas Negotiated Rate Agreement to be effective 4/1/2011.

Filed Date: 03/25/2011.

Accession Number: 20110325–5029.

Comment Date: 5 p.m. Eastern Time on Wednesday, April 06, 2011.

Docket Numbers: RP11–1896–000.

Applicants: Florida Gas Transmission Company, LLC.

Description: Florida Gas Transmission Company, LLC submits tariff filing per 154.204: Curtailment Priority to be effective 4/25/2011.

Filed Date: 03/25/2011.

Accession Number: 20110325–5033.

Comment Date: 5 p.m. Eastern Time on Wednesday, April 06, 2011.

Docket Numbers: RP11–1897–000.

Applicants: Northern Natural Gas Company.

Description: Northern Natural Gas Company submits tariff filing per 154.204: 20110325 MidAmerican Non-Conforming to be effective 4/25/2011.

Filed Date: 03/25/2011.

Accession Number: 20110325–5036.

Comment Date: 5 p.m. Eastern Time on Wednesday, April 06, 2011.

Docket Numbers: RP11–1898–000.

Applicants: Centra Pipelines Minnesota Inc.

Description: Centra Pipelines Minnesota Inc. submits tariff filing per 154.203: Compliance Filing to Modify Section 4 of FERC Gas Tariff to be effective 2/1/2011.

Filed Date: 03/25/2011.

Accession Number: 20110325–5052.

Comment Date: 5 p.m. Eastern Time on Wednesday, April 06, 2011.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St., NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance

with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: March 25, 2011.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2011–7561 Filed 3–30–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM98–1–000]

Records Governing Off-the-Record Communications; Public Notice

This constitutes notice, in accordance with 18 CFR 385.2201(b), of the receipt of prohibited and exempt off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive a prohibited or exempt off-the-record communication relevant to the merits of a contested proceeding, to deliver to the Secretary of the Commission, a copy of the communication, if written, or a summary of the substance of any oral communication.

Prohibited communications are included in a public, non-decisional file associated with, but not a part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become a part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication, and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such a request only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication shall serve the document on all parties listed on the official service list for the applicable proceeding in accordance with Rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications are included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40 CFR 1501.6, made under 18 CFR 385.2201(e)(1)(v).

The following is a list of off-the-record communications recently received by the Secretary of the Commission. The communications listed are grouped by docket numbers in ascending order. These filings are available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the eLibrary link. Enter the docket number, excluding the last three digits, in the docket number field to access the document. For assistance, please contact FERC, Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

Prohibited:

Docket No.	File date	Presenter or requester
1. Project No. 460–000	3–9–11	Charles Miller
2. Project No. 2677–019	3–22–11	Byron D. Simon

Dated: March 24, 2011.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2011–7562 Filed 3–30–11; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9288–7]

Notice of a Project Waiver of Section 1605 (Buy American Requirement) of the American Recovery and Reinvestment Act of 2009 (ARRA) to the DeSoto Parish Waterworks District 1, Louisiana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Regional Administrator of EPA Region 6 is hereby granting a project waiver of the Buy American requirements of ARRA Section 1605 under the authority of Section 1605(b)(2) [manufactured goods are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality] to the DeSoto Parish Waterworks District 1 ("the District") for three (3) packaged, Memcor XS 48 submerged membrane filtration Systems (MFSs), manufactured by Siemens Water Technologies Corporation, proposed for the expansion of its existing water treatment plant. The District requires a submerged membrane treatment system capable of a 4-log removal of Giardia and Cryptosporidium at a production rate of 1 million gallons per day (MGD). The packaged, Memcor XS 48 submerged MFS is manufactured by foreign manufacturers and no United States manufacturer produces an alternative that meets the District's technical specifications. This is a project specific waiver and only applies to the use of the specified product for the ARRA funded project being proposed. Any other ARRA project that may wish to use the same product must apply for a separate waiver based on the specific project circumstances. The Regional Administrator is making this determination based on the review and recommendations of the EPA Region 6, Water Quality Protection Division. The District has provided sufficient documentation to support its request.

The Assistant Administrator of the EPA's Office of Administration and Resources Management has concurred on this decision to make an exception to Section 1605 of ARRA. This action permits the purchase of three packaged, Memcor XS 48 submerged MFSs not manufactured in the United States, for the proposed project being implemented by the District.

DATES: *Effective Date:* March 8, 2011.

FOR FURTHER INFORMATION CONTACT: Nasim Jahan, Buy American Coordinator, (214) 665–7522, SRF & Projects Section, Water Quality Protection Division, U.S. EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733.

SUPPLEMENTARY INFORMATION: In accordance with ARRA Section 1605(c) and 1605(b)(2), EPA hereby provides notice that it is granting a project waiver of the requirements of Section 1605(a) of Public Law 111–5, Buy American requirements to the District for the acquisition of three packaged, Memcor XS 48 submerged membrane filtration systems (MFSs). The District has been unable to find an American made MFS to meet its specific water requirements.

Section 1605 of ARRA requires that none of the appropriated funds may be used for the construction, alteration,

maintenance, or repair of a public building or public work unless all of the iron, steel, and manufactured goods used in the project are produced in the United States unless a waiver is provided to the recipient by EPA. A waiver may be provided if EPA determines that (1) Applying these requirements would be inconsistent with public interest; (2) iron, steel, and the relevant manufactured goods are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or (3) inclusion of iron, steel, and the relevant manufactured goods produced in the United States will increase the cost of the overall project by more than 25 percent.

The District has provided information to the EPA demonstrating that there is no packaged, Memcor XS 48 submerged MFS manufactured in the United States in sufficient and reasonable quantity and of a satisfactory quality to meet the required technical specification. The District initiated planning on the water treatment plant expansion in 2008. They completed a pilot study of the submerged membrane filtration/treatment system and a System Improvement Plan, which were approved by the Louisiana Department of Health and Hospitals (LDHH).

The District requires a submerged membrane treatment system capable of a 4-log removal of Giardia and Cryptosporidium at a production rate of 1 MGD (694 gpm). As required by the project specifications, each skid-mounted packaged MFS must include the backwash system, clean in place (CIP) system, process control panel, compressed air system, automatic feed strainers, block and bleed valves for isolation during cleaning, and feed and filtrate turbidimeters. The specifications also require that the frequency of chemical cleaning must not exceed once per month, on average, while the frequency of maintenance washing must not exceed once per day.

Based on additional research conducted by EPA Region 6, there do not appear to be any domestic packaged, Memcor XS 48 submerged MFS manufacturers that would meet the District's technical specifications. EPA's national contractor prepared a technical assessment report based on the waiver request submittal, which confirmed the waiver applicant's claim that there are no American-made submerged MFS available for use in the proposed water treatment system.

EPA has also evaluated the District's request to determine if its submission is considered late or if it could be considered timely, as per the OMB Guidance at CFR 176.120. EPA will generally regard waiver requests with respect to components that were specified in the bid solicitation or in a general/primary construction contract as "late" if submitted after the contract date. However, EPA could also determine that a request be evaluated as timely, though made after the date that the contract was signed, if the need for a waiver was not reasonably foreseeable. If the need for a waiver is reasonably foreseeable, then EPA could still apply discretion in these late cases as per the OMB Guidance, which says "the award official *may* deny the request." For those waiver requests that do not have a reasonably unforeseeable basis for lateness, but for which the waiver basis is valid and there is no apparent gain by the ARRA recipient or loss on behalf of the government, then EPA will still consider granting a waiver.

In this case, the waiver request was submitted after the contract date because the District initiated an evaluation of substantial transformation for the submerged MFS; however, after having a thorough discussion at the Regional level, the District has made a decision that the issuance of the project specific waiver for the membrane equipment is the best way to ensure that the District is in compliance with the Buy American provisions of ARRA. There is no indication that the District failed to request a waiver in order to avoid the requirements of the ARRA, particularly since there are no domestically manufactured products available that meet the project specifications. EPA will consider the District's waiver request, a foreseeable late request, as though it had been timely made since there is no gain by the District and no loss by the government due to the late request.

The April 28, 2009 EPA HQ Memorandum, Implementation of Buy American provisions of Public Law 111–5, the "American Recovery and Reinvestment Act of 2009", defines reasonably available quantity as "the quantity of iron, steel, or relevant manufactured good is available or will be available at the time needed and place needed, and in the proper form or specification as specified in the project plans and design." The District has incorporated specific technical design requirements for installation of membrane filtration cassettes at its wastewater treatment plant.

The purpose of the ARRA is to stimulate economic recovery in part by funding current infrastructure construction, not to delay projects that are "shovel ready" by requiring utilities, such as the District, to revise their standards and specifications, institute a new bidding process, and potentially choose a more costly, less efficient project. The imposition of ARRA Buy American requirements on such projects otherwise eligible for State Revolving Fund assistance would result in unreasonable delay and thus displace the "shovel ready" status for this project. To further delay construction is in direct conflict with a fundamental economic purpose of the ARRA, which is to create or retain jobs.

The Region 6 Water Quality Protection Division has reviewed this waiver request, and has determined that the supporting documentation provided by the District is sufficient to meet the criteria listed under ARRA, Section 1605(b), Office of Management and Budget (OMB) regulations at 2 CFR 176.60–176.170, and in the April 28, 2009, memorandum, "Implementation of Buy American provisions of Public Law 111–5, the American Recovery and Reinvestment Act of 2009''. The basis for this project waiver is the authorization provided in ARRA, Section 1605(b)(2). Due to the lack of production of this product in the United States in sufficient and reasonably available quantities and of a satisfactory quality in order to meet the District's technical specifications, a waiver from the Buy American requirement is justified.

EPA headquarters' March 31, 2009 Delegation of Authority Memorandum provided Regional Administrators with the authority to issue exceptions to Section 1605 of ARRA within the geographic boundaries of their respective regions and with respect to requests by individual grant recipients. Having established both a proper basis to specify the particular good required for this project, and that this manufactured good was not available from a producer in the United States, the District is hereby granted a waiver from the Buy American requirements of ARRA, Section 1605(a) of Public Law 111–5 for the purchase of three packaged, Memcor XS 48 submerged MFSs, using ARRA funds, as specified in the District's request. This supplementary information constitutes the detailed written justification required by ARRA, Section 1605(c), for waivers "based on a finding under subsection (b)."

Authority: Public Law 111–5, section 1605.

Issued on: March 8, 2011.

Al Armendariz,

Regional Administrator, U.S. Environmental Protection Agency, Region 6.

[FR Doc. 2011–7602 Filed 3–30–11; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL –9288–6]

Notice of a Project Waiver of Section 1605 (Buy American Requirement) of the American Recovery and Reinvestment Act of 2009 (ARRA) to the City of Amarillo, TX

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Regional Administrator of EPA Region 6 is hereby granting a project waiver of the Buy American requirements of ARRA Section 1605 under the authority of Section 1605(b)(2) [manufactured goods are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality] to the City of Amarillo, Texas ("City") for the purchase of a 5 horsepower (HP) non-clog submersible pump, with NSF compliant wetted parts and appurtenances. As the pump will be submersed in the drinking water wet well, the project specification requires that all wetted components of the pump be manufactured with NSF 61 compliant materials. The 5 HP non-clog submersible pump, with NSF compliant wetted parts and appurtenances is manufactured by foreign manufacturers and no United States manufacturer produces an alternative that meets the City's technical specifications. This is a project specific waiver and only applies to the use of the specified product for the ARRA funded project being proposed. Any other ARRA project that may wish to use the same product must apply for a separate waiver based on the specific project circumstances. The Regional Administrator is making this determination based on the review and recommendations of the EPA Region 6, Water Quality Protection Division. The City has provided sufficient documentation to support its request.

The Assistant Administrator of the EPA's Office of Administration and Resources Management has concurred on this decision to make an exception to Section 1605 of ARRA. This action permits the purchase of a 5 HP non-clog submersible pump, with NSF compliant wetted parts and appurtenances not manufactured in America, for the proposed project being implemented by the City.

DATES: *Effective Date:* March 8, 2011.

FOR FURTHER INFORMATION CONTACT: Nasim Jahan, Buy American Coordinator, (214) 665–7522, SRF & Projects Section, Water Quality Protection Division, U.S. EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733.

SUPPLEMENTARY INFORMATION: In accordance with ARRA Section 1605(c) and 1605(b)(2), EPA hereby provides notice that it is granting a project waiver of the requirements of Section 1605(a) of Public Law 111–5, Buy American requirements to the City for the acquisition of a 5 HP non-clog submersible pump, with NSF compliant wetted parts and appurtenances. The City has been unable to find an American made submersible pump with NSF 61 compliant wetted components to meet its specific requirements.

Section 1605 of the ARRA requires that none of the appropriated funds may be used for the construction, alteration, maintenance, or repair of a public building or public work unless all of the iron, steel, and manufactured goods used in the project are produced in the United States unless a waiver is provided to the recipient by EPA. A waiver may be provided if EPA determines that (1) Applying these requirements would be inconsistent with public interest; (2) iron, steel, and the relevant manufactured goods are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or (3) inclusion of iron, steel, and the relevant manufactured goods produced in the United States will increase the cost of the overall project by more than 25 percent.

The 5 HP non-clog submersible pump is part of a high service pump and transfer station at the City's Osage Treatment Plant, which pumps water out of the wet well of the City's water treatment plant. Because the pump will be submerged in potable drinking water, the project specifications require the pump's components that are in contact with the water in the wet well be constructed of materials that are NSF 61 Standard compliant. In addition, the project specifications require the following materials to be used for given pump parts.

(1) Cast iron: The pump case, motor housing, and impeller.

(2) Stainless steel: Pump shaft (wetted portion), guide rails, lifting chains, fasteners, and metal seal parts.

(3) Viton (a fluoropolymer): O-rings.

(4) Silicon-carbide: Seals.

The City clarified that NSF 61 compliance standards supersede certain components of the project specifications. In particular, the pump case, motor housing, and impeller are required to be constructed of stainless steel, and the seals are required to be fabricated of Viton or EPDM polymer. The City also indicated that the pump is not required to be NSF 61 Standard certified, but is required to have wetted components constructed of materials such as stainless steel that would not leach hazardous materials into the drinking water. The specifications also identified four acceptable manufacturers: Flygt, Fairbanks Morse, Wilo EMU, and Hydromatic. The City contacted all four manufacturers and confirmed that they could not provide a pump manufactured in the U.S. that meets the project specifications.

Based on additional research conducted by EPA Region 6, there does not appear to be any domestic 5 HP non-clog submersible pump, with NSF compliant wetted parts and appurtenances that would meet the City's technical specifications. EPA's national contractor prepared a technical assessment report based on the waiver request submittal. The report confirmed the waiver applicant's claim that there is no American-made 5 HP non-clog submersible pump, with NSF compliant wetted parts and appurtenances.

EPA has also evaluated the City's request to determine if its submission is considered late or if it could be considered timely, as per the OMB Guidance at CFR § 176.120. EPA will generally regard waiver requests with respect to components that were specified in the bid solicitation or in a general/primary construction contract as "late" if submitted after the contract date. However, EPA could also determine that a request be evaluated as timely, though made after the date that the contract was signed, if the need for a waiver was not reasonably foreseeable. If the need for a waiver is reasonably foreseeable, then EPA could still apply discretion in these late cases as per the OMB Guidance, which says "the award official *may* deny the request." For those waiver requests that do not have a reasonably unforeseeable basis for lateness, but for which the waiver basis is valid and there is no apparent gain by the ARRA recipient or loss on behalf of the government, then EPA will still consider granting a waiver.

In this case, there are no U.S. manufacturers that meet the City's project specification for this 5 HP non-clog submersible pump, with NSF compliant wetted parts and appurtenances. The waiver request is

submitted after the contract date because the specification in the contract documents for this submersible pump named four U.S. manufacturers as potential bidders. It was unknown at the time that these four U.S. manufacturers could not completely meet the Buy American provision because the specification required the pump be completely constructed of NSF approved materials. This situation resulted from the lack of reasonably foreseeable circumstances, since the pump manufacturers originally assumed they could meet the specification before the bid of this project. There is no indication that the City failed to request a waiver in order to avoid the requirements of the ARRA, particularly since there are no domestically manufactured products available that meet the project specifications. EPA will consider the City's waiver request, a foreseeable late request, as though it had been timely made since there is no gain by the City and no loss by the government due to the late request.

The April 28, 2009 EPA HQ Memorandum, Implementation of Buy American provisions of Public Law 111–5, the "American Recovery and Reinvestment Act of 2009", defines reasonably available quantity as "the quantity of iron, steel, or relevant manufactured good is available or will be available at the time needed and place needed, and in the proper form or specification as specified in the project plans and design." The City has incorporated specific technical design requirements for installation of pump in its potable drinking water system. Therefore, it meets the requirements of the "satisfactory quality" criterion for requesting a waiver from the Buy American provisions of Public Law 111–5.

The purpose of the ARRA is to stimulate economic recovery in part by funding current infrastructure construction, not to delay projects that are "shovel ready" by requiring utilities, such as the City, to revise their standards and specifications, institute a new bidding process, and potentially choose a more costly, less efficient project. The imposition of ARRA Buy American requirements on such projects otherwise eligible for State Revolving Fund assistance would result in unreasonable delay and thus displace the "shovel ready" status for this project. To further delay construction is in direct conflict with a fundamental economic purpose of the ARRA, which is to create or retain jobs.

The Region 6 Water Quality Protection Division has reviewed this waiver request, and has determined that the supporting documentation provided by the City is sufficient to meet the criteria listed under ARRA, Section 1605(b), Office of Management and Budget (OMB) regulations at 2 CFR 176.60–176.170, and in the April 28, 2009, memorandum, Implementation of Buy American provisions of Public Law 111–5, the "American Recovery and Reinvestment Act of 2009." The basis for this project waiver is the authorization provided in ARRA, Section 1605(b)(2). Due to the lack of production of this product in the United States in sufficient and reasonably available quantities and of a satisfactory quality in order to meet the City's technical specifications, a waiver from the Buy American requirement is justified.

EPA headquarters' March 31, 2009 Delegation of Authority Memorandum provided Regional Administrators with the authority to issue exceptions to Section 1605 of ARRA within the geographic boundaries of their respective regions and with respect to requests by individual grant recipients. Having established both a proper basis to specify the particular good required for this project, and that this manufactured good was not available from a producer in the United States, the City is hereby granted a waiver from the Buy American requirements of ARRA, Section 1605(a) of Public Law 111–5 for the purchase of a 5 HP non-clog submersible pump, with NSF compliant wetted parts and appurtenances, using ARRA funds, as specified in the City's request. This supplementary information constitutes the detailed written justification required by ARRA, Section 1605(c), for waivers "based on a finding under subsection (b)."

Authority: Pub. L. 111–5, section 1605.

Dated: March 8, 2011.

Al Armendariz,

Regional Administrator, U.S. Environmental Protection Agency, Region 6.

[FR Doc. 2011–7606 Filed 3–30–11; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission, Comments Requested

March 21, 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 OMB control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a currently valid OMB control number.

DATES: Written Paperwork Reduction Act (PRA) comments should be submitted on or before May 31, 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 the Federal Communications Commission via e-mail to *PRA@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: Judith B. Herman, Office of Managing Director, (202) 418–0214. For additional information, contact Judith B. Herman, OMD, 202–418–0214 or e-mail *judith-b.herman@fcc.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0805.

Title: Section 90.527, Regional Plan Requirements; Section 90.523, Eligibility; and Section 90.1211, Regional Plan Shared Use of 4.9 GHz.

Form No.: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit, not-for-profit institutions and state, local or tribal government.

Number of Respondents and Responses: 20,516 respondents, 20,516 responses.

Estimated Time per Response: .5 hours—200 hours.

Frequency of Response: On occasion and one time reporting requirements and third party disclosure requirements.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 154(i), 161, 303(g), 303(r), and 332(c)(7).

Total Annual Burden: 59,875 hours.

Total Annual Cost: N/A.

Privacy Act Impact Assessment: N/A.

Nature and Extent of Confidentiality: N/A.

Needs and Uses: The Commission is seeking Office of Management and Budget (OMB) approval for a revision to this information collection (IC). The Commission is reporting a 1,200 hour program change reduction. This reduction is due to elimination of the burden associated with Section 90.545(c)(1), TV/DTV Interference Protection Criteria, which was part of this collection. The requirements in this section became moot when the TV/DTV transition ended on June 12, 2009.

The requirements that the Commission wants continued OMB approval is for the following:

Section 90.523 which requires that nongovernmental organizations, which provide services to protect the safety of life, or property, to obtain a written statement from an authorizing state or local government entity to support the nongovernmental organization's application for the assignment of 700 MHz frequencies.

Section 90.527 states that to prepare the regional plans for the 700 MHz band, the regional planning committees will require input from those entities within the regions that will be eligible to receive licenses under the plans. Entities that seek inclusion in the plan in order to obtain licenses will be third party respondents.

Section 90.1211 the Commission suggested that each 700 MHz region submit a plan on guidelines to be used for sharing the spectrum within the region.

The information will be submitted to the Commission and they will use the information obtained to assign licenses, and also use the information to determine regional spectrum requirements and to develop technical standards. The information will also be used to determine whether prospective licensees will operate in compliance with the Commission's rules. Without such information, the Commission could not accommodate regional requirements or provide for the optimal use of the available frequencies. For information provide to, or exchanged among third parties, the data will be used to establish eligibility.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary, Office of Managing Director.

[FR Doc. 2011–7514 Filed 3–30–11; 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

March 17, 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 May 31, 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 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 on (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0787.

Title: Implementation of the Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996, Policies and Rules Concerning Unauthorized Changes of Consumers' Long Distance Carriers, CC Docket No. 94–129, FCC 07–223.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Individuals or household; business or other for-profit; State, Local or Tribal Government.

Number of Respondents and Responses: 6,454 respondents; 25,041 responses.

Estimated Time per Response: 30 minutes (.50 hours) to 10 hours.

Frequency of Response: Recordkeeping requirement; biennial and on occasion reporting requirements; third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefit. The statutory authority for the information collection requirements is found at Sec. 258 [47 U.S.C. 258] Illegal Changes In Subscriber Carrier Selections, Public Law 104–104, 110 Stat. 56.

Total Annual Burden: 105,901 hours.

Total Annual Cost: 51,285,000.

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: Section 258 of the Telecommunications Act of 1996 directed the Commission to prescribe rules to prevent the unauthorized change by telecommunications carriers of consumers' selections of telecommunications service providers (slamming). On March 17, 2003, the FCC released the *Third Order on Reconsideration and Second Further Notice of Proposed Rulemaking,* CC Docket No. 94–129, FCC 03–42 (*Third Order on Reconsideration*), in which the

Commission revised and clarified certain rules to implement section 258 of the 1996 Act. On May 23, 2003, the Commission released an *Order* (CC Docket No. 94–129, FCC 03–116) clarifying certain aspects of the *Third Order on Reconsideration.* On January 9, 2008, the Commission released the *Fourth Report and Order,* CC Docket No. 94–129, FCC 07–223, revising its requirements concerning verification of a consumer's intent to switch carriers. The *Fourth Report and Order* modified the information collection requirements contained in 64.1120(c)(3)(iii) to provide for verifications to elicit "confirmation that the person on the call understands that a carrier change, not an upgrade to existing service, bill consolidation, or any other misleading description of the transaction, is being authorized."

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary, Office of Managing Director.

[FR Doc. 2011–7513 Filed 3–30–11; 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

March 22, 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 May 31, 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 the Internet at *Nicholas_A._Fraser@omb.eop.gov* and to the Federal Communications Commission via e-mail to *PRA@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information, contact Cathy Williams on (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0550.

Title: Local Franchising Authority Certification, Form FCC 328.

Type of Review: Extension of a currently approved collection.

Respondents: State, Local or Tribal Government.

Number of Respondents and Responses: 20 respondents; 20 responses.

Estimated Time per Response: 30 minutes.

Frequency of Response: One-time reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection of information is contained in Section 3 of the Cable Television Consumer Protection and Competition Act of 1992, 47 U.S.C. 543.

Total Annual Burden: 10 hours.

Total Annual Cost: None.

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: On May 3, 1993, the Commission released a Report and Order and Further Notice of Proposed Rulemaking, MM Docket No. 92–266, FCC 93–177; In the Matter of Implementation of Sections of the Cable Television Consumer Protection and Competition Act of 1992; Rate Regulation. Among other things, the Report and Order implemented Section 3(a) of the Cable Television Consumer Protection and Competition Act of 1992 wherein a local franchise authority ("LFA") must file with the Commission a written certification when it seeks to regulate basic service cable rates. Subsequently, the Commission developed FCC Form 328 to provide a standardized, simple form for LFAs to use when requesting certification.

OMB Control Number: 3060–0473.

Title: Section 74.1251, Technical and Equipment Modifications.

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: 100 respondents; 200 responses.

Estimated Time per Response: 0.25 hour.

Frequency of Response: Recordkeeping requirement; one-time reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection of information is contained in Sections 154(i) and 325(a) of the Communications Act of 1934, as amended.

Total Annual Burden: 50 hours.

Total Annual Cost: None.

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: 47 CFR 74.1251(b)(1) states that formal application on FCC Form 349 is required of all permittees and licensees for any of the following changes: Replacement of the transmitter as a whole, except replacement with a transmitter of identical power rating which has been certificated by the FCC for use by FM translator or FM booster stations, or any change which could result in the electrical characteristics or performance of the station. Upon the installation or modification of the transmitting equipment for which prior FCC authority is not required under the provisions of this paragraph, the licensee shall place in the station records a certification that the new installation complies in all respects with the technical requirements of this part and the terms of the station authorization.

Section 74.1251(c) requires FM translator licensee to notify the FCC, in writing, of changes in the primary FM station being retransmitted.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary, Office of Managing Director.

[FR Doc. 2011–7515 Filed 3–30–11; 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

March 17, 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 May 31, 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 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 on (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0787.

Title: Implementation of the Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996, Policies and Rules Concerning Unauthorized Changes of Consumers' Long Distance Carriers, CC Docket No. 94–129, FCC 07–223.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Individuals or household; business or other for-profit; State, Local or Tribal Government.

Number of Respondents and Responses: 6,454 respondents; 25,041 responses.

Estimated Time per Response: 30 minutes (.50 hours) to 10 hours.

Frequency of Response: Recordkeeping requirement; biennial and on occasion reporting requirements; third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefit. The statutory authority for the information collection requirements is found at Section 258 [47 U.S.C. 258] Illegal Changes in Subscriber Carrier Selections, Public Law 104–104, 110 Stat. 56.

Total Annual Burden: 105,901 hours.

Total Annual Cost: 51,285,000.

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: Section 258 of the Telecommunications Act of 1996 directed the Commission to prescribe rules to prevent the unauthorized change by telecommunications carriers of consumers' selections of telecommunications service providers (slamming). On March 17, 2003, the FCC released the *Third Order on Reconsideration and Second Further Notice of Proposed Rulemaking,* CC Docket No. 94–129, FCC 03–42 (*Third Order on Reconsideration*), in which the Commission revised and clarified certain rules to implement section 258 of the 1996 Act. On May 23, 2003, the Commission released an *Order* (CC Docket No. 94–129, FCC 03–116) clarifying certain aspects of the *Third Order on Reconsideration.* On January 9, 2008, the Commission released the *Fourth Report and Order,* CC Docket No. 94–129, FCC 07–223, revising its requirements concerning verification of a consumer's intent to switch carriers. The *Fourth Report and Order* modified the information collection requirements contained in 64.1120(c)(3)(iii) to provide for verifications to elicit "confirmation that the person on the call understands that a carrier change, not an upgrade to existing service, bill consolidation, or any other misleading description of the transaction, is being authorized."

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary, Office of Managing Director.

[FR Doc. 2011–7523 Filed 3–30–11; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Agency Information Collection Activities: Proposed Collection; Comment Request; Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery

March 24, 2011.

SUMMARY: As part of a Federal Government-wide effort to streamline the process to seek feedback from the public on service delivery. The Federal Communications Commission has submitted a Generic Information Collection Request (Generic ICR): "Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery" to OMB for approval under the Paperwork Reduction Act (PRA) of 1995, 44 U.S.C. 3501 *et seq.*).

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a currently valid OMB control number.

DATES: Written Paperwork Reduction Act (PRA) comments should be submitted on or before May 2, 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 the Internet at *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: Judith B. Herman, Office of Managing Director, (202) 418–0214. For additional information or copies of the information collection(s), contact Judith B. Herman, OMD, 202–418–0214 or e-mail *judith-b.herman@fcc.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–XXXX.

Title: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

Form Number: N/A.

Type of Review: New collection of Information.

Respondents: Individuals or households; business or other for-profit, not-for-profit institutions, and state, local or tribal government.

Average Expected Number of Activities: 17.

Number of Respondents and Responses: 9,600 + 250,000 respondents; 9,600 + 250,000 responses.

Estimated Time per Response: .166 hours (10 minutes).

Frequency of Response: On time reporting requirement.

Obligation to Respond: Voluntary.

Total Annual Burden: 1,600 hours and 41,665 hours.

Total Annual Cost: N/A.

Privacy Act Impact Assessment: Undetermined at this time.

Nature and Extent of Confidentiality: Undetermined at this time.

Needs and Uses: The information collection activity will garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Administration's commitment to improving service delivery. By qualitative feedback we mean information that provides useful insights on perceptions and opinions, but are not statistical surveys that yield quantitative results that can be generalized to the population of study. This feedback will provide insights into customer or stakeholder perceptions, experiences and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training or change in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative and actionable communications between the Agency and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

Feedback collected under this generic clearance will provide useful information, but it will not yield data that can be generalized to the overall population. This type of generic clearance for qualitative information will not be used for quantative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Such data uses require more rigorous designs that address: The target population to which generalizations will be made, the sampling frame, the sample design (including stratification and clustering), the precision requirements or power calculations that justify the proposed sample size, the expected response rate, methods of assessing potential non-response bias, the protocols for data collection, and any testing procedures that were or will be undertaken prior fielding the study. Depending on the degree of influence the results are likely to have, such collections may still be eligible for submission for other generic mechanisms that are designed to yield quantitative results.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary, Office of Managing Director.

[FR Doc. 2011–7512 Filed 3–30–11; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License; Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission an application for a license as a Non-Vessel-Operating Common Carrier (NVO) and/or Ocean Freight Forwarder (OFF)—Ocean Transportation Intermediary (OTI) pursuant to section 19 of the Shipping Act of 1984 as amended (46 U.S.C. Chapter 409 and 46 CFR Part 515). Notice is also hereby given of the filing of applications to amend an existing OTI license or the Qualifying Individual (QI) for a license.

Interested persons may contact the Office of Transportation Intermediaries, Federal Maritime Commission, Washington, DC 20573, by telephone at (202) 523–5843 or by e-mail at *OTI@fmc.gov.*

CaroTrans International, Inc. (NVO), 2401 Morris Avenue, 2nd Floor West, Union, NJ 07083, Officer: Greg Howard, CEO/President, (Qualifying Individual), Application Type: Trade Name Change.

Direct Express, Inc. (NVO), 17823 Evelyn Avenue, Gardena, CA 90248, Officers: Christian D. Ortiz, Director/President, (Qualifying Individual), Robert Ewing, Director/Vice President, Application Type: QI Change.

EP Logistics, LLC (NVO & OFF), 9640 Joe Rodriguez, Suite 1, El Paso, TX 79927, Officer: Octavio Saavedra, Managing Director, (Qualifying Individual), Application Type: Add NVO Service.

Joffroy Warehouse, Inc. dba Joffroy Group Ocean (NVO & OFF), 1251 N. Industrial Park Avenue, Nogales, AZ 85621, Officers: Gustavo Ceballos, Treasurer, (Qualifying Individual), Rodolfo A. Joffroy, President, Application Type: New NVO & OFF License.

Kestrel Liner Agencies LLP (NVO & OFF), 9505 NW 108 Avenue, Miami, FL 33178, Officers: Steven Keats, Vice President, (Qualifying Individual), Andrew Thorne, President, Application Type: Business Structure Change.

Lesniewski & Continental Shipping Group, Inc. (NVO & OFF), 375 Blair Road, Avenel, NJ 07001, Officers: Zdzislaw Lesniewski, Vice President, (Qualifying Individual), Malgorzata Lesniewski, President/Director, Application Type: New NVO & OFF License.

M & S Logistics, L.L.C. (NVO), 503 McKeever, Suite 1521, Arcola, TX 77583, Officers: Willem J. Roldaan, Manager, (Qualifying Individual), David R. Price, Manager, Application Type: New NVO License.

Madrigal Express, Inc. (NVO & OFF), 1789 NW. 22nd Street, Miami, FL 33142, Officer: Jose A. Madrigal, President/Treasurer/Secretary/Director, (Qualifying Individual), Application Type: New NVO & OFF License.

Marli Shipping, Inc. (NVO & OFF), 155 Algonquin Parkway, Whippany, NJ 07981, Officers:Marcel Z. Antaki,

President, (Qualifying Individual), Liliane M. Antaki, Secretary/Treasurer, Application Type: New NVO & OFF License.

Northstar Freight International Inc. (NVO), 9528 Cortada Street, Unit E, El Monte, CA 90733, Officer: Mei Mao, President/Secretary/Treasurer, (Qualifying Individual), Application Type: New NVO License.

Oceana Global Logistics,LLC (NVO & OFF), 845 Spring Street, Suite 506, Atlanta, GA 30308, Officers: Wewagesachintha S. Dep, Chief Executive Manager, (Qualifying Individual), Renuka Devacaanthan, Member, Application Type: New NVO & OFF License.

Pacific Express, Inc. (NVO), 950 Lunt Avenue, Elk Grove Village, IL 60007, Officers: Daniel D. Char, President/Secretary, (Qualifying Individual), Kyoung Pyo Hong, Treasurer. Application Type: QI Change.

Pinnacle International Freight Limited, dba Blue Mountain Line (NVO), Mortimer Road, Narborough, Leicester LE19 2GA, United Kingdom, Officers: Martyn J. Burrell, Secretary, (Qualifying Individual), Nathan J. Burrell, Managing Director, Application Type: Trade Name Change.

Sea Horse Express Inc. (NVO & OFF), 1250 Newark Turnpike, Kearny, NJ 07032, Officers: Joseph Blanco, Vice President/Secretary, (Qualifying Individual), Desiree Herrera, President, Application Type: New NVO & OFF License.

Seaport Int'l Freight Consolidators, Inc. (NVO), 8550 NW 61st Street, Miami, FL 33166, Officers: Winston Barrett, Vice President, (Qualifying Individual), Floyd O. Chin, President, Application Type: New NVO License.

Smartex Corp. dba Smartex (NVO & OFF), 5055 NW 74th Avenue, #5, Miami, FL 33166, Officers: Juan C. Betancourt, President, (Qualifying Individual), Maria A. Betancourt, Vice President/Secretary, Application Type: New NVO & OFF License.

UT Freight Forwarders Ltd. (NVO & OFF), 161–15 Rockaway Blvd., Jamaica, NY 11434, Officers: Betty Y. Ma, Treasurer/Director, (Qualifying Individual), John Hwang, President/Director, Application Type: QI Change.

Trans-Atlantic Agencies, Inc. (NVO & OFF), 9716 Pulaski Highway, Baltimore, MD 21220, Officers: David M. Keller, President, (Qualifying Individual), Donna J. Keller, Secretary/Treasurer, Application Type: New NVO & OFF License.

Welco International Services, Inc. (OFF), 3020 West Lobo Ridge, New Albany, IN 47150, Officer: Christopher M. Welch, President/Secretary, (Qualifying Individual), Application Type: New OFF License.

Wilson Transportation, Inc. (OFF), 16226 Foster Street, Overland Park, KS 66085, Officers: Jerry G. Owen, Vice President International, (Qualifying Individual), Mark A. Wilson, President/Treasurer/Secretary, Application Type: New OFF License.

Dated: March 25, 2011.

Karen V. Gregory,

Secretary.

[FR Doc. 2011–7488 Filed 3–30–11; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than April 15, 2011.

A. Federal Reserve Bank of Minneapolis (Jacqueline G. King, Community Affairs Officer) 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291:

1. Stuart James Sneer and Jeffrey Lee Weldon, both of Mankato, Minnesota, as trustees and individually, and Jennifer Susan Johnson, Chanhassen, Minnesota, as trustee; to control 25 percent or more of the voting shares of Farmers State Corporation, Mankato, Minnesota, and thereby indirectly control voting shares of United Prairie Bank, Mountain Lake, Minnesota. These notificants will join the James and Susan Sneer Family Group, which controls more than 25 percent of Farmers State Corporation.

Board of Governors of the Federal Reserve System, March 28, 2011.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 2011–7610 Filed 3–30–11; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 25, 2011.

A. Federal Reserve Bank of San Francisco (Kenneth Binning, Vice President, Applications and Enforcement) 101 Market Street, San Francisco, California 94105–1579:

1. *Home Federal Bancorp, Inc.,* to become a bank holding company by acquiring 100 percent of the voting shares of Home Federal Bank, both of Nampa, Idaho.

Board of Governors of the Federal Reserve System, March 28, 2011.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 2011–7611 Filed 3–30–11; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Agency Information Collection Activities; Proposed Collection; Comment Request

AGENCY: Agency for Healthcare Research and Quality, HHS.

ACTION: Notice.

SUMMARY: This notice announces the intention of the Agency for Healthcare Research and Quality (AHRQ) to request that the Office of Management and Budget (OMB) approve the proposed information collection project: "Voluntary Customer Survey Generic Clearance for the Agency for Healthcare Research and Quality." In accordance with the Paperwork Reduction Act, 44 U.S.C. 3501–3520, AHRQ invites the public to comment on this proposed information collection.

This proposed information collection was previously published in the **Federal Register** on January 25th, 2011 and allowed 60 days for public comment. No comments were received. The purpose of this notice is to allow an additional 30 days for public comment.

DATES: Comments on this notice must be received by May 2, 2011.

ADDRESSES: Written comments should be submitted to: AHRQ's OMB Desk Officer by fax at (202) 395–6974 (*attention:* AHRQ's desk officer) or by e-mail at *OIRA_submission@omb.eop.gov* (*attention:* AHRQ's desk officer).

Copies of the proposed collection plans, data collection instruments, and specific details on the estimated burden can be obtained from the AHRQ Reports Clearance Officer.

FOR FURTHER INFORMATION CONTACT: Doris Lefkowitz, AHRQ Reports Clearance Officer, (301) 427–1477, or by e-mail at *doris.lefkowitz@AHRQ.hhs.gov.*

SUPPLEMENTARY INFORMATION:

Proposed Project

Voluntary Customer Survey Generic Clearance for the Agency for Healthcare Research and Quality

Executive Order 12862 directs agencies that "provide significant services directly to the public" to "survey customers to determine the kind and quality of services they want and their level of satisfaction with existing services." This is a request for the Office of Management and Budget (OMB) to re-approve for an additional 3 years, under the Paperwork Reduction Act of 1995, the generic clearance for the Agency for Healthcare Research and Quality (AHRQ) to survey the users of AHRQ's work products and services, OMB control number 0935–0106.

Customer surveys will be undertaken by AHRQ to assess its work products and services provided to its customers, to identify problem areas, and to determine how they can be improved. Surveys conducted under this generic clearance are not required by regulation and will not be used by AHRQ to regulate or sanction its customers. Surveys will be entirely voluntary, and information provided by respondents will be combined and summarized so that no individually identifiable information will be released. Proposed information collections submitted under this generic clearance will be reviewed and acted upon by OMB within 14 days of submission to OMB.

In accordance with OMB guidelines for generic clearances for voluntary customer surveys and Executive Order 12862, AHRQ: (1) Has established an independent review process to assure the development, implementation, and analysis of high quality customer surveys within AHRQ; (2) will provide periodic progress reports on the conduct of surveys under the generic approval, summarizing the actual burden; (3) will provide OMB with copies of the survey instruments for inclusion in the docket; and, (4) will notify OMB of any significant changes in proposed survey instruments.

Method of Collection

The information collected through focus groups and voluntary customer surveys will be used by AHRQ to identify strengths and weaknesses in products and services to make improvements that are practical and feasible. Information from these customer surveys will be used to plan and redirect resources and efforts to improve or maintain a high quality of service to the lay and health professional public.

Estimated Annual Respondent Burden

Exhibit 1 shows the estimated total burden hours for the respondents. Mail surveys are estimated to average 15 minutes, telephone surveys 40 minutes, web-based surveys 10 minutes, focus groups two hours, and in-person interviews are estimated to average 50 minutes. Mail surveys may also be sent to respondents via email, and may include a telephone non-response follow-up. Telephone non-response follow-up for mailed surveys does not count as a telephone survey. The total burden hours for the 3 years of the clearance is estimated to be 10,150 hours.

Exhibit 2 shows the estimated cost burden for the respondents. The total cost burden for the 3 years of the clearance is estimated to be $340,127.

EXHIBIT 1—ESTIMATED BURDEN HOURS OVER 3 YEARS

Type of information collection	Number of respondents	Number of responses per respondent	Hours per response	Total burden hours
Mail/email*	15,000	1	15/60	3,750
Telephone	600	1	40/60	400
Web-based	15,000	1	10/60	2,500
Focus Groups	1,500	1	2.0	3,000
In-person	600	1	50/60	500
Total	32,700	na	na	10,150

* May include telephone non-response follow-up in which case the burden will not change.

EXHIBIT 2—ESTIMATED COST BURDEN OVER 3 YEARS

Type of information collection	Number of respondents	Total burden hours	Average hourly wage rate*	Total cost burden
Mail/email	15,000	3,750	$33.51	$125,663

EXHIBIT 2—ESTIMATED COST BURDEN OVER 3 YEARS—Continued

Type of information collection	Number of respondents	Total burden hours	Average hourly wage rate*	Total cost burden
Telephone	600	400	33.51	13,404
Web-based	15,000	2,500	33.51	83,775
Focus Groups	1,500	3,000	33.51	100,530
In-person	600	500	33.51	16,755
Total	32,700	10,150	na	340,127

*Based upon the average wages for 29–000 (Healthcare Practitioner and Technical Occupations), "National Compensation Survey: Occupational Wages in the United States, May 2009," U.S. Department of Labor, Bureau of Labor Statistics.

Estimated Annual Costs to the Federal Government

Information collections conducted under this generic clearance will in some cases be carried out under contract. Assuming the contract cost per survey are $50,000–$100,000, and for each focus group are $20,000, total contract costs could run $720,000 per year.

Request for Comments

In accordance with the above-cited Paperwork Reduction Act legislation, comments on AHRQ's information collection are requested with regard to any of the following: (a) Whether the proposed collection of information is necessary for the proper performance of AHRQ healthcare research and healthcare information dissemination functions, including whether the information will have practical utility; (b) the accuracy of AHRQ's estimate of burden (including hours and costs) of the proposed collection(s) of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information upon the respondents, including the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the Agency's subsequent request for OMB approval of the proposed information collection. All comments will become a matter of public record.

Dated: March 17, 2011.

Carolyn M. Clancy,

Director.

[FR Doc. 2011–7430 Filed 3–30–11; 8:45 am]

BILLING CODE 4160–90–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Agency Information Collection Activities; Proposed Collection; Comment Request

AGENCY: Agency for Healthcare Research and Quality, HHS.

ACTION: Notice.

SUMMARY: This notice announces the intention of the Agency for Healthcare Research and Quality (AHRQ) to request that the Office of Management and Budget (OMB) approve the proposed information collection project: "Understanding Development Methods from Other Industries to Improve the Design of Consumer Health IT." In accordance with the Paperwork Reduction Act, 44 U.S.C. 3501–3520, AHRQ invites the public to comment on this proposed information collection.

This proposed information collection was previously published in the **Federal Register** on January 27th, 2011 and allowed 60 days for public comment. No comments were received. The purpose of this notice is to allow an additional 30 days for public comment.

DATES: Comments on this notice must be received by May 2, 2011.

ADDRESSES: Written comments should be submitted to: AHRQ's OMB Desk Officer by fax at (202) 395–6974 (attention: AHRQ's desk officer) or by e-mail at *OIRA_submission@omb.eop.gov* (attention: AHRQs desk officer).

Copies of the proposed collection plans, data collection instruments, and specific details on the estimated burden can be obtained from the AHRQ Reports Clearance Officer.

FOR FURTHER INFORMATION CONTACT: Doris Lefkowitz, AHRQ Reports Clearance Officer, (301) 427–1477, or by e-mail at *doris.lefkowitz@AHRQ.hhs.gov.*

SUPPLEMENTARY INFORMATION:

Proposed Project

Understanding Development Methods From Other Industries to Improve the Design of Consumer Health IT

Consumer health information technology (IT) is the collection of tools, technologies, and artifacts that individuals can use to support their health care management tasks (Agarwal and Khuntia, 2009). Consumer health IT can play an important role in patients' efforts to coordinate their care and in ensuring that their personal values and interests help guide all clinical decisions. In order to accomplish this, consumer health IT solutions must take into account the particular needs of the consumer.

Useful consumer health IT products may enhance the quality of health care by empowering individual consumers to take a more active, effective, and collaborative role in their own personal health care. These products could provide the following capabilities to consumers:

- Information storage, archiving, and retrieval: The capabilities to search results of past examinations or lab tests, to interact with electronic versions of their health records, and identify when to seek health care services.
- Health monitoring: The capability to report data (e.g., blood pressure, weight) from various locations.
- Information seeking and searching: The capability to interactively search for a wealth of health-related information.

Despite the potential power of consumer health IT, consumers have not adopted these technologies to the same degree that they have adopted technology products marketed from other consumer product industries. One reason for slow adoption is that the marketplace lacks robust tools that allow for the complexity and diversity of personal health information management (PHIM) practices. These types of practices are influenced by a variety of user and contextual factors, including demographics, personal attitudes, the goals and objectives of users, and the broad range of tasks that

users wish to perform. There is no comprehensive list of problems that users encounter as they collect and reflect on personal information; this creates a barrier for design of consumer health IT tools.

New practices for the development of consumer-facing digital tools are emerging in a variety of industries. The success of information management tools in other industries offers much to be learned and applied to the health care field.

In July of 2009, AHRQ held the Building Bridges: Consumer Needs and the Design of Health Information Technology workshop. The workshop brought together leaders from multiple disciplines, including health informatics, health sciences, information science, consumer health IT, and human factors to discuss the diverse needs of different consumer groups in managing their personal health information, and how these needs could be incorporated into the design of consumer health IT solutions. The outcome of the workshop was a framework to further the design of consumer health IT systems, based on an understanding of practices that consumers use in their PHIM. The final report also included a set of recommendations for additional work in the health IT field related to research and industry and policy. Recognizing that design plays a key role in consumer use of personal tools, one research-related recommendation that resulted from the workshop was to investigate the application of design methodologies used in other industries to consumer health IT design.

This project has the following goals:

(1) To investigate the product development approaches, methods, and philosophies from a variety of industries in order to identify promising design and development techniques that will be most applicable to consumer health IT.

(2) To disseminate the project findings and recommendations to vendors and developers of consumer health IT products to assist them in developing health IT products that are consumer-focused. This study is being conducted by AHRQ through its contractors, Westat and the University of Wisconsin, pursuant to AHRQ's statutory authority to conduct and support research (1) on health care and on systems for the delivery of such care, including activities with respect to health care technologies, 42 U.S.C. 299a(a)(5), and (2) to advance the use of computer-based health records, 42 U.S.C. 299b–3(a)(6).

Method of Collection

To achieve the goals of this project the following activities will be implemented:

(1) Semi-structured interviews will be conducted with key informants identified as being experts in the design, management, and/or marketing of consumer products that are relevant to consumer health IT products. The purpose of these interviews is to gather information related to their experiences in developing consumer products, focusing on the design processes that their company uses, how they segment the market, the role of users in testing during the various product development phases, and the factors that affect the success of their product development approaches.

(2) The final report will be provided in PDF format for easy download from the AHRQ National Resource Center for Health IT Web site.

Information collected by the study will support the development of recommendations for those developers and vendors who design, develop, and market consumer health IT products. The ultimate goal is to improve consumer health IT design and impact the adoption of this technology by consumers. This project will identify principles that led to the success of other consumer products, so that they can be evaluated for extension to the design and development of consumer health IT.

Estimated Annual Respondent Burden

Exhibit 1 shows the estimated annualized burden hours for the respondents' time to participate in this research. Semi-structured interviews will be conducted with no more than 15 individuals representing a variety of consumer-focused industries. The average burden will be 90 minutes per interview. The total annual burden is estimated to be 23 hours.

Exhibit 2 shows the estimated annual cost burden associated with the respondent's time to participate in this research. The total annual cost burden is estimated to be $1,770.

EXHIBIT 1—ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of technical experts	Number of responses per expert	Hours per response	Total burden hours
Semi-structured interviews	15	1	1.50	23
Total	15	1	1.50	23

EXHIBIT 2—ESTIMATED ANNUALIZED COST BURDEN

Form name	Number of technical experts	Total burden hours	Average hourly wage rate*	Total cost burden
Semi-structured interviews	15	23	$76.94	$1,770
Total	15	23	76.94	1,770

*Wage rates calculations were not possible using data from the U.S. Department of Labor, Bureau of Labor Statistics, National Occupational Employment and Wage Estimates for the United States, Occupational Employment Statistics (OES). The OES categories are too broad to determine a wage rate for a "Director of Product Development." Instead wage rate calculations are based on information from the Web site *http://www.salary.com* which has a tool providing a range of salaries for a variety of specific job titles. The salary for a "Product Development Director" generally ranges from $130,313 (25t percentile) to $189,771 (75t percentile) with an anticipated median of $160,042. Assuming 2,080 hours per year (40 hours per week), the resulting median hourly rate is $76.94.

Estimated Annual Costs to the Federal Government

Exhibit 3 shows the estimated total and annualized cost to the Federal Government for this research project. Since this project's activities will span a single year the total and annualized costs are identical. The estimated total cost is $409,388.

EXHIBIT 3—ESTIMATED TOTAL AND ANNUAL COST* TO THE FEDERAL GOVERNMENT

Cost component	Total cost	Annualized cost
Administration and Coordination Activities	$91,673	$91,673
Technical Expert Panel	74,217	74,217
Environmental Scan and Grey Literature Review	58,413	58,413
0MB Submission Package	11,574	11,574
Interviews with Study Participants	102,018	102,018
Recommendations for Health IT Vendors and Developers	48,612	48,612
Dissemination Activities	14,325	14,325
508 Compliance	8,556	8,556
Total	409,388	409,388

*Costs are fully loaded including overhead, G&A and fees.

Request for Comments

In accordance with the above-cited Paperwork Reduction Act legislation, comments on AHRQ's information collection are requested with regard to any of the following: (a) Whether the proposed collection of information is necessary for the proper performance of AHRQ healthcare research and healthcare information dissemination functions, including whether the information will have practical utility; (b) the accuracy of AHRQ's estimate of burden (including hours and costs) of the proposed collection(s) of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information upon the respondents, including the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the Agency's subsequent request for OMB approval of the proposed information collection. All comments will become a matter of public record.

Dated: March 17, 2011.

Carolyn M. Clancy,

Director.

[FR Doc. 2011–7443 Filed 3–30–11; 8:45 am]

BILLING CODE 4160–90–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Toxic Substances and Disease Registry

[30Day-11–09BK]

Agency Forms Undergoing Paperwork Reduction Act Review

The Agency for Toxic Substances and Disease Registry (ATSDR) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these requests, call the CDC/ATSDR Reports Clearance Officer at (404) 639–5960 or send an email to *omb@cdc.gov*. Send written comments to CDC Desk Officer, Office of Management and Budget, Washington, DC or by fax to (202) 395–5806. Written comments should be received within 30 days of this notice.

Proposed Project

Registration of Individuals Displaced by the Hurricanes Katrina and Rita (Pilot Project)—New—Agency for Toxic Substances and Disease Registry (ATSDR), Office of Noncommunicable Diseases, Injury, and Environmental Health (ONDIEH), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

On August 29, 2005, Hurricane Katrina made landfall on the coast of the Gulf of Mexico near New Orleans, Louisiana, and became one of the most deadly and destructive storms in U.S. history. Also occurring in 2005, Hurricane Rita was the fourth-most intense Atlantic hurricane ever recorded and the most intense tropical cyclone ever observed in the Gulf of Mexico. Following the initial phase of the response, the Federal Emergency Management Agency (FEMA) assumed the primary role for housing displaced persons over the intermediate term. To support those needing temporary housing, FEMA provided over 143,000 travel trailers, park homes, and mobile homes for persons displaced by the above mentioned storms. However, some persons living in trailers complained of an odor or of eye or respiratory tract irritation.

FEMA entered into an Interagency Agreement with the Centers for Disease Control and Prevention (CDC)/ATSDR on August 16, 2007 to conduct a comprehensive public health assessment, based on objective and credible research, of air quality conditions present in FEMA housing units to guide FEMA policy makers and inform the public as to the actual conditions in the field and any actions required to better promote a safe and healthful environment for the disaster victims FEMA housed in the units. FEMA's agreement with the CDC includes an initial formaldehyde exposure assessment as well as a subsequent long-term study of the health effects among residents if feasible. Formaldehyde testing conducted and evaluated by the CDC pursuant to the initial exposure assessment has identified the need to evaluate the feasibility of establishing a national registry to identify and monitor the health of disaster victims who occupied FEMA-provided temporary housing units. The establishment of such a registry would complement the long-term health effects study set forth in the FEMA–CDC Interagency Agreement.

The goal of the proposed pilot registry will be to test the feasibility of contacting and enrolling members of the targeted group in a registry.

A pre-registration dataset will be created before enrollment. This dataset will be populated with contact information of the exposed population—occupants of temporary housing units. FEMA will provide the dataset for this pilot registry.

A computer-assisted telephone interview (CATI) system based on a paper questionnaire will be used during all interviews to collect data for this project. The first part will consist of screening questions to determine eligibility for enrollment. The second part will contain contact information of the registrant and other household members, demographics, and health status questions focusing on respiratory outcomes and cancer.

The registry will include respondents who occupied FEMA-provided temporary housing units. The two-minute screening questionnaire will be administered to a total of 8,000 respondents. Annualized over a two year period, 4,000 respondents will be screened. The 25 minute main questionnaire will be administered to a total of 5,000 respondents. Annualized over a two year period, 2,500 temporary housing unit occupants will complete the main questionnaire.

There are no costs to the respondents other than their time. The total estimated annual burden hours are 1176.

Estimated Annualized Burden Hours

Respondents Form	No. of Respondents	No. of Responses per Respondent	Average Burden per Response (in hours)
Screening questionnaire	4,000	1	2/60
Main questionnaire	2,500	1	25/60

Dated: March 23, 2011.

Daniel Holcomb,

Reports Clearance Officer, Agency for Toxic Substances and Disease Registry.

[FR Doc. 2011–7580 Filed 3–30–11; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day-11–11BO]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these requests, call the CDC Reports Clearance Officer at (404) 639–5960 or send an e-mail to *omb@cdc.gov*. Send written comments to CDC Desk Officer, Office of Management and Budget, Washington, DC 20503 or by fax to (202) 395–5806. Written comments should be received within 30 days of this notice.

Proposed Project

Community-based Organization (CBO) Monitoring and Evaluation Project (CMEP) of Respect—New—National Center for HIV/AIDS, Viral Hepatitis, STD, and TB Prevention (NCHHSTP)

Background and Brief Description

CDC began formally partnering with CBOs in the late 1980s to expand the reach of HIV prevention efforts. CBOs were, and continue to be, recognized as important partners in HIV prevention because of their history and credibility with target populations and their access to groups that may not be easily reached. Over time, CDC's program for HIV prevention by CBOs has grown in size, scope, and complexity to respond to changes in the epidemic, including the diffusion and implementation of Effective Behavioral Interventions (EBIs) for HIV prevention.

CDC's EBIs have been shown to be effective under controlled research environments, but there is limited data on intervention implementation and client outcomes in real-world settings (as implemented by CDC-funded CBOs). The purpose of CMEP–Respect is to (a) improve the performance of CDC-funded CBOs delivering particular individual- or group-level behavioral interventions by monitoring changes in clients' self-reported HIV transmission risk behaviors after participating in the intervention; and (b) assess the fidelity of the implementation of the selected intervention at the CBO. The project also plans to conduct process monitoring of the delivery of the intervention in terms of recruitment, retention, data collection, data entry, and data management. Four CBOs will receive supplemental funding under PS 10–1003 over a five-year period to participate in CMEP–Respect.

From July 1, 2011 to June 30, 2015, CBOs will conduct outcome and process monitoring for this project. Each agency will recruit 400 men who are 18 years of age and older, report having had anal sex with a male in the last 12 months, and are enrolled in Respect to participate in CMEP–Respect. Each participant will complete a 20 minute, self administered, computer based interview prior to their participation in the Respect intervention and an 18 minute, self administered, computer based interview at two follow-up time points (90- and 180-days following the Respect intervention) to assess their HIV and STD related attitudes and behavioral risks. CBOs will be expected to retain 80% of these participants at both follow-up interviews.

Throughout the project, funded CBOs will be responsible for managing the daily procedures of CMEP–Respect to ensure that all required activities are performed, all deadlines are met, and quality assurance plans, policies and procedures are upheld. CBOs will be responsible for participating in all CDC-sponsored grantee meetings related to CMEP–Respect. There are no costs to the respondents other than their time. The total estimated annual burden hours are 342.

Estimated Annualized Burden Hours

Respondent	Form	Number of Respondents	Number of Responses per Respondent	Average Burden Response (in Hours)
General population	Screener	500	1	2/60
General population	Baseline Survey	400	1	20/60
General Population	90-Day Follow-Up Survey	320	1	18/60
General Population	180-Day Follow-Up Survey	320	1	18/60

Daniel Holcomb,

Reports Clearance Officer, Centers for Disease Control and Prevention.

[FR Doc. 2011–7578 Filed 3–30–11; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–9063–N]

Medicare and Medicaid Programs; Quarterly Listing of Program Issuances—October Through December 2010

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Notice.

SUMMARY: This notice lists CMS manual instructions, substantive and interpretive regulations, and other **Federal Register** notices that were published from October through December 2010, relating to the Medicare and Medicaid programs.

FOR FURTHER INFORMATION CONTACT: It is possible that an interested party may need specific information and not be able to determine from the listed information whether the issuance or regulation would fulfill that need. Consequently, we are providing contact persons to answer general questions concerning these items. Copies are not available through the contact persons. (*See* Section III of this notice for how to obtain listed material.)

Contacts can be reached at this address: Centers for Medicare & Medicaid Services 7500 Security Boulevard, Baltimore, MD 21244-1850	**Components:** Office of Strategic Operations and Regulatory Affairs (OSORA) Office of Clinical Standards and Quality (OCSQ)		
Addendum	**Contact**	**Mailstop**	**Phone Number**
Addendum III CMS Manual Instructions	Ismael Torres (OSORA)	C4-26-05	(410) 786-1864
Addendum IV Regulation Documents Published in the **Federal Register**	Terri Plumb (OSORA)	C4-26-05	(410) 786-4481
Addendum V Medicare NCDs	Wanda Belle (OCSQ)	S3-02-01	(410) 786-7491
Addendum VI FDA-Approved Category B IDEs	John Manlove (OCSQ)	S3-02-01	(410) 786-6877
Addendum VII Collections of Information	Eulanda Grigg (OSORA)	C4-26-05	(410) 786-7202
Addendum VIII Medicare –Approved Carotid Stent Facilities	Sarah J. McClain (OCSQ)	S3-02-01	(410) 786-2294
Addendum IX Medicare's Recognition of the American College of Cardiology-National Cardiovascular Data Registry sites	JoAnna Baldwin, MS (OCSQ)	S3-02-01	(410) 786-7205
Addendum X Medicare's Active Coverage-Related Guidance Documents	Lori Ashby (OCSQ)	S3-02-01	(410) 786-6322
Addendum XI One-time Notices Regarding National Coverage Provisions	Lori Ashby (OCSQ)	S3-02-01	(410) 786-6322
Addendum XII National Oncologic Positron Emission Tomography Registry sites	Stuart Caplan, RN, MAS (OCSQ)	S3-02-01	(410) 786-8564
Addendum XIII Medicare-Approved Ventricular Assist Device (Destination Therapy) Facilities	JoAnna Baldwin, MS (OCSQ)	S3-02-01	(410) 786-7205
Addendum XIV Medicare-Approved Lung Volume Reduction Surgery Facilities	JoAnna Baldwin, MS (OCSQ)	S3-02-01	(410) 786-7205
Addendum XV Medicare-Approved Bariatric Surgery Facilities	Kate Tillman, RN, MAS (OCSQ)	S3-02-01	(410) 786-9252
Addendum XVI Fluorodeoxyglucose Positron Emission Tomography For Dementia Trials	Stuart Caplan, RN, MAS (OCSQ)	S3-02-01	(410) 786-8564
All Other Information	Annette Brewer(OSORA)	C4-26-05	(410) 786-6580

SUPPLEMENTARY INFORMATION:

I. Program Issuances

Among other things, the Centers for Medicare & Medicaid Services (CMS) is responsible for administering the Medicare and Medicaid programs, which pay for health care and related services for Medicare beneficiaries and Medicaid recipients. Administration of the two programs involves the following: (1) Furnishing information to Medicare beneficiaries and Medicaid recipients, health care providers, and the public; and (2) maintaining effective communications with regional offices, State governments, State Medicaid agencies, State survey agencies, various providers of health care, all Medicare contractors that process claims and pay bills, and others. To implement the various statutes on which the programs are based, we issue regulations under the authority granted to the Secretary of the Department of Health and Human Services under sections 1102, 1871, 1902, and related provisions of the Social Security Act (the Act). We also issue various manuals, memoranda, and statements necessary to administer the programs efficiently.

The statute requires that we publish a list of all Medicare manual instructions, interpretive rules, statements of policy, and guidelines of general applicability not issued as regulations at least every 3 months in the **Federal Register**. We published our first notice June 9, 1988 (53 FR 21730). Although we are not mandated to do so by statute, for the sake of completeness of the listing of operational and policy statements, and to foster more open and transparent collaboration, we are continuing our practice of including Medicare substantive and interpretive regulations (proposed and final) published during the respective 3-month time frame.

II. How To Use the Addenda

This notice is organized so that a reader may review the subjects published during the subject quarter to determine whether any are of

particularinterest. We expect this notice to be used in concert with previously published notices. Those unfamiliar with a description of our Medicare manuals may wish to review Table I of our first three notices (53 FR 21730, 53 FR 36891, and 53 FR 50577) published in 1988, and the notice published March 31, 1993 (58 FR 16837). Those desiring information on the Medicare National Coverage Determinations Manual (NCDM, formerly the Medicare Coverage Issues Manual (CIM)) may wish to review the August 21, 1989, publication (54 FR 34555). Those interested in the revised process used in making NCDs under the Medicare program may review the September 26, 2003, publication (68 FR 55634).

To aid the reader, we have organized and divided this current listing into 16 addenda:

Addendum I: Publication Dates of the Most Recent Quarterly Listings of Program Issuances.

Addendum II: Description of Manuals, Memoranda, and CMS Rulings.

Addendum III: Medicare and Medicaid Manual Instructions.

Addendum IV: Regulation Documents Published in the **Federal Register**.

Addendum V: National Coverage Determinations.

Addendum VI: FDA-approved Category B IDEs.

Addendum VII: Approval Numbers for the Collections of Information.

Addendum VIII: Medicare-approved Carotid Stent Facilities.

Addendum IX: American College of Cardiology's National Cardiovascular Data Registry Sites.

Addendum X: Active CMS Coverage-Related Guidance Documents.

Addendum XI: Special One-Time Notices Regarding National Coverage Provisions.

Addendum XII: National Oncologic Positron Emission Tomography Registry (NOPR) Sites.

Addendum XIII: Medicare-approved Ventricular Assist Device (Destination Therapy) Facilities.

Addendum XIV: Lung Volume Reduction Surgery.

Addendum XV: Medicare-approved Bariatric Surgery Facilities.

Addendum XVI: FDG–PET for Dementia and Neurodegenerative Diseases Clinical Trials.

III. How To Obtain Listed Material

A. Manuals

Those wishing to subscribe to program manuals should contact either the Government Printing Office (GPO) or the National Technical Information Service (NTIS) at the following addresses: Superintendent of Documents, Government Printing Office, *Attn:* New Orders, P.O. Box 371954, Pittsburgh, PA 15250–7954, Telephone (202) 512–1800, Fax number (202) 512–2250 (for credit card orders); or National Technical Information Service, Department of Commerce, 5825 Port Royal Road, Springfield, VA 22161, Telephone (703) 487–4630.

In addition, individual manual transmittals and Program Memoranda listed in this notice can be purchased from NTIS. Interested parties should identify the transmittal(s) they want. GPO or NTIS can give complete details on how to obtain the publications they sell. Additionally, most manuals are available at the following Internet address: *http://cms.hhs.gov/manuals/default.asp.*

B. Regulations and Notices

Regulations and notices are published in the daily **Federal Register**. Interested individuals may purchase individual copies or subscribe to the **Federal Register** by contacting GPO at the address given above. When ordering individual copies, it is necessary to cite either the date of publication or the volume number and page number.

The **Federal Register** is also available on 24x microfiche and as an online database through *GPO Access.* The online database is updated by 6 a.m. each day the **Federal Register** is published. The database includes both text and graphics from Volume 59, Number 1 (January 2, 1994) forward. Free public access is available on a Wide Area Information Server (WAIS) through the Internet and via asynchronous dial-in. Internet users can access the database by using the World Wide Web; the Superintendent of Documents home page address is *http://www.gpoaccess.gov/fr/index.html,* by using local WAIS client software, or by telnet to swais.gpoaccess.gov, then log in as guest (no password required). Dial-in users should use communications software and modem to call (202) 512–1661; type swais, then log in as guest (no password required).

C. Rulings

We publish rulings on an infrequent basis. CMS Rulings are decisions of the Administrator that serve as precedent final opinions and orders and statements of policy and interpretation. CMS Rulings provide clarification and interpretation of complex or ambiguous provisions of the law or regulations relating to Medicare, Medicaid, Utilization and Quality Control Peer Review, private health insurance, and related matters. Interested individuals can obtain copies from the nearest CMS Regional Office or review them at the nearest regional depository library. On occasion, we publish rulings in the **Federal Register**. Rulings, beginning with those released in 1995, are available online, through the CMS Home Page. The Internet address is *http://www.cms.hhs.gov/rulings.*

D. CMS' Compact Disk-Read Only Memory (CD–ROM)

Our laws, regulations, and manuals are also available on CD–ROM and may be purchased from GPO or NTIS on a subscription or single copy basis. The Superintendent of Documents list ID is HCLRM, and the stock number is 717–139–00000–3. The following material is on the CD–ROM disk:

- Titles XI, XVIII, and XIX of the Act.
- CMS-related regulations.
- CMS manuals and monthly revisions.
- CMS program memoranda.

The titles of the Compilation of the Social Security Laws are current as of January 1, 2009. (Updated titles of the Social Security Laws are available on the Internet at *http://ssa.gov/OP_Home/ssact/comp-ssa.htm.*) The remaining portions of CD–ROM are updated on a monthly basis.

Because of complaints about the unreadability of the Appendices (Interpretive Guidelines) in the State Operations Manual (SOM), as of March 1995, we deleted these appendices from CD–ROM. We intend to re-visit this issue in the near future and, with the aid of newer technology, we may again be able to include the appendices on CD–ROM. Any cost report forms incorporated in the manuals are included on the CD–ROM disk as LOTUS files. LOTUS software is needed to view the reports once the files have been copied to a personal computer disk.

IV. How To Review Listed Material

Transmittals or Program Memoranda can be reviewed at a local Federal Depository Library (FDL). Under the FDL program, government publications are sent to approximately 1,400 designated libraries throughout the United States. Some FDLs may have arrangements to transfer material to a local library not designated as an FDL. Contact any library to locate the nearest FDL.

In addition, individuals may contact regional depository libraries that receive and retain at least one copy of most Federal Government publications, either in printed or microfilm form, for use by the general public. These libraries provide reference services and interlibrary loans; however, they are not sales outlets. Individuals may obtain information about the location of the nearest regional depository library from any library.

For each CMS publication listed in Addendum III, CMS publication and transmittal numbers are shown. To help FDLs locate the materials, use the CMS publication and transmittal numbers. For example, to find the Medicare National Coverage Determination publication titled Allogeneic Hematopoietic Stem Cell Transplantation (HSCT) for Myelodysplastic Syndrome (MDS) use CMS-Pub. 100–03, Transmittal No. 127.

The complete registry lists for Category B IDE numbers, National Cardiovascular Data Registry Sites, Carotid Stent Facilities, approved Bariatric Surgery Facilities, National Oncologic PET Registry Sites, approved Ventricular Assist Device Facilities, approved Lung Volume Reduction Surgery Facilities, and PET AD can be found on the CMS coverage Web site at *http://www.cms.gov/MedicareApprovedFacilitie/01_Overview.asp#TopOfPage.*

Authority: (Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance; Program No. 93.774, Medicare—Supplementary Medical Insurance Program; and Program No. 93.714, Medical Assistance Program).

Dated: March 23, 2011.

Jacquelyn Y. White,

Director, Office of Strategic Operations and Regulatory Affairs.

ADDENDUM I: Publication Dates of the Most Recent Quarterly Listings of Program Issuances

This addendum lists the publication dates of the most recent quarterly listings of program issuances.

December 18, 2009 (74 FR 67310)

March 26, 2010 (75 FR 14906)

June 28, 2010 (75 FR 36786)

September 24, 2010 (75 FR 58790)

December 17, 2010 (75 FR 79174)

ADDENDUM II: Description of Manuals, Memoranda, and CMS Rulings

An extensive descriptive listing of Medicare manuals and memoranda was published in the June 9, 1988 **Federal Register** (53 FR 21730) and supplemented in the September 22, 1988 **Federal Register** (53 FR 36891) and the December 16, 1988 **Federal Register** (53 FR 50577). Also, a complete description of the former CIM (now the NCDM) was published in the August 21, 1989 **Federal Register** (54 FR 34555). A brief description of the various Medicaid manuals and memoranda that we maintain was published in the October 16, 1992 **Federal Register** (57 FR 47468).

ADDENDUM III: Medicare and Medicaid Manual Instructions (October Through December 2010)

BILLING CODE 4120–01–P

Transmittal Number	Manual/Subject/Publication Number
Medicare General Information (CMS-Pub. 100-01)	
65	Update to Medicare Deductible, Coinsurance and Premium Rates for 2011 Basis for Determining the Part A Coinsurance Amounts Part B Annual Deductible Part B Premium
Medicare Benefit Policy (CMS-Pub. 100-02)	
134	Annual Wellness Visit (AWV), Including Personalized Prevention Plan Services (PPPS)
135	Implementation of Changes in End Stage Renal Disease (ESRD) Payment for Calendar Year (CY) 2011
137	January 2011 Update of the Hospital Outpatient Prospective Payment System (OPPS) Coverage of Outpatient Diagnostic Services Furnished on or After January 1, 2010 and Before January 1, 2011 Coverage of Outpatient Diagnostic Services Furnished on or After January 1, 2011 Outpatient Diagnostic Services Under Arrangements Coverage of Outpatient Therapeutic Services Incident to a Physicians Service Furnished on or After January 1, 2010 and Before January 1, 2011 Coverage of Outpatient Therapeutic Services Incident to a Physicians Service Furnished on or After January 1, 2011 Non-Surgical Extended Duration Therapeutic Services
Medicare National Coverage Determination (CMS-Pub. 100-03)	
127	Allogeneic Hematopoietic Stem Cell Transplantation (HSCT) for Myelodysplastic Syndrome (MDS) Stem Cell Transplantation (Various Effective Dates Below)
128	Ventricular Assist Devices (VAD) as Destination Therapy Artificial Hearts and Related Devices (Various Effective Dates Below)
129	Ventricular Assist Devices (VAD) as Destination Therapy Artificial Hearts and Related Devices (Various Effective Dates Below)
Medicare Claims Processing (CMS-Pub. 100-04)	
2059	Maintenance and Update of the Temporary Hook Created to Hold OPPS Claims that Include Certain Drug HCPCS Codes
2060	Fiscal Year (FY) 2011 Inpatient Prospective Payment System (IPPS), Long Term Care Hospital (LTCH) PPS, and Inpatient Psychiatric Facility (IPF) PPS Changes Transfers IPPS Transfers Between Hospitals Short Stay Outliers Payment Policy for Co-Located Providers
2061	October 2010 Update of the Hospital Outpatient Prospective Payment System (OPPS) Policy and Billing Instructions for Condition Code 44 Outlier Adjustments
2062	Allogeneic Hematopoietic Stem Cell Transplantation (HSCT) for Myelodysplastic Syndrome (MDS) Allogeneic Stem Cell Transplantation Clinical Trials for Allogeneic Hematopoietic Stem Cell Transplantation (HSCT) for Myelodysplastic Syndrome (MDS)
2063	Issued to a specific audience, not posted to Internet/Intranet due to Sensitivity of Instruction
2064	Medicare Remit Easy Print (MREP) Enhancement
2065	Issued to a specific audience, not posted to Internet/Intranet due to Sensitivity of Instruction
2066	Submission of Informational Only Claims by Maryland Waiver Hospitals and Critical Access Hospitals (CAHs) for Electronic Health Records (EHR) Purposes Table of Contents Electronic Health Record (EHR) Incentive Payments Payment Calculation Submission of Informational Only Bills for Maryland Waiver Hospitals and Critical Access Hospitals (CAHs)
2067	January 2011 Quarterly Average Sales Price (ASP) Medicare Part B Drug Pricing Files and Revisions to Prior Quarterly Pricing Files
2068	Annual Clotting Factor Furnishing Fee Update 2011 Annual Clotting Factor Furnishing
2069	Issued to a specific audience, not posted to Internet/Intranet due to Sensitivity of Instruction
2070	Calendar Year (CY) 2011 Participation Enrollment and Medicare Participating Physicians and Suppliers Directory (MEDPARD) Procedures
2071	Influenza Vaccine Payment Allowances - Annual Update for 2010-2011 Season
2072	Annual Type of Service (TOS) Update Type of Service (TOS)
2073	Issued to a specific audience, not posted to Internet/Intranet due to Sensitivity of Instruction
2074	Issued to a specific audience, not posted to Internet/Intranet due to Sensitivity of Instruction

2075	Implementation of Section 2902 of the Patient Protection and Affordable Care Act (the Affordable Care Act) for Indian Health Service (IHS) Part B Services and All Inclusive Rate (AIR) Billing for Return Visits General Overview of Medicare Part B Services Medicare Part B Services Carrier - Screening and Preventive Services Carrier - Clinical Laboratory Services - Payment Policy DME General Information Durable Medical Equipment, Prosthetics, Orthotics and Supplies (DMEPOS) Payment Policy FI - Medicare Part B Services Paid Under Various Fee Schedules FI - Outpatient - Medicare Part B - Claims Processing FI - Ambulance Services FI - Other Screening and Preventive Services – Payment Policy
2076	Modifications to the National Coordination of Benefits Agreement (COBA) Crossover Process Stemming Principally From the Affordable Care Act (ACA) Coordination of Benefits Agreement (COBA) Detailed Error Report Notification Process
2077	Issued to a specific audience, not posted to Internet/Intranet due to Confidentiality of Instruction
2078	Issued to a specific audience, not posted to Internet/Intranet due toSensitivity of Instruction
2079	New Specialty Code for Advanced Diagnostic Imaging Accreditation Nonphysician Practitioner, Supplier and Provider Specialty Codes
2080	Changes to the Laboratory National Coverage Determination (NCD) Edit Software for January 2011
2081	Primary Care Incentive Payment Program (PCIP), Section 5501(a) of the Patient Protection and Affordable Care Act (the ACA), Payment to a CAH Paid Under the Optional Method Primary Care Incentive Payment Program (PCIP) Payments to Critical Access Hospitals (CAHs) Paid Under the Optional Method Zip Code Files Primary Care Incentive Payment Program (PCIP) Payments to Critical Access Hospitals (CAHs) Paid Under the Optional Method Definition of Primary Care Practitioners and Primary Care Services Identifying Primary Care Services Eligible for the PCIP Coordination with Other Payments Claims Processing and Payment for Critical Access Hospitals Paid Under the Optional Method
2082	Issued to a specific audience, not posted to Internet/Intranet due to Confidentiality of Instruction
2083	Implementation of the Interrupted Stay Policy under the Inpatient Psychiatric Facility Prospective Payment System (IPF PPS) Interrupted Stays IPF PPS System Edits Inputs/Outputs to PRICER
2084	New Waived Tests
2085	Issued to a specific audience, not posted to Internet/Intranet due to Confidentiality of Instructions
2086	Issued to specific audience, not posted to Internet/Intranet due to Confidentiality of Instruction
2087	Implementation of Errata for Version 5010 of Health Insurance Portability and Accountability Act (HIPAA) Transactions, and Updates in 837I, 837P, and 835 Flat Files Coordination of Benefits Agreement (COBA) 5010 Coordination of Benefits (COB) Requirements
2088	January 2011 Quarterly Update for the DMEPOS Competitive Bidding Program Competitive Bidding Durable Medical Equipment, Prosthetics, Orthotics and Supplies (DMEPOS) Single Payment Amounts Record Layout for Competitive Bidding HCPCS Category File Record Layout for Competitive Bidding Pricing File Record Layout for Competitive Bidding HCPCS Category File
2089	Implementation of Edits for the Emergency Department (ED) Adjustment Policy under the Inpatient Psychiatric Facility Prospective Payment System (IPF PPS) IPF PPS System Edits
2090	Implementation of Errata for Version 5010 of Health Insurance Portability and Accountability Act (HIPAA) Transactions, and Updates in 837I, 837P, and 835 Flat Files Coordination of Benefits Agreement (COBA) 5010 Coordination of Benefits (COB) Requirements
2091	Correct Reporting of Modifiers and Revenue Codes on Claims for Therapy Services Discipline Specific Outpatient Rehabilitation Modifiers - All Claims
2092	Update to the Frequency Billing Requirements Frequency of Billing for Providers Submitting Institutional Claims with Outpatient Services
2093	Waiver of Coinsurance and Deductible for Preventive Services in Rural Health Clinics (RHCs), Section 4104 of Affordable Care Act (ACA) General Billing Requirements for Preventive Services Ultrasound Screening for Abdominal Aortic Aneurysm (AAA)
2094	Revisions to the End Stage Renal Disease (ESRD) Medicare Benefit Policy Manual to Reflect the Implementation of the ESRD Prospective Payment System (PPS)
2095	Issued to a specific audience, not posted to Internet/Intranet due to Confidentiality of Instruction
2096	Billing Clarification for Positron Emission Tomography (Sodium Fluoride –18) (NaF-18) PET for Identify Bone Metastasis of Cancer in Context of a Clinical Trial Tracer Codes Required for PET Scans

	Billing and Coverage Changes for PET (NAF-18) Scans to Identify Bone Metastasis of Cancer Effective for Claims With Dates of Service on or After February 26, 2010
2097	Quarterly Update to Correct Coding Initiative (CCI) Edits, Version 17.0, Effective January 1, 2011
2098	New Physician Specialty Codes for Cardiac Electrophysiology and Sports Medicine Physician Specialty Codes
2099	Issued to specific audience, not posted to Internet/ Intranet due to Confidentiality of Instruction
2100	Reasonable Charge Update for 2011 for Splints, Casts, and Certain Intraocular Lenses
2101	Medicare Physician Fee Schedule Database (MPFSDB) 2011 File Layout Manual
2102	Systems Changes Necessary to Implement "Technical Correction Related to Critical Access Hospital Services," Section 3128 of the Affordable Care Act, Pub. 111-148 Medicare Payment for Ambulance Services Furnished by Certain CAHs Indian Health Service (IHS)/Tribal Billing Ambulance Services Ambulance Services -Medicare Part B-Payment Policy
2103	Fractional Mileage Units Submitted on Ambulance Claims Coding Instruction for Paper and Electronic Claim Forms Bill Processing Guidelines Effective April 1, 2002, as a Result of Fee Schedule Implementation Provider of Service or Supplier Information
2104	Ambulance Inflation Factor for CY 2011 and Productivity Adjustment. Ambulance Inflation Factor (AIF)
2105	Dermal Injections for Treatment of Facial Lipodystrophy Syndrome (LDS)Policy Billing Instructions Hospital Billing Instructions Practitioner Billing Instructions Claims Processing System Editing
2106	Calendar Year (CY) 2011 Annual Update for Clinical Laboratory Fee Schedule and Laboratory Services Subject to Reasonable Charge PaymentAnnual Fee Schedule Updates
2107	Instructions for Retrieving the 2011 Pricing and HCPCS Data Files through CMS' Mainframe Telecommunications Systems
2108	CY 2011 Fee Schedule Update for Durable Medical Equipment, Prosthetics, Orthotics and Supplies (DMEPOS) Fee Schedule
2109	Annual Wellness Visit (AWV), Including Personalized Prevention Plan Services (PPPS) Initial Preventive Physical Examination (IPPE) and Annual Wellness Visit (AWV) Evaluation and Management (E/M) Services Initial Preventive Physical Examination (IPPE) Healthcare Common Procedure Coding System (HCPCS) Coding for the IPPE A/B Medicare Administrative Contractor (MAC) and Contractor Billing Requirements A/B MAC and Fiscal Intermediary (FI) Billing Requirements Rural Health Clinic (RHC)/Federally Qualified Health Center (FQHC) Special Billing Instructions Outpatient Prospective Payment System (OPPS) Hospital Billing Coinsurance and Deductible Annual Wellness Visit Healthcare Common Procedure Coding System (HCPCS) Coding for the AWV A/B Medicare Administrative Contractor (MAC) and Carrier Billing Requirements A/B MAC and Fiscal Intermediary (FI) Billing Requirements Rural Health Clinic (RHC)/Federally Qualified Health Center (FQHC) Special Billing Instructions Coinsurance and Deductible Common Working File (CWF) Edits Medicare Summary Notices (MSNs), Remittance Advice Remark Codes (RARCs), Claims Adjustment Reason Codes (CARCs), and Advance Beneficiary Notices (ABNs)
2110	Clinical Laboratory Fee Schedule – Medicare Travel Allowance Fees for Collection of
2111	Outlier Reconciliation and other Outlier Manual Updates for the Inpatient Prospective Payment System (IPPS), Outpatient Prospective Payment System (OPPS), Inpatient Rehabilitation Facility (IRF) PPS, Inpatient Psychiatric Facility (IPF) PPS and Long Term Care Hospital (LTCH) PPS
2112	Common Working File (CWF) Unsolicited Response Adjustments for Certain Claims Denied Due to an Open Medicare Secondary Payer (MSP) Group Health Plan (GHP) Record Where the GHP Record was Subsequently Deleted or Terminated. Adjustments to Reprocess Certain Claims Denied Due to an Open Common Working File (CWF) Medicare Secondary Payer (MSP) Group Health Plan (GHP) Record Where the GHP Record Was Subsequently Deleted or Terminated.
2113	Payment for 510k Post-Approval Extension Studies Using 510k-Cleared Embolic Protection Devices during Carotid Artery Stenting (CAS) Procedures Table of Contents 510k Post-Approval Studies using 510k-Cleared Embolic Protection Devices during Carotid Artery Stenting (CAS) Procedures 510k Post-Approval Studies using 510k-Cleared Embolic Protection Devices during Carotid Artery Stenting (CAS) Procedures
2114	January 2011 Integrated Outpatient Code Editor (I/OCE) Specifications Version 12.0

2115	Pharmacy Billing for Drugs Provided "Incident to" a Physician Service Payment Rules for Drugs and Biologicals Exceptions to Average Sales Price (ASP) Payment Methodology
2116	Issued to a specific audience, not posted to Internet/Intranet due to Sensitivity of Instruction
2117	Revisions to the Medicare Code Editor (MCE) and Integrated Outpatient Code Editor (IOCE) Reporting Requirements Procedures for Paying Claims Without Passing through the MCE Procedures for Paying Claims Without Passing through the IOCE
2118	CY 2011 Fee Schedule Update for Durable Medical Equipment, Prosthetics, Orthotics and Supplies (DMEPOS)
2119	Medicare Physician Fee Schedule Database (MPFSDB) 2011 File Layout Manual Addendum
2120	Claim Status Category and Status Codes Updates
2121	Reporting of Service Units With HCPCS Reporting of Service Units With HCPCS
2122	Waiver of Coinsurance and Deductible for Preventive Services in Rural Health Clinics (RHCs), Section 4104 of Affordable Care Act (ACA). General Billing Requirements for Preventive Services Ultrasound Screening for Abdominal Aortic Aneurysm (AAA)
2123	Announcement of Medicare Rural Health Clinics (RHCs) and Federally Qualified Health Centers (FQHCs) Payment Rate Increases
2124	Updates to the Internet Only Manual Pub. 100-04, Chapter 1 - General Billing Requirements, Chapter 15 - Ambulance, and Chapter 26 - Completing and Processing Form CMS-1500 Data Set Carrier Specific Requirements for Certain Specialties/Services Components of the Ambulance Fee Schedule CMS Supplied National ZIP Code File and National Ambulance Fee Schedule File Coding Instructions for Paper and Electronic Claim Forms Health Insurance Claim Form CMS-1500 Items 14-33 - Provider of Service or Supplier Information
2125	Instructions for Downloading the Medicare ZIP Code File for April 2011
2126	Annual Type of Service (TOS) Update Type of Service (TOS)
2127	Medical Nutrition Therapy (MNT) Manual Correction Medicare Nutrition Therapy (MNT) Services
2128	January 2011 Update of the Ambulatory Surgical Center (ASC) Payment System
2129	Summary of Policies in the CY 2011 Medicare Physician Fee Schedule (MPFS) and the Telehealth Originating Site Facility Fee Payment Amount
2130	January 2011 Update of the Hospital Outpatient Prospective Payment System (OPPS) Composite APCs Coinsurance Transitional Outpatient Payments (TOPs) for CY 2010 TOPs Overpayments Critical Care Services Inpatient-only Services Coding and Payment for Drug Administration Special Partial Hospitalization Billing Requirements for Hospitals, Community Mental Health Centers, and Critical Access Hospitals Bill Review for Partial Hospitalization Services Provided in Community Mental Health Centers (CMHC)
Medicare Secondary Payer (CMS-Pub. 100-05)	
76	Common Working File (CWF) Medicare Secondary Payer (MSP) Coordination of Benefits Contractor (COBC) Number Update and Implementation of MSP Group Health Plan (GHP) COBC Hierarchy Rules as related to Mandatory Insurer Reporting CWF Source Codes and Corresponding CROWD Special Project Numbers Definition of MSP/CWF Terms MSP Change Transaction MSP Delete Transaction MSP Auxiliary File Errors Valid Insurance Type Codes MSP "W" Record and Accompanying Processes Converting Health Insurance Portability and Accountability Act (HIPAA) Individual Relationship Codes to Common Working File (CWF) Medicare Secondary Payer (MSP) Patient Relationship Codes
Medicare Financial Management (CMS-Pub. 100-06)	
173	Update to the Quarterly Opt Out Reporting Form (Form 8) in the Contractor Reporting of Operational Workload Data (CROWD) Definitions of Provider Specialty Codes for Opt Out Reporting
174	Notice of New Interest Rate for Medicare Overpayments and Underpayments – 1st Notification for FY 2011.
175	Change the Name of Physician Specialty Code 12 from Osteopathic Manipulative Therapy to Osteopathic Manipulative Medicine Body of Report Body of Report Body of Report Monthly PRO Adjustment Bill Report (Inactive)

	Body of Report Completing Quarterly Report on Provider Enrollment (Inactive) Classification of Claims for Counting Part A - Monthly Workload Operations Part B – Inquiries Part D(1) - Claims Processing Timeliness - All Claims Part E - Interest Payment Data Completing Page Thirteen of the Carrier Performance Report (Inactive) Instructions for Completeing the Carrier Performance Report - All Trunks Busy (ATB) Monthly DMEPOS State Report - General (Inactive) Classification of Claims for Counting Classification of Claims for Counting Part D - Selected Claim Data by Participation Status Definition of Columns One Through Eight Specialty Codes Checking Reports Completing Quarterly Report on Provider Enrollment (Inactive) Special Purpose Data Heading
176	Clarification for Data Entry on Health Professional Shortage Area Reports Completing Health Professional Shortage Area (HPSA) Quarterly Reports, Form CMS 1565E – General Heading Checking Reports Current Quarter Payments Current Quarter Reviews Prior Quarter(s) Reviews Error Descriptions
177	Add Supplier Specialty Code 95 (Advanced Diagnostic Imaging (ADI) Accreditation) to CROWD Form F (Participating Physician/Supplier Report)
178	Add Physician Specialty Codes for Cardiac Electrophysiology (21) and Sports Medicine (23) to CROWD Forms "F" (ParDoc) and "8" (OptOut). Part D(1) - Claims Processing Timeliness - All Claims Part E - Interest Payment Data Classification of Claims for Counting Participating Physician/Supplier Report Purpose and Scope Due Date Specialty Codes Physician/Limited License Physician Specialty Codes Non-Physician Practitioner/Supplier Specialty Codes Checking Reports Definitions of Provider Specialty Codes for Opt Out Reporting
179	Medicare Financial Management Manual, Chapter 7 - Internal Control Requirements FMFIA and the CMS Medicare Contractor Contract CMS Contractor Internal Control Review Process and Timeline Risk Assessment Internal Control Reporting Requirements Certification Package for Internal Controls (CPIC) Requirements OMB Circular A-123, Appendix A: Internal Controls Over Financial Reporting (ICOFR) Certification Statement CPIC - Report of Internal Control Deficiencies Material Weaknesses Identified During the Reporting Period Statement on Auditing Standards Number 70 (SAS 70) Audit Corrective Actions Plans Submission, Review, and Approval of Corrective Actions Plans CMS Finding Numbers Initial CAP Report Quarterly CAP Report Entering Data into the Initial or Quarterly CAP Report List of CMS Contractor Control Objectives
180	Updated Appeal Reporting Recovery Audit Contractors (RACs) Appeals Resulting from RAC Initiated Denials Tracking Appeals
Medicare State Operations Manual (CMS-Pub. 100-07)	
64	Revision of Various Exhibits and the Table of Contents
65	Revisions to Chapter 2, "The Certification Process," Sections 2080 – 2089 - "Hospices," and Appendix M, "Guidance to Surveyors, Hospices"
66	Revisions to Appendix PP, State Operations Manual (SOM): Guidance to Surveyors for Long Term Care Facilities (LTC) for Minimum Data Set (MDS) 3.0 Implementation October 1, 2010
67	Revision of Various Exhibits and the Table of Contents

68	Chapter 9, Exhibits and Table of Contents
69	Revisions to Chapter 2, "The Certification Process," Sections 2080 – 2089 – "Hospices," and Appendix M, "Guidance to Surveyors, Hospices
Medicare Program Integrity (CMS-Pub. 100-08)	
357	Durable Medical Equipment (DME MAC) and the National Supplier Clearinghouse (NSC MAC) Procedures for Third Party Notification of Deceased Durable Medical Equipment, Prosthetic, Orthotic and Supplies (DMEPOS) Supplier Associates
358	Indian Health Service (HIS) Facilities and Tribal Provider's Use of Internet-based Provider Enrollment, Chain and Ownership System (PECOS)
359	Issued to a specific audience, not posted to Internet/Intranet due to Confidentiality Instruction
360	Corrective Action Reporting
361	Face Validity Assessment of Advance Beneficiary Notices (ABN) for Complex Medical Record Reviews
362	Implementation of Home Health Agency (HHA) Payment Safeguard Provisions
Medicare Contractor Beneficiary and Provider Communications (CMS-Pub. 100-09)	
00	None
Medicare End-Stage Renal Disease Network Organizations (CMS Pub 100-14)	
00	None
Medicare Managed Care (CMS-Pub. 100-16)	
94	Chapter 4, "Benefits and Beneficiary Protections" Basic Rule Types of Benefits Anti-Discrimination Requirements Benefit Requirements Uniformity Caps on Enrollee Financial Responsibility Multiple Plan Offerings and Benefit Caps Complementary Benefits Drugs that are Covered Under Part B Original Medicare Screening Mammography, Influenza Vaccine, and Pneumococcal Vaccine Balance Billing Skilled Nursing Facility (SNF) Coverage Clinical Trials Definition of Supplemental Benefit Examples Meals Supplemental Benefits Extending Original Medicare Benefits Benefits During Disasters and Catastrophic Events Issues with Provision of OTC Benefits Part B and D OTC Items Disclosure Guidance Regarding OTC Benefits Guidance on Acceptable Cost Sharing Cost-Sharing Rules for RPPOs Definition Definitions Related to National Coverage Determinations (NCDs) Creating New Guidance Sources for Obtaining Information Enrollee Information and Disclosure Prompt Payment POS Related Data Prohibition on PPO Point of Service (POS) Option The Visitor/Travel (V/T) Program The Foreign Travel Benefit Access and Availability Rules for Coordinated Care Plans Access and Plan Type Introduction New Plan Renewal Plan Consolidated Renewal Plan Renewal Plan with a Service Area Expansion(SAE) Guidance for the Renewal Portion of a Service Area Reduction (SAR) Guidance for the Reduced Portion of a Service Area Reduction (SAR) Terminated Plan (Non-Renewal) Crosswalk Table Summary Meaningful Plan Differences Non-Renewal based on Low Enrollment
Medicare Business Partners Systems Security (CMS-Pub. 100-17)	
00	None
Demonstrations (CMS-Pub. 100-19)	
66	Method of Payment for Extended Stay Services under the Frontier Extended Stay Clinic Demonstration, Authorized

	by Section 434 of the Medicare Modernization Act. This Change Request is additional information to CR 6057.
One Time Notification (CMS-Pub. 100-20)	
778	Expansion of the Current Scope of Editing for Attending Physician Providers for Free-Standing and Provider-Based Home Health Agency (HHA) Claims Processed by Medicare Regional Home Health Intermediaries (RHHIs)
779	Allow Zoned Program Integrity Contractors (ZPICs) to Access Medicare Administrative Contractors (MACs) by ZPIC Zone
780	Health Insurance Portability and Accountability Act (HIPAA) 5010 and D.0 Certification Program October to December 2010
781	Expansion of the Current Scope of Editing for Attending Physician +Providers for Free-Standing and Provider-Based Home Health Agency (HHA) Claims Processed by Medicare Regional Home HealthIntermediaries (RHHIs)
782	The Transition of a Segment of the Wisconsin Physicians Service (WPS) Legacy Workload (Formerly Processed by Mutual of Omaha) for the States of Delaware, Maryland, New Jersey, Pennsylvania and the District of Columbia to the J12 A/B Medicare Administrative Contractor (MAC)
783	Revenue Codes Update
784	Version 005010 Inbound 837 Institutional (837I) Flat File Update
785	Version D.0 National Council for Prescription Drug Programs (NCPDP) Integration Testing
786	Issued to Specific Audience, Not Posted to Internet/ Intranet due to Sensitivity of Instruction
787	Issued to Specific Audience, Not Posted to Internet/ Intranet due to Sensitivity of Instruction
788	Processing Claims Spanning More than Ten Years with Unlimited Occurrence Span Codes (OSCs): Phase II
789	Revision to Common Working File (CWF) Edit 729K to Deny Claims for Durable Medical Equipment (DME) Furnished to Beneficiaries in a Non-Part A Skilled Nursing Facility (SNF) Stay
790	Issued to Specific Audience, Not Posted to Internet/ Intranet due to Sensitivity of Instruction
791	Issued to Specific Audience, Not Posted to Internet/ Intranet due to Sensitivity of Instruction
792	Move the Physician Specialty Code to the FISS Claim Record and Forward to the Common Working File (CWF) and National Claims History (NCH)
793	National Uniform Billing Committee (NUBC) Point of Origin Code Updates
794	Accumulation of Informational Only Claims with Condition Code 04 from Critical Access Hospitals (CAH) and Maryland Waiver Hospitals on the Provider Statistical and Reimbursement Report (PS and R)
795	Edit to Deny Payment to Physicians and Other Suppliers for the Technical Component (TC) of Pathology Services Furnished on Same Date as Inpatient and Outpatient Services and Implements New Messages
796	Clarification of Payment Window for Outpatient Services Treated as Inpatient Services
797	J11 Part A and Part B Medicare Administrative Contractor (A/B MAC) New Workload Numbers for the South Carolina, Virginia and West Virginia Part A and Part B Workloads, the North Carolina Part B Workload and the Regional Home Health Intermediary (RHHI) Region C Workload, as well as the Split of the Customer Information Control System (CICS) Production and UAT Regions for the Ohio and West Virginia Part B Workloads
798	Merge of the Daily CMS-1522 PULSE Report for Reporting Transitioned Wisconsin Physicians Service (WPS) Legacy Workloads.
799	Provider Education for Handling National Provider Identifier (NPI) Issues Related to Deceased Providers Who Had an NPI
800	Issued to Specific Audience, Not Posted to Internet/ Intranet due to Sensitivity of Instruction
801	Health Insurance Portability and Accountability Act 005010 837 Institutional (837I) Edits and 005010 837 Professional (837P) Edits – April 2011 Version
802	Health Insurance Portability and Accountability (HIPAA) 5010/D.0 Fixes
803	National Council for Prescription Drug Programs (NCPDP) code set updates.
804	Common Working File (CWF) Informational Unsolicited Response (IUR) for claims that have line item dates of service after the date of death of a beneficiary
805	Issued to Specific Audience, Not Posted to Internet/ Intranet due to Sensitivity of Instruction
806	Implementation of the PWK (paperwork) segment for X12N Version 5010
807	Expansion of Inpatient Prospective Payment System Transfer Policy to Include Critical Access Hospitals (CAHs) and Non-Participating Hospitals
808	Guidance on Implementing System Edits for Certain Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (DMEPOS)
809	Additional Editing for Disaster Related Claims
810	Integrated Data Repository (IDR) Claims Sourcing from Shared Systems – Implementation" Based on Further Conference Calls and Further Research
811	Medicare Remit Easy Print (MREP) Compatibility Enhancement
812	Instructions for PLB Code Reporting on Remittance Advice and a Crosswalk Between the HIGLAS PLB Codes and ASC X12 Transaction 835 PLB Codes, and RAC Recoupment Reporting on Remittance Advice for VMS.
813	April Common Edits and Enhancements Module (CEM) and Receipt, Control, and Balancing Updates
814	Analyze, Design, Maintain and Provide Implementation Instructions for a Modification of the Part A and Part B Common Edits and Enhancement Modules (CEMs), to Allow 277C Edits to be Turned On/Off by the Encounter Data Front-End System (EDFES) Contractor Only
815	New HCPCS Q-codes for 2010-2011 Seasonal Influenza Vaccines
816	Implementing the Re-competition Award for the Jurisdiction B DME Medicare Administrative Contractor (MAC) Workload
817	J11 Part A and Part B Medicare Administrative Contractor (A/B MAC) New Workload Numbers for the South Carolina, Virginia and West Virginia Part A and Part B Workloads, the North Carolina Part B Workload and the Regional Home Health Intermediary (RHHI) Region C Workload, as well as the Split of the Customer Information

	Control System (CICS) Production and UAT Regions for the Ohio and West Virginia Part B Workloads
818	Health Insurance Portability and Accountability (HIPAA) 5010/D.0 Fixes
819	Currently Not Collectable (CNC) Type Development for 935 Appealed Claims
820	Request for Common Working File (CWF) System to Support the Automated Edit Project Field Test.
821	Revision to Common Working File (CWF) Edit for Durable Medical Equipment, Prosthetics, Orthotics and Supplies (DMEPOS) Provided During an Inpatient Stay
822	NPI Verification for Physician and Non-Physician Practitioner Providers for Critical Access Hospital (CAH) Claims Processed by Medicare Fiscal Intermediaries and Part A Medicare Administrative Contractors (A/B MAC).
823	Expansion of the Current Scope of Editing for Ordering/Referring Providers for Durable Medical Equipment, Prosthetics, Orthotics, and Supplier (DMEPOS) Suppliers Claims Process by Durable Medical Equipment Medicare Administrative Contractors (DMEMACs)
824	Additions To and Revisions of Existing G-Codes for the Reporting of Skilled Nursing Services and Skilled Therapy Services in the Home Health or Hospice Setting
825	Expansion of the Current Scope of Editing for Ordering/Referring Providers for Claims Processed by Medicare Carriers and Part B Medicare Administrative Contractors (MACs)
826	Multiple Procedure Payment Reduction (MPPR) for Selected Therapy Services
827	Medicare Fee-For-Service (FFS) National Council for Prescription Drug Programs (NCPDP) Version D.0 Companion Guide
828	Emergency Update to the CY 2011 Medicare Physician Fee Schedule (MPFS) Database
829	Issued to Specific Audience, Not Posted to Internet/ Intranet due to Sensitivity of Instruction

ADDENDUM IV: Regulation Documents
Published in the Federal Register
October Through December 2010

Publication Date	FR Vol. 75 Page Number	42 CFR Parts Affected	File Code	Title of Regulation
October 1, 2010	60640-60642	412, 413, 415, 424, 440, 441, 482, 485, and 489	CMS-1498-CN3	Medicare Program; Hospital Inpatient Prospective Payment Systems for Acute Care Hospitals and the Long-Term Care Hospital Prospective Payment System Changes and FY 2011 Rates; Provider Agreements and Supplier Approvals; and Hospital Conditions of Participation for Rehabilitation and Respiratory Care Services; Medicaid Program: Accreditation for Providers of Inpatient Psychiatric Services; Corrections
October13, 2010	62684	**45 CFR,** 162	CMS-0009-N	Health Insurance Reform; Announcement of Maintenance Changes to Electronic Data Transaction Standards Adopted Under the Health Insurance Portability and Accountability Act of 1996
October 22, 2010	65360	----------	CMS-2326-N	Medicare and Medicaid Programs; Application by the Joint Commission for Deeming Authority for Psychiatric Hospitals
October 22, 2010	65282	483	CMS-3140-P	Medicare and Medicaid Programs; Requirements for Long Term Care Facilities; Hospice Services
November 3, 2010	67751	----------	CMS-5055-N	Medicare Program: Community-Based Care Transitions Program (CCTP) Meeting
November 8, 2010	68583	433	CMS-2346-P	Medicaid; Federal Funding for Medicaid Eligibility Determination and Enrollment Activities
November 9, 2010	68790	----------	CMS-8042-N	Medicare Program; Medicare Part B Monthly Actuarial Rates, Premium Rate, and Annual Deductible Beginning January 1, 2011
November 9, 2010	68798	----------	CMS-8041-N	Medicare Program; Part A Premiums for CY 2011 for the Uninsured Aged and for Certain Disabled Individuals Who Have Exhausted Other Entitlement
November 9, 2010	68799	----------	CMS-8040-N	Medicare Program; Inpatient Hospital Deductible and Hospital and Extended Care Services Coinsurance Amounts for CY 2011
November 10, 2010	69037	455	CMS-6034-P	Medicaid Recovery Audit Contractors
November 15, 2010	65591	447	CMS-2238-F2	Medicaid Program; Withdrawal of Determination of Average Manufacturer Price, Multiple Source Drug Definition, and Upper Limits for Multiple Source Drugs
November 15, 2010	69682	----------	CMS-2336-FN	Medicare and Medicaid Programs; Approval of Det Norske Veritas Healthcare for Deeming Authority for Critical Access Hospitals
November 16, 2010	70013	----------	CMS-1344-CN	Medicare Program; Inpatient Rehabilitation Facility Prospective Payment System for Federal Fiscal Year 2011; Correction
November 17, 2010	70114	**45 CFR,** 147	CMS-9991-IFC2	Amendment to the Interim Final Rules for Group Health Plans and Health Insurance Coverage Relating to Status as a Grandfathered Health Plan Under the Patient Protection and Affordable Care Act
November 17, 2010	70160	**45 CFR,** 147 **29 CFR**, 2590	CMS-9986-NC	Affordable Care Act; Federal External Review Process; Request for Information
November 17, 2010	70165	Chapter IV	CMS-1345-NC	Medicare Program; Request for Information Regarding Accountable Care Organizations and the Medicare Shared Saving Program
November 17, 2010	70372	409, 418, 424, 484, and 489	CMS-1510-F	Medicare Program; Home Health Prospective Payment System Rate Update for Calendar Year 2011; Changes in Certification Requirements for Home Health Agencies and Hospices
November 19, 2010	70831	482 and 485	CMS-3228-F	Medicare and Medicaid Programs: Changes to the Hospital and Critical Access Hospital Conditions of Participation To Ensure Visitation Rights for All Patients

Publication Date	FR Vol. 75 Page Number	42 CFR Parts Affected	File Code	Title of Regulation
November 22, 2010	71064	417, 422, and 423	CMS-4144-CN	Medicare Program; Proposed Changes to the Medicare Advantage and the Medicare Prescription Drug Benefit Programs for Contract Year 2012 and Other Proposed Changes; Correction
November 22, 2010	71189	417, 422, and 423	CMS-4144-P	Medicare Program; Proposed Changes to the Medicare Advantage and the Medicare Prescription Drug Benefit Programs for Contract Year 2012 and Other Proposed Changes
November 24, 2010	71800	410, 411, 412, 413, 416, 419, and 489	CMS-1504-FC	Medicare Program: Hospital Outpatient Prospective Payment System and CY 2011 Payment Rates; Ambulatory Surgical Center Payment System and CY 2011 Payment Rates; Payments to Hospitals for Graduate Medical Education Costs; Physician Self-Referral Rules and Related Changes to Provider Agreement Regulations; Payment for Certified Registered Nurse Anesthetist Services Furnished in Rural Hospitals and Critical Access Hospitals
November 26, 2010	72830	----------	CMS-3229-N	Medicare Program; Quality Improvement Organization (QIO) Contracts: Solicitation of Proposals From In-State QIOs—Idaho, Maine, South Carolina, and Vermont
November 29, 2010	73086	----------	CMS-4154-PN	Medicare and Medicaid Programs; Renewal of Deeming Authority of the National Committee for Quality Assurance for Medicare Advantage Health Maintenance Organizations and Local Preferred Provider Organizations
November 29, 2010	73088	----------	CMS-2332-PN	Medicare Program; Application by the American Association for Accreditation of Ambulatory Surgery Facilities, Inc. (AAAASF) for Deeming Authority for Providers of Outpatient Physical Therapy and Speech-Language Pathology Services.
November 29, 2010	73090	----------	CMS-3235-N	Medicare Program; Listening Session on Development of Additional Imaging Efficiency Measures for Use in the Hospital Outpatient Quality Data Reporting Program
November 29, 2010	73091	----------	CMS-1342-N	Medicare Program; Town Hall Meeting on the Fiscal Year 2012 Applications for Add-on Payments for New Medical Services and Technologies Under the Hospital Inpatient Prospective Payment System and Informational Workshop on the Application Process and Criteria for Add-on Payments for New Medical Services and Technologies Under the Inpatient and Outpatient Prospective Payment Systems
November 29, 2010	73094	----------	CMS-3237-N	Medicare Program; Meeting of the Medicare Evidence Development and Coverage Advisory Committee—January 19, 2011
November 29, 2010	73169	----------	CMS-1503-FC	Medicare Revisions to Payment Policies Under the Physician Fee Schedule and Part B for CY 2011
November 29, 2010	73095	----------	----------	Privacy Act of 1974; Report of New System of Records
November 30, 2010	73972	433, 447 and 457	CMS-2361-F	Medicaid Cost Limits for Providers Operated by Units of Government and Provisions to Ensure the Integrity of Federal-State Financial Partnership
December 1, 2010	74864	**45 CFR**, 158	CMS-9998-IFC	Medical Loss Ratio: Definitions, Enforcement, Methodology and Rebate Instructions
December 8, 2010	76293	424	CMS-1510-CN	Medicare Program; Home Health Prospective Payment System Rate Update for Calendar Year 2011; Changes in Certification Requirements for Home Health Agencies and Hospices; Correction
December 8, 2010	76471	----------	CMS-3234-N	Medicare Program; Renewal of the Medicare Evidence Development & Coverage Advisory Committee (MEDCAC)
December 8, 2010	76468	----------	----------	Office of the Assistant Secretary for Planning and Evaluation; Medicare Program; Meeting of the Technical Advisory Panel on Medicare Trustee Reports

Publication Date	FR Vol. 75 Page Number	42 CFR Parts Affected	File Code	Title of Regulation
December 15, 2010	78247	----------	CMS-3236-N	Medicare Program; Town Hall Meeting on Physician Quality Reporting System
December 15, 2010	78247	----------	CMS-1574-N	Medicare Program; Re-Chartering of the Advisory Panel on Ambulatory Payment Classification (APC) Groups
December 16, 2010	78705	----------	CMS-3241-N	Medicare Program; Request for Nominations for Members for the Medicare Evidence Development &Coverage Advisory Committee
December 16, 2010	78707	----------	CMS-1573-N	Medicare Program; First Semi-Annual Meeting of the Advisory Panel on Ambulatory Payment Classification Groups—February 28, 2011 Through March 2, 2011
December 17, 2010	79174	----------	CMS-9062-N	Medicare and Medicaid Programs; Quarterly Listing of Program Issuances—July Through September 2010
December 21, 2010	80058	----------	----------	Notice of Hearing: Reconsideration of Disapproval of California State Plan Amendments (SPAs) 08–009A; 08–009B1; 08–009B2; 08–009D; and 08– 019
December 23, 2010	80762	489	CMS-1350-ANPR	Medicare Program; Emergency Medical Treatment and Labor Act: Applicability to Hospital and Critical Access Hospital Inpatients and Hospitals With Specialized Capabilities
December 23, 2010	81004	**45 CFR,** 154	CMS-9999-P	Rate Increase Disclosure and Review
December 27, 2010	81138	484	CMS-1510-CN2	Medicare Program; Home Health Prospective Payment System Rate Update for Calendar Year 2011; Changes in Certification Requirements for Home Health Agencies and Hospices
December 27, 2010	81278	----------	CMS-6041-NC	Medicare Program: Solicitation of Comments Regarding Development of a Recovery Audit Contractor Program for the Medicare Part C and D Programs
December 29, 2010	81885	412, 413, 422, and 495	CMS-0033-F2	Medicare and Medicaid Programs; Electronic Health Record Incentive Program; Correcting Amendment
December 30, 2010	82397	----------	CMS-2420-NC	Medicaid Program: Initial Core Set of Health Quality Measures for Medicaid-Eligible Adults

ADDENDUM V: National Coverage Determinations October Through December 2010

A national coverage determination (NCD) is a determination by the Secretary with respect to whether or not a particular item or service is covered nationally under Title XVIII of the Act, but does not include a determination of what code, if any, is assigned to a particular item or service covered under this title, or determination with respect to the amount of payment made for a particular item or service so covered. We include below all of the NCDs that were issued during the quarter covered by this notice. The entries below include information concerning completed decisions as well as sections on program and decision memoranda, which also announce decisions or, in some cases, explain why it was not appropriate to issue an NCD. We identify completed decisions by the section of the NCDM in which the decision appears, the title, the date the publication was issued, and the effective date of the decision. Information on completed decisions as well as pending decisions has also been posted on the CMS Web site at *http://cms.gov/MCD.*

Title	NCDM Section	TN #	Issue Date	Effective Date
Allogeneic Hematopoietic Stem Cell Transplantation (HSCT) for Myelodysplastic Syndrome (MDS)	260.11	R127NCD	10/08/2010	08/04/2010
January Clinical Lab Edits	190	R2080CP	10/29/2010	01/01/2011
Ventricular Assist Devices (VADs) as Destination Therapy	20.9	R129NCD	11/19/2010	11/09/2010
CAS Post-Approval Studies	20.7	R2113CP	12/10/2010	10/22/2010

ADDENDUM VI: FDA–Approved Category B IDEs October Through December 2010

Under the Food, Drug, and Cosmetic Act (21 U.S.C. 360c) devices fall into one of three classes. To assist CMS under this categorization process, the FDA assigns one of two categories to each FDA-approved IDE. Category A refers to experimental IDEs, and Category B refers to non-experimental IDEs. To obtain more information about the classes or categories, please refer to the notice published in the April 21, 1997 **Federal Register** (62 FR 19328). The list includes all Category B IDEs approved by FDA during the fourth quarter, October through December 2010.

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Category B IDE G090040 was inadvertently omitted from the Quarterly Listing of Program Issuances notice that published on September 24, 2010 in (75 FR 70160). This Category B IDE was approved by the FDA during the second quarter, April through June 2010.

IDE	Category
BB14056	B
BB14500	B
G080113	B
G090012	B
G090032	B
G090116	B
G090167	B
G090207	B
G090226	B
G100007	B
G100012	B
G100023	B
G100026	B
G100044	B
G100056	B
G100059	B
G100115	B
G100127	B
G100169	B
G100197	B
G100225	B
G100226	B
G100230	B
G100233	B
G100245	B
G100246	B
G100247	B
G100256	B
G100264	B
G100281	B
G100284	B
G100286	B
G100289	B
G100290	B
G100292	B
G100298	B
G100302	B
G100317	B
I090962	B
I100308	B

ADDENDUM VII: Approval Numbers for Collections of Information

Below we list all approval numbers for collections of information in the referenced sections of CMS regulations in Title 42; Title 45, Subchapter C; and Title 20 of the Code of Federal Regulations, which have been approved by the Office of Management and Budget. This information is available at *http://www.reginfo.gov/public/do/PRAMain.*

OMB NUMBER	Approved CFR Sections in Title 42, Title 45, and Title 20 (Note: Sections in Title 45 are preceded by "45 CFR," and sections in Title 20 are preceded by "20 CFR")
0938-0008	Part 424 Subpart C
0938-0022	413.20, 413.24, 413.106
0938-0023	424.103
0938-0025	406.28, 407.27
0938-0027	486.100 - 486.110
0938-0033	405.807
0938-0035	407.40
0938-0037	413.20, 413.24
0938-0041	408.6, 408.202
0938-0042	410.1, 410.40, 424.124, 424.601, 414.605, 414.610, 414.615, 414.620, 414.625, 424.32
0938-0045	405.711
0938-0046	405.2133
0938-0050	413.20, 413.24
0938-0062	431.151, 435.151, 435.1009, 440.220, 440.250, 442.1, 442.10 - 442.16, 442.30, 442.40, 442.42, 442.100 - 442.119, 483.400 - 483.480, 488.332, 488.400, 498.3 - 498.5
0938-0065	485.701 - 485.729
0938-0074	491.1 - 491.11
0938-0080	406.7, 406.13
0938-0086	420.200 - 420.206, 455.100 - 455.106
0938-0101	430.30
0938-0102	413.20, 413.24
0938-0107	413.20, 413.24
0938-0146	431.800 - 431.865
0938-0147	431.800 - 431.865
0938-0151	493.1 - 493.2001
0938-0155	405.2470
0938-0193	430.10 - 430.20, 440.167
0938-0202	413.17, 413.20
0938-0214	411.25, 489.2, 489.20
0938-0236	413.20, 413.24
0938-0242	488.26 and 442.30
0938-0245	407.10, 407.11
0938-0246	431.800-431.865
0938-0251	406.7
0938-0266	416.1-416.150
0938-0267	485.56, 485.58, 485.60, 485.64, 485.66
0938-0269	412.116, 412.632, 413.64, 413.350, 484.245
0938-0270	405.376
0938-0272	440.180, 441.300 - 441.310
0938-0273	485.701 - 485.729
0938-0279	424.5
0938-0287	447.31
0938-0296	413.170, 413.184
0938-0301	413.20, 413.24, 415.60
0938-0302	418.22, 418.24, 418.28, 418.56, 418.58, 418.70, 418.74, 418.83, 418.96, 418.100
0938-0313	489.11, 489.20
0938-0328	482.12, 482.13, 482.21, 482.22, 482.27, 482.30, 482.41, 482.43, 482.45, 482.53, 482.56, 482.57, 482.60, 482.61, 482.62, 482.66, 485.618, 485.631
0938-0334	491.9, 491.10
0938-0338	486.104, 486.106, 486.110
0938-0354	441.50
0938-0355	442.30, 488.26
0938-0358	488.26
0938-0359	412.40 - 412.52
0938-0360	488.60
0938-0365	484.10, 484.12, 484.14, 484.16, 484.18, , 484.36, 484.48, 484.52
0938-0372	414.330

OMB NUMBER	Approved CFR Sections in Title 42, Title 45, and Title 20 (Note: Sections in Title 45 are preceded by "45 CFR," and sections in Title 20 are preceded by "20 CFR")
0938-0378	482.60 - 482.62
0938-0379	442.30, 488.26
0938-0386	405.2100 - 405.2171
0938-0391	488.18, 488.26, 488.28
0938-0426	480.104, 480.105, 480.116, 480.134
0938-0429	447.53
0938-0443	478.18, 478.34, 478.36, 478.42
0938-0444	1004.40, 1004.50, 1004.60, 1004.70
0938-0445	412.44, 412.46, 431.630, 476.71, 476.74, 476.78
0938-0447	405.2133
0938-0448	405.2133, **45 CFR** 5, 5b; **20 CFR** Parts 401, 422E
0938-0449	440.180, 441.300 - 441.310
0938-0454	424.20
0938-0456	412.105
0938-0463	413.20, 413.24, 413.106
0938-0467	431.17, 431.306, 435.910, 435.920, 435.940 - 435.960
0938-0469	417.126, 422.502, 422.516
0938-0470	417.143, 422.6
0938-0477	412.92
0938-0484	424.123
0938-0501	406.15
0938-0502	433.138
0938-0512	486.301 - 486.348
0938-0526	475.102, 475.103, 475.104, 475.105, 475.106
0938-0534	410.38, 424.5
0938-0544	493.1 - 493.2001
0938-0564	411.32
0938-0565	411.20 - 411.206
0938-0566	411.404, 411.406, 411.408
0938-0573	412.256
0938-0578	447.534
0938-0581	493.1 - 493.2001
0938-0599	493.1 - 493.2001
0938-0600	405.371, 405.378, 413.20
0938-0610	417.436, 417.801, 422.128, 430.12, 431.20, 431.107, 483.10, 484.10, 489.102
0938-0612	493.801, 493.803, 493.1232, 493.1233, 493.1234, 493.1235, 493.1236, 493.1239, 493.1241, 493.1242, 493.1249, 493.1251, 493,1252, 493.1253, 493.1254, 493.1255, 493.1256, 493.1261, 493.1262, 493.1263, 493.1269, 493.1273, 493.1274, 493.1278, 493.1283, 493.1289, 493.1291, 493.1299
0938-0618	433.68, 433.74, 447.272
0938-0653	493.1771, 493.1773, 493.1777
0938-0657	405.2110, 405.2112
0938-0658	405.2110, 405.2112
0938-0667	482.12, 488.18, 489.20, 489.24
0938-0686	493.551 - 493.557
0938-0688	486.301 - 486.325
0938-0691	412.106
0938-0692	466.78, 489.20, 489.27
0938-0701	422.152
0938-0702	**45 CFR** 146.111, 146.115, 146.117, 146.150, 146.152, 146.160, 146.180
0938-0703	**45 CFR** 148.120, 148.122, 148.124, 148.126, 148.128
0938-0714	411.370 - 411.389
0938-0717	424.57
0938-0721	410.33
0938-0723	421.300 - 421.316
0938-0730	405.410, 405.430, 405.435, 405.440, 405.445, 405.455, 410.61, 415.110, 424.24
0938-0732	504
0938-0734	**45 CFR** 5b
0938-0739	413.337, 413.343, 424.32, 483.20
0938-0749	424.57
0938-0753	422.000 - 422.700
0938-0754	441.151, 441.152
0938-0758	418.98
0938-0760	484.55, 484.205, 484.245, 484.250

OMB NUMBER	Approved CFR Sections in Title 42, Title 45, and Title 20 (Note: Sections in Title 45 are preceded by "45 CFR," and sections in Title 20 are preceded by "20 CFR")
0938-0761	484.11, 484.20
0938-0763	422.250, 422.252, 422.254, 422.256, 422.258, 422.262, 422.264, 422.266, 422.270, 422.300, 422.304, 422.306, 422.308, 422.310, 422.312, 422.314, 422.316, 422.318, 422.320, 422.322, 422.324, 423.251, 423.258, 423.265, 423.272, 423.286, 423.293, 423.301, 423.308, 423.315, 423.322, 423.329, 423.336, 423.343, 423.346, 423.350
0938-0770	410.2
0938-0778	422.111, 422.564
0938-0779	417.126, 417.470, 422.64, 422.210
0938-0781	411.404, 484.10
0938-0786	438.352, 438.360, 438.362, 438.364
0938-0790	460.12 - 460.210
0938-0792	491.8, 491.11
0938-0796	422.64
0938-0798	413.65, 419.42
0938-0802	419.43
0938-0818	410.141 - 410.146, 414.63
0938-0829	422.568
0938-0832	Parts 489 and 491
0938-0833	483.350 - 483.376
0938-0841	431.636, 457.50, 457.60, 457.70, 457.340, 457.350, 457.431, 457.440, 457.525, 457.560, 457.570, 457.740, 457.750, 457.810, 457.940, 457.945, 457.965, 457.985, 457.1005, 457.1015, 457.1180
0938-0842	412.23, 412.604, 412.606, 412.608, 412.610, 412.614, 412.618, 412.626, 413.64
0938-0846	411.352 - 411.361
0938-0857	Part 419
0938-0860	Part 419
0938-0866	**45 CFR** Part 162
0938-0872	413.337, 483.20
0938-0873	422.152
0938-0874	**45 CFR** Parts 160 and 162
0938-0878	Part 422 Subparts F and G
0938-0887	**45 CFR** 148.316, 148.318, 148.320
0938-0897	412.22, 412.533
0938-0907	412.230, 412.304, 413.65
0938-0910	422.620, 422.624, 422.626
0938-0911	426.400, 426.500
0938-0915	421.120, 421.122 and 421.201
0938-0916	483.160
0938-0920	438.6, 438.8, 438.10, 438.12, 438.50, 438.56, 438.102, 438.114, 438.202, 438.206, 438.207, 438.240, 438.242, 438.402, 438.404, 438.406, 438.408, 438.410, 438.414, 438.416, 438.604, 438.710, 438.722, 438.724, 438.810
0938-0921	414.804
0938-0931	**45 CFR** 142.408, 162.408, and 162.406
0938-0933	438.50
0938-0935	504, 250
0938-0936	423
0938-0939	405.502
0938-0944	422.250, 422.252, 422.254, 422.256, 422.258, 422.262, 422.264, 422.266, 422.270, 422.300, 422.304, 422.306, 422.308, 422.310, 422.312, 422.314, 422.316, 422.318, 422.320, 422.322, 422.324, 423.251, 423.258, 423.265, 423.272, 423.279, 423.286, 423.293, 423.301, 423.308, 423.315, 423.322, 423.329, 423.336, 423.343, 423.346, 423.350
0938-0950	405.910
0938-0951	423.48
0938-0953	405.1200 and 405.1202
0938-0954	414.906, 414.908, 414.910, 414.914, 414.916
0938-0957	Part 423 Subpart R
0938-0964	403.460, 411.47
0938-0969	421.405
0938-0975	423.562(a)
0938-0976	423.568
0938-0977	Part 423 Subpart R
0938-0978	423.464
0938-0982	422.310, 423.301, 423.322, 423.875, 423.888
0938-0986	412.20-412.30
0938-0990	423.56
0938-0992	423.505, 423.514
0938-0993	1396

OMB NUMBER	Approved CFR Sections in Title 42, Title 45, and Title 20 (Note: Sections in Title 45 are preceded by "45 CFR," and sections in Title 20 are preceded by "20 CFR")
0938-0997	424.5
0938-0999	Part 424 Subpart C
0938-1004	423.502
0938-1009	411.357(v), 411.357(w)
0938-1013	423.56(e)
0938-1019	405.1206, 422.622
0938-1020	412.525(a)(4), 412.529(c)(3), 412.84(i)(2)
0938-0123	422.152(a)(1), 422.152(a)(2)
0938-1024	1396
0938-1026	447.520
0938-1013	423.56e
0938-1019	405.1206, 422.622
0938-1023	422.152a
0938-1033	455
0938-1034	489.20
0938-1049	424.36(b)
0938-1098	ARRA Section 5006
0938-1100	**45 CFR** Part 152
0938-1105	**26 CFR** 54.9815-2711T;**29 CFR** 2590.715-2711; and **45 CFR** 147.126
0938-1108	
0938-1114	**45 CFR** 158
0938-1115	422.516g and 423.514g

ADDENDUM VIII: Medicare-Approved Carotid Stent Facilities October Through December 2010

On March 17, 2005, we issued our decision memorandum on carotid artery stenting. We determined that carotid artery stenting with embolic protection is reasonable and necessary only if performed in facilities that have been determined to be competent in performing the evaluation, procedure, and follow-up necessary to ensure optimal patient outcomes. We have created a list of minimum standards for facilities modeled in part on professional society statements on competency. All facilities must at least meet our standards in order to receive coverage for carotid artery stenting for high risk patients. This notice reflects the changes, deletions and additions for this quarter. A full list of approved facilities is maintained on the CMS Web site at *http://www.cms.gov/MedicareApprovedFacilitie/CASF/list.asp#TopOfPage*

Facility	Provider Number	Effective Date	State	Additional Information
Editorial Changes (Shown in Bold) Were Made to the Six Facilities Listed Below.				
Saint Michael's Medical Center **111 Central Avenue** **Newark, N.J. 07102**	310096	06/01/2005	NJ	
Banner Heart Hospital 6750 East Baywood Avenue Mesa, AZ 85206	030105	07/15/2005	AZ	
Conemaugh Valley Memorial Hospital **DBA Memorial Medical Center** 1086 Franklin Street Johnstown, PA 15905-4398	390110	10/04/2005	PA	
St. Elizabeth Florence **4900 Houston Road** Florence, KY 41042	180045	11/03/2005	KY	
United Hospital Center **327 Medical Park Drive** **Bridgeport, WV 26330**	510006	11/29/2005	WV	
Capital Health Regional Medical Center 750 Brunswick Avenue Trenton, NJ 08638	1275583726	01/20/2009	NJ	
The Following Facilities are New Listings for This Quarter.				
Elkhart General Healthcare System 600 East Boulevard Elkhart, IN 46514	15-0018	10/04/2010	IN	
Jefferson Regional Medical Center PO Box 350 Crystal City, MO 63019-0350	260023	10/13/2010	MO	
The Medical Center of Aurora 1501 S. Potomac Street Aurora, CO 80012	060100	10/21/2010	CO	
St. Mary's Medical Center 201 N W R.D. Mize Road Blue Springs, Missouri 64014	260193	10/21/2010	MO	
Baptist Hospital 2000 Church Street Nashville, Tennessee 37236	440133	10/21/2010	TN	
New York Downtown Hospital 170 William Street New York, NY 10038-2649	1053413989	11/03/2010	NY	
St. Joseph Health Center 667 Eastland Avenue, SE Warren, Ohio 44484-4503	360161 1629009964	11/09/2010	OH	
Nanticoke Memorial Hospital 801 Middleford Road Seaford, Delaware 19973	080006	11/09/2010	DE	
Henry Ford West Bloomfield Hospital 6777 W. Maple Road West Bloomfield, Michigan 48322	230302	11/18/2010	MI	
Beebe Medical Center 424 Savannah Road Lewes, DE 19958	080007	11/18/2010	DE	
Lane Regional Medical Center 6300 Main Street Zachary, La 70791	190020	11/18/2010	LA	
Methodist Stone Oak Hospital 1139 E. Sonterra Boulevard San Antonio, TX 78258	670055	11/30/2010	TX	
Evergreen Hospital Medical Center 12040 NE 128th Street, M/S 115 Kirkland, WA 98034	1033174933	12/14/2010	WA	

ADDENDUM IX: American College of Cardiology's National Cardiovascular Data Registry Sites (October Through December 2010)

In order to obtain reimbursement, Medicare national coverage policy requires that providers implanting OCDs for primary prevention clinical indications (that is, patients without a history of cardiac arrest or spontaneous arrhythmia) report data on each primary prevention ICD procedure. This policy became effective January 27, 2005. Details of the clinical indications that are covered by Medicare and their respective data reporting requirements are availabe in the Medicare National Coverage Determination (NCD) Manual, which is on the Centers for Medicare & Medicaid Serivce (CMS) Web site at *http://www.cms.hhs.gov/Manuals/IOM/itemdetail.asp?filterType=none&filter*

ByDID=99&sortByDID=1&sortOrder=ascending&itemID=CMS014961.

A provider can use either of two mechanisms to satisfy the data reporting requirement. Patients may be enrolled either in an Investigational Device Exemption trial studying ICDs as identified by the FDA or in the American College of Cardiology's National Cardiovascular Data Registry (ACC–NCDR) ICD registry. Therefore, in order for a beneficiary to receive a Medicare-covered ICD implantation for primary prevention, the benficiary must receive the scan in a facility that participates in the ACC–NCDR ICD registry. We maintain a list of facilities that have been enrolled in this registry. Addendum IX includes the facilities that have been designated in the quarter covered by this notice. The entire list of facilities that participate in the ACC–NCDR ICD registry can be found at *www.ncdr.com/webncdr/common*

Facility Name	Address 1	Address 2	City	State	Zip Code
Abbott Northwestern Hospital	800 East 28th Street (Internal Zip 33210)		Minneapolis	MN	55407
Abilene Regional Medical Center	6250 Highway 83-84 Antilley Road		Abilene	TX	79606
Abington Memorial Hospital	1200 Old York Road	5 Toll	Abington	PA	19001
Adventist Bolingbrook Hospital	500 Remington Boulevard		Bolingbrook	IL	60440
Adventist Glen Oaks Hospital	701 Winthrop Avenue		Glendale Heights	IL	60139
Adventist Hinsdale Hospital	120 North Oak Street		Hinsdale	IL	60521
Adventist Medical Center	10123 SE Market Street		Portland	OR	97216
Advocate BroMenn Medical Center	1304 Franklin Avenue		Normal	IL	61761
Advocate Christ Medical Center	4440 West 95th Street		Oak Lawn	IL	60453
Advocate Condell Medical Center	801 S. Milwaukee Avenue		Libertyville	IL	60048
Advocate Good Shepherd Hospital	450 W. Highway 22		Barrington	IL	60010
Advocate Illinos Masonic Medical Center	836 W. Wellington Avenue		Chicago	IL	60657
Advocate Lutheran General Hospital	1775 Dempster Street		Park Ridge	IL	60068
Advocate South Suburban Hospital	17800 South Kedzie		Hazel Crest	IL	60429
Affinity Medical Center	400 Austin Avenue		Massillon	OH	44646
AHMC Anaheim Regional Medical Center	1111 W. La Palma Avenue		Anaheim	CA	92801
Aiken Regional Medical Center	302 University Parkway		Aiken	SC	29802
Alamance Regional Medical Center	PO Box 202		Burlington	NC	27216
Alaska Regional Hospital	2801 Debarr Road		Anchorage	AK	99508
Albany Medical Center Hospital	43 New Scotland Avenue		Albany	NY	12208
Albert Einstein Medical Center	5501 Old York Road	Levy Bldg. 3rd floor	Philadelphia	PA	19141
Alegent Health Bergan Mercy Medical Center	6901 North 72nd Streeet		Omaha	NE	68122
Alegent Health Immanuel Medical Center	6901 North 72nd Street	Suite 3000 N	Omaha	NE	68122-1709
Alegent Health Lakeside Hospital	6901 North 72nd Street		Omaha	NE	68122
Alegent Health Midlands Hospital	6901 North 72nd Street		Omaha	NE	68122
Alegent Health Mercy Hospital	6901 North 72nd Street	Suite 3000	Omaha	NE	68122
Alexian Brothers Medical Center	800 Biesterfield Road		Elk Grove Village	IL	60007-3311
Allegiance Health (W.A. Foote Memorial Hospital)	205 N. East Avenue	Heart Center 1st Floor	Jackson	MI	49201
Alta Bates Medical Center	2450 Ashby Avenue		Berkeley	CA	94705
Alta Bates Summit Medical Center	350 Hawthorne Avenue		Oakland	CA	94609
Alton Memorial Hospital	1 Memorial Drive		Alton	IL	62067
Altoona Hospital	620 Howard Avenue		Altoona	PA	16601
Altru Health System	1200 South Columbia Road		Grand Forks	ND	58201
Anderson Hospital	6800 State Route 162		Maryville	IL	62062
AnMed Health	800 North Fant Street		Anderson	SC	29621
Anna Jaques Hospital	25 Highland Avenue		Newburyport	MA	01950
Anne Arundel Medical Center	2001 Medical Parkway		Annapolis	MD	21404
Appleton Medical Center/ThedaClark Medical Center	1818 N. Meade Street	Quality Dept. Rm 165-B	Appleton	WI	54911
Aria Health	Knights and Red Lion Roads		Philadelphia	PA	19114
Arizona Heart Hospital	1930 East Thomas Road		Phoenix	AZ	85016
Arkansas Heart Hospital	1701 S. Shackelford Road		Little Rock	AR	72202
Aroostock Medical Center	140 Academy Street		Presque Isle	ME	04769
Ashtabula County Medical Center	2420 Lake Avenue		Ashtabula	OH	44004
Aspirus Wausau Hospital	333 Pine Ridge Boulevard		Wausau	WI	54401
Athens Regional Medical Center	1199 Prince Avenue		Athens	GA	30606
Atlanta Medical Center	303 Parkway Drive NE		Atlanta	GA	30312
Atrium Medical Center	One Medical Center		Middletown	OH	45005
Aultman Hospital	2600 Sixth Street SW		Canton	OH	44710
Aurora BayCare Medical Center	2845 Greenbrier Road		Green Bay	WI	54308

Facility Name	Address 1	Address 2	City	State	Zip Code
Aurora Medical Center – Kenosha	2900 W. Oklahoma Avenue		Milwaukee	WI	53132
Aurora Medical Center of Washington County	2900 W. Oklahoma Avenue		Milwaukee	WI	53215
Aurora Medical Center Oshkosh	855 N. Westhaven Street		Oshkosh	WI	54904
Aurora Medical Center Summit	2900 W. Oklahoma Avenue		Milwaukee	WI	53215
Aurora Memorial Hospital of Burlington	2900 W. Oklahoma Avenue		Milwaukee	WI	53215
Aurora Sheboygan Memorial Medical Center	2629 N. 7th Street		Sheboygan	WI	53083
Aurora Sinai Medical Center	945 N. 12th Street		Milwaukee	WI	53233
Aurora West Allis Memorial Hospital	2900 W. Oklahoma Avenue		Milwaukee	WI	53215
Aventura Hospital and Medical Center	5631 Glencrest Boulevard		Tampa	FL	33625-1008
Avera Heart Hospital of South Dakota	4500 West 69th Street		Sioux Falls	SD	57108
Avera Sacred Heart Hospital	501 Summit		Yankton	SD	57078
Avera St. Luke's	305 South State Street		Aberdeen	SD	57401
Bakersfield Memorial Hospital	420 34th Street		Bakersfield	CA	93303-1888
Ball Memorial Hospital	2401 University Avenue		Muncie	IN	47303
Baltimore Washington Medical Center	301 Hospital Drive	2nd Fl. Cardiac Cath Lab	Glen Burnie	MD	21061
Banner Boswell Medical Center	10401 W. Thunderbird Boulevard		Sun City	AZ	85351
Banner Desert Medical Center	Banner Desert Medical Center, Quality Management	1400 S. Dobson Road	Mesa	AZ	85202
Banner Estrella Medical Center	9201 W. Thomas Road		Phoenix	AZ	85037
Banner Good Samaritan Med Center	1111 East McDowell Road		Phoenix	AZ	85006-2612
Banner Heart Hospital	6750 E. Baywood Avenue		Mesa	AZ	85206
Banner Thunderbird Med Center	5555 W. Thunderbird Road		Glendale	AZ	85306
Baptist Health Medical Center	9601 Interstate 630 Exit 7		Little Rock	AR	72205-7299
Baptist Health Medical Center	3333 Springhill Drive		North Little Rock	AR	72117
Baptist Hospital	4220 Harding Road		Nashville	TN	37202
Baptist Hospital East	4000 Kresge Way		Louisville	KY	40207
Baptist Hospital of Miami	8900 SW 88th Street		Miami	FL	33176
Baptist Hospital of Southeast Texas	PO Box 1591	3080 College Street	Beaumont	TX	77704
Baptist Hospital	1000 W. Moreno Street		Pensacola	FL	32501
Baptist Medical Center	800 Prudential Drive		Jacksonville	FL	32207
Baptist Medical Center	730 North Main Avenue	Suite 424	San Antonio	TX	78205
Baptist Memorial Hospital North Mississippi	2301 South Lamar Boulevard		Oxford	MS	38655
Baptist Memorial Hospital-Desoto	7601 Southcrest Parkway		Southaven	MS	38671
Baptist Memorial Hospital-Union City	1201 Bishop Street		Union City	TN	38261
Baptist St. Anthony's Health Systems	1600 Wallace Boulevard		Amarillo	TX	79106
Barberton Hospital	155 5th Street NE		Barberton	OH	44203
Barnes Jewish Hospital/Washington University	#1 Barnes Jewish Hospital Plaza	SW Tower-Main. Mailstop 90-59-315	Saint Louis	MO	63110-9930
Bassett Healthcare-(Mary Imogene Bassett Hospital)	One Atwell Road		Cooperstown	NY	13326
Baton Rouge General (Blue Bonnet)	8585 Picardy Avenue		Baton Rouge	LA	70809
Baton Rouge General (Mid City)	3600 Florida Boulevard		Baton Rouge	LA	70806
Battle Creek Health System	300 North Avenue		Battle Creek	MI	49016
Bay Medical Center	615 North Bonita Avenue		Panama City	FL	32401
Bay Regional Medical Center	1900 Columbus Avenue		Bay City	MI	48708
Bayhealth Medical Center(KGH)	640 S. State Street		Dover	DE	19901
Baylor All Saints Medical Center at Fort Worth	1400 8th Avenue		Fort Worth	TX	76104
Baylor Medical Center at Irving	1901 North MacArthur Boulevard		Irving	TX	75061
Bayshore Medical Center	4000 Spencer Highway		Pasadena	TX	77504
Baystate Medical Center	759 Chestnut Street	Springfield 4 4558	Springfield	MA	01199
Beaufort Memorial Hospital	955 Ribaut		Beaumont	SC	29902

Facility Name	Address 1	Address 2	City	State	Zip Code
Beauregard Memorial Hospital	600 S. Pine Street		Deridder	LA	70634
Bellin Memorial Hospital	744 S. Webster Avenue	Cardiac Data Center 5th Floor	Green Bay	WI	54301
Benefis Healthcare	1101 26th Street South		Great Falls	MT	59405-5161
Bert Fish Medical Center	401 Palmetto Street		New Smyrna Beach	FL	32168
Bethesda Memorial Hospital	2815 S. Seacrest Boulevard		Boynton Beach	FL	33435
Bethesda North Hospitals	375 Dixmyth Avenue		Cincinnati	OH	45220-2489
Beverly Hospital	85 Herrick Street		Beverly	MA	01915
Bexar County Hospital District dba University Health	4502 Medical Drive	Stop 34-1	San Antonio	TX	78229
Billings Clinic (formerly Deaconess)	2800 9th Avenue, North		Billings	MT	59101
Blake Medical Center	2020 59th Street West		Bradenton	FL	34209
Blessing Hospital	1005 Broadway	PO Box 7005	Quincy	IL	62305-7005
Bloomington Hospital	601 W. 2nd Street	PO Box 1149	Bloomington	IN	47403
Bon Secours DePaul Medical Center	150 Kingsley Lane		Norfolk	VA	23505
Bon Secours Hospital	2000 W. Baltimore Street		Baltimore	MD	21223
Bon Secours – Maryview Medical Center	3636 High Street		Portsmouth	VA	23707
Bon Secours- Memorial Regional Medical Center	8260 Atlee Road		Mechanicsville	VA	23116
Bon Secours St Francis Medical Center	13710 St. Francis Boulevard		Midlothian	VA	23114
Bon Secours St. Marys Hospital	5801 Bremo Road	Cardiac Cath Lab	Richmond	VA	23226
Boone Hospital Center	1600 E. Broadway		Columbia	MO	65201-5897
Borgess Medical Center	1521 Gull Road		Kalamazoo	MI	49048
Boston Medical Center	One Boston Medical Place		Boston	MA	02118
Bothwell Regional Health Center	601 East 14th Street		Sedalia	MO	65301
Botsford Hospital	28050 Grand River Avenue		Farmington Hills	MI	48336
Boulder Community Hospital	1100 Balsam Avenue		Boulder	CO	80304
Brandon Regional Hospital	119 Oakfield Drive		Brandon	FL	33511
Brigham & Womens Hospital	75 Francis Street	L258A	Boston	MA	02115
Bronson Methodist Hospital	601 John Street		Kalamazoo	MI	49007-5348
Brookdale Hospital & Medical Center	1 Brookdale Plaza		Brooklyn	NY	11212
Brooklyn Hospital Center	121 DeKalb Avenue		Brooklyn	NY	11201
Brookwood Medical Center	2010 Brookwood Medical Center		Birmingham	AL	35209
Broward General Medical Center	1600 S. Andrews Avenue		Ft. Lauderdale	FL	33316
Bryan LGH Medical Center	1600 South 48th Street		Lincoln	NE	68526
Bryn Mawr Hospital	Suite 557 Lankenau MOB East	100 Lancaster Avenue	Wynnewood	PA	19096
Cabell Huntington Hospital	1340 Hal Greer Boulevard		Huntington	WV	25701
California Pacific Medical Center	2330 Clay Street, Stern Building, Room #103	Stern Building, Room #103	San Francisco	CA	94115
CAMC Teays Valley Hospital	1400 Hospital Drive		Hurricane	WI	25526
Camden-Clark Memorial Hospital	800 Garfield Avenue		Parkersburg	WV	26101
Cape Canaveral Hospital	701 West Cocoa Beach Causeway		Cocoa Beach	FL	32931
Cape Cod Hospital	40 Quinlan Way		Hyannis	MA	02601
Cape Fear Valley Health System	303 Wagoner Drive		Fayetteville	NC	28303-4646
Capital Regional Medical Center	2626 Capital Medical Blvd		Tallahassee	FL	32308
Carilion Roanoke Memorial Hosp	Att: Cardiac Cath Lab	PO Box 13367	Roanoke	VA	24033-3367
Caritas Norwood Hospital	800 Washington Street		Norwood	MA	02062
Carle Foundation Hospital	611 W. Park Street		Urbana	IL	61801
Carolina East Medical Center	2000 Neuse Blvd	PO Box 12157	New Bern	NC	28560
Carolinas Hospital System	805 Pamplico Highway		Florence	SC	29505
Carolinas Medical Center	720 E. Morehead Street		Charlotte	NC	28202
Carolinas Medical Center – Mercy	720 E. Morehead Street Suite 200	Cath Lab	Charlotte	NC	28202

Facility Name	Address 1	Address 2	City	State	Zip Code
Carondelet Heart Institute at St. Joseph Medical Center	1000 Carondelet Drive		Kansas City	MO	64114
Carroll Hospital Center	200 Memorial Avenue		Westminster	MD	21157
Carson Tahoe Regional Medical Center	1600 Medical Parkway		Carson City	NV	89706
Cartersville Medical Center	960 Joe Frank Harris Parkway		Cartersville	GA	30120
Castleview Hospital	300 North Hospital Drive		Price	UT	84501
Catawba Valley Medical Center	810 Fairgrove Church Road		Hickory	NC	28602
Catholic Medical Center	100 McGregor Street	Level C Room 248	Manchester	NH	03102-3770
Cayuga Medical Center at Ithaca	101 Dates Drive		Ithaca	NY	14850
Cedars-Sinai Health Systems	8700 Beverly Boulevard	MGB 901	Los Angeles	CA	90048
Centennial Hills Hospital Medical Center	6900 N. Durango Drive		Las Vegas	NV	89149-4409
Centennial Medical Center	12505 Lebanon Boulevard		Frisco	TX	75035
Centennial Medical Center	2300 Patterson Street		Nashville	TN	37203
Centerpoint Medical Center	19600 E. 39th Street		Independence	MO	64057
Centra Lynchburg General Hospital	1901 Tate Springs Road	Cardiac Cath Lab	Lynchburg	VA	24501
Central Baptist Hospital	1800 Nicholasville Road Suite 401		Lexington	KY	40503
Central DuPage Hospital	25 N. Winfield Road		Winfield	IL	60190
Central Florida Regional Hospital	1401W. Seminole Boulevard		Sanford	FL	32771
Central Maine Medical Center	CMHVI 60 High Street		Lewiston	ME	04240
Central Minnesota Heart Center at St. Cloud Hospital	1406 Sixth Avenue North		St. Cloud	MN	56303
Chandler Regional Medical Center	475 S. Dobson Road		Chandler	AZ	85224
Charleston Area Medical Center	501 Morris Street		Charleston	WV	25301
Charlotte Regional Medical Center	809 East Marion Avenue		Punta Gorda	FL	33950
Charlton Memorial Hospital	363 Highland Avenue		Fall River	MA	02720-3700
Chattanooga-Hamilton County Hospital Authority/ER	975 E. Third Street		Chattanooga	TN	37403
Chesapeake General Hospital	736 Battlefield Boulevard North		Chesapeake	VA	23320
Cheshire Medical Center	580 Court Street		Keene	NH	03431
Chester County Hospital	701 E. Marshall Street		West Chester	PA	19380
Chester River Hospital Center	100 Brown Street		Chestertown	MD	21620
Cheyenne Regional Medical Center	214 E. 23rd Street		Cheyenne	WY	82001
Children's Hospital Boston	300 Longwood Avenue		Boston	MA	02115
Christian Hospital	11133 Dunn Road		St Louis	MO	63136
Christiana Care Health System	4755 Ogletown-Stanton Road		Newark	DE	19718
Christus Saint Elizabeth Hospital	2830 Calder Street		Beaumont	TX	77702
Christus Hospital-St. Mary	3600 Gates Boulevard		Port Arthur	TX	77642
Christus Spohn Hospital Corpus Christi – Shoreline	600 Elizabeth Street		Corpus Christi	TX	78404
Christus St. John Hospital	18300 St. John Drive	Cath Lab	Nassau Bay	TX	77058
Christus – Schumpert Highland Hospital	One St. Mary Place		Shreveport	LA	71101
Citrus Memorial Health System	502 W. Highland Boulevard		Inverness	FL	34452
Citrus Valley Medical Center	1115 South Sunset Avenue		West Covina	CA	91790
CJW Medical Center	7101 Jahnke Road		Richmond	VA	23225-4044
Claremore Regional Hospital	1202 N Muskogee Place		Claremore	OK	74017
Clarian Health Partners-Methodist Hospital Campus	1701 N. Senate Boulevard	Room A1082	Indianapolis	IN	46202
Clarian North Medical Center	11725 Illinois Street B-178		Carmel	IN	46032
Clear Lake Regional Medical Center	500 Medical Center Boulevard		Webster	TX	77598
Cleveland Clinic Florida	3100 Weston Road		Weston	FL	33331
Coliseum Medical Centers	350 Hospital Drive		Macon	GA	31217
Columbia Hospital	4425 North Port Washington Road		Glendale	WI	53212
Columbia St. Mary's Hospital Milwaukee	2323 N. Lake Drive		Milwaukee	WI	53211
Columbia St. Mary's Hospital Ozaukee	2323 N. Lake Drive		Milwaukee	WI	53211
Columbus Regional Hospital	2400 17th Street		Columbus	IN	47201

Facility Name	Address 1	Address 2	City	State	Zip Code
Comanche County Memorial Hospital	3401 W. Gore Boulevard	PO Box 129	Lawton	OK	73505
Community Health Partners	3700 Kolbe Road		Lorain	OH	44053
Community Hospital	5637 Marine Parkway		New Port Richey	FL	34652
Community Hospital	The Community Hospital	901 MacArthur Blvd.	Munster	IN	46321
Community Hospital and Wellness Center	433 West High Street		Bryan	OH	43506
Community Hospital East	Cardiovascular Services	1500 North Ritter Ave.	Indianapolis	IN	46219
Community Hospital of the Monterey Peninsula	PO Box HH		Monterey	CA	93942-1085
Community Hospital South	1500 N. Ritter Avenue		Indianapolis	IN	46219-3027
Community Medical Center	2827 Fort Missoula Road		Missola	MT	59804
Community Medical Center	99 Highway 37 West		Toms River	NJ	08775
Community Medical Center	1800 Mulberry Street		Scranton	PA	18510
Community Medical Center – Clovis	2755 Herndon Avenue		Clovis	CA	96311
Community Memorial Hospital	147 N. Brent Street		Ventura	CA	93003
Community Memorial Hospital	W180 N8085 Town Hall Road		Menomonee Falls	WI	53052
Conroe Regional Medical Center	504 Medical Center Boulevard		Conroe	TX	77304
Covenant Heart Institute	3615 19th Street		Lubbock	TX	79410
Conway Medical Center	300 Singleton Ridge Road		Conway	SC	29528
Conway Regional Medical Center	2302 College Avenue		Conway	AR	72034-6226
Cookeville Regional Medical Center	1 Medical Center Boulevard		Cookeville	TN	38501
Cooley Dickinson Hospital	30 Locust Street		Northampton	MA	01061
Cooper University Hospital	One Cooper Plaza	Cath Lab	Camden	NJ	08103
Coral Gables Hospital	3100 Douglas Road		Coral Gables	FL	33134
Corpus Christi Medical Center	7101 SPID		Corpus Christi	TX	78412
Covenant Healthcare	1447 N. Harrison Street		Saginaw	MI	48602
Covenant Medical Center	3421 West Ninth Street		Waterloo	IA	50702
Cox Medical Center South	3801 S. National Avenue		Springfield	MO	65807
Creighton University Medical Center	601 N. 30th Street		Omaha	NE	68131
Crestwood Medical CenterTriad Hospitals, Inc.	One Hospital Drive		Huntsville	AL	35801-3495
Crittenton Hospital Medical Center	1101 W. University Drive		Rochester	MI	48307-1831
Crouse Hospital	736 Irving Avenue		Syracuse	NY	13210
CVPH Medical Center	75 Beekman Street		Plattsburgh	NY	12901-1493
Cypress Fairbanks Medical Center	10655 Steepletop Drive		Houston	TX	77065
Dallas Regional Medical Center	1011 N. Galloway Avenue		Mesquite	TX	75149
Dameron Hospital	525 W. Acacia Street		Stockton	CA	95203
Danbury Hospital	24 Hospital Avenue	Cardiology 2 South	Danbury	CT	06810
Danville Regional Medical Center	142 South Main Street		Danville	VA	24541
Dauterive Hospital	600 N. Lewis Street		New Iberia	LA	70563
Davis Hospital	1600 West Antelope Drive		Layton	UT	84041
DCH Regional Medical Center	809 University Boulevard E		Tuscaloosa	AL	35401-2029
Deaconess Hospital	600 Mary Street		Evansville	IN	47747
Deaconess Medical Center	W. 800 Fifth Avenue		Spokane	WA	99204
Deborah Heart & Lung Center	200 Trenton Road		Browns Mills	NJ	08015
Decatur General Hospital	1201 7th Street		Decatur	AL	35601
Decatur Memorial Hospital	2300 N. Edward Street		Decatur	IL	62526
Dekalb Medical Center	2701 N. Decatur Road		Decatur	GA	30033
Dekalb Regional Medical Center	200 Medical Center Drive		Fort Payne	AL	35968
Del Sol Medical Center	10301 Gateway West		El Pasoq	TX	79925
Delray Medical Center	5352 Linton Boulevard		Delray Beach	FL	33484
Denton Regional Medical Center	3535 South I-35E		Denton	TX	76205
Denver Health Medical Center	777 Bannock Street		Denver	CO	80204

Facility Name	Address 1	Address 2	City	State	Zip Code
DePaul Health Center	12303 DePaul Drive		Bridgeton	MO	63044
Des Peres Hospital	2345 Dougherty Ferry Road		St. Louis	MO	63122
Desert Regional Medical Center	1150 N. Indian Canyon		Palm Springs	CA	92262
Desert Springs Hospital	2075 E. Flamingo Road		Las Vegas	NV	89119
DeTar Hospital	506 E. San Antonio Street		Victoria	TX	77902
Dixie Regional Medical Center	1380 E. Medical Drive		St. George	UT	84790
Doctors Hospital	5000 University Drive		Miami	FL	33146
Doctors Hospital	5100 West Broad Street		Columbus	OH	43228
Doctors Hospital	9440 Poppy Drive		Dallas	TX	75218
Doctors Hospital at Renaissance	5501 S. McColl Road		Edinburg	TX	78539
Doctors Hospital – Augusta	3651 Wheeler Drive		Augusta	GA	30909
Doctors Hospital of Sarasota	5731 Bee Ridge Road		Sarasota	FL	34233
Doctors Medical Center	1441 Florida Avenue		Modesto	CA	95350
Dominican Hospital	1555 Soquel Drive		Santa Cruz	CA	95065
Doylestown Hospital	595 West State Street		Doylestown	PA	18901
Dr. P. Phillips Hospital	1414 Kuhl Avenue		Orlando	FL	32806
DuBois Regional Medical Center	100 Hospital Avenue		DuBois	PA	15801
Duke Raleigh Hospital	3400 Wake Forest Road		Raleigh	NC	27609
Duke University Hospital	Erwin Road DUMC 3943		Durham	NC	27710
Dunn Memorial Hospital	1600 23rd Street		Bedford	ID	47421
Durham Regional Hospital	3643 N. Roxboro Road		Durham	NC	27704
East Alabama Medical Center	2000 Pepperell Parkway		Opelika	AL	36830
East Cooper Medical Center	2000 Hospital Drive		Charleston	SC	29464
East Georgia Regional Medical Center	1499 Fair Road (PO Box 1048)		Statesboro	GA	30459
East Jefferson General Hospital	4200 Houma Boulevard	Quality Mgmt. Dept.	Metairie	LA	70006
East Ohio Regional Hospital	90 N. 4th Street		Martins Ferry	OH	43935
Eastern Idaho RMC	3100 Channing Way		Idaho Falls	ID	83404
Eastern Maine Medical Center	489 State Street	PO Box 404	Bangor	ME	04402-0404
Edward Hospital	801 S. Washington Street	3rd floor Heart Hospital	Naperville	IL	60540
Eisenhower Medical Center	39000 Bob Hope Drive		Rancho Mirage	CA	92270
El Camino Hospital	2500 Grant Road		Mountain View	CA	94040
Elliot Hospital	1 Elliot Way		Manchester	NH	03103
Elmhurst Memorial Hospital Marquardt Memorial Lib	200 Berteau Avenue		Elmhurst	IL	60126
EMH Regional Medical Center	630 East River Street		Elyria	OH	44035
Emory Crawford Long Hospital	1364 Clifton Rd NE		Atlanta	GA	30322
Emory Dunwoody Medical Center	4575 North Shallowford Road		Atlanta	GA	30338
Emory Eastside Medical Center	1700 Medical Way		Snellville	GA	30078
Emory Johns Creek	6325 Hospital Parkway		Johns Creek	GA	30097
Emory University Hospital	1364 Clifton Road NE	Office C430	Atlanta	GA	30322
Englewood Community Hospital (HCA)	700 Medical Boulevard		Englewood	FL	34223
Englewood Hospital & Medical Center	350 Engle Street		Englewood	NJ	07631
Enloe Medical Center	1600 Esplanade		Chico	CA	95926
Erie County Medical Center	462 Grider Street		Buffalo	NY	14215
Evergreen Healthcare	12040 NE 128th St., MS 21		Kirkland	WA	98034
Exempla Good Samaritan Medical Center	2420 W. 26th Avenue Building D Suite 100		Denver	CO	80211
Exempla Lutheran Medical Center	2420 W. 26th Avenue Building D Suite 140		Denver	CO	80211
Exempla Saint Joseph Hospital	2420 W. 26th Avenue Building D Suite 140		Denver	CO	80211

Facility Name	Address 1	Address 2	City	State	Zip Code
F.E. Lajam, MD PC	140-04 58th Road		Flushing	NY	11355
Fairfield Cardiac Cath Labs	3000 Mack Road	Suite 200	Fairfield	OH	45014
Fairfield Medical Center	401 N. Ewing Street		Lancaster	OH	43130
Fairview Hospital	18101 Lorain Road #329		Cleveland	OH	44111
Fairview Park Hospital	PO Box 1408		Dublin	GA	31021
Faith Regional Health Services	2700 W. Norfolk Avenue		Norfolk	NE	68701
Fawcett Memorial Hospital	21298 Olean Boulevard		Port Charlotte	FL	33949-4960
FirstHealth Moore Regional Hospital	155 Memorial Drive		Pinehurst	NC	28374
Fisher-Titus Medical Center	272 Benedict Avenue		Norwalk	OH	44857
Flagler Hospital	400 Health Park Blvd.		St. Augustine	FL	32086
Flagstaff Medical Center	1200 N. Beaver Street		Flagstaff	AZ	86001-3198
Fletcher Allen Health Care	111 Colchester Avenue		Burlington	VT	05401
Florida Hospital	601 East Rollins Street	Box 99	Orlando	FL	32803
Florida Hospital Deland	701 West Plymouth Avenue		Deland	FL	32720
Florida Hospital Waterman, Inc.	1000 Waterman Way		Tavares	FL	32778
Florida Hospital Zephyrhills	5631 Glencrest Boulevard		Tampa	FL	33625-1008
Flowers Hospital	4370 West Main Street		Dothan	AL	36305
Floyd Medical Center	304 Turner McCall Boulevard		Rome	GA	30165
Floyd Memorial Hospital and Health Services	1850 State Street		New Albany	IN	47150
Forrest General Hospital	6051 Highway 49 South		Hattiesburg	MS	39404-6389
Forsyth Medical Center	3333 Silas Creek Parkway	Clinical Improvement Box 102	Winston-Salem	NC	27103
Fort Sanders Regional Medical Center	1901 Clinch Avenue		Knoxville	TN	37916-2307
Fort Walton Beach Medical Center	1000 Mar Walt Drive		Fort Walton Beach	FL	32547
Fountain Valley Regional Hosp	17100 Euclid Street		Fountain Valley	CA	92708-4004
Frankfort Regional Medical Center	299 Kings Daughter Drive		Frankfort	KY	40601
Franklin Square Hospital	9000 Franklin Square Drive		Baltimore	MD	21237
Frederick Memorial Hospital	400 W. Seventh Street		Frederick	MD	21710
Freeman Hospital	1102 W. 32nd Street	1102 W. 32nd Street	Joplin	MO	64804
Fremont Area Medical Center	450 East 23rd Street		Fremont	NE	68025
French Hospital Medical Center	1911 Johnson Avenue		San Luis Obispo	CA	93401
Fresno Community Hospital and Medical Center	2823 Fresno Street		Fresno	CA	93721
Fresno Heart Hospital	15 East Audubon Drive		Fresno	CA	93720
Froedtert Hospital	9200 W. Wisconsin Avenue		Milwaukee	WI	53226
Frye Regional Medical Center	420 N. Center Street		Hickory	NC	28601
Gadsden Regional Medical Center	1007 Goodyear Avenue		Gadsden	AL	35903
Galichia Heart Hospital	2610 N. Woodlawn Boulevard		Wichita	KS	67220
Garden City Hospital	6245 Inkster Road		Garden City	MI	48135-4001
Garden Grove Hospital	12601 Garden Grove Boulevard		Garden Grove	CA	92843
Gaston Memorial Hospital	2525 Court Drive		Gastonia	NC	28054
Gateway Regional Medical Center	2100 Madison Avenue		Granite City	IL	62040
Geisinger Medical Center	100 North Academy Avenue		Danville	PA	17822-2160
Geisinger Wyoming Valley Medical Center	100 North Academy Avenue		Danville	PA	17822-2160
Genesis Healthcare System	800 Forest Avenue		Zanesville	OH	43701
Genesis Medical Center	1236 East Rusholme Street	Suite 190	Davenport	IA	52803-2459
Genesys Regional Medical Center	One Genesys Parkway		Grand Blanc	MI	48439
Georgetown University Hospital	3800 Reservoir Road NW		Washington	DC	20007
Gerald Champion Reginal Medical	2669 North Scenic Drive		Alamogordo	NM	88310
Glenbrook Hospital	2100 Pfingsten Road		Evanston	IL	60026
Glendale Adventist Medical Center	1509 Wilson Terrace		Glendale	CA	91206

Facility Name	Address 1	Address 2	City	State	Zip Code
Glendale Memorial Hospital and Health Center	1420 S. Central Avenue		Glendale	CA	91204
Glens Falls Hospital	100 Park Street		Glens Falls	NY	12801
Glenwood Regional Medical Center	503 McMillan Road		Monroe	LA	71291
Gnaden Huetten Memorial Hospital	211 N 12th Street		Lehighton	PA	18235
Good Samaritan	407 14th Avenue SE		Puyallup	WA	98371
Good Samaritan Heart Center	520 South 7th Street		Vincennes	IN	47591
Good Samaritan Hospital	2425 Samaritan Drive	2425 Samaritan Drive	San Jose	CA	95124
Good Samaritan Hospital	605 N. 12th Street		Mount Vernon	IL	62864
Good Samaritan Hospital	3815 Highland Avenue		Downers Grove	IL	60515
Good Samaritan Hospital	10 East 31st Street		Kearney	NE	68847
Good Samaritan Hospital	255 Lafayette Avenue		Suffern	NY	10901
Good Samaritan Hospital	375 Dixmyth Avenue		Cincinnati	OH	45220-2489
Good Samaritan Hospital of Maryland	5601 Loch Raven Boulevard		Baltimore	MD	21239
Good Samaritan Medical Center	1309 North Flagler Drive		West Palm Beach	FL	33401
Good Samaritan Regional Medical Center	3600 NW Samaritan Drive		Corvallis	OR	97330
Graduate Hospital	1800 Lombard Street		Philadelphia	PA	19146
Grady Memorial Hospital	561 West Central Avenue		Delaware	OH	43015-1489
Grand Strand Regional Medical Center	809 82nd Parkway		Myrtle Beach	SC	29572
Grandview Medical Center	405 W. Grand Avenue		Dayton	OH	45405
Grant Medical Center	111 S. Grant Avenue		Columbus	OH	43215
Gratiot Medical Center	4401 Campus Ridge Drive		Midland	MI	48670
Great Plains Regional Medical Center	Box 2339		Elk City	OK	73648
Great River Medical Center	1221 S. Gear Avenue		West Burlington	IA	52655
Greater Baltimore Medical Center	GBMC – Cardiac Cath Lab	6701 N. Charles Street	Towson	MD	21204
Greene Memorial Hospital	1141 N. Monroe Drive		Xenia	OH	45385
Greenview Regional Hospital	1801 Ashley Circle		Bowling Green	KY	42104
Greenville Memorial Hospital	701 Grove Road		Greenville	SC	29605
Greenwich Hospital	5 Perryridge Road		Greenwich	CT	06830
Gulf Coast Medical Center	449 W. 23rd Street		Panama City	FL	32406-5309
Gulf Coast Medical Center (formerly Southwest Regional)	9981 S. Healthpark Drive		Fort Meyers	FL	33908
Gundersen Lutheran Medical Center, Inc.	1900 South Avenue	H06-004	LaCrosse	WI	54601
Gwinnett Hospital System	1000 Medical Center Boulevard		Lawrenceville	GA	30045
Hackensack University Medical Center	30 Prospect Avenue		Hackensack	NJ	07601
Hahnemann University Hospital	230 N. Broad Street		Philadelphia	PA	19102
Halifax Medical Center	303 N. Clyde Morris Boulevard		Daytona Beach	FL	32114-2732
Halifax Regional Hospital	2204 Wilborn Avenue		South Boston	VA	24592
Hamilton Medical Center	1200 Memorial Drive		Dalton	GA	30720
Hamot Medical Center	201 State Street		Erie	PA	16550
Hannibal Regional Hospital	6000 Hospital Drive	PO Box 551	Hannibal	MO	63401
Hardin Memorial Hospital	913 N Dixie Avenue		Elizabethtown	KY	42701
Harlingen Medical Center	5501 South Expressway 77		Harlingen	TX	78550
Harris County Hospitals	1504 Taub Loop		Houston	TX	77030
Harris Methodist Fort Worth	1301 Pennsylvania Avenue		Fort Worth	TX	76104
Harris Methodist HEB	1600 Hospital Parkway		Bedford	TX	76022
Harrison Medical Center	2520 Cherry Avenue		Bremerton	WA	98310
Hartford Hospital	80 Seymour Street		Hartford	CT	06102-8000
Harton Regional Medical Center	1801 N. Jackson Street		Tullahoma	TN	37388
Havasu Regional Medical Center	101 Civic Center Lane		Lake Havasu City	AZ	86403
Hawaii Medical Center East, LLC	2230 Liliha Street		Honolulu	HI	96817

Facility Name	Address 1	Address 2	City	State	Zip Code
Hawaii Medical Center West, LLC	91-2141 Fort Weaver Road		Ewa Beach	HI	96706
Hays Medical Center	2220 Canterbury Road		Hays	KS	67601
Hazard ARH Regional Medical Center	100 Medical Center Drive		Hazard	KY	41701
Health Care Authority for Baptist Health	2105 East South Boulevard		Montgomery	AL	36116
Heart and Lung Clinic	900 East Broadway Box 5510		Bismark	ND	58502
Heart Center of Indiana	8333 Nabb Road	Suite 330	Indianapolis	IN	46290
Heart Hospital of Austin	3801 N. Lamar Boulevard		Austin	TX	78756
Heart Hospital of Lafayette	1105 Kaliste Saloom Road		Lafayette	LA	70508
Heart Hospital of New Mexico	8719 Springhill Drive NW		Albuqerque	NM	87114
Heart of Florida Regional Medical Center	40100 Highway 27		Davenport	FL	33837
Heart of Lancaster Regional Medical Center	250 College Avenue		Lancaster	PA	17604
Heartland Regional Medical Center	3333 W. Deyoung Street		Marion	IL	62959
Helen Ellis Memorial	1395 South Pinella Avenue		Tarpon Springs	FL	34689
Hemet Valley Medical Center	1117 E. Devonshire Avenue		Hemet	CA	92543
Hendersonville Medical Center	355 New Shackle Island Road		Hendersonville	TN	37075
Hennepin County Medical Center	701 Park Avenue		Minneapolis	MN	55415-1829
Henrico Doctors Hospital	1602 Skipwith Road	Cardiac Cath Lab	Richmond	VA	23229
Henry Ford Macomb	15855 Nineteen Mile Road		Clinton Township	MI	48038
Henry Mayo Newhall Memorial Hospital	23845 McBean Parkway		Valencia	CA	91350
Henry Medical Center, Inc.	1133 Eagles Landing Parkway		Stockbridge	GA	30281
Hialeah Hospital	651 East 25th Street		Hialeah	FL	33013
High Point Regional Hospital	601 N. Elm Street		High Point	NC	27261
Highland Park Hospital	718 Glenview Avenue		Highland Park	IL	60035
Hillcrest Baptist Medical Center	100 Hillcrest Medical Boulevard		Waco	TX	76712
Hillcrest Hospital	6780 Mayfield Road		Mayfield Heights	OH	44124
Hillcrest Medical Center	1120 S. Utica Avenue	3 West	Tulsa	OK	74104
Hilton Head Hospital	25 Hospital Center Boulevard		Hilton Head	SC	29926
HMA-Physician Management Region 25 Disb. Acct. (Physician's Regional)	6101 Pine Ridge Road		Naples	FL	34119
Hoag Memorial Hospital Presbyterian	One Hoag Drive	PO Box 6100	Newport Beach	CA	92658
Holland Hospital	602 Michigan Avenue		Holland	MI	49423
Holmes Regional Medical Center	1350 South Hickory Street		Melbourne	FL	32901
Holy Cross Hospital	4795 N. Federal Highway		Ft. Lauderdale	FL	33308
Holy Cross Hospital of Silver Spring, Inc.	1500 Forest Glen Road	Cath Lab	Silver Spring	MD	20910
Holy Spirit Health System	503 N 21st Street	Heart Center Admin.	Camp Hill	PA	17011-2204
Holzer Cardiovascular Institute	90 Jackson Pike		Gallipolis	OH	45631
Hopkins County Memorial Hospital	115 Airport Road		Sulphur Springs	TX	75482
Hospital of St. Raphael	Cardiac Cath Lab, 1450 Chapel Street		New Haven	CT	06511
Hospital of the University of Pennsylvania	9011 E. Gates 3400 Spruce Street		Philadelphia	PA	19104
Houston Northwest Medical Center	710 FM 1960 Road West		Houston	TX	77090
Howard County General Hospital	5755 Cedar Lane		Columbia	MD	21044
Howard Regional Health System	3500 South LaFountain Street		Kokomo	IN	46904-9011
Hualapai Mountain Medical Center	3801 Santa Rosa Drive		Kingman	AZ	86401
Huguley Memorial Medical Center	11801 South Freeway		Burleson	TX	76028
Huntington Hospital	100 W. California Boulevard		Pasadena	CA	91109
Huntington Hospital	270 Park Avenue	Arrhyyhmia Services, Huntington Hospital	Huntington	NY	11743
Huntsville Hospital	101 Sivley Road		Huntsville	AL	35801
Hurley Medical Center	1 Hurley Plaza		Flint	MI	48503

Facility Name	Address 1	Address 2	City	State	Zip Code
Huron Valley Sinai Hospital	1 William Carls Drive		Commerce Township	MI	48382
Iberia Medical Center	2315 East Main Street		New Iberia	LA	70560
Immanuel-St. Joseph's Hospital	1025 Marsh Street		Mankato	MN	56001
Indian River Medical Center	1000 36th Street		Vero Beach	FL	32960
Indiana Regional Medical Center Cardiology Dept.	835 Hospital Road		Indiana	PA	15701
Indiana University Health Goshen Hospital	200 High Park Avenue		Goshen	IN	46526
Ingalls Hospital	One Ingalls Drive		Harvey	IL	60426
Ingham Regional Medical Center	401 W. Greenlawn Avenue		Lansing	MI	48910
Innovis Health	3000 32nd Avenue SW		Fargo	ND	58104
Inova Alexandria Hospital	3289 Woodburn Road		Annandale	VA	22003
Inova Fairfax Hospital/Inova Heart & Vascular Institute	3300 Gallows Road		Falls Church	VA	22042
Inova Loudoun Hospital	3289 Woodburn Road	Suite 235	Falls Church	VA	22042
Integris Baptist Medical Center	3433 NW 56th Street, Suite 805		Oklahoma City	OK	73112
Integris Health	600 South Monroe Street		Enid	OK	73701
Interfaith Medical Center	1545 Atlantic Avenue		Brooklyn	NY	11213
Interim LSU Public Hospital	2021 Perdido	Suite 708	New Orleans	LA	70112
Iroquois Memorial Hospital	200 Fairman Avenue		Watseka	IL	60970
Jackson Hospital and Clinic	1725 Pine Street		Montgomery	AL	36106
Jackson Madison General Hospital	620 Skyline Drive		Jackson	TN	38301
Jackson North Medical Center	1611 NW 12th Avenue		Miami	FL	33136
Jamaica Hospital Medical Center	8900 Van Wyck Expressway		Jamaica	NY	11418
Jane Phillips Memorial Medical Center	3500 Frank Phillips Boulevard		Bartlesville	OK	74006
Jeff Anderson Regional Medical Center	2124 14th Street		Meridian	MS	39301
Jefferson Memorial Hospital	PO BOX 350		Crystal City	MO	63019
Jefferson Regional Medical Center	1600 West 40th Avenue		Pine Bluff	AR	71603
Jefferson Regional Medical Center	PO Box 18119 565 Coal Valley Road		Pittsburgh	PA	15236-0119
Jersey Shore University Medical Center	1945 State Route 33		Neptune	NJ	07753
Jewish Hospital	4777 East Galbraith Road		Cincinnati	OH	45236
Jewish Hospital	200 Abraham Flexner Way		Louisville	KY	40202
JFK Medical Center	5631 Glencrest Boulevard		Tampa	FL	33625-1008
John C. Lincoln Hospital – Deer Valley	19829 N. 27th Ave.		Phoenix	AZ	85027-4002
John C. Lincoln Hospital – North Mountain	250 E. Dunlap Avenue		Phoenix	AZ	85020-2871
John F. Kennedy Memorial Hospital	47111 Monroe Street		Indio	CA	92201
John Muir Medical Center – Concord Campus	1601 Ygnacio Valley Road		Walnut Creek	CA	94550
John Muir – Walnut Creek	1601 Ygnacio Valley Road		Walnut Creek	CA	94550
Johns Hopkins Hospital	600 N. Wolfe Street		Baltimore	MD	21287
Kadlec Medical Center	888 Swift Boulevard		Richland	WA	99352
Kaiser Foundation Hospital	4867 Sunset Boulevard		Los Angeles	CA	90027
Kaiser Permanente –Panorama City	13652 Cantara Street		Panorama City	CA	91402
Kaiser Permanente – San Diego Medical Center	4647 Zion Avenue		San Diego	CA	92120
Kaiser Permanente Medical Center	2350 Geary Boulevard	1st Floor – CV Surgery	San Francisco	CA	94115
Kaiser Permanente Medical Center – Health Sciences Library	9400 E. Rosencrans Avenue		Bellflower	CA	90706
Kaiser Permanente Medical Center – Santa Clara	700 Lawrence Expressway	Department 212	Santa Clara	CA	95051
Kaiser Sunnyside Medical Center	10180 SE Sunnyside Road	Kaiser Permanente Medical Center	Clackamas	OR	97015
Kansas Heart Hospital	3601 N. Webb Road		Wichita	KS	67226
Kansas University Hospital Authority	3901 Rainbow Boulevard		Kansas City	KS	66160
Kapi'olani Medical Center Pali Momi	98-1079 Moanalua Road		Aiea	HI	96701

Facility Name	Address 1	Address 2	City	State	Zip Code
Katherine Shaw Bethea Hospital	403 E. First Street		Dixon	IL	61021
Kaweah Delta Hospital District	Kaweah Delta Hospital District	400 W. Mineral King Avenue	Visalia	CA	93291
Kendall Regional Medical Center	5631 Glencrest Boulevard		Tampa	FL	33625-1008
Kettering Medical Center	3535 Southern Boulevard		Kettering	OH	45429
Kingman Regional Medical Center	3269 Stockton Hill Road		Kingman	AZ	86401
Kings Daughters Medical Center	2201 Lexington Avenue		Ashland	KY	41101
Kingwood Medical Center	22999 Highway 59 N		Kingwood	TX	77339
Kishwaukee Community Hospital	One Kish Hospital Drive		Dekalb	IL	60115
Kootenai Medical Center	2003 Kootenai Health Way		Coeur d' Alene	ID	83814
Lahey Clinic	41 Mall Road		Burlington	MA	01805
Lake Charles Memorial Hospital	1701 Oak Park Boulevard		Lake Charles	LA	70601
Lake City Medical Center	340 NW Commerce Boulevard		Lake City	FL	32055
Lake Cumberland Regional Hospital	305 Langdon Street		Somerset	KY	42503
Lake Pointe Medical Center	6800 Scenic Drive		Rowlett	TX	75088
Lake Regional Health System	54 Hospital Drive		Osage Beach	MO	65065
Lakeland Hospital	1234 Napier Avenue		Saint Joseph	MI	49085-2112
Lakeland Regional Medical Center	1324 Lakeland Hills Boulevard		Lakeland	FL	33804
Lakeview Regional Medical Center	95 East Fairway Drive		Covington	LA	70433-7500
Lakewood Hospital	14519 Detroit Avenue		Lakewood	OH	44107
Lakewood Ranch Medical Center	8330 Lakewood Ranch Boulevard		Bradenton	FL	34202
Lakewood Regional Medical Center	3700 East South Street		Lakewood	CA	90712
Lancaster General Hospital	555 N. Duke Street PO Box 3555		Lancaster	PA	17604-3555
Landmark Medical Center	115 Cass Avenue		Woonsocket	RI	02895
Lankenau Hospital	Suite 557 Lankenau MOB East	100 Lancaster Avenue	Wynnewood	PA	19096
La Porte Hospital	1007 Lincolnway		La Porte	IN	46352
Largo Medical Center	201 14th Street SW		Largo	FL	33770
Las Colinas Medical Center	6800 North MacArthur Boulevard		Irving	TX	75039
Las Palmas Medical Center	1801 N. Oregon Street		El Paso	TX	79902
Lawnwood Medical Center	1700 S. 23rd Street		Fort Pierce	FL	34986
Lawrence & Memorial Hospital	365 Montauk Avenue		New London	CT	06375
Lawrence General Hospital	1 General Street		Lawrence	MA	01842-0389
Lawrence Hospital	55 Palmer Avenue		Broxville	NY	10708-3491
Lee Memorial Health System-Cape Coral Hospital	9981 S. Healthpark Drive		Fort Myers	FL	33908
Lee Memorial Health System-Health Park Med Center	9981 S. Healthpark Drive		Fort Myers	FL	33908
Lee's Summit Medical Center	2100 SE Blue Parkway		Lee's Summit	MO	64063
Lehigh Regional Medical Center	1500 Lee Boulevard		Lehigh Acres	FL	33963
Lehigh Valley Hospital	1200 S. Cedar Crest Boulevard	Jaindl Pavilion 1st Floor	Allentown	PA	18103
Lehigh Valley Hospital – Muhlenberg	2545 Schoenersville Road	Invasive Cardiology 3rd Floor	Bethlehem	PA	18017-7330
Lenox Hill Heart and Vascular Institute of New York	100 East 77th Street		New York	NY	10021
Lewis Gale Medical Center	1900 Electric Road		Salem	VA	24153
Liberty Hospital	2525 Glenn Hendren Drive		Liberty	MO	64068
Licking Memorial Hospital	1320 W. Main Street		Newark	OH	43055
Little Company of Mary Hospital	4101 Torrance Boulevard		Torrance	CA	90503
Logan General Hospital, LLC	20 Hospital Drive		Logan	WV	25601
Loma Linda University Medical Center	11234 Anderson Street Room 2431		Loma Linda	CA	92354
Long Island Jewish Medical Center	270-05 76th Avenue		New Hyde Park	NY	11040
Longmont United Hospital	1950 Mountain View Avenue		Longmont	CO	80501

Facility Name	Address 1	Address 2	City	State	Zip Code
Longview Regional Medical Center	PO Box 14000		Longview	TX	75607
Los Alamitos Medical Center	3751 Katella Avenue		Los Alamitos	CA	90720
Los Robles Hospital & Medical Center	215 W. Janss Road		Thousand Oaks	CA	91360-1899
Louisiana Medical Center and Heart Hospital	64030 Louisiana Highway 434		Lacombe	LA	70445
Lovelace Medical Center	601 Martin Luther King Jr. Ave. NE		Albuquerque	NM	87102
Lowell General Hospital	295 Varnum Avenue		Lowell	MA	01854
Lower Bucks Hospital	501 Bath Road		Bristol	PA	19007
Lower Keys Medical Center	5900 College Road		Key West	FL	33040
Loyola University Medical Center	2160 S. First Avenue	Rm. 1318 Bldg. 104 Att: Mike	Maywood	IL	60153
Lubbock Heart Hospital	4810 N. Loop 289		Lubbock	LA	79416
Luther Hospital	1221 Whipple Street		Eau Claire	WI	54702-4105
Lutheran Hospital of Indiana	7950 W. Jefferson Boulevard		Fort Wayne	IN	46804
Lutheran Medical Center	150 55th Street		Brooklyn	NY	11220
MacNeal Hospital	3249 S. Oak Park Avenue		Berwyn	IL	60402
Magnolia Regional Health Center	611 Alcorn Drive		Corinth	MS	38834
Maimonides Medical Center Division of Cardiology	4802 10th Avenue		Brooklyn	NY	11219
Maine Medical Center	22 Bramhall Street		Portland	ME	04102
Mainland Medical Center	6801 Emmett F. Lowry Expressway		Texas City	TX	77591
Manatee Memorial Hospital	206 Second Street East		Bradenton	FL	34208
Marian Medical Center	1400 East Church Street		Santa Maria	CA	93454
Maricopa Integrated Health System	2601 E. Roosevelt Street		Phoenix	AZ	85008
Marin General Hospital	250 Bon Air Road		Greenbrae	CA	94904
Marion General Hospital	441 N. Wabash Avenue		Marion	IN	46952
Marion General Hospital	1000 McKinley Park Drive		Marion	OH	43302-6397
Marshall Medical Center	2505 US Highway 431		Boaz	AL	35957
Marshall Medical Center	1100 Marshall Way		Placerville	CA	95667
Marshall University School of Medicine	420 West Magnetic Street		Huntington	WV	25701
Martha Jefferson Hospital	459 Locust Avenue		Charlottesville	VA	22902
Martin Memorial Medical Center	PO Box 9010		Stuart	FL	34995
Mary Black Hospital	1700 Skylyn Drive		Spatanburg	SC	29307
Mary Greeley Medical Center	1111 Duff Avenue		Ames	IA	50010
Mary Hitchcock Memorial Hospital	One Medical Center Drive		Lebanon	NH	03756
Mary Immaculate Hospital	2 Bernadine Drive		Newport News	VA	23602-4499
Mary Rutan Hospital	205 Palmer Avenue		Bellefontaine	OH	43311
Mary Washington Hospital	1001 Sam Perry Boulevard		Fredericksburg	VA	22401
Massachusetts General Hospital	55 Fruit Street		Boston	MA	02114
Mat-Su Regional Medical Center	2500 S. Woodworth Loop		Palmer	AK	99645
Maui Memorial Medical Center	221 Mahalani Street		Wailuku	HI	96793
Maury Regional Hospital	1224 Trotwood Avenue		Columbia	TN	38401
Mayo Clinic	4500 San Pablo Road		Jacksonville	FL	32216
Mayo Clinic Arizona	5777 E. Mayo Boulevard		Phoenix	AZ	85054
Mayo Clinic – St. Mary's Hospital	1216 2nd Street SW		Rochester	MN	55902
McAllen Medical Center	301 W. Expressway 83		McAllen	TX	78503
MCG Health Inc.	1120 15th Street BBR-8521		Augusta	GA	30912
McKay-Dee Hospital Center	4401 Harrison Boulevard		Ogden	UT	84405
McKee Medical Center	2000 Boise Avenue		Loveland	CO	80538
Mclaren Regional Medical Center	401 S. Ballenger Highway		Flint	MI	48532
McLeod Regional Medical Center	555 E. Chaves Street		Florence	SC	29501
Mease Countryside Hospital	300 Pinellas Street		Clearwater	FL	33756

Facility Name	Address 1	Address 2	City	State	Zip Code
Mease Dunedin Hospital	300 Pinellas Street	MS 73	Clearwater	FL	33756
Med Central Mansfield	335 Glessner Avenue		Mansfield	OH	44903
Medcenter One	300 N. 7th Street		Bismarck	ND	58501
Medical Center at Bowling Green	250 Park Street		Bowling Green	KY	42101
Medical Center Hospital	500 W. 4th Street		Odessa	TX	79760
Medical Center of Arlington	3301 Matlock Road		Arlington	TX	76015
Medical Center of Aurora	1501 S. Potomac Street		Aurora	CO	80012
Medical Center of Central Georgia	777 Hemlock Street		Macon	GA	31208
Medical Center of McKinney	4500 Medical Center Drive		McKinney	TX	75069
Medical Center of Plano	3901 W. 15th Street		Plano	TX	75075-7738
Medical Center of South Arkansas, L.L.C.	700 W. Grove		El Dorado	AR	71730
Medical Center of Southeastern Oklahoma	1800 University Boulevard		Durant	OK	74701
Medical Center of the Rockies	2500 Rocky Mountain Avenue		Loveland	CO	80538
Medical City Dallas Hospital	7777 Forest Lane		Dallas	TX	75230
Medical University of South Carolina	25 Countenay Drive		Charleston	SC	29425-2110
Melbourne Same Day Surgery	1035 S. Apollo Boulevard		Melbourne	FL	32901
Memorial Health System	1400 E. Boulder Street		Colorado Springs	CO	80909-5599
Memorial Health University Medical Center	Cardiac Cath Lab Memorial Health University Medical Center	4700 Waters Avenue	Savannah	GA	31404
Memorial Hermann Hospital	6411 Fanin Street		Houston	TX	77030
Memorial Hermann HVI South West	7787 Southwest Freeway		Houston	TX	77074
Memorial Hermann Memorial City Hospital	921 Gessner Road		Houston	TX	77024
Memorial Hermann Northeast	18951 Memorial North		Humble	TX	77338
Memorial Hermann Northwest Hospital	9401 SW Freeway		Houston	TX	77074
Memorial Hermann Southeast Hospital	11800 Astoria Boulevard		Houston	TX	77089-6049
Memorial Hermann The Woodlands Hospital	9250 Pinecroft Drive		Spring	TX	77380
Memorial Hospital	800 West 9th Street		Jasper	IN	47546
Memorial Hospital	325 South Belmont Street		York	PA	17405
Memorial Hospital	2525 Desales Avenue		Chattanooga	TN	37404-1102
Memorial Hospital at Gulfport	4500 13th Street	PO Box 1810	Gulfport	MS	39502
Memorial Hospital Carbondale	405 W. Jackson Street		Carbondale	IL	65902
Memorial Hospital of Martinsville	320 Hospital Drive		Martinsville	VA	24112
Memorial Hospital of South Bend	615 N. Michigan Street		South Bend	IN	46601-1033
Memorial Hospital West/South Broward Hospital District	703 North Flamingo Road		Pembroke Pines	FL	33028
Memorial Hospital – Jacksonville	3625 University Boulevard South		Jacksonville	FL	32215
Memorial Medical Center	701 N. First Street		Springfield	IL	62781
Memorial Medical Center	2450 S. Telshor Boulevard		Las Cruces	NM	88011
Memorial Medical Center	1086 Franklin Street		Johnstown	PA	15905-4398
Memorial Medical Center Modesto	1700 Coffee Road		Modesto	CA	95355
Memorial Regional Hospital/South Broward Hospital	3501 Johnson Street		Hollywood	FL	33021
Menifee Valley Medical Center	28400 McCall Boulevard		SunCity	CA	92585
Menorah Medical Center	5721 West 119th Street		Overland Park	KS	66209
Mercy Fitzgerald Hospital	1500 Lansdowne Avenue		Darby	PA	19023
Mercy General Hospital – Sacramento	3939 J Street		Sacremento	Ca	95819
Mercy Gilbert Medical Center	3555 S. Val Vista Drive		Gilbert	AZ	85296
Mercy Health System of Northwestern Arkansas	2710 Rife Medical Lane		Rogers	AR	72758
Mercy Hospital	2925 Chicago Avenue		Minneapolis	MN	55407
Mercy Hospital & Medical Center	2525 South Michigan Avenue		Chicago	IL	60616-2477

Facility Name	Address 1	Address 2	City	State	Zip Code
Mercy Hospital Anderson	7500 State Road		Cincinnati	OH	45255
Mercy Hospital Attn.: Accounts Payable	3663 South Miami Avenue		Miami	FL	33133
Mercy Hospital of Buffalo	515 Abbott Road	Marion Building Suite 306	Buffalo	NY	14220
Mercy Hospital Attn: A/P	271 Carew Street PO Box 9012		Springfield	MA	01102
Mercy Iowa City	500 East Market Street		Iowa City	IA	52245
Mercy Medical Center	2700 Steward Parkway		Roseburg	OR	97470
Mercy Medical Center	801 5th Street		Sioux City	IA	51101
Mercy Medical Center	1111 6th Avenue		Des Moines	IA	51101
Mercy Medical Center	1320 Mercy Drive	Cardiology Management and Support 3C	Canton	OH	44708
Mercy Medical Center	301 St. Paul Place		Baltimore	MD	21202
Mercy Medical Center	2900 W. 9th Avenue	Suite 107	Oshkosh	WI	54904
Mercy Medical Center	701 10th Street SE		Cedar Rapids	IA	52403
Mercy Medical Center	1000 North Village Ave		Rockville Centre	NY	11571
Mercy Medical Center Redding	2175 Rosaline Avenue	PO Box 496009	Redding	CA	96049-6009
Mercy Medical Center St. Mary's	900 E. Oak Hill Avenue		Knoxville	TN	37917
Mercy Medical Center West	10820 Parkside Drive		Knoxville	TN	37934
Mercy Medical Center Dubuque	250 Mercy drive		Dubuque	IA	52001
Mercy Medical Center – North Iowa	1000 4th Street SW		Mason City	IA	50401
Mercy Memorial Health Center Sisters of Mercy	1011 14th Avenue NW		Ardmore	OK	73401
Mercy Regional Health Center	1823 College Avenue		Manhattan	KS	67218
Mercy Regional Medical Center	1010 Three Springs Boulevard		Durango	CO	81301
Mercy Regional Medical Center	800 East Main Street		Ville Platte	LA	70586
Mercy San Juan Hospital	6501 Coyle Avenue		Carmichael	CA	95819
Mercy St. Vincent Medical Center	2222 Cherry Street	MOB #2 Suite 1250	Toledo	OH	43608
Meriter Hospital	202 South Park Street	10 Tower – Heart Center	Madison	WI	53715
Methodist Charlton Medical Center	3500 Wheatland	Cath Lab	Dallas	TX	75237
Methodist Dallas Medical Center	MHS Sam & Anne Kesner Heart Center	1441 N. Beckley Avenue	Dallas	TX	75243
Methodist Hospital	7700 Floyd Curl Drive		San Antonio	TX	78229
Methodist Hospital	6500 Excelsior Blvd. 2nd Floor HVC		St. Louis Park	MN	55426
Methodist Medical Center of Illinois	221 NE Glen Oak Avenue		Peoria	IL	61636
Methodist Medical Center of Oak Ridge	990 Oak Ridge Turnpike		Oak Ridge	TN	37830
Methodist Speciality and Transplant Hospital	7700 Floyd Curl Drive		San Antonio	TX	78229
Methodist Stone Oak Hospital	1139 E. Sonterra Boulevard		San Antonio	TX	78258
Methodist Sugar Land Hospital	16655 Southwest Freeway		Sugar Land	TX	77479
Methodist Willowbrook Hospital	18220 Tomball Parkway		Houston	TX	77070
Metro Health Hospital	5900 Byron Center Road		Wyoming	MI	49519
MetroHealth Medical Center	2500 MetroHealth Drive		Cleveland	OH	44109
Metroplex Hospital	2201 S. Clear Creek Road		Killeen	TN	76549
MetroSouth Medical Center	12935 Gregory Street		Blue Island	IL	60406-2470
Metropolitan Methodist Hospital	1310 McCullough Avenue		San Antonio	TX	78212
MetroWest Medical Center	115 Lincoln Street	Cardiac Cath Lab	Framingham	MA	01702-6327
Miami Valley Hospital	One Wyoming Street		Dayton	OH	45409
Michael Reese Hospital	2929 S. Ellis Avenue		Chicago	IL	60616
Middle Tennessee Medical Center	4220 Harding Road		Nashville	TN	37205
Midland Memorial Hospital	2200 W. Illinois Avenue c/o Heart Institute		Midland	TX	79701

Facility Name	Address 1	Address 2	City	State	Zip Code
MidMichigan Medical Center-Midland	4005 Orchard Drive		Midland	MI	48670
Milford Regional Medical Center	14 Prospect Street		Milford	MA	01568
Mills-Peninsula Hospital	1783 Elcamino Real		Burlingame	CA	94010
Miriam Hospital	164 Summit Avenue		Providence	RI	02906
Mission Hospital Regional Medical Center	27700 Medical Center Road		Mission Viejo	CA	92691-6426
Mission Hospitals, Inc.	509 Biltmore Avenue		Asheville	NC	28801-4690
Missouri Baptist Medical Center	3015 N. Ballas Road	3105 North Ballas Road	Saint Louis	MO	63131-2374
Mobile Infirmary Medical Center	5 Mobile Infirmary Circle		Mobile	AL	36607
Monongalia General Hospital	1200 JD Anderson Drive		Morgantown	WV	26505
Monroe Hospital	4011 South Medical Park Boulevard		Bloomington	IN	47403
Montefiore Medical Center	111 E. 210th Street		Bronx	NY	10467
Montgomery General Hospital	18101 Prince Philip Drive		Olney	MD	20832
Morristown Memorial Hospital	100 Madison Avenue		Morristown	NJ	07962
Morton Plant Hospital	300 Pinellas Street	MS 73	Clearwater	FL	33756
Morton Plant North Bay Hospital	300 Pinellas Street	MS 73	Clearwater	FL	33756
Moses Cone Health System	1200 N. Elm Street		Greensboro	NC	27401
Mother Frances Hospital	800 E. Dawson Street		Tyler	TX	75701
Mount Auburn Hospital	330 Mount Auburn Street	South 2 – Administration	Cambridge	MA	02138
Mount Clemens Regional Medical Center	1000 Harrington Street		Mount Clemens	MI	48043-2992
Mount Sinai Medical Center	4300 Alton Road		Miami Beach	FL	33140
Mountain View Regional Center	4311 E. Lohman Avenue		Las Cruces	NM	88011
Mountain Vista Medical Center	1301 S. Crismon Road		Mesa	AZ	85209
Mountainview Hospital	3100 N. Tenaya Way		Las Vegas	NV	89128
Munroe Regional Medical Center	1500 SW 1st Avenue PO Box 6000		Ocala	FL	34478
Munson Medical Center	1105 Sixth Street		Traverse City	MI	49684-2386
Muskogee Regional Medical Center	300 Rockefeller Drive		Muskogee	OK	74401
Nacogdoches Medical Center	4920 NE Stallings Drive		Nacogdoches	TX	75965
Naples Community Hospital	350 7th Street South		Naples	FL	34102
Nashoba Valley Medical Center	200 Groton Road		Ayer	MA	01432
NEA Baptist Memorial Hospital	3024 Stadium Boulevard		Jonesboro	AR	72401
Nebraska Heart Hospital	7500 South 91st Street		Lincoln	NE	68526
Nebraska Methodist Hospital	8303 Dodge Street		Omaha	NE	68114
New Hanover Regional Medical Center	2131 S. 17th Street		Wilmington	NC	28402
New York Community Hospital	2525 Kings Highway		Brooklyn	NY	11229
New York Hospital Medical Center of Queens Health Education Library	5645 Main Street	Floor 1	Flushing	NY	11355
New York Methodist Hospital	506 6th Street Brooklyn		New York City	NY	11215
New York Presbyterian Hospital	622West 168th Street	PH-2	New York City	NY	10032
Newark Beth Israel Medical Center	201 Lyons Avenue at Osborne Terrace		Newark	NJ	07112
NIX Healthcare System	414 Navarro Street		San Antonio	TX	78205
North Austin Medical Center	5103 Hereford Way		Austin	TX	78727
North Bay Medical Center	1200 B. Gale Wilson Boulevard		Fairfield	CA	94533
North Broward medical Center	201 E Sampl Road		Pompano Beach	FL	33064
North Carolina Baptist Hospital	Medical Center Boulevard		Winston-Salem	NC	27157
North Central Baptist Hospital	730 North Main Avenue	Suite 424	San Antonio	TX	78205
North Colorado Medical Center	1801 16th Street		Greeley	CO	80631
North Cypress Medical Center	21214 Northwest Freeway		Cypress	TX	77429

Facility Name	Address 1	Address 2	City	State	Zip Code
North Florida Regional Medical Center	6500 Newberry Road		Gainesville	FL	32605
North Hills Hospital	4401 Booth Calloway Road		North Richland Hills	TX	76180
North Kansas City Hospital	2800 Clay Edward Drive		North Kansas City	MO	64116
North Mississippi Medical Center	830 S. Gloster Street		Tupelo	MS	38801
North Oaks Medical Center	15790 Paul Vega MD Drive		Hammond	LA	70403
North Shore Medical Center	1100 NW 95th Street		Miami	FL	33150
North Shore Medical Center FMC Campus	5000 W. Oakland Park Boulevard		Ft. Lauderdale	FL	33313
North Shore Medical Center – Salem Hospital	81 Highland Avenue	Davenport 5	Salem	MA	01970
North Shore University Hospital	300 Community Drive		Manhasset	NY	11030
North Suburban Medical Center	9191 Grant Street		Denver	CO	80229
North Vista Hospital	1409 E. Lake Mead Boulevard		North Las Vegas	NV	89030
Northeast Alabama Regional Medical Center	400 East 10th Street		Anniston	AL	36202
Northeast Baptist Hospital	730 N. Main Avenue	Suite 424	San Antonio	TX	78205
Northeast Georgia Medical Center	743 Spring Street		Gainesville	GA	30501
NorthEast Medical Center	920 Church Street North		Concord	NC	28025
Northeast Methodist Hospital	12412 Judson Road		San Antonio	TX	78233
Northeast Regional Medical Center	315 S. Osteopathy		Kirksville	MO	63501
Northern Illinois Medical Center	4201 Medical Center Drive		McHenry	IL	60050
Northern Michigan Regional Hospital	416 Connable Avenue		Petoskey	MI	49770
Northridge Hospital Medical Center	18300 Roscoe Avenue		Northridge	CA	91325
Northside Hospital	6000 49th Street, N		Pinellas Park	FL	33709
Northside Hospital-Atlanta	1000 Johnson Ferry Road		Atlanta	GA	30342
Northside Hospital-Cherokee	1000 Johnson Ferry Road		Atlanta	GA	30342
Northside Hospital – Forsyth	1000 Johnson Ferry Road			GA	30041
Northwest Community Hospital	800 W. Central Road		Arlington Heights	IL	60005
Northwest Hospital	1550 North 115th Street		Seattle	WA	98113
Northwest Medical Center	2801 N. State Road 7		Margate	FL	33063
Northwestern Memorial Hospital	676 N. St. Clair Street	Suite 1700	Chicago	IL	60611
Norton Audubon	PO Box 35070		Louisville	KY	40232
Norton Hospital	PO Box 35070		Louisville	KY	40232
Norwalk Hospital	24 Stevens Street		Norwalk	CT	06856
Oak Hill Hospital	11375 Cortez Boulevard		Brooksville	FL	34613
Oakwood Hospital & Medical Center	18101 Oakwood Boulevard		Dearborn	MI	48124
Obici Hospital	600 Gresham Road		Norfolk	VA	23507
Ocala Regional Mecical Center	1431 SW First Avenue		Ocala	FL	34474
Ocean Springs Hospital	2012 Highway 90	Ste. 70	Gautier	MS	39553
Ochsner Baptist Medical Center Ochsner Health System	2700 Napolean Avenue		New Orleans	LA	70115
Ochsner Medical Center – Kenner (Kenner Regional Medical Center)	180 West Esplanade Avenue		Kenner	LA	70065
Ochsner Medical Foundation	1516 Jefferson Highway		Jefferson	LA	70003
Ochsner North Shore Covington	1000 Ochsner Boulevard		Covington	LA	70433
Oconee Regional Medical Center	812 N. Cobb Street		Milledgeville	GA	31061
O'Connor Hospital	2105 Forest Avenue		San Jose	CA	95128
Ogden Regional Medical Center	5475 South 500 East		Ogden	UT	84403
Ohio Valley Medical Center	2000 Eoff Street		Wheeling	WV	26003
Oklahoma State University Medical Center	744 W. 9th Street	Mail Drop-H440	Tulsa	OK	74127
Olathe Medical Center	20333 W. 151st Street		Olathe	KS	66061-7211
Oregon Health & Science University	3181 SW Sam Jackson Road	UHS 32	Portland	OR	97239
Orlando Regional Medical Center	1414 Kuhl Avenue	MP 196	Orlando	FL	32806
Osceola Regional Medical Center	700 W. Oak Street		Kissimmee	FL	34745

Facility Name	Address 1	Address 2	City	State	Zip Code
OSF Saint Anthony Medical Center	5666 East State Street		Rockford	IL	61108
OSF Saint Joseph Medical Center	2200 E. Washington Street		Bloomington	IL	61701
OSF Saint Francis Medical Center	530 N.E. Glen Oak Avenue		Peoria	IL	61637
OU Medical Center	700 NE 13th Street		Oklahoma City	OK	73104
Our Lady of Bellefonte Hospital	1000 St. Christopher Drive		Ashland	KY	41101
Our Lady of Lourdes Medical Center	1600 Haddon Avenue		Camden	NJ	08103
Our Lady of Lourdes Regional Medical Center	611 Saint Landry Street PO Box 4027		Lafayette	LA	70506
Our Lady of The Lake Regional	5000 Hennessy Boulevard		Baton Rouge	LA	70808-4350
Our Lady of the Resurrection Medical Center	5645 W. Addison Street		Chicago	IL	60634
Overlake Hospital Medical Center	1035 116th Avenue NE		Bellevue	WA	98004
Overland Park Regional Medical Center/ Health Midwest	10500 Quivira Road		Overland Park	KS	66215
Ozarks Medical Center	1100 Kentucky Avenue	PO Box 1100	West Plains	MO	65775
P and S Surgical Hospital	312 Grammont Street		Monroe	LA	71201
Palm Beach Gardens Medical Center	3360 Burns Road		Palm Beach Gardens	FL	33410
Palmetto General Hospital	2001 West 68th Street		Hialeah	FL	33016
Palmetto Health Richland	6 Richland Medical Park Drive	Suite 4525	Columbia	SC	29203
Palomar Medical Center	555 East Valley Parkway		Escondido	CA	92025
Palos Community Hospital	12251 S. 80th Avenue	Cardiovascular Services	Palos Heights	IL	60463-0930
Paoli Hospital	557 Lankenau MOB East	100 Lancaster Avenue	Wynnewood	PA	19096
Paradise Valley Hospital	3929 E. Bell Road		Phoenix	AZ	85032
Paradise Valley Hospital	2400 E. Fourth Street		National City	CA	91950
Paris Regional Medical Center	865 DeShong Drive		Powderly	TX	75432
Park Plaza Hospital	1313 Hermann Drive		Houston	TX	77004
Parkridge Medical Center	2333 McCallie Avenue		Chattanooga	TN	37404
Parkview Hospital	2200 Randallia Drive		Fort Wayne	IN	46805
Parkview Medical Center	400 W. 16th Street		Pueblo	CO	81003
Parkway Regional Medical Center	160 NW 170th Street		North Miami	FL	33169
Parkwest Medical Center	9352 Parkwest Boulevard		Knoxville	TN	37923
Parma Community General Hospital	7007 Powers Boulevard		Parma	OH	44129
Parrish Medical Center	951 N. Washington Avenue		Titusville	FL	32796
PBI Regional Medical Center	350 Boulevard		Passaic	NJ	07055
Peace Health St.Joseph Medical Center	2901 Squalicum Parway		Bellingham	WA	98225
Peninsula Regional Medical Center	100 East Carroll Street		Salisbury	MD	21801
Penn Presbyterian Medical Center	39th & Market Streets		Philadelphia	PA	19104
Penn State Hershey Medical Center	PO Box 850 MC H047		Hershey	PA	17033-0850
Pennsylvania Hospital	800 Spruce Street		Philadelphia	PA	19107-6192
Penrose – St. Francis Health Services	2222 North Nevada, #3000		Colorado Springs	CO	80907
Phelps County Regional Medical Center	1000 W. 10th Street		Rolla	MO	65401
Phoebe Putney Memorial Hospital	417 Third Avenue		Albany	GA	31701
Phoenix Baptist Hospital	2000 W. Bethany Home Road		Phoenix	AZ	85015
Phoenixville Hospital	140 Nutt Road		Phoenixville	PA	19460-3906
Piedmont Hospital	95 Collier Road Suite 2075		Atlanta	GA	30309
Piedmont Medical Center	222 S. Herlong Avenue		Rock Hill	SC	29732
Pikeville Medical Center	911 Bypass Road		Pikeville	KY	41501
Pinnacle Health Invasive Cardiology	111 South Front Street		Harrisburg	PA	17101-2099
Pitt County Memorial Hospital	2100 Statonsburg Road	PCMH Heart Center	Greenville	NC	27835
Plantation General Hospital	401 NW 42nd Avenue		Plantation	FL	33317
Plaza Medical Center of Fort Worth	7921 Daystar Drive		Fort Worth	TX	76123

Facility Name	Address 1	Address 2	City	State	Zip Code
Pocono Medical Center	206 East Brown Street		East Stroudsburg	PA	18301
Pomona Valley Hospital Med Center	1798 N. Garey Avenue		Pomona	CA	91768
Port Huron Hospital	1221 Pine Grove Avenue		Port Huron	MI	48060
Porter Adventist Hospital	2525 S. Downing Street		Denver	CO	80210-5817
Porter Valparaiso Hospital Campus	814 Laporte Avenue		Valparaiso	IN	46383
Portneuf Medical Center	651 Memorial Drive		Pocatello	ID	83201
Portsmouth Regional Hospital	333 Borthwick Avenue		Portsmouth	NH	03801
Prairie Lakes Healthcare	401 9th Avenue		Watertown	SD	57201
Presbyterian Hospital	200 Hawthorne Lane		Charlotte	NC	28233
Presbyterian Hospital (Matthews)	1500 Matthews Township Parkway		Matthews	NC	28105
Presbyterian Hospital of Dallas	Presbyterian Hospital	8200 Walnut Hill Lane	Dallas	TX	75231
Presbyterian/ St.Luke's Medical Center	1719 E. 19th Avenue		Denver	CO	80218-1235
Prince George's Hospital Center	3001 Hospital Drive		Cheverly	MD	20785
Princeton Baptist Medical Center	701 Princeton Avenue, SW		Birmingham	AL	35211-1399
Proctor Hospital	5409 N. Knoxville Avenue		Peoria	IL	61614
Protestant Memorial Medical Center	4500 Memorial Drive		Belleville	IL	62226
Provena Covenant Medical Center	1400 West Park Street		Urbana	IL	61801-9901
Provena Saint Joseph Medical Center	333 North Madison Street		Joliet	IL	60435-6595
Provena Saint Marys Hospital	500 West Court Street		Kankakee	IL	60901
Provena St. Joseph Hospital	77 N. Airlite Street		Elgin	IL	60123
Provena United Samaritans Medical Center	812 North Logan Avenue		Danville	IL	61832
Providence Alaska Medical Center	3200 Providence Drive		Anchorage	AK	99508-4662
Providence Healthcare Network	6901 Medical Parkway		Waco	TX	76712
Providence Holy Cross Medical Center	501 South Buena Vista Street		Burbank	CA	91505
Providence Hospital	2435 Forest Drive		Columbia	SC	29204
Providence Medical Center	8929 Parallel Parkway		Kansas City	KS	66112-1689
Providence Memorial Hospital	2001 North Oregon Street		El Paso	TX	79902
Providence Park Hosptial	16001 W. Nine Mile Road		Novi	MI	48374
Providence Portland Medical Center	9205 SW Barnes Road	9205 South West. Barnes Road	Portland	OR	97225
Providence Regional Medical Center Everett	1321 Coby Avenue		Everett	WA	98206-1147
Providence Saint Joseph Medical Center	501 South Buena Vista Street		Burbank	CA	91505
Providence Saint Vincent Medical Center	Regional Heart Data Services	9205 South West Barnes Road #33	Portland	OR	97225
Providence St. Peter Hospital	413 N. Lilly Road		Olympia	WA	98506
Providence Tarzana Medical Center	18321 Clark Street		Tarzana	CA	91356-3501
Queen of the Valley Medical Center	1000 Trancas Street		Napa	CA	94558
Queens Medical Center	1301 Punchbowl Street		Honolulu	HI	96813
Quincy Hospital	114 Whitwell Street		Quincy	MA	02169-1870
Raleigh General Hospital	1710 Harper Road		Beckley	WV	25801
Rapides Regional Medical Center	211 4th Street Box 30101		Alexandria	LA	71301
Raulerson Hospital (HCA)	1796 Highway 441 North		Okeechobee	LA	34972
Redmond Regional Medical Center	501 Redmond Road		Rome	GA	30165
Regents of the University of Michigan	2101 Commonwealth Boulevard		Ann Arbor	MI	48105
Regional Hospital of Jackson	367 Hospital Boulevard		Jackson	TN	38305
Regional Medical Center	225 N. Jackson Avenue		San Jose	CA	95116
Regional Medical Center	3000 St. Matthews Road		Orangeburg	SC	29118
Regional Medical Center Bayonet Point	14000 Fivay Road		Hudson	FL	34667
Regional Medical Center Of Acadiana	2810 Ambassador Caffrey Pkwy.		Lafayette	LA	70506
Regions Hospital	640 Jackson Street	Mail Stop 11102-M	St. Paul	MN	55101

Facility Name	Address 1	Address 2	City	State	Zip Code
Reid Hospital & Healthcare Services	1100 Reid Parkway		Richmond	IN	47374
Renown Regional Medical Center	1155 Mill Street	R 11	Reno	NV	89502
Research Medical Center	2316 East Meyer Boulevard	Cardiology Services	Kansas City	MO	64132
Reston Hospital Center	1850 Town Center Parkway		Reston	VA	20190
Resurrection Medical Center	7435 W. Talcott Avenue		Chicago	IL	60631
Rex Hospital	4420 Lake Boone Trail		Raleigh	NC	27607
Rhode Island Hospital	593 Eddy Street		Providence	RI	02903
Richmond University Medical Center	355 Bard Avenue		Staten Island	NY	10310
Riddle Memorial Hospital	1068 W. Baltimore Pike		Media	PA	19063-5177
Rideout Memorial Hospital	726 Fourth Street		Marysville	CA	95901
Ridgecrest Regional Hospital	1081 N. China Lake Boulevard		Ridgecrest	CA	93555
Rio Grande Regional Hospital	101 E. Ridge Road		McAllen	TX	78503
River Oaks Hospital	1030 River Oaks Drive		Flowood	MS	39232
River Park Hospital	1559 Spata Road		McMinnville	TN	37110
River Region Medical Center	2100 Highway 61 North		Vicksburg	MS	39183
Riverside Community Hospital	4445 Magnolia Avenue		Riverside	CA	92501
Riverside Medical Center	350 N. Wall Street		Kankakee	IL	60901
Riverside Methodist Hospital	3535 Olentangy River Road		Columbus	OH	43214
Riverside Regional Medical Center	500 J Clyde Morris Boulevard		Newport News	VA	23601
Riverview Hospital	395 Westfield Road		Noblesville	IN	46060
Riverview Regional Medical Center	600 South Third Street	PO Box 268	Gadsden	AL	35901
Robert Packer Hospital	1 Guthrie Square		Gadsden	AL	18840
Rockford Memorial Hospital	2400 North Rockton Avenue		Rockford	IL	61103
Rogue Valley Medical Cent	2825 E. Barnett Road	Performance Improvement Dept.	Medford	OR	97504
Roper Hospital	316 Calhoun Street		Charleston	SC	29401
Rose Medical Center	4567 E. 9th Avenue		Denver	CO	80220-3941
Roswell Regional Hospital	117 East 19th Street		Roswell	NM	88201
Round Rock Medical Center	2400 Round Rock Medical Center		Round Rock	TX	78681
Rowan Regional Medical Center	612 Mocksville Avenue		Salisbury	NC	28144
Rush Hospital	1314 19th Avenue		Meridian	MS	39301
Rush University Medical Center	1653 West Congress Parkway		Chicago	IL	60612
Rush-Copley Medical Center	2000 Ogden Avenue		Aurora	IL	60504
Russell Medical Center	3316 Highway 280 PO Box 939		Alexander City	AL	35011
Rutland Regional Medical Center	160 Allen Street		Rutland	VT	05701
Sacred Heart Hospital of Pensacola	5151 North 9th Avenue		Pensacola	FL	32504-8721
Sacred Heart Hospital	900 W. Clairemont Avenue		Eau Claire	WI	54701
Sacred Heart Medical Center	770 E. 11th Avenue		Eugene	OR	97401
Sacred Heart Medical Center	101 W. Eighth Avenue		Spokane	WA	99204
Saddleback Memorial Medical Center	24451 Health Center Drive		Laguna Hills	CA	92653
Saint Anthony Medical Center	1201 S. Main Street		Crown Point	IN	46307
Saint Bernadine Medical Center	2101 N. Waterman Avenue		San Bernadino	CA	92404-4836
Saint Clare's Hospital	611 St. Joseph's Avenue		Marshfield	WI	54449
Saint Elizabeth Health Center	1044 Belmont Avenue		Youngstown	OH	44511
Saint Elizabeth Hospital	2700 W. 9th Avenue Suite 107		Oshkosh	WI	54904
Saint Elizabeth Healthcare-Edgewood	1 Medical Village Drive		Edgewood	KY	41017-3403
Saint Elizabeth Regional Medical Center	555 S. 70th Street		Lincoln	NE	68510-2462
Saint Elizabeth's Hospital	211 South 3rd Street		Belleville	IL	62220-1915
Saint Francis Hospital	2122 Manchester Expressway		Columbus	GA	31904
Saint Francis Hospital	5959 Park Avenue		Memphis	TN	38119

Facility Name	Address 1	Address 2	City	State	Zip Code
Saint Francis Hospital	6161 S. Yale Avenue		Tulsa	OK	74136
Saint Francis Hospital & Health Center	8111 S. Emerson Avenue		Indianapolis	IN	46237
Saint Francis Hospital & Medical Center	114 Woodland Street		Hartford	CT	06105
Saint Francis Hospital of Evanston	355 Ridge Avenue		Evanston	IL	60202
Saint John Hospital & Medical Center	22151 Moross Road	Professional Bldg #1, #126	Detroit	MI	48236-2148
Saint John Macomb-Oakland Hospital	11800 E. 12 Mile Road	Room # 2510	Warren	MI	48093
Saint Johns Mercy Medical Center	615 S. New Ballas Road		St. Louis	MO	63141
Saint Joseph – London	310 East 9th Street		London	KY	40741
Saint Joseph Hospital	350 West Thomas Road		Phoenix	AZ	85013
Saint Joseph Hospital	3001 W. Martin Luther King Blvd.		Tampa	FL	33607
Saint Joseph Hospital	2900 N. Lake Shore Drive		Chicago	IL	60657
Saint Joseph Regional Health Center	2801 Franciscan Street		Bryan	TX	77802-2544
Saint Joseph's Hospital	1824 Murdoch Avenue		Parkersburg	WV	26102-0327
Saint Josephs Hospital / Marshfield Clinic	611 St. Joseph Avenue		Marshfield	WI	54449-1832
Saint Joseph's Hospital of Atlanta	5665 Peachtree Dunwoody Road		Atlanta	GA	30342
Saint Josephs Regional Medical Center – SB	801 East LaSalle Avenue		South Bend	IN	46617
Saint Louis University Hospital	3635 Vista at Grand		Saint Louis	MO	63110
Saint Luke's East – Lee's Summit	100 NE Saint Luke's Boulevard		Lee's Summit	MO	64086
Saint Luke's Hospital	4401 Wornall Road	(MAHI 5th Floor)	Kansas City	MO	64111
Saint Luke's Hospital	232 S. Woods Mill Road		Chesterfield	MO	63017-3417
Saint Luke's Regional Medical Center	190 E. Bannock Street		Boise	ID	83712-6241
Saint Mary Corwin Medical Center	1008 Minnequa Avenue		Pueblo	CO	81004-3798
Saint Mary's Hospital and Regional Medical Center	2635 N. 7th Street		Grand Junction	CO	81501-8209
Saint Mary's Medical Center	3700 Washington Avenue		Evansville	IN	47750
Saint Mary's Medical Center	2900 First Avenue		Huntington	WV	25702
Saint Peter's Hospital	315 South Manning Boulevard		Albany	NY	12208
Saint Rita's Medical Center	730 West Market Street		Lima	OH	45801-4602
Saint Rose Dominican – Siena Campus	3001 St. Rose Parkway		Henderson	NV	89052
Saint Thomas Health Care Services	4220 Harding Road		Nashville	TN	37236
Saint Vincent Hospital	123 Summer Street	Suite 270	Worcester	MA	01608
Saint Vincent Medical Center/Health Center	2 St. Vincent Circle		Little Rock	AR	72205
Salem Hospital (Regional Health Services)	890 Oak Street SE		Salem	OR	97309
Salina Regional Health Center	400 S. Santa Fe Avenue		Salina	KS	67401
Salinas Valley Memorial Hospital	450 E. Romie Lane		Salinas	CA	93901-4098
San Antonio Community Hospital	999 San Bernardino Road		Upland	CA	91786
San Jacinto Methodist Hospital	4401 Garth Road		Baytown	TX	77521
San Joaquin Community Hospital	2615 Eye Street		Bakersfield	CA	93301
San Joaquin General Hospital	500 W. Hospital Road		French Camp	CA	95231
San Juan Regional Medical Center	801 W. Maple Street		Farmington	NM	87401
San Ramon Regional Medical Center	6001 Norris Canyon Road		San Ramon	CA	94583
Sanford USD Medical Center	900 East 54th Street		Sioux Falls	SD	57104
Santa Barbara Cottage Hospital	PO Box 689		Santa Barbara	CA	93102-0689
Sarasota Memorial Hospital	1700 S. Tamiami Trail		Sarasota	FL	34239
Satilla Heart Center	410 Darling Avenue		Waycross	GA	31501
Scott and White Hospital	2401 South 31st Street		Temple	TX	76508
Scottsdale Healthcare Osborn	7400 E. Osborn Road		Scottsdale	AZ	85260
Scottsdale Healthcare Shea	9003 E. Shea Boulevard – Administration		Scottsdale	AZ	85260
Scottsdale Healthcare Thompson Peak	7400 E. Osborn Road		Scottsdale	AZ	85251

Facility Name	Address 1	Address 2	City	State	Zip Code
Scripps Green Hospital – La Jolla	10666 North Torrey Pines Road		La Jolla	CA	92037
Scripps Memorial Hospital – La Jolla	9888 Genesee Avenue	Mailstop LJ101	La Jolla	CA	92037
Scripps Mercy Hospital – San Diego	4077 5th Avenue	MER 74	San Diego	CA	92103
Scripps Mercy Hospital – Chula Vista	435 H Street	CV-101	Chula Vista	CA	91910
Sebastian River Medical Center	13695 S. US Highway 1		Sebastian	FL	32958
Self Regional Healthcare	1325 Spring Street		Greenwood	SC	29646
Sentara Leigh Hospital	600 Gresham Road		Norfolk	VA	23507
Sentara Norfolk General Hospital	600 Gresham Road		Norfolk	VA	23507
Sentara Virginia Beach General Hospital	600 Gresham Road		Norfolk	VA	23507
Sentara Williamsburg Regional Medical Center	600 Gresham Road		Norfolk	VA	23188
Sequoia Hospital	Whipple & Alameda Avenues		Redwood City	CA	94062
Seton Medical Center Austin	1201 W. 38th Street		Austin	TX	78705
Seton Medical Center Williamson	201 Seton Parkway		Round Rock	TX	78665
Shady Grove Adventist Hospital	9901 Medical Center Drive		Rockville	MD	20850
Shands Jacksonville Medical Center	655 West 8th Street		Jacksonville	FL	32209
Shannon Medical Center	120 E. Harris Avenue		San Angelo	TX	76903
Sharon Regional Health System	740 E. State Street		Sharon	PA	16146
Sharp Chula Vista Medical Center	8695 Spectrum Center Court		San Diego	CA	92123
Sharp Grossmont	5555 Grossmont Center Drive		La Mesa	CA	91942
Sharp Memorial Hospital	7901 Frost Street		San Diego	CA	92123
Shasta Regional Medical Center	1100 Butte Street		Redding	CA	96001
Shawnee Mission Medical Center	9100 West 74th Street		Shawnee Mission	KS	66204-4004
Shelby Baptist Medical Center	1000 First Street North		Alabaster	AL	35007
Sherman Hospital	1425 N. Randall Road		Elgin	IL	60123
Sierra Medical Center	1625 Medical Center Drive		El Paso	TX	79902
Sierra Providence East Medical Center	1625 Medical Center Drive		El Paso	TX	79902
Silver Cross Hospital	1200 Maple Road		Joliet	IL	60432
Simi Valley Hospital & Health Care Services	2975 North Sycamore Drive		Simi Valley	CA	93065
Sinai – Grace Hospital	6071 W. Outer Drive		Detroit	MI	48235
Singing River Hospital	2809 Denny Avenue		Pascagoula	MS	39581
Skaggs Community Health Center	PO Box 650		Branson	MO	65615-0650
Skokie Hospital	9600 Gross Point Road	Cardiac Cath Lab	Skokie	IL	60076-1214
Sky Ridge Medical Center	10101 Ridgegate Parkway		Lone Tree	CO	80124
Skyline Medical Center/ HTI Memorial Hospital Corp.	3441 Dickerson Pike		Nashville	TN	37207
Skyridge Medical Center	2305 Chambliss Avenue		Cleveland	TN	37311
South Baldwin Regional Medical Center	1613 N. McKenzie Street		Foley	AL	36535
South Bay Hospital	4016 Sun City Center Boulevard		Sun City Center	FL	33570
South Central Regional Medical Center	PO Box 607		Laurel	MS	39440
South Crest Hospital	8801 S. 101st Avenue E		Tulsa	OK	74133
South Fulton Medical Center	1170 Cleveland Avenue		East Point	GA	30344
South GA Medical Center	PO Box 1727		Valdosta	GA	31603-1727
South Lake Hospital	1099 Citrus Tower Boulevard		Clermont	FL	34711
South Miami Hospital	6200 SW 73rd Street		Miami	FL	33143
South Nassau Communities Hospital	One Healthy Way		Oceanside	NY	11572
South Shore Hospital	55 Fogg Road`		South Weymouth	MA	02190-2432
South Texas Regional Medical Center	1905 Highway 97 East		Jourdanton	TX	78026
Southeast Alabama Medical Center	1108 Ross Clark Circle		Dothan	AL	36301
Southeast Baptist Hospital	730 North Main Avenue	Suite 424	San Antonio	TX	78205
Southeast Missouri Hospital	1701 Lacey Street		Cape Girardeau	MO	63701
Southeastern Regional Medical Center	300 West 27th Street		Lumberton	NC	28358

Facility Name	Address 1	Address 2	City	State	Zip Code
Southern Hills Hospital	9300 West Sunset Road		Las Vegas	NV	89148
Southern Hills Medical Center	391 Wallace Road		Nashville	TN	37211
Southern New Hampshire Medical Center	8 Prospect Street		Nashua	NH	03060
Southern Ohio Medical Center	1805 27th Street		Portsmouth	OH	45662
Southern Regional Medical Center	11 Upper Riverdale Road SW		Riverdale	GA	30274
Southside Hospital	301 East Main Street		Bayshore	NY	11706
SouthView Hospital	1997 Miamisburg-Centerville Road		Dayton	OH	45459
Southwest General Health Center	18697 Bagley Road		Middleburg Heights	OH	44130-3417
Southwest MS Regional Medical Center	303 Marion Avenue		McComb	MS	39648
Southwest Washington Medical Center	600 NE 92nd Avenue		Vancouver	WA	98664
Southwestern Medical Center	5602 SW Lee Boulevard		Lawton	OK	73505
Spalding Regional Medical Center	601 South 8th Street		Griffin	GA	30224
Sparks Regional Medical Center	1001 Towson Avenue		Fort Smith	AR	72917-7006
Spartanburg Regional Medical Center	101 East Wood Street	Cardiac Cath Lab / 3rd Floor Heart Center	Spartanburg	SC	29303
Spectrum Health	100 Michigan Street NE	MC 037, Rm 3825A	Grand Rapids	MI	49503-2560
Spotsylvania Regional Medical Health Center	4600 Spotsylvania County Parkway		Fredericksburg	VA	22408
Spring Valley Hospital	5400 S. Rainbow Boulevard		Las Vegas	NV	89118
Springhill Memorial Hospital	3719 Dauphin Street		Mobile	AL	36608
SSM St. Clare Health Center	1015 Corporate Square Drive	Suite 130	St. Louis	MO	63132
SSM St. Joseph Health Center	300 First Capitol Drive		St. Charles	MO	63301
St. Anthony Central Hospital	4231 W. 16th Avenue		Denver	CO	80204-1335
St. Anthony North Hospital	4231 W. 16th Avenue		Denver	CO	80204
St. James Hospital and Health Centers	3800 West 203rd Street Suite 207		Olympia Fields	IL	60461
St. Joseph Hospital	700 Broadway		Fort Wayne	IN	46802
St. Joseph Medical Center	1717 South J Street		Tacoma	WA	98405-4933
St. Josephs Hospital	45 W. 10th Street		St Paul	MN	55102
St. Joseph Hospital Health Center	301 Prospect Avenue		Syracuse	NY	13203
St. Luke's Cornwall Hospital	70 DuBois Street		Newburgh	NY	12550
St. Mary's Health Care Systems	1230 Baxter Street		Athens	GA	30606
St. Mary's Hospital	400 North Pleasant		Centralia	IL	62801
St. Mary's Regional Medical Center	305 S. 5th Street		Enid	OK	73701
St. Agnes Hospital	900 S. Caton Avenue		Baltimore	MD	21229
St. Agnes Hospital	430 E. Division Street		Fond du lac	WI	54935
St. Alexius Medical Center	1555 Barrington Road		Hoffman Estates	IL	60194-1018
St. Alphonsus Regional Medical Center	1055 N. Curtis Road		Boise	ID	83706
St. Anthony Hospital	1000 N. Lee Avenue		Oklahoma City	OK	73102
St. Anthony Memorial Health Centers	301 W. Homer Street	Cath Lab	Michigan City	IN	46360
St. Anthony's Health Care	1200 7th Avenue North	MS 2019	St. Petersburg	FL	33705
St. Anthony's Health Center	One Saint Anthony Way		Alton	Il	62002
St. Anthony's Medical Center	10010 Kennerly Road		St. Loius	MO	63128-2106
St. Barnabas Medical Center	94 Old Short Hills Road		Livingston	NJ	07039
St. Bernards Medical Center	225 E. Jackson Avenue		Jonesboro	AR	72401
St. Catherine Hospital East Chicago	1500 South Lake Park Avenue		Hobart	IN	46342
St. Catherine of Siena	50 Route 25A		Smithtown	NY	11787
St. Charles Hospital	200 Belle Terre Road		Port Jefferson	NY	11777
St. Charles Health System	2500 North East Neff Road		Bend	OR	97701-6015
St. Cloud Regional Medical Center	2906 17th Street		St. Cloud	FL	34769
St. David's Medical Center	919 East 32nd Street		Austin	TX	78765
St. David's South Austin Hospital	901 W. Ben White Boulevard		Austin	TX	78704

Facility Name	Address 1	Address 2	City	State	Zip Code
St. Dominic-Jackson Memorial Hospital	969 Lakeland Drive		Jackson	MS	39216
St. Elizabeth Boardman	8401 Market Street		Boardman	OH	44512
St. Elizabeth East	1701 S. Creasy Lane		Lafayette	IN	47905
St. Elizabeth Healthcare Florence	7380 Turfway Road		Florence	KY	41042
St. Elizabeth Hospital	2233 W. Division		Chicago	IL	60622
St. Elizabeth Medical Center	2209 Genesee Street		Utica	NY	13501
St. Elizabeths Medical Center	736 Cambridge Street		Brighton	MA	02135
St. Francis Bartlett (TENET)	2896 Kate Bond Road		Bartlett	TN	38133
St. Francis Health Center	1700 SW 7th Street		Topeka	KS	66605
St. Francis Hospital	One St. Francis Drive		Greenville	SC	29601
St. Francis Hospital	333 Laidley Street	PO Box 44 Culloden, WV 25510	Charleston	WV	25322
St. Francis Medical Center	2706 Anita Lane		Monroe	LA	71201
St. Francis Hospital	100 Port Washington Boulevard		Roslyn	NY	11576
St. Francis Medical Center	211 Saint Francis Drive		Cape Girardeau	MO	63703-5049
St. Francis Medical Center	601 Hamilton Avenue		Trenton	NJ	08629
St. John Medical Center	1923 S. Utica Avenue	Heart Institute Education/Research	Tulsa	OK	74104
St. John Medical Center	1615 Delaware Street		Longview	WA	98632
St. John Providence Hospital	16001 W. Nine Mile Road		Southfield	MI	48075
St. John Medical Center	29000 Center Ridge Road		Westlake	OH	44145
St. John's Hospital	800 E. Carpenter Street		Springfield	IL	62769
St. John's Hospital	1235 East Cherokee Street		Springfield	MO	65804
St. Johns Regional Medical Center	2727 McClelland Boulevard		Joplin	MO	64804
St. Johns Regional Medical Center	1600 N. Rose Avenue		Oxnard	CA	93030-3722
St. Joseph Hospital	2700 Dolbeer Street		Eureka	CA	95501
St. Joseph Hospital	1 Saint Joseph Drive		Lexington	KY	40504
St. Joseph Hospital	172 Kinsley Street		Nashua	NH	03060
St. Joseph Hospital	360 Broadway		Bangor	ME	04401
St. Joseph Medical Center	2200 E. Washington Street		Bloomington	IL	61701
St. Joseph Medical Center	12th & Walnut Streets		Reading	PA	19603
St. Joseph Medical Center	1401 St. Joseph Parkway		Houston	TX	77002
St. Joseph Medical Center	7601 Olser Drive		Towson	MD	21204
St. Joseph Mercy Hospital	5325 Elliot Drive		Ann Arbor	MI	48106
St. Joseph Regional Medical Center	801 E. Lasalle Avenue		South Bend	IN	46617
St. Joseph Regional Medical Center	703 Main Street		Paterson	NJ	07503
St. Joseph's Hospital	11705 Mercy Boulevard		Savannah	GA	31419
St. Joseph's Hospital	350 N. Wilmot Road		Tucson	AZ	85711
St. Joseph's Medical Center	127 S. Broadway		Yonkers	NY	10701
St. Josephs Medical Center of Stockton	1800 North California Street		Stockton	CA	95204
St. Luke's Baptist Hospital	730 North Main Avenue	Suite 424	San Antonio	TX	78205
St. Luke's Episcopal Hospital	3100 Main Street	MC5-313	Houston	TX	77030
St. Lukes Hospital	363 Highland Avenue		Falls River	MA	02720
St. Lukes Hospital	5901 Monclova Road		Maumee	OH	43537
St. Luke's Hospital	915 E. First Street		Duluth	MN	55805
St. Luke's Hospital & Health Network	801 Ostrum Street	St. Luke's Hospital & Health Network	Bethlehem	PA	18015
St. Luke's Hospital and Health Network (Allentown Campus)	801 Ostrum Street	St. Luke's Hospital & Health Network	Bethlehem	PA	18015
St. Luke's Lakeside Hospital	3100 Main Street 647D		Houston	TX	77002

Facility Name	Address 1	Address 2	City	State	Zip Code
St. Luke's Medical Center	2900 West Oklahoma Avenue		Milwaukee	WI	53215-4330
St. Luke's Medical Center	1800 E. Van Buren Street		Phoenix	AZ	85006
St. Luke's South Hospital	Saint Luke's Hospital	4401 Wornal Road	Kansas City	MO	64111
St. Luke's Sugar Land Hospital	3100 Main Street Suite 647D		Houston	TX	77002
St. Luke's The Woodlands Hospital	17200 St. Luke's Way		The Woodlands	TX	77384
St. Luke's-Roosevelt Hospital Center	1111 Amsterdam Avenue		New York City	NY	10025
St. Mark's Hospital/ Northern Utah Healthcare Corporation	1200 East 3900 South		Salt Lake City	UT	84124
St. Mary Medical Center	1201 Langhorne Newton Road		Langhorne	PA	19047
St. Mary Medical Center	18300 Highway 18		Apple Valley	CA	92307
St. Mary Medical Center	1050 Linden Avenue		Long Beach	CA	90813-3321
St. Mary Medical Center	1500 South Lake Park Avenue		Hobart	ID	46342
St. Mary of Nazareth Hospital Center	2233 W. Division Street		Chicago	IL	60622
St. Mary's Health Center	6420 Clayton Road		St. Louis	MO	63117
St. Mary's Hospital	1726 Shawano Avenue		Green Bay	WI	54303-3282
St. Mary's Medical Center	450 Stanyan Street		San Francisco	CA	94117
St. Mary's Medical Center	901 45th Street		West Palm Beach	FL	33407
St. Mary's Medical Center	400 East Third Street		Duluth	MN	55805
St. Mary's of Michigan	800 S. Washington Avenue		Saginaw	MI	48601
St. Mary's Regional Medical Center	PO Box 291 Campus Avenue		Lewiston	ME	04243-0291
St. Michael's Medical Center	111 Central Avenue		Newark	NJ	07102
St. Nicholas Hospital	3100 Superior Avenue		Sheboygan	WI	53081
St. Patrick Hospital and Health Sciences Center	500 W. Broadway		Missoula	MT	59802
St. Rose Dominican – De Lima Campus	102 E. Lake Mead Boulevard		Henderson	NV	89015
St. Rose Hospital	27200 Calaroga Avenue		Hayward	CA	94539
St. Tammany Parish Hospital	1202 S. Tyler Street		Covington	LA	70433
St. Vincent Charity Hospital	2351 East 22nd Street		Cleveland	OH	44115
St. Vincent Healthcare	1233 North 30th Street		Billings	MT	59101
St. Vincent Hospital	2660 10th Avenue South #738		Birmingham	AL	35205
St. Vincent Hospital	835 S. Van Buren Street		Green Bay	WI	54301
St. Vincent's Medical Center	1 Shircliff Way		Jacksonville	FL	32204
St. Vincent's Medical Center	2800 Main Street		Bridgeport	CT	06606
St.Vincent's East	50 Medical Park East Drive		Birmingham	AL	35235-3499
Stamford Hospital Health Sciences Library	30 Shelbourne Road PO Box 9317		Stamford	CT	06904-9317
Staten Island University Hospital	475 Seaview Avenue		Staten Island	NY	10305
Stone Crest Medical Center	200 Stonecrest Boulevard		Smyrna	TN	37167
Stony Brook University Medical Center	3 Technology Drive		East Setauket	NY	11733-4073
Stormont-Vail Regional Medical Center	929 SW Mulvane Street		Topeka	KS	66606
Straub Clinic & Hospital: Cath Lab	888 S. King Street		Honolulu	HI	96813
Stringfellow Memorial Hospital	301 East 18th Street		Anniston	AL	36202
Summerlin Hospital Medical Center	657 Town Center Drive		Las Vegas	NV	89144
Summit Medical Center	5655 Frist Boulevard		Hermitage	TN	37076
Sunrise Hospital and Medical Center	3186 S. Maryland Parkway		Las Vegas	NV	89109
Surgery Center of Temple	1909 SW MK Dodgen Loop		Temple	TX	76502
Sutter Delta Medical Center	3901 Lone Tree Way		Antioch	CA	94509
Sutter Roseville Medical Center	One Medical Plaza		Roseville	CA	95661
Swedish American Hospital	1401 E. State Street		Rockford	IL	61104
Swedish Covenant Hospital	5145 N. California Avenue		Chicago	IL	60625
Swedish Health Services	500 17th Avenue #A85C		Seattle	WA	98104
Swedish Medical Center	501 East Hampden Avenue		Englewood	CO	80113

Facility Name	Address 1	Address 2	City	State	Zip Code
T. J. Samson Community Hospital	1301 North Race Street		Glasgow	KY	42141
Tacoma General Hospital	315 Martin Luther King, Jr. Way		Tacoma	WA	98415
Tallahassee Memorial Hospital	1300 Miccosukee Road	Attn: Performance Improvement	Tallahassee	FL	32308
Tampa General Hospital	1 Tampa General Circle		Tampa	FL	33601-1289
Temple University Hospital	3401 North Broad Street	1 PP Cardiology	Philadelphia	PA	19140
Terre Haute Regional Hospital	3901 South 7th Street		Terre Haute	IN	47802
Terrebonne General Medical Center	8166 Main Street		Houma	LA	70360
Texas Health Presbyterian Hospital Plano	6200 West Parker Road		Plano	TX	75093-7914
Texoma Medical Center	1000 Memorial Drive		Denison	TX	75020
TexSAn Heart Hospital	6700 IH-10 West		San Antonio	TX	78201-2009
The Christ Hospital	2139 Auburn Avenue		Cincinnati	OH	45219
The George Washington University Hospital	900 23rd Street, NW		Washington	DC	20037
The Good Samaritan Hospital	PO Box 1281	4th and Walnut Streets	Lebanon	PA	17042
The Heart Hospital at Deaconess Gateway, LLC	600 Mary Street		Evansville	IN	47747
The Heart Hospital of Northwest Texas	1501 S. Coulter Street	PO Box 1110	Amarillo	TX	79175
The Hospital at Westlake Medical Center	5656 Bee Caves Road M-302		Austin	TX	78746
The Indiana Heart Hospital	8075 North Shadeland Avenue		Indianapolis	IN	46250
The Medical Center (TMC)	1000 Dutch Ridge Road		Beaver	PA	15009
The Medical Center of Southeast Texas	2555 Jimmy Johnson Boulevard		Port Arthur	TX	77640
The Methodist DeBakey Heart Center	6565 Fannin Street		Houston	TX	77030
The Monroe Clinic	515 22nd Avenue		Monroe	WI	53566
The Nebraska Medical Center	987551 Nebraska Medical Center		Omaha	NE	68198-7551
The Ohio State University Medical Center	410 W. 10th Avenue	142 Doan Hall	Columbus	OH	43210
The Reading Hospital and Medical Center	6th Avenue and Spruce Street		West Reading	PA	19611
The Toledo Hospital	2142 North Cove Boulevard	Jobst Tower Suite 200	Toledo	OH	43606
The Uniontown Hospital	500 West Berkeley Street		Uniontown	PA	15401
The Washington Hospital	155 Wilson Avenue		Washington	PA	15301-3398
The Western Pennsylvania Hospital	4800 Friendship Avenue	CVI	Pittsburgh	PA	15224
Thomas Jefferson University Hospital	TJUH	111 S. 11th Street Gibbon Building	Philadelphia	PA	19107
Thomas Memorial Hospital	4605 MacCorkle Avenue SW		South Charleston	WV	25309
Tift Regional Medical Center	PO Box 747	901 E. 18th Street	Tifton	GA	31794
Timpanogos Regional Hospital	750 W. 800 S.		Orem	UT	84057
Tobey Hospital	363 Highland Avenue		Fall River	MA	
Torrance Memorial Medical Center	3330 Lomita Boulevard		Lomita	CA	90505
Touro Infirmary Medical Center	1401 Foucher Street		New Orleans	LA	70115
Tri-City Medical Center	3909 Waring Road		Oceanside	CA	92056
Trident Regional Medical Center	9330 Medical Plaza Drive		Charleston	SC	29406
Trinity Hospitals	PO Box 5020		Minot	ND	58702
Trinity Medical Center	Attn: Cardiovascular Services	800 Montclair Road	Birmingham	AL	35213
Trinity Medical Center West	4000 Johnson Road		Steubenville	OH	43952
Truman Medical Centers	2301 Holmes Street		Kansas City	MO	64108
Tucson Heart Hospital	4888 North Stone Avenue		Tucson	AZ	85704
Tucson Medical Center	5301 E. Grant Road		Tucson	AZ	85712
Tufts Medical Center	750 Washington Street		Boston	MA	02111
Tulane Medical Center	1415 Tulane Avenue		New Orleans	LA	70112
Tuomey Healthcare System Tuomey Regional Medical Center	129 N. Washington Street		Sumter	SC	29150
UC San Diego Medical Center	200 W. Arbor Drive		San Diego	CA	92103

Facility Name	Address 1	Address 2	City	State	Zip Code
UMASS Memorial Medical Center	55 Lake Ave North		Worcester	MA	01655-0002
Union Hospital	1606 N. 7th Street		Terre Haute	IN	47804
Union Hospital	106 Bow Street		Elkton	MD	21921
Union Memorial Hospital	201 E. University Parkway		Baltimore	MD	21218-2891
United Health Services Hospitals/Wilson Regional Medical Center	33 – 57 Harrison Street	Decker 4 Lobby	Johnson City	NY	13790
United Hospital	333 N. Smith Avenue		St. Paul	MN	55102
United Hospital Center, Inc.	327 Medical Park Drive		Bridgeport	WV	26330
United Hospital System	6308 8th Avenue		Kenosha	WI	53143
United Regional Healthcare System	1600 11th Street		Wichita Falls	TX	76301
Unity Health Center	1102 West MacArthur		Shawnee	OK	74804
Unity Hospital	550 Osbourne Road NE		Fridley	MN	55432
Unity Hospital	1555 Long Pond Road		Rochester	NY	14626
University Community Hospital	3100 East Fletcher Avenue		Tampa	FL	33613
University Community Hospital Carrollwood Campus	3100 East Fletcher Avenue		Tampa	FL	33613
University of Alabama Hospital	620 19th Street South		Birmingham	AL	35249
University Hospital	234 Goodman Street		Cincinnati	OH	45219
University Hospital	1350 Walton Way		Augusta	GA	30901
University Hospitals Case Medical Center	11100 Euclid Avenue		Cleveland	OH	44106
University Hospitals Geauga Medical Center	13207 Ravenna Road		Chardon	OH	44024
University Hospitals Richmond Medical Center	27100 Chardon Road		Richmond Heights	OH	44143
University Medical Center	1411 Baddour Parkway		Lebanon	TN	37087
University Medical Center LSU	2390 W. Congress Street		Lafayette	IA	70506
University Medical Center Southern Nevada	1800 W. Charleston Boulevard		Las Vegas	NV	89102
University Medical Center of El Paso	4815 Alameda Avenue		El Paso	TX	79905
University of Alabama Hospital	620 19th Street South		Birmingham	AL	35249
University of Arkansas Medical Sciences	4301 West Markham Street	Suite 532	Little Rock	AR	72205
University of California, Irvine	101 The City Drive		Orange	CA	92868
University Of California Davis Medical Center	2315 Stockton Boulevard Main Hospital, Rm 6312		Sacramento	CA	95817
University of California San Francisco Medical Center	350 Parnassus Avenue Suite 404 Box 0447		San Franciso	CA	94143-0447
University of Colorado Hospital Authority	12401 E. 17th Avenue	Mailstop B-132	Aurora	CO	80045
University of CT Health Center/John Dempsey Hospital	263 Farmington Avenue		Farmington	CT	06030
University of Florida (Shands)College of Medicine	1600 SW Archer Road		Gainesville	FL	32610
University of Kentucky	800 Rose Street		Lexington	KY	40536
University of Louisville Hospital	530 S. Jackson Street		Loiusville	KY	40202
University of Maryland Medical Center Cardiology	22 S. Greene Street		Baltimore	MD	21201-1544
University of Mississippi Medical Center	2500 N. State Street		Jackson	MS	39216
University of Missouri Hospital and Clinics	1 Hospital Drive C4003		Columbia	MO	65212
University of New Mexico Hospital	2211 Lomas Boulevard		Albuquerque	NM	87106
University of North Carolina Hospitals	UNC Hospitals	101 Manning Drive CB#7075	Chapel Hill	NC	27514
University of Rochester Medical Center	601 Elmwood Avenue		Rochester	NY	14642
University of South Alabama Cardiology Dept.	2451 Fillingim Street		Mobile	AL	36617
University of Tennessee Medical Center	1924 Alcoa Highway	Box 95	Knoxville	TN	37920-6999
University of Texas Southwestern-University Hospital	5323 Harry Hines Boulevard		Dallas	TX	75390-9013
University of Toledo Medical Center	3065 Arlington Avenue	DH2261	Toledo	OH	43614

Facility Name	Address 1	Address 2	City	State	Zip Code
University of Utah Hospitals and Clinics	50 North Medical Drive	4040b	Salt Lake City	UT	84132
University of Virginia Medical Center	2441 Barringer West Complex	PO Box 800134	Charlottesville	VA	22908-0679
University of Washington Medical Center	1959 NE Pacific Street		Seattle	WA	98195-6422
University of Wisconsin Hospital & Clinics	600 Highland Avenue MC 3204		Madison	WI	53792
University Physicians HealthCare	2800 E. Ajo Way		Tucson	AZ	85713
UPMC Mercy	1400 Locust Street		Pittsburgh	PA	15219
UPMC Passavant Hospital	9100 Babcock Boulevard		Pittsburgh	PA	15237
UPMC Presbyterian Hospital	4601 Baum Road	2nd Floor	Pittsburgh	PA	15213
UPMC Shadyside Hospital	4601 Baum Road	2nd Floor	Pittsburgh	PA	15213
Upper Chesapeake Medical Center, Inc.	500 Upper Chesapeake Drive		Bel Air	MD	21014
Upstate Medical University (SUNY)	750 East Adams Street		Syracuse	NY	13120
USC University Hospital	1500 San Pablo Street		Los Angeles	CA	90033
Utah Valley Regional Medical Center	1034 S. 500 W		Provo	UT	84605
Val Verde Regional Medical Center	801 Bedell Avenue		Del Rio	TX	78840
Valley Baptist Medical Center	2101 Pease Street		Harlingen	TX	78550
Valley Care Medical Center	1111 East Stanley Boulevard		Livermore	CA	94550
Valley Hospital Medical Center	620 Shadow Lane		Las Vegas	NV	89106
Valley Medical Center	400 South 43rd Street		Renton	WA	98058
Valley Presbyterian Hospital	15107 Vanowen Street		Van Nuys	CA	91405
Valley Regional Medical Center	Valley Regional Medical Center	100A East Alton Gloor Boulevard	Brownsville	TX	78526
Valley ViewMedical Center	5330 S Highway 95		Fort Mohave	AZ	86426
Vanderbilt Heart Institute	1215 21st Avenue	MCE 5th floor	Nashville	TN	37232
Vassar Brothers Medical Center	45 Reade Place		Poughkeepsie	NY	12601
Vaughan Regional Medical Center	1015 Medical Center Parkway		Selma	AL	36701
VCU-Medical College of Virginia	PO Box 980036		Richmond	VA	23298
Venice Regional Medical Center	540 The Rialto		Venice	FL	34285
Verde Valley Medical Center	269 South Candy Lane		Cotttonwood	AZ	86326
Via Christi Wichita Health Network	929 N. St. Francis Street		Wichita	KS	67214
WakeMed Cary Hospital	3128 Smoketree Court		Raleigh	NC	27604
WakeMed Raleigh Campus	3128 Smoketree Court		Raleigh	NC	27604
Washington Adventist Hospital	7600 Carroll Avenue		Takoma Park	MD	20912
Washington County Hospital DBA Meritus Med Center	251 East Antietam Street		Hagerstown	MD	21740
Washington Hospital	2000 Mowry Avenue		Fremont	CA	94538
Washington Regional Medical Center	3215 N. Northhills Boulevard		Fayetteville	AR	72703-1994
Waterbury Hospital	PO Box 2153		Waterbury	CT	06722-2153
Waukesha Memorial Hospital	N-17 W24100 Riverwood Drive		Waukesha	WI	53188-1187
Weatherford Regional Medical Center	713 East Anderson Street		Weatherford	TX	76086
Weiss Memorial Hospital	4646 N. Marine Drive		Chicago	IL	60640
Wellmont Holston Valley Medical Center	130 W Ravine Road		Kingsport	TN	37660
Wellstar Cobb Hospital	677 Church Street		Marietta	GA	30066
Wellstar Kennestone Hospital	677 Church Street		Marietta	GA	30066
Wesley Medical Center	550 N. Hillside Street		Wichita	KS	67214
Wesley Medical Center	5001 Hardy Street		Hattiesburg	MS	39402
West Anaheim Medical Center	3033 West Orange Avenue		Anaheim	CA	92084
West Chester Medical Center	7700 University Drive		West Chester	OH	45069
West Florida Hospital	8383 North Davis Highway		Pensacola	FL	32514
West Georgia Medical Center	1514 Vernon Road		LaGrange	GA	30240
West Hills Hospital	7300 Medical Center Drive		West Hills	CA	91307

Facility Name	Address 1	Address 2	City	State	Zip Code
West Houston Medical Center	12141Richmond Avenue		Houston	TX	77082
West Jefferson Medical Center	1101 Medical Center Boulevard		Marrero	LA	70072
West Penn Hospital Forbes Regional Campus	2570 Haymaker Road		Monroeville	PA	15146
West Suburban Medical Center	3 Erie Court		Oak Park	Il	60302
West Valley Hospital	13677 W. McDowell Road		Goodyear	AZ	85338
Westchester County Medical Center	95 Grasslands Road Suite 114		Valhalla	NY	10595
Western Baptist Hospital	2501 Kentucky Avenue		Paducah	KY	42003
Western Maryland Health System Regional Medical Center	12500 Willowbrook Road	Third Floor InterventionalCardiology	Cumberland	MD	21502-1850
Western Medical Center Santa Ana	1001 North Tustin Avenue		Santa Ana	CA	92705
Western Plains Medical Center	3001 Avenue A		Dodge City	KS	67801
Westside Regional Medical Center	8201 West Broward Boulevard		Plantation	FL	33324
Wheaton Franciscan Healthcare-All Saints, Inc.	WFHC Clinical Data Management and Analysis	5000 West Chambers, M229	Milwaukee	WI	53210
Wheaton Franciscan Healthcare-St. Francis, Inc.	WFHC Clinical Data Management and Analysis	5000 West Chambers, M229	Milwaukee	WI	53210
Wheaton Franciscan Healthcare-St. Joseph, Inc.	WFH Clinical Data Management and Analysis	5000 West Chambers, M229	Milwaukee	WI	53210
Wheaton Franciscan - The Wisconsin Heart Hospital Center	WFH Clinical Data Management and Analysis	5000 West Chambers, M229	Milwaukee	WI	53210
Wheeling Hospital	1 Medical Park		Wheeling	WV	26003
White County Medical Center	3214 E. Race Avenue		Searcy	AR	72143
White Memorial Medical Center	1720 Cesar Chavez Avenue		Los Angeles	CA	90033
White Plains Hospital Center	41 E Post Road		White Plains	NY	10601
White River Medical Center	1710 Harrison Street		Batesville	AR	72501
William Beaumont Hospital – Troy	44201 Dequindre Road		Troy	MI	48085
William W. Backus Hospital	326 Washington Street		Norwich	CT	06360
Williamsport Hospital and Medical Center	777 Rural Avenue		Williamsport	PA	17701
Willis-Knighton Pierremont	2600 Greenwood Road		Shreveport	LA	71103
Willis-Knighton Medical Center	2600 Greenwood Road		Shreveport	LA	71103
Wilson N. Jones Medical Center	500 N Highland Avenue		Sherman	TX	75092
Winchester Medical Center Inc.	220 Campus Boulevard	Suite 313	Winchester	VA	22601
Winter Haven Hospital	20005 Avenue F Northeast		Winter Haven	FL	33881
Wise Regional Health System	609 Medical Center Drive		Decatur	TX	76234
Wishard Hospital Cardiology	1001 W. 10th Street		Indianapolis	IN	46202
Woman's Christian Association Hospital	207 Foote Avenue		Jamestown	NY	14701
Woodland Healthcare	1325 Cottonwood Street		Woodland	CA	95695
Wooster Community Hospital	1761 Beall Avenue		Wooster	OH	44691
Wuesthoff Health System	110 Longwood Avenue		Rockledge	FL	32956-5002
Wyckoff Heights Medical Center	374 Stockholm Street	Division of Cardiology - 3rd Floor	Brooklyn	NY	11237
Wyoming Medical Center	1233 East 2nd Street		Casper	WY	82601-2988
Wyoming Valley Health Care System	575 North River Street		Wilkes-Barre	PA	18764
Yakima Regional Medical Center/Cardiac Center	110 S. 9th Avenue		Yakima	WA	98902
Yavapai Regional Medical Center	1003 Willow Creek Road		Prescott	AZ	86301
York Hospital	15 Hospital Drive		York	ME	03909
York Hospital	1001 South George Street		York	PA	17405
Yuma Regional Medical Center	2400 S. Avenue A		Yuma	AZ	85364

ADDENDUM X: Active CMS Coverage-Related Guidance Documents October Through December 2010

In the September 24, 2004 **Federal Register** (69 FR 57325), we published a notice in which we explained how we would develop coverage-related guidance documents. These guidance documents are issued pursuant to section 1862(1)(1) of the Act. In our notice, we committed to the public that, "At regular intervals, we will update a list of all guidance documents in the **Federal Register**."

Addendum X includes a list of active CMS guidance documents as of the ending date of the period covered by this notice. To obtain full-text copies of these documents, visit the CMS Coverage Web site at *http://www.cms.gov/mcd/index_list.asp?list_type=mcd_1* .

Document Name: Factors CMS Considers in Commissioning External Technology Assessments
Date of Issuance: April 11, 2006
Document Name: Factors CMS Considers in Opening a National Coverage Determination
Date of Issuance: April 11, 2006
Document Name: Factors CMS Considers in Referring Topics to the Medicare Coverage Advisory Committee
Date of Issuance: December 12, 2006
Document Name: National Coverage Determinations with Data Collection as a Condition of Coverage: Coverage With Evidence Development
Date of Issuance: July 12, 2006

ADDENDUM XI: List of Special One-Time Notices Regarding National Coverage Provisions (October through December 2010)

As medical technologies, the contexts under which they are delivered, and the health needs of Medicare beneficiaries grow increasingly complex, our national coverage determination (NCD) process must adapt to accommodate these complexities. As part of this adaptation, our national coverage decisions often include multi-faceted coverage determinations, which may place conditions on the patient populations eligible for coverage of a particular item or service, the providers who deliver a particular service, or the methods in which data are collected to supplement the delivery of the item or service (such as participation in a clinical trial).

We outline these conditions as we release new or revised NCDs. However, details surrounding these conditions may need to be shared with the public as "one-time notices" in the **Federal Register**. For example, we may require that a particular medical service may be delivered only in the context of a CMS-recognized clinical research study, which was not named in the NCD itself. We would then use Addendum XI of this notice, along with our coverage Web site at *http://www.cms.hhs.gov/coverage,* to provide the public with information about the clinical research study that it ultimately recognizes. Addendum XI includes any additional information needed to share about the conditions under which an NCD was issued as of the ending date of the period covered by this notice.

There were no Special One-Time Notices Regarding National Coverage Provisions published this quarter.

ADDENDUM XII: National Oncologic PET Registry (NOPR) (October Through December 2010)

In January 2005, we issued our decision memorandum on positron emission tomography (PET) scans, which stated that CMS would cover PET scans for particular oncologic indications, as long as they were performed in the context of a clinical study. We have since recognized the National Oncologic PET Registry as one of these clinical studies. Therefore, in order for a beneficiary to receive a Medicare-covered PET scan, the beneficiary must receive the scan in a facility that participates in the Registry. You can access the full list of facilities at *http://www.cms.gov/MedicareApprovedFacilitie/NOPR/list.asp#TopOfPage*.

Facility Name	Provider Number	Date Approved	State	Other Information
Baptist East Hospital 4000 Kresge Way Louisville KY 40207	9372701	01/29/2010	KY	
Alpha Med Physicians Group 6701 159th Street Tinley Park IL 60477	610860	01/29/2010	IL	
Hackensack Medical and Molecular Imaging 155 State Street Hackensack NJ 07601	85238	01/29/2010	NJ	
Alexian Brothers Medical Center 820 Biesterfield Road Elk Grove Village IL 60007	1265577191	01/29/2010	IL	
South Texas Radiology Imaging Center-North East Imaging Center 12602 Toepperwein, ste 101 San Antonio TX 78233	00867N	01/29/2010	TX	
Cancer Care Center 2435 Fire Mesa Street Las Vegas NV 89128	1760435713	02/01/2010	NV	
Diagnostic Imaging Association 400 N Garfield, Suite 110 Midland TX 79701	1255328817	02/01/2010	TX	
Jefferson Imaging Langhorne 825 Town Center Drive Langhorne PA 19047	1841269099	02/01/2010	PA	
Newark Beth Israel Medical Center 156 Lyons Ave Newark NJ 07112	310002	02/01/2010	NJ	
Advanced Imaging Center 615 Valley View Drive Suite 101 Moline IL 61265	702970	02/01/2010	IL	
Caritas PET Imaging, LLC at Noble Hospital 115 West Silver Street Westfield MA 01085	1285846410	02/01/2010	MA	
Jefferson Regional Medical Center 565 Coal Valley Road Pittsburgh PA 15236	390265	02/01/2010	PA	
Montgomery Hospital 1308 Powell Street Norristown PA 19404	390108	02/01/2010	PA	
Eastern New Mexico Medical Center Imaging Center 405 West Country Club Road Roswell NM 88201	320006	02/01/2010	NM	
Baltimore Imaging Centers North Park Center 4B North Ave, Suite 300 Bel Air MD21014	H476	02/01/2010	MD	
New Jersey Institute of Radiology PC 630 Broad Street Carlstadt NJ 07072	412182809	02/01/2010	NJ	
Jupiter Hematology Oncology Associates 431 University Blvd Jupiter FL 33458	1003854332	02/01/2010	FL	
Casa Grande Regional Medical Center 1800 E. Florence Blvd. Casa Grande AZ 85222	1437107208	02/01/2010	AZ	
Marshfield Clinic Minocqua Center 9601 Townline Road Minocqua WI 54548	1952347981	02/01/2010	WI	
Cancer Care Associates 11100 Hefner Pointe Drive Oklahoma City OK 73120	731469927	02/01/2010	OK	
Alliance Community Hospital 200 East State Street Alliance OH 44601	360131	02/01/2010	OH	
Hematology & Oncology Specialists, LLC 4200 Houma Boulevard Metairie LA 70006	1190500005	02/01/2010	LA	
Lake Pointe Imaging Center 1005 West Ralph Hall Parkway, #121 Rockwall TX 75032	450742	02/01/2010	TX	
Mountain Medical Physician Specialists 5121 Cottonwood Street Murray UT 84107	1720035520	02/01/2010	UT	
Advanced Breast Care Imaging 250 Cetronia Road, Ste 102 Allentown PA 18104	103579	02/01/2010	PA	
Independent Imaging, LLC 3347 South State Road 7, Suite 100 Wellington FL 33449	45741	02/01/2010	FL	
Ocean Medical Center 425 Jack Martin Blvd Brick NJ 08724	1962409987	02/01/2010	NJ	
Newport Doctors Medical Imaging 401 Old Newport Boulevard, Suite 201 Newport Beach CA 92663-4289	W19467	02/01/2010	CA	
Neil M. Barth, MD Inc 20162 S.W. Birch Street Suite 150 Newport Beach CA 92660	1063551760	02/01/2010	CA	
Florida Cancer Institute - New Hope 4003 Mariner Blvd Spring Hill FL 34609	K4006	02/01/2010	FL	
Gulfcoast Cancer Institute Largo 100 Highland Ave Largo FL 33770	1629215579	02/01/2010	FL	
Grand View Hospital 905 Lawn Avenue Sellersville PA 18960	390057	02/02/2010	PA	
Citizens Memorial Healthcare 1500 North Oakland Bolivar MO 65613	1003981549	02/02/2010	MO	
Community Cancer Center of Lake City 4520 West US Hwy 90 Lake City FL 32055	K3866	02/02/2010	FL	
Memorial Hermann Sugarland 17510 W. Grand Parkway South, Suite 120 Sugar Land TX 77479	450848	02/02/2010	TX	Medical Plaza 1
Carlisle Regional Medical Center 361 Alexander Spring Road Carlisle PA 17015	390058	02/02/2010	PA	
Fairview Hospital 18200 Lorain Avenue Cleveland OH 44111	360077	02/02/2010	OH	Moll Cancer Pavillion
Community Hospital 2021 N. 12th Street Grand Junction CO 80501	60054	02/02/2010	CO	
Alliance Imaging-West Coast Rad-MV/LN 27882 Forbes Road, Suite 120 Laguna Niguel CA 92677	1093969479	02/02/2010	CA	
Boston Diagnostic 398 E Altamonte Springs	1083691463	02/02/2010	FL	

Facility Name	Provider Number	Date Approved	State	Other Information
Altamonte SpringS FL 32701				
Gerald Champion Regional Medical Center 2669 N. Scenic Dr. Alamogordo NM 88310	320004	02/02/2010	NM	
Metro South Imaging Center 12935 South Gregory Blue Island IL 60406	1700812294	02/02/2010	IL	
Christus St. Elizabeth 2830 Calder Street Beaumont TX 77702	450034	02/02/2010	TX	
Central DuPage Hospital 25 N Winfield Rd Winfield IL 60190	1003864810	02/02/2010	IL	
Gulf Coast MRI & Diagnostic 5233 Fairmont Parkway, Suite A Pasadena TX 77505	1609823822	02/02/2010	TX	
Desert Regional Medical Center, Pet/Ct 1180 N. Indian Canyon Drive #E-155 Palm Springs CA 92262	1104856095	02/02/2010	CA	
Advanced Imaging@Community Medical Center, LLC 2803 South Avenue West Missoula MT 59804	1164437943	02/02/2010	MT	
Menorah Medical Center 5721 West 119th Street Overland Park KS 66209	170182	02/02/2010	KS	Oncology Services
Northwest Imaging Center 4383 Medical Drive, Ste 150 San Antonio TX 78229	00867N	02/02/2010	TX	
Dayton Physicians, LLC. 9000 N. Main St. Dayton OH 45415	1902844947	02/02/2010	OH	
Mercy Medical Center – Dubuque 250 Mercy Drive Dubuque IA 52001	1659348506	02/02/2010	IA	
DORAL Diagnostic Center 8881 NW 18th Terrace Miami FL 33172	K7806	02/02/2010	FL	
Maple Grove Fairview 14500 99th Ave North Maple Grove MN 55369	1841315165	02/02/2010	MN	
NSMS - Ste. Genevieve, MO US Hwy 61 & 32 Ste. Genevieve MO 63670	1295785079	02/02/2010	MO	
Floyd Memorial Hospital and Health Services 2210 Green Valley Rd New Albany IN 47150	1497798847	02/02/2010	IN	
NSMS - Lebanon, MO 100 Hospital Drive Lebanon MO 65536	1295785079	02/02/2010	MO	
Inova Alexandria Hospital 4320 Seminary Road Alexandria VA 22304	490040	02/02/2010	VA	Radiology
Medical Doctors Imaging, Inc. 2020 Court Street Redding CA 96001	1235161480	02/02/2010	CA	
Hancock Regional Hospital 801 North State St Greenfield IN 46140	1952559163	02/02/2010	IN	
Calvert Medical Imaging Center (CMIC) 130 Hospital Drive Suite LL 100 Prince Frederick MD 20678	1629235312	02/02/2010	MD	
NSMS - Clay Center, KS 617 Liberty Street Clay Center KS 67432	1295785079	02/02/2010	KS	
Alliance HealthCare Services Inc 1401 West 5th Street Sheridan WY 82801	1134303845	02/02/2010	WY	
NUSCAN 101 Consolidated Medical Plaza Caguas PR 725	1275630527	02/02/2010	PR	201 Ave Gautier Benitez

Facility Name	Provider Number	Date Approved	State	Other Information
Delta County Memorial Hospital 1501 East 3rd Street Delta CO 81416	1417935446	02/02/2010	CO	
Bozeman Deaconess Hospital 915 Highland Blvd Bozeman MT 59715	1720079619	02/02/2010	MT	
Bradford Regional Medical Center 116 Interstate Parkway Bradford PA 16701	390118	02/02/2010	PA	
Gwinnett Medical Center 1000 Medical Center Blvd Lawrenceville GA 30045	1952340994	02/02/2010	GA	
Mankato Clinic 1421 Premier Drive Mankato MN 56001	1629044029	02/02/2010	MN	
Delray Medical Center 5352 Linton Boulevard Delray Beach FL 33484	100258	02/02/2010	FL	
Buffalo Hospital 303 Catlin Str, Radiology Buffalo MN 55313	240076	02/02/2010	MN	
Evergreen Radia Imaging Center 11521 N.E. 128th Street Suite 200 Kirkland WA 98034	AB39931	02/02/2010	WA	
Alliance Imaging - St. John's Medical Center 625 E Broadway Jackson WY 83001	W22619	02/02/2010	WY	
Clarion Hospital One Hospital Drive Clarion PA 16214	1265422901	02/04/2010	PA	
Exempla St. Joseph's Hospital 1835 Franklin St. Denver CO 80218	1417946021	02/04/2010	CO	
Olean General Hospital 515 Main St Olean NY 14760	1225083074	02/04/2010	NY	
Excel Medical Imaging 5626 Gulf Drive New Port Richey FL 34652	K5327	02/04/2010	FL	
Delnor Hospital (Imaging Dept) 300 Randall Rd Geneva IL 60134	1407859655	02/04/2010	IL	
Cancer Center of Pasco Pinellas 3000 US Hwy 19 Holiday FL 34691	1101019207	02/04/2010	FL	
Citrus Memorial Health Systems 131 S. Citrus Avenue Inverness FL 34452	592890430	02/04/2010	FL	
Ironwood Cancer & Research Centers 6111 E Arbor Ave Mesa/Chandler AZ 85206	Z70782	02/04/2010	AZ	695 S Dobson Rd
Cape Cod PET/CT Services, LLC 2 Jan Sebastian Drive Sandwich MA 02563	1407180847	02/04/2010	MA	
Mission Hospital 27700 Medical Center Road Mission Viejo CA 92691	1992752315	02/05/2010	CA	
MetroHealth 5900 Byron Center Ave SW Wyoming MI 49519	1619923919	02/05/2010	MI	
Ardmore PET Associates, LLC 908 North Rockford Rd, Ste C Ardmore OK 73401	1447585302	02/05/2010	OK	
Baptist Medical Center PET*CT 800 Prudential drive Jacksonville FL32221	15786220449	02/05/2010	FL	
Johnston Medical Center 509 N. Bright Leaf Blvd. Smithfield NC 27577	1619911104	02/05/2010	NC	
El Camino Hospital	943167314	02/05/2010	CA	

Facility Name	Provider Number	Date Approved	State	Other Information
2500 Grant Road Mountain View CA 95040				
NSMS - Carthage, MO 3125 Drive Russell Smith Way Carthage MO 64836	1295785079	02/05/2010	MO	
Gulfcoast Cancer Center 100 Highland Ave Ne Largo FL 33770	1225019649	02/05/2010	FL	
Elite Advanced 17260 Bear Valley Rd Victorville CA 92395	777236167	02/05/2010	CA	
Mountainside Hospital 1 Bay Avenue Montclair NJ 07042	310054	02/05/2010	NJ	
Orange Coast Memorial Imaging Center 9920 Talbert Avenue Fountain Valley CA 92708	50678	02/05/2010	CA	
NYOH Mobile PET/CT Imaging Saratoga 377 Church St Saratoga Springs NY 12866	1609863448	02/05/2010	NY	
Compassionate Cancer Care Radiation Diagnostic Grp 260 E. Ontario Avenue, Suite #101 Corona CA 92879	1720073935	02/05/2010	CA	
Athens Cancer Center 75 Hospital Dr., Suite 170 Athens OH 45701	203145500	05/02/2010	OH	

ADDENDUM XIII: Medicare-Approved Ventricular Assist Device (Destination Therapy) Facilities (October Through December 2010)

On October 1, 2003, we issued our decision memorandum on ventricular assist devices (VADs) for the clinical indication of destination therapy. We determined that VADs used as destination therapy are reasonable and necessary only if performed in facilities that have been determined to have the experience and infrastructure to ensure optimal patient outcomes. We established facility standards and an application process. All facilities were required to meet our standards in order to receive coverage for VADs implanted as destination therapy.

VAD Destination Therapy Facilities

The following facilities have met the CMS facility standards for destination therapy VADs during this quarter. You can access the full list at *http://www.cms.gov/MedicareApprovedFacilitie/VAD/list.asp#TopOfPage.*

Facility	Provider Number	Date Approved	State	Other Information
Presbyterian Medical Center of the UPHS 39th and Market Street Philadelphia, PA 19104	390223	10/11/10	PA	Joint Commission certified on 10/11/10.
Tacoma General – Allenmore Hospital 315 Martin Luther King Jr. Way Tacoma, WA 98405	500129	11/4/10	WA	Joint Commission certified on 11/4/10.
Abbott Northwestern Hospital 800 East 38th Street Minneapolis, MN 55407	240057	11/17/10	MN	Joint Commission certified on 11/17/10.

ADDENDUM XIV: Lung Volume Reduction Surgery (LVRS) (October Through December 2010)

The following three types of facilities are eligible for reimbursement for Lung Volume Reduction Surgery (LVRS):

- National Emphysema Treatment Trial (NETT) approved (Beginning 05/07/2007, these will no longer automatically qualify and can qualify only with the other programs);
- Credentialed by the Joint Commission (formerly, the Joint Commision on Accreditation of Healthcare Organizations (JCAHO)) under their Disease Specific Certification Program for LVRS; and
- Medicare approved for lung transplants.

Only the first two types are in the list. You can access the full list of facilities at *http://www.cms.gov/MedicareApprovedFacilitie/LVRS/list.asp#TopOfPage.*

Facility Name	Date Approved	State	Type of Certification
Baylor College of Medicine Houston, Texas	N/A	TX	NETT
Brigham and Women's Hospital Boston, MA	N/A	MA	NETT
Cedars-Sinai Medical Center Los Angeles, CA	N/A	CA	NETT
Chapman Medical Center Orange, CA	N/A	CA	NETT
Cleveland Clinic Foundation Cleveland, OH	N/A	OH	NETT
Columbia University New York, NY	N/A	NY	NETT
Duke University Medical Center Durham, NC	N/A	NC	NETT
Johns Hopkins Hospital Baltimore, MD	N/A	MD	NETT
Kaiser Foundation Hospital – Riverside Riverside, CA	11/01/2008	CA	JCAHO
Long Island Jewish Medical Center New Hyde Park, NY	N/A	NY	NETT
Mayo Clinic Rochester, MN	N/A	MN	NETT
Memorial Medical Center Springfield, IL	12/13/2006	IL	JCAHO
National Jewish Medical Center Denver, CO	N/A	CO	NETT
The Ohio State University Hospital Columbus, OH	N/A	OH	JCAHO
Ohio State University Medical Center Columbus, OH	N/A	OH	NETT
Saint Louis University Saint Louis, MO	N/A	MO	NETT
Temple University Hospital Philadelphia, PA	08/23/2008	PA	JCAHO
UCLA Medical Center Los Angeles, CA	N/A	CA	NETT
University of California, San Diego San Diego, CA	N/A	CA	NETT
University of Maryland Medical Center Baltimore, MD	N/A	MD	NETT
University of Michigan Medical Center Ann Arbor, MI	N/A	MI	JCAHO
University of Pennsylvania Philadelphia, PA	N/A	PA	NETT
University of Pittsburgh Pittsburgh, PA	N/A	PA	NETT
University of Washington Seattle, WA	N/A	WA	NETT
Washington University/Barnes Hospital Saint Louis, MO	N/A	MO	JCAHO
Allegheny General Hospital Pittsburgh, PA	04/23/2008	PA	JCAHO

ADDENDUM XV: Medicare-Approved Bariatric Surgery Facilities October Through December 2010

On February 21, 2006, we issued our decision memorandum on bariatric surgery procedures. We determined that bariatric surgical procedures are reasonable and necessary for Medicare beneficiaries who have a body-mass index (BMI) greater than or equal to 35, have at least one co-morbidity related to obesity and have been previously unsuccessful with medical treatment for obesity.

This decision also stipulated that covered bariatric surgery procedures are reasonable and necessary only when performed at facilities that are:

(1) Certified by the American College of Surgeons (ACS) as a Level 1 Bariatric Surgery Center (program standards and requirements in effect on February 15, 2006); or

(2) Certified by the American Society for Bariatric Surgery (ASBS) as a Bariatric Surgery Center of Excellence (BSCOE) (program standards and requirements in effect on February 15, 2006).

The following facilities have met our minimum facility standards for bariatric surgery and have been certified by American College of Surgeons (ACS) or American Society for Metabolic and Bariatric Surgery (ASMBS) during this quarter. You can access the full listing at *http://www.cms.gov/MedicareApprovedFacilitie/BSF/list.asp#TopOfPage.*

Facility Name	Provider Number	Date Approved	State	Other Information
The Following Facilities are New Listings for This Quarter				
JourneyLite of Cincinnati 10475 Reading Road Cincinnati, OH 45241	36C0001245	11/22/2010	OH	ASMBS
Beebe Medical Center 424 Savannah Road Lewes, DE 19958-0226	08-0007	11/22/2010	DE	ASMBS
Easton Hospital 250 South 21st Street Easton, PA 18042	390162	10/10/2007	PA	ASMBS—Returned to good standing 11/22/2010
Las Palmas Bariatric Center 3333 N. Mesa El Paso, TX 79902	450107	12/06/2010	TX	ASMBS
Southern Ocean Medical Center 1100 Route 72W Suite 303 Manahawkin, NJ 08050	310113	12/06/2010	NJ	ASMBS
Schneck Medical Center 411 West Tipton Seymour, IN 47274	150065	11/22/2010	IN	ASMBS
Swedish Medical Center 801 Broadway Suite 800 Seattle, WA 98122	500027	12/16/2010	WA	ASMBS
Northwest Weight Loss Surgery 125 130th Street SE Everett, WA 98208	50-C0001269 (Freestanding facility)	11/22/2010	WA	ASMBS
The Following Facilities are Deletions for This Quarter				
FirstHealth Moore Regional Hospital 155 Memorial Drive Pinehurst NC 27374	340115	08/29/2006	NC	ASMBS
Mason General Hospital 901 Mountain View Drive Shelton, WA 98584	501336	10/13/2006	WA	ASMBS

Facility Name	Provider Number	Date Approved	State	Other Information
Mercy Hospital Miami 3663 South Miami Avenue Miami, FL 33133	100061	02/24/2006	FL	ASMBS
Editorial Changes Were Made to the Facilities Listed Below				
Magee Womens Hospital of UPMC 3000 Halket Street Pittsburgh, PA 15213	390114	**11/06/2006**	PA	ASMBS
ValleyCare Health System 1111 East Stanley Boulevard Livermore, CA 94550	050283	**05/30/2007**	CA	ASMBS
Medcenter One, Inc. 300 North 7th Street Bismarck, ND 58501	350015	**12/13/2006**	ND	ASMBS
Gundersen Lutheran Medical Center 1900 South Avenue La Crosse, WI 54601	520087	**02/01/2007**	WI	ASMBS
St. Cloud Hospital 1406 Sixth Avenue, North St. Cloud, MN 56303	240036	**02/06/2007**	MN	ASMBS
Southwest Healthcare System **36485 Inland Valley Dr.** **Wildomar, California**	**PTAN – 050701** **NPI - 1245221050**	**02/24/2006**	CA	ASMBS
Ochsner Clinic Foundation 1514 Jefferson Highway New Orleans, LA 70121	190036	**02/01/2007**	LA	ASMBS
University Hospitals Case Medical Center 11100 Euclid Avenue Cleveland OH 44106	140119	**08/28/2006**	OH	ASMBS
Lahey Clinic Medical Center 41 Mall Road Burlington, MA 01805	220171 1558392563	06/22/2007	MA	ACS
Northside Hospital 1000 Johnson Ferry Road Atlanta, GA 30342	11-0161 1457396079	10/10/2007	GA	ASMBS
Westchester Medical Center 95 Grasslands Road Valhalla, NY 10595	W94181	04/07/2008	NY	ACS
South Texas Health System dba McAllen Heart Hospital **1102 West Trenton Road** **Edinburg, TX 78539-9105**	45-0119	04/09/2010	TX	ASMBS
Enloe Medical Center 251 Cohasset Road Chico, CA 95926	050039	**06/01/2007**	CA	ASMBS
MetroWest Medical Center, Leonard Morse Hospital 67 Union Street, Fair 4 Natick, Massachusetts 01760	**22-0175**	07/14/2010	MA	ASMBS
Durham Regional Hospital 3643 N. Roxboro Rd Durham, NC 27704	340155	**01/13/06**	NC	ASMBS
Minimally Invasive Surgery Hospital 11217 Lakeview Avenue Lenexa, KS 66219	**170199**	06/25/2007	KS	ASMBS
St. Mark's Hospital 1200 East 3900 South Salt Lake City, UT 84124	**460047**	04/26/2007	UT	ASMBS
Providence Memorial Hospital 2001 North Oregon El Paso TX 79902	450002	**5/30/2006**	TX	ASMBS
Park Plaza Hospital 1313 Hermann Drive Houston, TX 77004	450659	**12/13/2006**	TX	ASMBS
Des Peres Hospital 2345 Dougherty Ferry Road St. Louis, MO 63122	**26-0176**	06/05/2009	MO	ASMBS
Hospital of the University of Pennsylvania 3400 Spruce Street, 4 Silverstein Philadelphia PA 19104	231352686	**6/19/2006**	PA	ASMBS

Facility Name	Provider Number	Date Approved	State	Other Information
California Foundation for Health 1401 Garces Highway Delano CA 93215	050608	07/10/2007	CA	dba Delano Regional Medical Center; ASMBS
Winchester Hospital 41 Highland Avenue Winchester, MA 01890	220105	**5/29/2007**	MA	ASMBS
South Jersey Healthcare - Regional Medical Center 1505 West Sherman Avenue Vineland, NJ 08360	310032	**11/6/2006**	NJ	ASMBS
John T. Mather Memorial Hospital 75 North Country Road Port Jefferson, NY 11777	JTM 33-0185	10/10/2007	NY	ASMBS
Peninsula Regional Medical Center 100 East Carroll Street Salisbury, MD 21801	210019	**5/31/2007**	MD	ASMBS
Munroe Regional Medical Center 1500 Southwest 1st Avenue Ocala, FL 34471	100062	**5/31/2007**	FL	ASMBS
Penn State Milton S. Hershey Medical Center 500 University Drive Hershey, PA 17033	390256	**1/8/2007**	PA	ASMBS
United Hospital 333 North Smith Avenue MS 60234 Saint Paul, MN 55102	**24-0038**	02/24/2006	MN	ASMBS
Pitt County Memorial Hospital 2100 Stantonsburg Road Greenville, NC 27835	340040	**02/12/2007**	NC	ASMBS
Maimonides Medical Center 948 48th Street, 2nd floor Brooklyn NY 11219	33-0194	07/10/2007	NY	ASMBS
Methodist Texsan Hospital, a Methodist Hospital facility6700 IH 10 West San Antonio, TX 78201-2009	**45-0388**	**04/09/2010**	TX	ASMBS
St. Anthony's Hospital **2807 Little York Road** **Dallas, TX 75224**	**450795**	**03/18/2009**	TX	ASMBS
Baylor Medical Center at Carrollton 4343 N. Josey Lane Carrollton, TX 75010	45-0730	07/30/2007	TX	ASMBS

ADDENDUM XVI: FDG–PET for Dementia and Neurodegenerative Diseases Clinical Trials (October Through December 2010)

In a National Coverage Determination for fluorodeoxyglucose positron emission tomography (FDG–PET) for Dementia and Neurodegenerative Diseases (220.6.13), we indicated that an FDG–PET scan is considered reasonable and necessary in patients with mild cognitive impairment or early dementia only in the context of an approved clinical trial that contains patient safeguards and protections to ensure proper administration, use, and evaluation of the FDG–PET scan. You can access the full listing at *http://www.cms.gov/Medicare ApprovedFacilitie/PETDT/list.asp#TopOfPage.*

Facility Name	Provider Number	Date Approved	State	Name of Trial	Principal Investigator
UCLA Medical Center 10833 Le Conte Avenue Los Angeles, CA 90095	HW13029	06/07/2006	CA	Early and Long-Term Value of Imaging Brain Metabolism	Dr. Daniel Silverman
Santa Monica-UCLA Medical Center 1245 16th Street Suite 105 Santa Monica, CA 90404	W11817A	01/12/2007	CA	N/A	N/A
University of Buffalo 3435 Main Street Buffalo, NY 14214	14414A	03/12/2007	NY	Metabolic Cerebral Imaging in Incipient Dementia (MCI-ID)	Dr. Daniel Silverman
Center for Alzheimer's Care, Imaging and Research (University of Utah) 650 Komas Drive Suite 106-A Salt Lake City, UT 84108	460009	02/17/2009	UT	Metabolic Cerebral Imaging in Incipient Dementia (MCI-ID)	Norman Foster, M.D.
Medical University of South Carolina 169 Ashley Avenue PO Box 250322 Charleston, SC 29425	1073605879	02/17/2009	SC	N/A	Kenneth Spicer
Cedars-Sinai Medical Center 8700 Beverly Boulevard Nuc Suite 1239 Los Angeles, CA 90048	951644600	10/09/2009	CA	"Early and Long-term Value of Imaging Brain Metabolism"	Dr. Alan Waxman

[FR Doc. 2011–7373 Filed 3–30–11; 8:45 am]
BILLING CODE 4120–01–C

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2011–N–0151]

Withdrawal of Approval of New Animal Drug Applications; Chorionic Gonadotropin; Cuprimyxin; Diethylcarbamazine; Levamisole; Nitrofurazone; Phenylbutazone; Pyrantel; Tylosin; Tylosin and Sulfamethazine

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing approval of 13 new animal drug applications (NADAs). In a final rule published elsewhere in this issue of the **Federal Register**, FDA is amending the regulations to remove portions reflecting approval of these NADAs.

DATES: Withdrawal of approval is effective April 11, 2011.

FOR FURTHER INFORMATION CONTACT: John Bartkowiak, Center for Veterinary Medicine (HFV–212), Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855, 240–276–9079, e-mail: *john.bartkowiak@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: The sponsors of the 13 approved NADAs listed in table 1 have requested that FDA withdraw approval because the products are no longer manufactured or marketed.

TABLE 1—VOLUNTARY REQUESTS FOR WITHDRAWAL OF APPROVAL OF 13 NADAS

Sponsor	NADA No. Product (Established Name of Drug)	21 CFR Section Affected (Sponsor's Drug Labeler Code)
Roche Vitamins, Inc., 45 Waterview Blvd., Parsippany, NJ 07054–1298.	NADA 093–029 UNITOP Cream (cuprimyxin)	524.520 (063238)
Quali-Tech Products, Inc., 318 Lake Hazeltine Dr., Chaska, MN 55318.	NADA 097–981 TYLAN 40 Sulfa-G Premix (tylosin phosphate/sulfamethazine)	558.630 (016968)
Abraxis Pharmaceutical Products, Division of Abraxis Bioscience, 6133 River Rd., suite 500, Rosemont, IL 60018.	NADA 100–840 Chorionic Gonadotropin for Injection (chorionic gonadotropin)	522.1081 (063323)
Furst-McNess Co., Freeport, IL 61032	NADA 100–991 McNess Custom Premix L200 (tylosin phosphate)	558.625 (010439)
Fort Dodge Animal Health, Division of Wyeth Holdings, a wholly owned subsidiary of Pfizer, Inc., 235 East 42d St., New York, NY 10017.	NADA 101–079 TRAMISOL–10% Pig Wormer (levamisole)	Not codified (000856)
Waterloo Mills Co., 2050 Mitchell Ave., Waterloo, IA 50704.	NADA 101–905 Mill Co-Medicator TY–10 (tylosin phosphate)	558.625 (017139)
Waterloo Mills Co., 2050 Mitchell Ave., Waterloo, IA 50704.	NADA 101–906 Mill Co-Medicator TS–40 Premix (tylosin phosphate/sulfamethazine)	558.630 (017139)
Pegasus Laboratories, Inc., 8809 Ely Rd., Pensacola, FL 32514.	NADA 102–824 Phenylbutazone Tablets (phenylbutazone)	520.1720a (055246)
Wendt Laboratories, Inc., 100 Nancy Dr., Belle Plaine, MN 56011.	NADA 108–487 DEC Tabs (diethylcarbamazine citrate)	520.622a (015579)
Wendt Laboratories, Inc., 100 Nancy Dr., Belle Plaine, MN 56011.	NADA 108–863 DEC Chewable Tabs (diethylcarbamazine citrate)	520.622c (015579)
Furst-McNess Co., Freeport, IL 61032	NADA 140–820 TYLAN 40 Sulfa-G Premix (tylosin phosphate/sulfamethazine)	558.630 (010439)
Furst-McNess Co., Freeport, IL 61032	NADA 140–825 BANMINTH Intermediate Premix (pyrantel tartrate)	558.485 (010439)
Hess & Clark, Inc., 944 Nandino Blvd., Lexington, KY 40511.	NADA 140–910 NFZ Wound Powder (nitrofurazone)	524.1580c (050749)

Therefore, under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, and in accordance with § 514.116 *Notice of withdrawal of approval of application* (21 CFR 514.116), notice is given that approval of NADAs 93–029, 97–981, 100–840, 100–991, 101–079, 101–905, 101–906, 102–824, 108–487, 108–863, 140–820, 140–825, and 140–910, and all supplements and amendments thereto, is hereby withdrawn, effective April 11, 2011.

In a final rule published elsewhere in this issue of the **Federal Register,** FDA is amending the animal drug regulations to reflect the withdrawal of approval of these NADAs.

Dated: March 25, 2011.

Leslie Kux,

Acting Assistant Commissioner for Policy.

[FR Doc. 2011–7558 Filed 3–30–11; 8:45 am]

BILLING CODE 4160–01–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: Epidemiology.

Date: April 18, 2011.

Time: 2 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Denise Wiesch, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3150, MSC 7770, Bethesda, MD 20892, (301) 435–0684, *wieschd@csr.nih.gov.*

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: Hematology and Endothelial Biology.

Date: April 20–21, 2011.

Time: 8 a.m. to 7 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Ai-Ping Zou, MD, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4118, MSC 7814, Bethesda, MD 20892, 301–435–1777, *zouai@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Endocrinology and Metabolism.

Date: April 25, 2011.

Time: 11 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: 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: Bioengineering Sciences & Technologies Integrated Review Group; Biomaterials and Biointerfaces Study Section.

Date: April 27–28, 2011.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: InterContinental Chicago Magnificent Mile, 505 N. Michigan Avenue, Chicago, IL 60611.

Contact Person: Steven J Zullo, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5146, MSC 7849, Bethesda, MD 20892, 301–435–2810, *zullost@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: March 25, 2011.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2011–7617 Filed 3–30–11; 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 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 of Allergy and Infectious Diseases Special Emphasis Panel; DAIDS Clinical Trial Planning and Implementation Grants.

Date: April 26, 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: Erica L. Brown, PhD, Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institutes of Health/NIAID, 6700B Rockledge Drive, MSC 7616, Bethesda, MD 20892–7616, 301–451–2639, *ebrown@niaid.nih.gov*

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; Next Generation PrEP.

Date: April 29, 2011.

Time: 1:30 p.m. to 4:30 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: Roberta Binder, PhD, Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, NIAID/NIH/DHHS, 6700B Rockledge Drive, Room 3130, Bethesda, MD 20892–7616, 301–496–7966, *rbinder@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: March 25, 2011.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2011–7644 Filed 3–30–11; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health & Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The 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 Child Health and Human Development Special Emphasis Panel; Gene Therapy For Metabolic Disorders.

Date: April 26, 2011.

Time: 2 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6100 Executive Boulevard, Rockville, MD 20852 (Telephone Conference).

Contact Person: Peter Zelazowski, PhD, Scientific Review Officer, Division of Scientific Review, Eunice Kennedy Shriver National Institute of Child Health and Human Development, NIH, 6100 Executive Blvd., Room 5B01, Bethesda, MD 20892, 301–435–6902, *peter.zelazowski@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: March 24, 2011.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2011–7643 Filed 3–30–11; 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: Behavioral Social Science to HIV/AIDS.

Date: April 5–6, 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: Robert Freund, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3200, MSC 7848, Bethesda, MD 20892, 301–435–1050, *freundr@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; Small Business: AIDS/HIV Innovative Research Applications.

Date: April 7, 2011.

Time: 10 a.m. to 11:59 a.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Mark P. Rubert, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5218, MSC 7852, Bethesda, MD 20892, 301–435–1775, *rubertm@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; Collaborative: PAR 09–153 Clinical and Services Studies of Mental Disorders, AIDS and Alcohol Use Disorders.

Date: April 7, 2011.

Time: 12 p.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: Mark P. Rubert, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5218, MSC 7852, Bethesda, MD 20892, 301–435–1775, *rubertm@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: March 25, 2011.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2011–7641 Filed 3–30–11; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; NIDDK Seeding R24 Applications on Collaborative Team Science in Diabetes.

Date: May 10, 2011.

Time: 2 p.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Najma Begum, PhD, Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 749, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–8894, *begumn@niddk.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: March 25, 2011.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2011–7639 Filed 3–30–11; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The 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 Aging Special Emphasis Panel; Drug Development for Alzheimer's Disease.

Date: April 28, 2011.

Time: 11 a.m. to 12 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Suite 2C212, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Alexander Parsadanian, PhD, Scientific Review Officer, National Institute on Aging, Gateway Building 2c/212, 7201 Wisconsin Avenue, Bethesda, MD 20892, 301–496–9666, *parsadaniana@nia.nih.gov.*

(Catalogue of Federal Domestic Assistance Program No. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: March 25, 2011.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2011–7635 Filed 3–30–11; 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; Genetic Susceptibility to Lung Cancer in Families from Southern Louisiana.

Date: April 4, 2011.

Time: 12 p.m. to 1:30 p.m.

Agenda: To review and evaluate contract proposals.

Place: NHGRI Office, 5635 Fishers Lane, Suite 4076, Rockville, MD 20852.

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.*

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. 93.172, Human Genome Research, National Institutes of Health, HHS)

Dated: March 25, 2011.

Jennifer S. Spaeth

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2011–7625 Filed 3–30–11; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer 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 grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Initial Review Group; Subcommittee A—Cancer Centers.

Date: May 5–6, 2011.

Time: 8 a.m. to 12 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Hotel Bethesda (Formerly Holiday Inn Select), 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Gail J Bryant, MD, Medical Officer, Resources and Training Review Branch, Division of Extramural Activities, National Cancer Institute, 6116 Executive Blvd, Room 8107, MSC 8328, Bethesda, MD 20892–8328, (301) 402–0801, *gb30t@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: March 25, 2011.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2011–7637 Filed 3–30–11; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel; Comprehensive Partnerships to Reduce Cancer Health Disparities.

Date: June 2–3, 2011.

Time: 8 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: Gerald G. Lovinger, PhD, Scientific Review Administrator, Special Review and Logistics Branch, Division of Extramural Activities, National Cancer Institute, 6116 Executive Blvd., Room 8101, Bethesda, MD 20892–8329, 301/496–7987. *lovingeg@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; Innovative Emerging Molecular Analysis Technologies.

Date: June 2–3, 2011.

Time: 8 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Hotel Bethesda, (Formerly Holiday Inn Select), 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Donald L. Coppock, PhD, Scientific Review Officer, Scientific Review and Logistic Branch, Division of Extramural Activities, NCI, National Institutes of Health, 6116 Executive Blvd., Rm 7151, Bethesda,

MD 20892, 301–451–9385, *donald.coppock@nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; Advanced in Vivo Imaging to Understand Cancer Systems.

Date: June 13–14, 2011.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Gaithersburg Hilton, 620 Perry Parkway, Gaithersburg, MD 20877.

Contact Person: Kenneth L. Bielat, PhD, Scientific Review Officer, Special Review Logistics Branch, Division of Extramural Activities, National Cancer Institute, 6116 Executive Boulevard, Room 7147, Bethesda, MD 20892–8329, 301–496–7576, *bielatk@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; Quantitative Imaging for Evaluation of Responses to Cancer Therapies.

Date: June 17, 2011.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Gaithersburg Hilton, 620 Perry Parkway, Gaithersburg, MD 20877.

Contact Person: Kenneth L. Bielat, PhD, Scientific Review Officer, Special Review Logistics Branch, Division of Extramural Activities, National Cancer Institute, 6116 Executive Boulevard, Room 7147, Bethesda, MD 20892–8329, 301–496–7576, *bielatk@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; Cancer Diagnostic and Therapeutic Agents Enabled by Nanotechnology.

Date: July 12–13, 2011.

Time: 8 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, MD 20814.

Contact Person: Savvas C. Makrides, PhD, Scientific Review Officer, Special Review and Logistics Branch, Division of Extramural Activities, National Cancer Institute, NIH, 6116 Executive Blvd., Rm 8050a, Bethesda, MD 20892, 301–496–7421, *makridessc@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393,Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: March 25, 2011.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2011–7634 Filed 3–30–11; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 concerning opportunity for public comment on proposed collections of information, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the information collection plans, call the SAMHSA Reports Clearance Officer on (240) 276–1243.

Comments are invited on: (a) Whether the proposed collections of information are necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Project: Addiction Technology Transfer Centers (ATTC) National Workforce Data Collection

The ATTC Network, a nationwide, multidisciplinary resource that draws upon the knowledge, experience and latest research of recognized experts in the field of addictions and behavioral health, is a unique CSAT initiative formed in 1993 in response to a shortage of well-trained addiction and behavioral health professionals in the public sector. The ATTC Network works to enhance the knowledge, skills and aptitudes of the addiction/behavioral health treatment and recovery services workforce by disseminating current health services research from the National Institute on Drug Abuse, National Institute on Alcohol Abuse and Alcoholism, National Institute of Mental Health, Agency for Health Care Policy and Research, National Institute of Justice, and other sources, as well as other SAMHSA programs. To accomplish this, the ATTC Network (1) develops and updates state-of-the-art research based curricula and professional development training, (2) coordinates and facilitates meetings between Single State Authorities, Provider Associations and other key stakeholders, and (3) provides ongoing technical assistance to individuals and organizations at the local, regional and national levels.

In response to the emerging shortages of qualified addiction treatment and recovery services professionals, SAMHSA/CSAT instructed the ATTC National Office to lead the ATTC Network in the development and implementation of a national addiction treatment workforce data collection effort of those individuals who work in substance use specialty treatment services. The purpose of this survey and data collection is to gather information to guide the formation of effective national, regional, state, and organizational policies and strategies aimed at successfully recruiting and retaining a sufficient number of adequately prepared providers who are able to respond to the growing needs of those affected by substance use and mental health disorders; including co-occurring disorders and trauma. This data collection will offer a unique perspective on the clinical treatment field so that CSAT and the ATTC Network can better understand current successful strategies and methodologies being used in the workforce and develop appropriate training for emerging trends in the field.

Although SAMHSA/CSAT is the primary target audience for data collection findings, it is expected that the data collected and resulting reports will also be useful to the ATTC Network, as well as to Single State Agencies, provider organizations, professional organizations, training and education entities, and individuals in the workforce.

Overview of Data Collection and Purposes

Data will be collected from two main sources: 1. A random sample of clinical directors or a designated direct care supervisor from facilities listed in the I–SATS database. 2. A national sample of clinical directors and key thought leaders, identified by CSAT in conjunction with the ATTC network, in the substance use disorders treatment field. Respondents will be asked to participate in at least one of three (3) distinct methods. They are:

- A web-based Clinical Director Survey (also available in paper format)
- On-line Focus Groups
- Key Informant Telephone Interviews

In addition to this original data collection, existing national data sets

will also be utilized. Such data systems will include:

- Census 2000 datasets
- National Survey of Substance Abuse Treatment Services (N–SSATS)
- SAMHSA Treatment Gap Projection Analysis
- Treatment Episode Data
- Bureau of Labor datasets such as Current Employment Statistics
- Annapolis Coalition Data

Clinical Director Survey: The Clinical Director Survey asks 57 questions of the clinical director or a designated direct care supervisor (direct care refers to staff members who spend a majority of their time providing clinical care for clients with substance use and/or co-occurring disorders as their primary diagnosis). For the purpose of this survey, the clinical director is defined as the person whose role it is to oversee direct clinical service delivery for this facility. The instrument asks respondents to report demographic information about both themselves and the direct care staff they supervise, information about the facility at which they currently work, as well as information about their job satisfaction, recruitment and retention strategies, clinician training and preparation, and staff turnover.

On-Line Focus Groups: On-line Focus Groups will be utilized to gather qualitative data from two sources: 1. Clinical supervisors and/or direct care staff in leadership positions; 2. Thought leaders in addiction/behavioral health treatment to include Single State Authorities (SSAs), addiction treatment agency directors, academics, and policy makers. An on-line platform, IdeaScale.com will be used to gather qualitative data about future trends in substance use and co-occurring disorders and trauma treatment. IdeaScale will also be used to gather information from clinical supervisors and direct care staff on effective and creative staff development, recruitment, and retention strategies being used by the agency for which they work. These ideas will be posted for this community of invited participants to comment on and discuss; thus allowing a national audience to participate in this on-line focus group.

Key Informant Telephone Interviews: Based on participation in the on-line focus groups, a minimum of 40 IdeaScale respondents will be selected for telephone interviews. The purpose of these interviews is to enrich understanding surrounding current and future trends in substance use and co-occurring disorders and trauma treatment as well as effective workforce development, recruitment, and retention strategies. An interview script has been developed to guide the question formation for the interviews.

Overview of Questions Related to Data Collection

The objectives of the national addiction treatment workforce data collection effort are to understand the national demographics of the current workforce and how this differs across regions and states, in addition to exploring issues related to workforce development: 1. Staff training, recruitment and retention; 2. Professional development; and 3. Support for strategies and methodologies to prepare, recruit, retain, and sustain the workforce. To accomplish these objectives, CSAT outlined three primary questions to be addressed by the workforce data collection:

1. What are the basic demographics of the workforce?

For the purposes of the ATTC data collection effort, this means that we will comprehensively describe the workforce comprised of direct care staff, clinical supervisors, and administrators in agencies represented in the Inventory of Substance Abuse Treatment Services (I–SATS).

2. What are the anticipated workforce development needs for 2011–2016?

For the purposes of this data collection, the ATTC Network will identify the growth and capacity-building needs over the next five years of direct care staff, clinical supervisors, and administrators in agencies represented in the I–SATS registry.

3. What are the common strategies and methodologies to prepare, retain, and maintain the workforce?

Identification of potentially effective strategies used to prepare and recruit individuals to enter the workforce (as previously defined), and encourage them to remain in the workforce and stay current on clinical and other job related skills (*e.g.,* evidence based practices).

This will be the first national survey of the substance use disorders treatment workforce. The quantitative survey and the qualitative interviews and analysis will be used to provide a snapshot of the current state of the addiction treatment workforce as it relates to demographics, workforce development needs, and retention and maintenance of a strong workforce. These data will provide national benchmark data that can be used to inform ongoing policy and practice.

Information collected from this workforce data collection will help CSAT and the ATTC Network to better understand the needs of the workforce and categorize some best practices for providing support to the field now and in the future. Emerging trends in addiction and/or co-occurring and trauma treatment and the existence of mental health problems in substance use disorder treatment and recovery services will be identified and shared with those in the addiction/behavioral health treatment field so appropriate training and funding can be allocated. The information from this data collection will also help CSAT identify areas where deficiencies in substance use and/or co-occurring disorder and trauma treatment exist and provide assistance to regions (and states) to help them develop and adopt strategies for addressing this.

The chart below summarizes the annualized burden for this project.

Type of Respondent	Number of Respondents	Responses per Respondent	Hours per Response	Total Annual Burden Hours
Clinical directors or supervisors Web-based survey	569	1	.66	376
Clinical directors or supervisors On-line focus groups	450	1	.5	225
Clinical directors or supervisors Telephone interviews	20	1	.5	10
Thought leaders On-line focus groups	250	1	.5	125
Thought leaders Telephone interviews	20	1	.5	10
TOTAL	**1109**			**746**

Proposed Project

Send comments to Summer King, SAMHSA Reports Clearance Officer, Room 8–1099, One Choke Cherry Road, Rockville, MD 20857 and e-mail a copy to *summer.king@samhsa.hhs.gov.* Written comments should be received within 60 days of this notice.

Dated: March 23, 2011.

Elaine Parry,

Director, Office of Management, Technology and Operations.

[FR Doc. 2011–7577 Filed 3–30–11; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS–2011–0010]

Infrastructure Protection Data Call Survey

AGENCY: National Protection and Programs Directorate, DHS.

ACTION: 60-Day Notice and request for comments; New Information Collection Request: 1670–NEW.

SUMMARY: The Department of Homeland Security (DHS), National Protection and Programs Directorate (NPPD), Office of Infrastructure Protection (IP), will submit the following Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35).

DATES: Comments are encouraged and will be accepted until May 31, 2011. This process is conducted in accordance with 5 CFR 1320.1

ADDRESSES: Written comments and questions about this Information Collection Request should be forwarded to DHS/NPPD/IP, 245 Murray Lane, SW., Mail Stop 0602, Arlington, VA 20598–0602. E-mailed requests should go to Cristiena Galeckas at *cristiena.galeckas@dhs.gov.* Written comments should reach the contact person listed no later than May 31, 2011. Comments must be identified by DHS–2011–0010 and may be submitted by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.*
- *E-mail: cristiena.galeckas@dhs.gov.* Include the docket number in the subject line of the message.

Instructions: All submissions received must include the words "Department of Homeland Security" and the docket number for this action. Comments received will be posted without alteration at *http://www.regulations.gov*, including any personal information provided.

SUPPLEMENTARY INFORMATION:

The Homeland Security Act of 2002 assigns DHS the responsibility to lead the national effort to identify, prioritize, and assess the nature and scope of threats to the United States and develop a comprehensive national plan for securing the Nation's critical infrastructure and key resources (CIKR). At DHS, this responsibility is managed by IP within NPPD. In Fiscal Year 2006, IP engaged in the annual development of a list of CIKR assets and systems to improve IP's CIKR prioritization efforts; this list is called the Critical Infrastructure List. The Critical Infrastructure List includes assets and systems that, if destroyed, damaged or otherwise compromised, could result in significant consequences on a regional or national scale.

The IP Data Call is administered out of the IP Infrastructure Information Collection Division (IICD). The IP Data Call provides opportunities for states and territories to collaborate with DHS and its Federal partners in CIKR protection. DHS, state, and territorial Homeland Security Advisors (HSA), Sector Specific Agencies (SSA), and territories build their CIKR data using

the IP Data Call application. To ensure that HSAs, SSAs, and territories are able to achieve this mission, IP requests opinions and information in a survey from IP Data Call participants regarding the IP Data Call process and the web-based application used to collect the CIKR data. The survey data collected is for internal IP/IICD use only.

IP/IICD will use the results of the IP Data Call Survey to determine levels of customer satisfaction with the IP Data Call process and the IP Data Call application and prioritize future improvements. The results will also allow IP to appropriate funds cost effectively based on user need, and improve the process and application.

OMB is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

Analysis

Agency: Department of Homeland Security, National Protection and Programs Directorate, Office of Infrastructure Protection.

Title: Infrastructure Protection Data Call.

OMB Number: 1670–NEW.

Frequency: On occasion.

Affected Public: Federal, state, local, tribal, or territorial government.

Number of Respondents: 558 respondents.

Estimated Time per Respondent: 15 minutes.

Total Burden Hours: 140 annual burden hours.

Total Burden Cost (capital/startup): $30,000.

Total Burden Cost (operating/maintaining): $25,513.

Dated: March 22, 2011.

David Epperson,

Chief Information Officer, National Protection and Programs Directorate, Department of Homeland Security.

[FR Doc. 2011–7593 Filed 3–30–11; 8:45 am]

BILLING CODE P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS–2011–0011]

Infrastructure Protection Data Call

AGENCY: National Protection and Programs Directorate, DHS.

ACTION: 60-day notice and request for comments; New Information Collection Request: 1670–NEW.

SUMMARY: The Department of Homeland Security (DHS), National Protection and Programs Directorate (NPPD), Office of Infrastructure Protection (IP), will submit the following Information Collection Request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35).

DATES: Comments are encouraged and will be accepted until May 31, 2011. This process is conducted in accordance with 5 CFR 1320.1

ADDRESSES: Written comments and questions about this Information Collection Request should be forwarded to DHS/NPPD/IP, 245 Murray Lane, SW., Mail Stop 0602, Arlington, VA 20598–0602. E-mailed requests should be sent to Cristiena Galeckas at *cristiena.galeckas@dhs.gov.* Written comments should reach the contact person listed no later than May 31, 2011. Comments must be identified by DHS–2011–0011 and may be submitted by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.*
- *E-mail: cristiena.galeckas@dhs.gov.* Include the docket number in the subject line of the message.

Instructions: All submissions received must include the words "Department of Homeland Security" and the docket number for this action. Comments received will be posted without alteration at *http://www.regulations.gov*, including any personal information provided.

SUPPLEMENTARY INFORMATION: The Homeland Security Act of 2002 assigns DHS the responsibility to lead the national effort to identify, prioritize, and assess the nature and scope of threats to the United States and develop a comprehensive national plan for securing the Nation's critical infrastructure and key resources (CIKR). At DHS, this responsibility is managed by IP within NPPD. Beginning in Fiscal Year 2006, IP engaged in the annual development of a list of CIKR assets and systems to improve IP's CIKR prioritization efforts; this list is called the Critical Infrastructure List. The Critical Infrastructure List includes assets and systems that, if destroyed, damaged or otherwise compromised, could result in significant consequences on a regional or national scale. This list provides a common basis for DHS and its security partners during the undertaking of CIKR protective planning efforts to keep our Nation safe.

Collection of this information is directed and supported by Public Law 110–53 "Implementing Recommendations of the 9/11 Commission Act of 2007," August 3, 2007; and Homeland Security Presidential Directive (HSPD) 7, "Critical Infrastructure Identification, Prioritization, and Protection," December 17, 2003.

OMB is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

Analysis

Agency: Department of Homeland Security, National Protection and Programs Directorate, Infrastructure Protection.

Title: Infrastructure Protection Data Call.

OMB Number: 1670–NEW.

Frequency: On occasion.

Affected Public: Federal, state, local, tribal or territorial government.

Number of Respondents: 138 respondents.

Estimated Time per Respondent: 2 hours.

Total Burden Hours: 276 annual burden hours.

Total Burden Cost (capital/startup): $80,000.

Total Burden Cost (operating/maintaining): $34,430.

Dated: March 22, 2011.

David Epperson,

Chief Information Officer, National Protection and Programs Directorate, Department of Homeland Security.

[FR Doc. 2011–7597 Filed 3–30–11; 8:45 am]

BILLING CODE P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS–2011–0018]

Protected Critical Infrastructure Information (PCII) Stakeholder Survey

AGENCY: National Protection and Programs Directorate, DHS.

ACTION: 60-day notice and request for comments; New Information Collection Request: 1670–NEW.

SUMMARY: The Department of Homeland Security (DHS), National Protection and Programs Directorate (NPPD), Office of Infrastructure Protection (IP) will submit the following Information Collection Request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35).

DATES: Comments are encouraged and will be accepted until May 31, 2011. This process is conducted in accordance with 5 CFR 1320.1.

ADDRESSES: Written comments and questions about this Information Collection Request should be forwarded to DHS/NPPD/IP, Attn: Emily R. Hickey (*Emily.hickey@dhs.gov*). Written comments should reach the contact person listed no later than May 31, 2011. Comments must be identified by "DHS–2011–0018" and may be submitted by one of the following methods:

- Federal eRulemaking Portal: *http://www.regulations.gov.*
- E-mail: *emily.hickey@dhs.gov.* Include the docket number in the subject line of the message.

Instructions: All submissions received must include the words "Department of Homeland Security" and the docket number for this action. Comments received will be posted without alteration at *http://www.regulations.gov,* including any personal information provided.

SUPPLEMENTARY INFORMATION: The PCII Program was created by Congress under the Critical Infrastructure Information Act of 2002, (Sections 211–215, Title II, Subtitle B of the Homeland Security Act of 2002, Pub. L. 107–296 (CII Act) to encourage voluntary information sharing by owners and operators of critical infrastructure and protected systems. The PCII Program is implemented by 6 CFR part 29, Procedures for Handling Critical Infrastructure Information; Final Rule (the Regulation), which was issued in 2006. PCII refers to validated and marked critical infrastructure information not customarily in the public domain and related to the security of critical infrastructure or protected systems, which is voluntarily submitted to DHS for homeland security purposes. The PCII Program offers protection from public disclosure through the Freedom of Information Act, state and local sunshine laws, and civil litigation. The PCII Program is administered by IP's Infrastructure Information Collection Division (IICD).

The PCII Program helps government analysts, emergency responders, and other homeland security professionals access data about facilities and systems on which the Nation depends. The PCII Program is responsible for ensuring compliance with the regulation's uniform procedures for the handling, use, dissemination, and safeguarding of PCII. In this capacity, the PCII Program oversees a community of stakeholders, including submitters of CII, authorized users of PCII and accredited Federal, State and local entities with homeland security duties. This survey is designed to gather information from PCII Officers that can be used to improve these relationships and to maximize the value that the PCII Program is offering to its Federal, State, and local government users. Both the CII Act of 2002 and its implementing regulations stress the voluntary nature of the PCII Program, so collecting information that will assist in making the PCII Program attractive to its stakeholders will allow the PCII Program to better accomplish the statute's stated goals.

The data collected in this survey will be used by the PCII Program to improve relationships with stakeholders and maximize the value of the program. The survey data collected is for internal PCII Program and IP use only. The PCII Program will use the results of the Stakeholder Survey to determine levels of satisfaction with the PCII Program and identify areas that require additional communication, identify areas for improvement with the PCII Management System (PCIIMS), and help determine the future direction of the Program.

The survey is administered using a web-based survey tool, Vovici Enterprise Feedback Management (EFM). Automating the PCII Stakeholder Survey reduces the respondent burden of responding to a paper survey or a telephone interview. The staff burden of manually administering a survey and accurately collecting data is also reduced. Automation also captures participants' typed comments, eliminating time-consuming transcription and manual inaccuracies.

The PCII Stakeholder Survey does not collect personally identifiable information. The survey instrument states that the survey is voluntary and the information will be kept private or anonymous to the extent allowable by law. Data collected is for internal PCII Program and IP use only.

OMB is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected; and
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

Analysis

Agency: Department of Homeland Security, National Protection and Programs Directorate, Office of Infrastructure Protection.

Title: Protected Critical Infrastructure Information (PCII) Stakeholder Survey.

OMB Number: 1670–NEW.

Frequency: Annually.

Affected Public: Federal, State, local, tribal or territorial government.

Number of Respondents: 100 respondents.

Estimated Time Per Respondent: .1333 hours.

Total Burden Hours: 13.5 annual burden hours.

Total Burden Cost (capital/startup): $8,316.

Total Burden Cost (operating/maintaining): $0.

Dated: March 22, 2011.

David Epperson,

Chief Information Officer, National Protection and Programs Directorate, Department of Homeland Security.

[FR Doc. 2011–7595 Filed 3–30–11; 8:45 am]

BILLING CODE P

DEPARTMENT OF HOMELAND SECURITY

United States Immigration and Customs Enforcement

Agency Information Collection Activities: Revision of an Existing Information Collection; Comment Request

ACTION: 60-Day Notice of Information Collection for Review; Secure Communities IDENT/IAFIS Interoperability State and Local Agency Assessment; OMB Control No. 1653–0040.

The Department of Homeland Security, U.S. Immigration and Customs Enforcement (ICE), 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 May 31, 2011.

Written comments and suggestions regarding items contained in this notice, and especially with regard to the estimated public burden and associated response time should be directed to the Office of the Chief Financial Officer/OAA/Records Branch, U.S. Immigration and Customs Enforcement, 500 12th Street, SW., STOP 5705 Washington, DC 20536–5705.

Comments are encouraged and will be accepted for sixty days until May 31, 2011. Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* Revision of a currently approved information collection.

(2) *Title of the Form/Collection:* Secure Communities IDENT/IAFIS Interoperability State and Local Agency Assessment.

(3) *Agency form number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection:* Form 70–003, Form 70–004, Form 75–001 and Form 75–002; U.S. Immigration and Customs Enforcement.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: State and Local Correctional Facilities and Officials. 8 U.S.C. 1231(a) gives the Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement (ICE) authority to remove criminal aliens who have been ordered as such. DHS/ICE is improving community safety by transforming the way the Federal government cooperates with state and local law enforcement agencies to identify, detain, and remove all criminal aliens held in custody. Secure Communities revolutionizes immigration enforcement by using technology to share information between law enforcement agencies and applying risk-based methodologies to focus resources on assisting all local communities remove high-risk criminal aliens. In order for the Secure Communities Initiatives to meet its goals, ICE must collect detailed business requirements and input from its state and local law enforcement partners. This assessment determines the fingerprint procedures and technological capabilities of state and local jails governance, as well as basic jail booking statistics. This information is used in order to prioritize local sites and deliver the implementation strategy of the Secure Communities Initiative.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:*

No. of respondents	Form name/Form No.	Average burden per response (in hours)
3,500	Secure Communities Initiative Survey—State/Form 70–003	0.3333
3,500	Secure Communities Initiative Survey—Local/Form 70–004	0.3333
300	Secure Communities Initiative Survey—DOC Facilities 75–001	0.3333
56	Secure Communities Initiative Survey—DOC Officials/Form 75–002	0.3333

(6) *An estimate of the total public burden (in hours) associated with the collection:* 2,453 annual burden hours.

Comments and/or questions; requests for a copy of the proposed information collection instrument, with instructions; or inquiries for additional information should be directed to: Office of the Chief Financial Officer/OAA/Records Branch, U.S. Immigration and Customs Enforcement, 500 12th Street, SW., STOP 5705 Washington, DC 20536–5705.

Dated: March 25, 2011.

John Ramsay,

Forms Program Manager, Office of Asset Administration, U.S. Immigration and Customs Enforcement, Department of Homeland Security.

[FR Doc. 2011–7550 Filed 3–30–11; 8:45 am]

BILLING CODE 9111–28–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5450–N–03]

RIN 2502–ZA09

Federal Housing Administration (FHA): Notice of FHA PowerSaver Home Energy Retrofit Loan Pilot Program

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: This notice announces HUD's FHA Home Energy Retrofit Loan Pilot Program (Retrofit Pilot Program or Pilot Program) known as FHA PowerSaver. The Consolidated Appropriations Act, 2010 directs HUD to conduct an Energy Efficient Mortgage Innovation pilot program targeted to the single family housing market. The Retrofit Pilot Program meets this statutory directive and provides funding to support that effort. The announcement of this pilot program follows a November 10, 2010, **Federal Register** notice in which HUD submitted for public comment its proposal to conduct the Retrofit Pilot Program. This announcement of the final structure of the Pilot Program takes into consideration the public comments received in response to the November 10, 2010, notice.

DATES: *Effective Date:* May 2, 2011May 2, 2011

FOR FURTHER INFORMATION CONTACT: Patricia McBarron, Office of Single Family Housing Development, Office of Housing, Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410–8000; telephone number 202–708–2121 (this is not a toll-free number). Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Information Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION:

I. Background

On November 10, 2010 (75 FR 69112), HUD published in the **Federal Register** a notice that announced its proposal to conduct the Retrofit Pilot Program. The Consolidated Appropriations Act, 2010 (Pub. L. 111–117, approved December 16, 2009, 123 Stat. 3034) (2010 Appropriations Act), which appropriated Fiscal Year (FY) 2010 funds for HUD, among other agencies, appropriated $50 million for an Energy Innovation Fund to enable HUD to catalyze innovations in the residential energy efficiency sector that have the promise of replicability and help create a standardized home energy efficient retrofit market. Of the $50 million appropriated for the Energy Innovation Fund, the 2010 Appropriations Act stated that "$25,000,000 shall be for the Energy Efficient Mortgage Innovation pilot program directed at the single family housing market." (*See* Pub. L. 111–117, at 123 Stat. 3089.)

As discussed in detail in the November 10, 2010, notice, in considering how to structure the pilot program directed by the 2010 Appropriations Act, HUD looked to the findings of the Administration's Recovery Through Retrofit Report,[1] which specifically addressed retrofitting homes for energy efficiency, and the suitability of building the pilot program by supplementing FHA's Title I Property Improvement Loan Insurance program (Title I program). HUD determined that both the Administration's Recovery through Retrofit Report and FHA's Title I program provided the appropriate foundation for structuring the Retrofit Pilot Program. (See 75 FR 69113–69114.) With respect to the Title I program, HUD determined that utilizing the existing FHA Title I program, with additional grant funds and new requirements, is the most efficient and effective opportunity it could deploy to deliver federally insured financing to homeowners in markets that are ready and able to utilize it.

FHA's Title I program is authorized by section 2 of Title I of the National Housing Act (12 U.S.C. 1703), and its regulations are codified in 24 CFR part 201.

II. The November 10, 2010, Proposal

As provided in the November 10, 2010, notice, FHA's goals for the Retrofit Pilot Program are: (1) To facilitate the testing and scaling of a mainstream mortgage product for home energy retrofit loans that includes liquidity options for lenders, resulting in more affordable and widely available loans than are currently available for home energy retrofits; and (2) to establish a robust set of data on home energy efficiency improvements and their impact—on energy savings, borrower income, property value, and other metrics—for the purpose of driving development and expansion of mainstream mortgage products to support home energy efficiency retrofits. After determining the viability of the Title I program to achieve these goals, FHA also determined that several changes to the program are necessary for the purposes of the Retrofit Pilot Program. These changes are described in detail in Section II.F. of the November 10, 2010, notice. (*See* 75 FR 69115).) Broadly, the modifications to the Title I regulations are intended to protect consumers, provide low-cost financing, and generate lender and secondary market participation in home energy retrofit loans.

In the November 10, 2010, notice, HUD solicited public comment on the proposed structure of the Retrofit Pilot Program, and also invited interested lenders to advise HUD of their interest, as described in Appendix A of the notice, so that HUD may contact them and explore their interest and the possibility of their participation in the pilot program.

At the close of the public comment period on December 27, 2010, HUD received 49 public comments. HUD reviewed the comments, which are addressed in section IV of this notice, and made some changes to the Retrofit Pilot Program in response to public comment and further consideration of issues by HUD. The changes made to the Retrofit Pilot Program are addressed in Section III, which immediately follows.

III. Changes to the Proposed Retrofit Pilot Program

HUD has made the following changes to the November 10, 2010, notice:

1. *Lender grant funds.* The final notice specifies all of the purposes for which lenders may use grant funds. They are: (1) Supporting costs associated with creating or enhancing staffing and/or systems necessary to deliver or report on PowerSaver-insured loans; (2) Funding costs of loan marketing, origination, and/or underwriting; (3) Offsetting costs associated with appraisals and other approved methods of property valuation; and (4) For lenders that will also service their own loans, reducing servicing costs.

In addition, this notice clarifies that HUD grant funds may not be used to directly subsidize or otherwise "write-down" the interest rate on PowerSaver loans. Non-Federal grant funds may be used for this purpose.

2. *Eligible properties (definition of "single family property improvement loans").* This notice broadens the definition of eligible properties to include both attached and semidetached single unit, owner-occupied principal residences, in addition to detached properties of that type. Further, HUD has clarified that condominium units that otherwise meet the criteria of an eligible single family property are also

[1] On October 19, 2009, the Administration released the Recovery Through Retrofit Report (RTR Report), which builds on the foundation laid out in the American Recovery and Reinvestment Act (Pub. L. 111–5, approved February 17, 2009) to expand green job opportunities in the United States and boost energy savings for middle class Americans by retrofitting homes for energy efficiency. The White House Council on Environmental Quality, along with 12 federal departments and agencies (including HUD) and 6 White House offices, developed the report through an interagency process. The RTR Report recognizes that the funding of residential retrofit projects will help create jobs for retrofit workers, while also helping homeowners save money by lowering their utility bills. The report can be found at *http://www.whitehouse.gov/assets/documents/Recovery_Through_Retrofit_Final_Report.pdf.*

eligible properties under the pilot program.

3. *New eligible improvements.* This notice adds replacement windows that meet the most recent Energy Star specifications to the list of eligible improvements that may be funded with a PowerSaver loan.

4. *Revisions to eligible improvements listed in the November 10, 2010, notice.* This notice makes the following revisions with respect to eligible improvements listed in the November 10, 2010, notice:

a. Ground source heat pump systems (instead of "geothermal heat pumps" as in the November 10, 2010, notice) must be installed in accordance with ANSI/ACCA Standard 5 QJ–2010; and

b. Wind turbines must:

(i) Have a nameplate capacity of not more than 100 kilowatts;

(ii) Have performance and safety certification to:

- The International Electromechanical Commission (IEC) standards from an accredited product certification body, or
- Certification to the American Wind Energy Association (AWEA) standards from the Small Wind Certification Council (SWCC) or a nationally recognized testing laboratory; and

(iii) Be installed by an installer with North American Board of Certified Energy Practitioners Small Wind Installer Certification or small wind turbine installation training from an accredited training organization.

5. *Use of loan proceeds to fund other improvements.* Section V.F.4(b) of the notice also specifies that homeowners may use up to 25 percent of PowerSaver loan proceeds to fund, with certain specified exceptions, property improvements identified in Title I Letter 470 as eligible improvements under the Title I program. A copy of Title I Letter 470 may be downloaded at: *http://www.hud.gov/offices/adm/hudclips/letters/title1/index.cfm.*

6. *Property valuation.* This notice specifies that lenders may use a Fannie Mae and Freddie Mac Form 2055 Exterior-Only Inspection Residential Appraisal Report (most recent version) to determine property value for the purposes of establishing property valuation. The notice also specifies that lenders may be able to use Automated Valuation Models (AVMs) to establish property value for certain borrowers, subject to FHA approval on a case-by case basis. HUD will discuss this issue further with lenders in the review of their Expression of Interest. HUD notes, however, that potential purchasers of PowerSaver loans from originating lenders may have additional or more restrictive criteria regarding the use of AVMs, which lenders seeking to sell loans to such entities may be required to meet.

7. *Charges to borrower to obtain a loan.* This notice specifies the list of charges and fees that may be charged in connection with a PowerSaver loan and which may be financed as part of a PowerSaver loan.

8. *Criteria for dealer loans.* This notice generally affirms that "dealer loans" are not allowed as part of the PowerSaver pilot. However, home improvement contractors may provide information to homeowners as to how they may obtain a PowerSaver loan, including the identity of lenders who are participating in the program.

9. *Insurance claim procedure.* This notice continues to provide that the holder of the note will be accountable to HUD for origination/underwriting errors, and that the servicer will be accountable to HUD for servicing errors, as long as the servicer is a HUD-approved lender. However, based on further internal HUD consideration on how best to effectuate this requirement, this notice clarifies that the insured lender must enter into an agreement with its servicer, under which the servicer agrees to be liable to HUD for such errors, and which identifies HUD as a third-party beneficiary of such agreement.

IV. Discussion of Public Comments on the Proposed Retrofit Pilot Program

Comments were submitted by lenders and representatives of the lending industry; home performance contractors and representatives of the home performance/contracting industry (including one pension fund); local officials and representatives of state energy agencies; environmental and public health organizations; providers of energy services and technologies; community development financial institutions; and members of the general public. This section presents a summary of the significant issues raised by the commenters on the November 10, 2010, notice and HUD's responses to these issues.

A. Comments on Geographic Scope

In listing the locations that received funding under the Department of Energy (DOE) Better Buildings program, all of which are automatically eligible locations for lenders to serve in the pilot program, the Proposed Notice inadvertently excluded Nashville, Tennessee, from the list. This notice corrects this error; Nashville is an automatically eligible location for a lender to serve under the pilot program. In addition, in December 2010, DOE announced that the following State Energy Programs were integrated into BetterBuildings: Alabama, Maine, Massachusetts, Michigan, Nevada, Washington, and Virginia. As a result, these states are automatically eligible locations for lenders to serve under the pilot program.

Finally, this notice provides that areas where the Home Performance with Energy Star program is available are automatically eligible locations for lenders to serve under the pilot program.

Several commenters suggested that certain communities that are not covered under DOE's Better Buildings Program should be eligible markets for lenders to serve in the pilot program. As noted in the November 10, 2010, notice, HUD strongly encourages lenders to serve such markets, provided lenders can demonstrate, through their Expressions of Interest in participating, that such locations are viable markets for the deployment of PowerSaver-insured loans. On December 16, 2010, HUD posted additional guidance on its Web site to assist lenders in this area: *http://www.hud.gov/offices/hsg/sfh/title/additionalsaverinformation.pdf.*

B. Comments on Lender Eligibility

Several commenters recommended that HUD allow institutions that may not be FHA-approved lenders, such as community development financial institutions and state energy agencies, to be eligible lenders under the pilot program. HUD hopes and expects that a wide range of entities will express interest in participating in the pilot program, including entities that have not participated in FHA programs in the past. However, as required by the National Housing Act, any entity that wishes to make loans insured by FHA under the pilot program must hold a valid Title I contract of insurance and be approved by the Secretary. HUD notes that approved Title II lenders may obtain Title I eligibility under an expedited process.

C. Comments on Lender Grant Funds

Several commenters suggested uses of the incentive grant funds available to lenders under the pilot program in addition to the uses specified in the November 10, 2010, notice. Some commenters recommended allowing grant funds to be used to support a lender's costs associated with creating or enhancing systems necessary to deliver PowerSaver loans.

HUD agrees with this suggestion and this notice specifies that such use is allowed with grant funds under the

pilot program. In addition, this notice specifies that lenders may use grant funds to offset costs associated with appraisals.

Several commenters suggested that HUD grant funds be available to lenders to set up loan loss reserves. Due to the current insurance structure, HUD does not view this as a viable or optimal use of HUD grant funds for the purposes of the pilot program and declines to make this change. HUD notes that many communities have access to other funds through DOE and other sources that may be available for such purposes. HUD is encouraging lenders to work in partnership with other entities through the pilot program and will evaluate lender Expressions of Interest to participate in part on the extent to which lenders propose to do so. HUD's intention is to provide lenders the flexibility to use funds so long as any use delivers demonstrable benefit to borrowers, such as by making loans more affordable or available. One commenter recommended that HUD ensure that lenders who propose to use grant funds to lower the interest rate on PowerSaver loans they originate do not "over subsidize" loans. HUD will work closely with each lender to size and scope the lender's grant payments so that the payments have the most beneficial impact in the market. As stated in the November 10, 2010, notice, the amount of payment to each lender and the eligible uses of funds by each lender will be determined by HUD based on the lender's Expression of Interest. A significant factor in determining payment amounts to each lender will be the number of loans the lender anticipates making during the 2-year period of the pilot program. Lenders were required to report to HUD on their use of incentive payments funds.

D. Comments on Selection of Lenders

One commenter recommended that HUD require lenders to secure the approval of their Expressions of Interest from "existing energy efficiency program officials" before submitting them to HUD and suggested HUD share Expressions of Interest with "state energy offices" in states that each lender proposes to serve. HUD declines to make this change, as lender Expressions of Interest are nonbinding, and so may change as lenders finalize the details of their participation in discussions with HUD, and may contain proprietary information. The same commenter encouraged HUD to ensure participating lenders collaborate closely with state energy efforts and other initiatives that are currently supporting home energy improvements in markets the lender proposes. HUD does in fact intend to do this, as suggested in the November 10, 2010, notice (with reference to the importance of partnerships with public sector agencies), and will evaluate lender Expressions of Interest in part on this basis.

E. Comments on Eligible Properties (Definition of "Single Family Property Improvement Loans")

Several commenters recommended broadening the definition of eligible properties under the pilot program. The following property types were recommended: attached and semidetached single unit, owner-occupied principal residences; manufactured homes; and multifamily properties. HUD agrees with the suggestion to allow attached and semidetached single unit, owner-occupied principal residences, in addition to detached properties of that type. Such properties are fully within any common definition of "single family housing" and represent an important segment of the housing stock in many communities. This notice reflects this change. Further, HUD has clarified that condominium units that otherwise meet the criteria of an eligible single family property are also eligible properties under the pilot program.

HUD declines to make further changes to eligible property types. HUD fully agrees with the statements by commenters that many manufactured homes and multifamily properties and their residents would benefit from energy improvements. However, as noted in the November 10, 2010, notice, the PowerSaver pilot program is being implemented under the statutory directive from Congress to create a pilot program directed at the single family housing market.[2] HUD also notes that other HUD programs are designed to support manufactured and multifamily housing.

F. Comments on Eligible Use of Loan Proceeds

Several commenters addressed the subject of eligible uses of loan proceeds. Some commenters recommended that the list of eligible improvements directly related to home energy performance be revised and expanded. Others recommended that HUD allow borrowers flexibility to use loan proceeds to fund costs associated with improvements that are not on the list. With respect to the first set of comments, HUD has made a revision to the list of eligible improvements. Specifically, this notice adds replacement windows that meet the most recent Energy Star specifications to the list of eligible improvements that may be funded under the PowerSaver program.

In addition, this notice makes the following revisions with respect to eligible improvements on the list provided in the November 10, 2010, notice:

1. Ground source heat pump systems (instead of "geothermal heat pumps" as in the November 10, 2010, notice) must be installed in accordance with ANSI/ACCA Standard 5 QJ–2010; and

2. Wind turbines must:

(a) Have a nameplate capacity of no more than 100 kilowatts;

(b) Have performance and safety certification to:

- The IEC standards from an accredited product certification body, or
- Certification to the AWEA standard from the SWCC or a nationally recognized testing laboratory; and

(c) Be installed by an installer with North American Board of Certified Energy Practitioners Small Wind Installer Certification or small wind turbine installation training from an accredited training organization.

Other commenters recommended that the list of eligible improvements include "home energy management systems" and "home lighting systems." HUD declines to make these changes. While HUD agrees that improvements consistent with these terms can improve home energy performance, Title I Letter 470 provides that property improvement for the purposes of the program must "[i]n general * * * be permanent, hard wired or hard plumbed to the property." Another commenter recommended stronger and more prescriptive requirements with respect to insulation, sealing, skylights, and air conditioning systems. HUD declines to make these changes. HUD believes that these recommendations generally represent a more aggressive set of requirements than is reasonable and necessary to apply across the board to a national pilot program. HUD recognizes that in every area of energy-related home improvements, technology and practice is continually improving. At this early stage in the development of a market for energy efficient home improvements, HUD believes the list of eligible improvements as revised in this notice strikes the right balance between improving home energy performance and ensuring a sufficiently broad range of homeowners and communities can benefit from the pilot program.

[2] The Consolidated Appropriations Act, 2010 (Pub. L. 111–117, approved December 16, 2009, 123 Stat. 3034). Specifically, *see* Public Law 111–117, at 123 Stat. 3089.

One commenter recommended that power purchase agreements (PPAs) or contracts with third-party owners to use electricity generated by on-site photovoltaic systems, be allowed as eligible improvements, subject to certain conditions. HUD is supportive of innovative efforts to expand the deployment of clean energy in the residential sector, specifically including through PPAs, subject to certain borrower disclosures and protections. The recommendation represents a broader interpretation than generally has been made of the term "property improvement." (The Title I program on which the pilot program is based is authorized to support property improvements.) HUD believes that this proposed recommendation is worthy of further consideration and is interested in better understanding the underwriting and operational issues, whether the recommendation is an eligible activity under the Title I program, and the risks and protections for homeowners as well as FHA. While HUD declines to make the recommended change at this time, it may reconsider this decision in the future based on additional analysis.

With respect to recommendations regarding more flexible use of loan proceeds, HUD agrees with commenters that flexibility is appropriate and likely necessary to encourage and enable many homeowners to fund home energy improvements, which many will likely do as part of a broader remodeling or renovation of their home. HUD also agrees with one commenter that suggested it would be important to ensure homeowners can make basic health and safety-related improvements at the time of a home energy improvement job. At a nascent stage of consumer awareness and interest in home energy improvements, HUD believes it is important to make financing products as appealing and marketable as possible, while maintaining the focus on the policy goal of more energy efficient homes. HUD notes that leading state and local home energy improvement loan programs, as well as the Fannie Mae Energy Loan product, allow significant flexibility in the use of loan proceeds on this basis.

Section V.F.4(b) of this notice specifies that homeowners may use up to 25 percent of PowerSaver loan proceeds to fund certain property improvements identified in Title I Letter 470 as eligible improvements under the Title I program. A copy of Title I Letter 470 may be downloaded at: *http://www.hud.gov/offices/adm/hudclips/letters/title1/index.cfm.*

HUD recognizes that such flexibility may add some complexity to aspects of the evaluation of the pilot program. However, HUD believes the reporting requirements of the program, which will generate data on the specific energy improvement measures funded with each loan, will be sufficient to meet the evaluation goals in this area.

Also with respect to eligible uses of loan proceeds, several commenters recommended that HUD require that homeowners avail themselves of a home energy audit or rating to be eligible for a PowerSaver loan. HUD declines to require audits/ratings in connection with PowerSaver loans at this time. Audit/rating approaches, protocols, technologies, and data appear to vary substantially. HUD is concerned that there is not an industry consensus or uniform standard for energy audits/ratings. (HUD notes that one commenter suggested such standards are in development by one industry group and may be available in early 2011; HUD will be interested in following this development.) DOE is currently piloting the new Home Energy Score program, which includes an energy audit component. Once the Home Energy Score pilot program is complete, HUD may revisit the required use of an energy audit. In addition, it is HUD's understanding that comprehensive audits/ratings can cost as much as $500, adding a significant additional expense; one commenter suggested allowing the cost of audits to be financed as part of the PowerSaver loan. For these reasons, a required audit or rating, as recommended, may disadvantage certain homeowners and communities.

HUD generally agrees with these commenters that audits/ratings can enable homeowners to better understand the most cost effective energy savings improvements for their particular home. For these reasons, the November 10, 2010, notice strongly encouraged the use of audits; this notice affirms this encouragement. Furthermore, as suggested in the November 10, 2010, notice, HUD will consider the extent to which audits will be required or encouraged by lenders in lender Expressions of Interest to participate in the pilot program. In addition, this notice allows the cost of an energy audit/rating to be financed as part of the PowerSaver loan.

G. Comments on Property Valuation

Several commenters addressed the property valuation requirement, which is necessary to ensure homeowners do not have total mortgage debt (including the PowerSaver loan) in excess of the current value of their home at the time of PowerSaver loan origination. One commenter recommended that HUD allow lenders to use a Fannie Mae and Freddie Mac Form 2055 Exterior-Only Inspection Residential Appraisal Report, on which the November 10, 2010, notice specifically solicited comment. This notice adopts this recommendation. Some commenters also recommended that Automated Valuation Models (AVMs) be allowed for use in establishing property valuation. HUD recognizes that AVMs can be an effective tool in certain markets and may be appropriate to use with respect to borrowers who have built some equity in their homes. The notice specifies that lenders may use AVMs to establish property value for certain borrowers, subject to FHA approval, on a case-by-case basis. HUD will discuss this issue further with lenders in the review of their Expression of Interest.

Some commenters raised the concern that appraisals would add inordinate cost to a PowerSaver loan and to the time to close a loan. HUD is sensitive to this concern and agrees that the cost and time associated with appraisals may pose a challenge to the marketability of PowerSaver loans. The availability of various options for determining property valuation, as noted above, addresses this concern. A sound basis for determining property value is essential for determining a borrower's combined-loan-to-value ratio and for establishing PowerSaver loans as viable for capital markets investment and liquidity, which is a stated goal of the pilot program. As noted above, lenders may propose to use incentive grant funds to offset costs associated with appraisals and other approved methods of property valuation. In addition, this notice specifies that appraisal costs may be financed as part of the PowerSaver loan.

Some commenters recommended that an energy audit suffice for establishing the property value. HUD declines to makes this change, as energy audits are not currently recognized by the housing finance industry as a viable tool for determining home value. HUD is interested in working with stakeholders and exploring the extent to which energy audits may be able to provide reliable information to inform determinations of home value and borrower ability to afford and repay mortgage loans. Finally, one commenter suggested that an audit should eliminate an appraisal requirement for an unsecured PowerSaver loan. The notice clarifies that, as under the Title I Property Improvement program, PowerSaver loans of less than $7,500 are

not required to be secured and appraisal is not required for such loans.

H. Credit Requirements for Borrowers

Some commenters recommended modest tightening or relaxing of the minimum credit score and maximum total debt-to-income for borrowers receiving PowerSaver loans. HUD declines to make any changes to these features of the program at this time. Homeowners' response and loan performance, among other factors, during the pilot program may warrant adjustments to credit requirements in the future.

I. Requirements for Dealer Loans

Several commenters suggested that HUD allow "dealer loans," as defined by the FHA Title I Property Improvement Home Loan program, be allowed under the PowerSaver pilot program. The Title I Property Improvement Home Loan program regulations at § 201.2 define a "dealer loan" as "a loan where a dealer, having a direct or indirect financial interest in the transaction between the borrower and the lender, assists the borrower in preparing the credit application or otherwise assists the borrower in obtaining the loan from the lender." HUD agrees with these commenters that responsible home improvement contractors can be effective in educating homeowners about home energy loan financing options, which is typically important to maintaining homeowner interest in a financing option.

While HUD declines to make this change, home improvement contractors may provide information to homeowners as to how they may obtain a PowerSaver loan, including the identity of lenders who are participating in the program.

J. Evaluating the Success of the Retrofit Pilot Program

Several commenters made recommendations regarding HUD's planned evaluation of the PowerSaver pilot program. Some suggested that HUD require homeowners to sign a disclosure in connection with a PowerSaver loan to allow access to pre- and post-installation utility bill information. HUD recognizes the importance of accessing utility bill information and is exploring options for accessing it in a manner that ensures homeowner privacy. This notice does not require homeowners to provide utility bill information; HUD will discuss this issue individually with participating lenders in the review of lender Expressions of Interest.

One commenter suggested that HUD participate in efforts by DOE, the Environmental Protection Agency, and industry groups to develop metrics and standards for data collection and program evaluation and to coordinate to the extent feasible with DOE's Home Energy Score Pilot Program. HUD appreciates and agrees with this recommendation and has already been in discussions along these lines with DOE and others.

K. Other Comments

Several commenters recommended increasing the maximum loan amounts overall or with respect to unsecured loans. HUD declines to make changes to the loan limits. HUD believes that the $25,000 loan limit is sufficient to cover all or most of the cost of a comprehensive retrofit or the cost of a renewable energy system—and in the latter case a variety of subsidies and incentives are available to fund costs that the loan cannot. With respect to unsecured loans, the primary purpose of the PowerSaver pilot program is to establish the viability of a mainstream mortgage product for home energy improvement loans; unsecured loan products and credit card options of various types are already available in the market. Because the current Title I Property Improvement Home Loan program does not require loans under $7,500 to be secured, primarily because it would add infeasible cost to such small loans, HUD is retaining that feature, with no change, and no additional incentives to originate (as one commenter recommended) in the PowerSaver pilot program.

Some commenters broadly suggested that HUD require contractors who perform home energy improvements funded by PowerSaver loans to be certified on some basis or that broader "quality assurance" procedures be required. HUD is sympathetic to the concerns expressed by the commenters and generally agrees that high quality assurance procedures can enhance the prospects that a home improvement job will be performed properly and professionally. HUD understands that a number of communities implementing comprehensive home energy improvement programs are imposing or incentivizing such requirements.

HUD will ask lenders that submit Expressions of Interest in participating in the program to describe the extent to which contractor certification and overall quality assurance is reflected in programs serving the lender's proposed target market(s) and will evaluate Expressions of Interest in part on this basis. In addition, HUD will encourage lenders to adopt sound practices in this area. Such practices include:

(1) Verification that contractors have demonstrated business experience as home improvement contractors;

(2) Documentation on file of basic information such as trade name, places of business, type of ownership, type of business, and names and employment histories of the owners and staff;

(3) Provision of current financial statement prepared by someone who is independent of the contractor and is qualified by education and experience to prepare such statements, and a commercial credit report on the contractor;

(4) Procedures for supervising and monitoring contractors' activities with respect to loans insured under the Pilot Program; and

(5) Evidence of homeowner satisfaction with work performed by the contractor under the Pilot Program.

HUD declines to make these or other quality assurance requirements mandatory, however. HUD believes that such a requirement would add unnecessary administrative burden on lenders in the Pilot Program. In addition, HUD expects that it will be able to work closely with lenders, as well as local communities, to monitor and help ensure quality assurance under the Pilot Program given that only a limited number of lenders will participate. In addition, HUD may revisit the issue of quality assurance during its evaluation of the pilot program to determine whether changes should be made to the Pilot Program along the lines suggested by the commenters.

Several commenters encouraged HUD to implement a "streamlined application procedure" for PowerSaver loans. HUD recognizes the importance of ensuring homeowners can close on PowerSaver loans in a timely manner. HUD will utilize the Title I Property Improvement Home Loan program platform and system for the PowerSaver pilot program. This system, while different from the system used for FHA Title II loan products, should enable lenders to make a timely turnaround of loan applications. In addition, HUD will consider lenders' expected loan procedures and expected turnaround time in evaluating their Expressions of Interest to participate in the pilot program.

One commenter suggested that HUD allow PowerSaver loans to be in third lien position in cases where the borrower has a home mortgage loan in first position, a home equity loan in second position, and sufficient home equity to take on a PowerSaver loan

without exceeding 100 percent combined loan to value. HUD declines to make this change; the Title I regulations at 24 CFR 201.24(a)(1)(iii) specify that, in general, liens securing Title-insured loans "need not be a first lien on the property; however the lien securing the Title I loan must hold no less than the second lien position." The regulations authorize a Title I loan to hold a third lien position in specified limited circumstances: (1) Where the first and second mortgage were made at the same time; or (2) the second mortgage was provided by a state or local agency in conjunction with a downpayment assistance program.

V. The Home Energy Retrofit Loan Pilot Program (FHA PowerSaver)

A. Authority

The Retrofit Pilot Program is authorized by the Energy Innovation Fund of the 2010 Appropriations Act, which directs HUD to conduct an Energy Efficient Mortgage Innovation pilot program targeted to the single family housing market (Pub. L. 111–117, at 123 Stat. 3089). The Pilot Program is based on the requirements of Title I, section 2 of the National Housing Act (12 U.S.C. 1703). Under section 2(a) of the National Housing Act, HUD is authorized to provide loan insurance in order to help homeowners finance alterations, repairs, and improvements in connection with existing structures or manufactured homes. HUD's implementing regulations are codified at 24 CFR part 201.

B. Duration and Geographic Scope

1. *Duration.* The Retrofit Pilot Program will be conducted for loans originated during a period of 2 years commencing on May 2, 2011. HUD, however, may extend the duration of the Pilot Program, after its commencement, beyond the 2-year period to accurately assess the Pilot's effectiveness. In making such determination, HUD will look closely at the results of its evaluation of the program as described in Section VI of this notice. HUD will announce any such extension through **Federal Register** notice.

2. *Geographic scope.* The success of the Retrofit Pilot Program and its potential to inform further efforts to expand financing for energy efficient home retrofits will be advanced by focusing on properties located in communities that have already taken affirmative steps to address energy efficiency retrofits. HUD is aware that a number of communities have already developed the programmatic infrastructure to help ensure that the critical nonfinancial components of a holistic retrofit initiative are in place. In selecting communities in which to conduct the Pilot Program, HUD will target communities that have already developed a robust home energy efficiency retrofit infrastructure.

DOE's Energy Efficiency and Conservation Block Grants (EECBG) program is authorized under Title V, Subtitle E of the Energy Independence and Security Act (EISA), signed into law on December 19, 2007. Through formula and competitive grants administered by DOE, this program empowers local communities to make strategic investments to meet the Nation's long-term goals for energy independence and leadership on climate change.

With funding for the EECBG program provided by the American Recovery and Reinvestment Act, DOE initiated the Retrofit Ramp-up Program, now known as the Better Buildings program, a demonstration program directed to stimulating activities and investments that can: (1) Deliver verified energy savings from a variety of projects in the local jurisdiction of the applicant, with a particular emphasis on efficiency improvements in residential, commercial, industrial, and public buildings; (2) achieve broader market participation and greater efficiency savings from building retrofits; (3) highly leverage grant funding in order to significantly enhance the resources available for supporting the program; (4) sustain themselves beyond the grant monies and the grant period by designing a viable strategy for program sustainability; (5) serve as pilot building-retrofit programs that demonstrate the benefits of gaining economy of scale; and (6) serve as examples of comprehensive community-scale energy-efficiency approaches that could be replicated in other communities across the country.

Under the Better Buildings Program, approximately $485 million was allocated by DOE through competitive grants to initiatives in the following locations: Austin, TX; Berlin, Cambridge, Chestertown, Cumberland, Denton, Easton, Elkton, Frostburg, Oakland, Princess Anne, Dundalk, Westminster, Havre de Grace, Salisbury, Takoma Park, and University Park, MD; Fayette County, PA; Bedford, NY; Berlin, Nashua, and Plymouth, NH; Boulder County, City and County of Denver, Garfield County, and Eagle County, CO; Camden, NJ; Chicago region, IL; Cincinnati, Ohio, and northeast Kentucky; a consortium of 14 Connecticut Towns: Bethany, Cheshire, East Haddam, East Hampton, Glastonbury, Lebanon, Mansfield, Portland, Ridgefield, Weston, Westport, Wethersfield, Wilton, and Windom; Detroit, Grand Rapids, and southeast MI; Greensboro, NC; Indianapolis and Lafayette, IN; Kansas City, MO; Los Angeles, San Francisco Bay Area, Sacramento, San Diego, and Santa Barbara County, CA; Lowell, MA; Madison, Milwaukee, and Racine, WI; Maine statewide; Missouri statewide; Nashville, TN; New York statewide; Omaha and Lincoln, NE; Oregon statewide; Philadelphia, PA; Phoenix, AZ; Riley County, KS; San Antonio, TX; Seattle, and Bainbridge Island, WA; select Southeastern cities: Atlanta, GA; Carrboro, Chapel Hill, and Charlotte, NC; Charleston SC; Charlottesville, VA; Decatur, GA; Hampton Roads/Virginia Beach, VA; Huntsville, AL; Jacksonville, FL; New Orleans, LA; Toledo, OH; and the U.S. Virgin Islands. In addition, in December 2010, DOE announced that the following State Energy Programs were integrated into BetterBuildings: Alabama, Maine, Massachusetts, Michigan, Nevada, Washington, and Virginia.

The locations listed above are all eligible markets for lenders to serve in the Pilot. In addition, this notice provides that areas where the Home Performance with Energy Star program is available are automatically eligible locations for lenders to serve under the pilot program. Those areas are listed here: *http://www.energystar.gov/index.cfm?c=home_improvement.hm_improvement_hpwes_partners.*

FHA will consider lenders' interest in other communities, subject to an assessment of such communities' infrastructure for implementing residential retrofit programs. As noted in the November 10, 2010, notice, HUD strongly encourages lenders to serve such markets, provided lenders can demonstrate, through their Expressions of Interest in participating, that such locations are viable markets for the deployment of PowerSaver-insured loans. On December 16, 2010, HUD posted additional guidance on its Web site to assist lenders in this area: *http://www.hud.gov/offices/hsg/sfh/title/additionalsaverinformation.pdf.* HUD expects to consult with DOE in such cases.

HUD considered targeting the pilot to a smaller number of markets, which may have increased the likelihood of lender competition within some markets, potentially benefitting consumers. HUD determined that such an approach could limit the number and diversity of lenders that could participate in the program overall, however. HUD determined it was important for the Pilot to be open to a

reasonably wide range of lenders—by size and type, as well as service area—especially given the challenging conditions facing lenders in the current environment, which may create barriers to participation for some, even if interested. In selecting lenders to participate, HUD will evaluate the extent to which lenders intend to provide loans at the most favorable rate to consumers, thus directly addressing a major benefit that lender competition would potentially foster.

C. Lender Eligibility

Lender participation in the Retrofit Pilot Program is voluntary. Of the pool of interested lenders that meet the criteria described in Section II of the November 10, 2010, notice and reiterated below, HUD intends to select a limited number of lenders to participate in the Retrofit Pilot Program. HUD is currently undertaking efforts to identify FHA-approved lenders that may be suitable candidates for participation in the Retrofit Pilot Program. HUD reserves the right to terminate a lender's participation in the Retrofit Pilot Program for unacceptable performance. Examples of unacceptable lender performance could include violating the program's underwriting and credit criteria, failing to meet HUD reporting requirements, and high defaults among originated loans under the program. To be eligible, lenders must satisfy the following criteria:

1. *Approval as an FHA Title I or Title II program lender.* Lenders must hold valid Title I contracts of insurance and be approved pursuant to the requirements of 24 CFR part 202 to originate, purchase, hold, service, or sell loans insured under the Title I program regulations at 24 CFR part 201. However, approved Title II lenders may obtain Title I eligibility under an expedited process by contacting HUD and submitting the Title I approval package described at *http://www.hud.gov/offices/hsg/sfh/lender/title1ap.cfm.*

2. *Experience with similar lending initiatives.* Lenders must be able to demonstrate experience with the type of lending initiative being undertaken in the Retrofit Pilot Program. In particular, HUD will consider the extent to which lenders have experience in successfully originating and/or servicing small loans, home equity loans, second liens, FHA section 203(k) rehabilitation loans, and Title I Property Improvement Loans. Lenders that do not have experience in such lending may still be able to participate in the Pilot Program to the extent they can demonstrate how their other experience is relevant to determining their ability to participate in the pilot, and provided they agree to meet the Title I requirements before participation in the pilot program.

3. *Computer system capabilities.* Lenders must have the technical capability to interface with FHA through FHA Connection. In addition, lenders must have the technical capability to interface with any other computer systems utilized by FHA or its contractors pertaining to the Retrofit Pilot Program.

4. *Audit capabilities.* Lenders must have a demonstrated capacity to provide timely reports to FHA on origination and performance of retrofit loans. FHA envisions requiring monthly reports on loan and portfolio performance. In addition, a lender must be able to provide an electronic loan package to HUD for a random sample of loans chosen for quality reviews.

5. *Collaborative capacity.* Lenders must have demonstrated capacity to work with public sector agencies, nonprofit organizations, and utilities or home improvement contractors.

D. Lender Grant Funds

HUD recognizes that even with federal mortgage insurance such as would be available under the Pilot Program, small loans for home energy retrofits may have relatively high transaction costs for lenders, discouraging some from offering such loans and forcing others that do offer them to increase costs to borrowers. HUD will utilize the appropriated funds provided under the 2010 Appropriations Act to provide lender incentive payments to support activities that lower costs to borrowers. Eligible uses of such payments are: (1) Supporting costs associated with creating or enhancing staffing and/or systems necessary to deliver or report on PowerSaver insured loans; (2) Funding costs of loan marketing, origination, or underwriting; (3) Offsetting costs associated with appraisals and other approved methods of property valuation; and (4) For lenders that will also service their own loans, reducing servicing costs.

HUD will also consider other proposed uses of such funds. Any use of funds must show, to HUD's satisfaction, bona fide benefit to borrowers. The amount of payment to each lender and the eligible uses of funds by each lender will be determined by HUD based on the lender's Expression of Interest. A significant factor in determining payment amounts to each lender will be the number of loans the lender anticipates making during the 2-year period of the Pilot Program. Lenders will be required to report to HUD on their use of incentive payment funds. HUD anticipates that the amount of grant funds will not exceed $5 million per lender.

In addition, this notice clarifies that HUD grant funds may not be used to directly subsidize or otherwise "write down" the interest rate on PowerSaver loans. Non-Federal grant funds may be used for this purpose.

Grant funds may be available to lenders who request them, but are not required for participation. Lenders who do not seek funds may still participate in the Pilot Program.

E. Selection of Lenders

As noted above, lenders interested in potentially participating in the Retrofit Pilot Program were required to submit an Expression of Interest using the template in Appendix A and by following the instructions provided in the November 10, 2010, notice.

In evaluating Expressions of Interest and selecting lenders to participate, HUD will first review each Expression of Interest to verify that the lender is eligible to participate in the program. HUD will then evaluate the Expressions of Interest from all eligible lenders primarily by weighing the following factors in the Expression of Interest: (1) The lender's anticipated loan volume and target markets; (2) the lender's business model for participating in the pilot; (3) the lender's capacity (experience and/or potential) to work in public-private partnerships; and (4) the extent to which the lender intends to deliver the most favorable loan product to consumers. HUD anticipates that these primary weighting factors will have generally equal weighting significance. In addition, HUD may consider the following factors in selecting lenders to participate: (1) Diversity of lender type and target market; and (2) impact on low-income households and communities.

F. Differences Between Retrofit Pilot Program and Existing Title I Program

With the exceptions discussed below, the Retrofit Pilot Program will be governed by the Title I program regulations at 24 CFR part 201. This notice does not make any changes to the current Title I Property Improvement Program. The differences specified in this notice are only applicable to lenders selected to participate in the Pilot Program.

Lenders selected to participate in the Retrofit Pilot Program must enter into a Retrofit Pilot Program Agreement by which they commit to adhere to the Title I program regulations, except as

modified in this notice and in subsequent refinements, such modifications being applicable only to loans insured under the Retrofit Pilot Program. There will also be other requirements applicable to the Retrofit Pilot Program; for example, insuring Retrofit Pilot Program loans only in communities selected for the Pilot Program.

In summary, the changes described below, in combination with the appropriated funds, have the effect of creating an innovative pilot program that accords with Congress' direction in the Act. These changes fall into the following categories: (1) Changes designed to enhance underwriting of program loans; (2) changes related to FHA administration of the program, specifically in the areas of loan servicing, claim procedures, and reporting; (3) changes to target the pilot program specifically for its purpose of improving home energy performance; and (4) changes to provide additional benefits to borrowers. Finally, as noted, FHA will augment these changes with grant funds for lenders, using funding appropriated under the 2010 Appropriations Act. In summary, these changes adjust the current flexible framework for the Title I program to enable it to encourage and directly support home improvements that improve energy performance, while reducing barriers to making financing under the program more widely available and more affordable.

1. *Definition 24 CFR 201.2.* For purposes of the Retrofit Pilot Program, the following terms have the following meanings.

a. *Single family property improvement loans.* Only "single family property improvement loans" as that term is defined in 24 CFR 201.2 are eligible for FHA insurance and the Retrofit Pilot Program. Properties must also be principal residences as defined in 24 CFR 201.2. For purposes of the Retrofit Pilot Program, the term includes detached, semidetached, and attached single family properties. Condominium units that otherwise meet the criteria of an eligible single family property are also eligible properties under the pilot program.

Loans used to finance the property improvements for manufactured homes and multifamily properties [3] are not eligible for the Retrofit Pilot Program, but remain eligible for Title I program insurance under 24 CFR part 201.

[3] Manufactured home improvement loan and multifamily property improvement loan are terms defined in § 201.2.

2. *Loan maturities (24 CFR 201.11).* Under the Title I program regulations at 24 CFR 201.11 an insured loan may have a term as long as 20 years. Under the Retrofit Pilot Program, loan terms generally will be limited to 15 years to better align the term of financing with the useful life of, and benefits from, most energy retrofit improvements. Under the Pilot Program, loan terms that are for 20 years can be used only for certain specified improvements: renewable energy measures, ground source heat pump systems, and other improvements as approved by HUD. *See* "Eligible use of loan proceeds" in Section V.D.4(b) below.

3. *Interest and discount points (24 CFR 201.13).* Under the Title I program regulations at 24 CFR 201.13, the lender may not require or allow any party, other than the borrower, to pay discount points or other financing charges in connection with the loan transaction. This restriction, while helping to assure that borrowers have a personal stake in the repayment of the loan, also has the effect of hindering state and local efforts to support home energy retrofits by lowering the cost of capital to consumers, such as through interest rate write-downs. The Retrofit Pilot Program expressly contemplates that third parties (including state and local governments, private organizations, and nonprofit organizations) may pay discount points or other financing charges in connection with the Title I loan transaction and encourages third parties to work with participating lenders on this basis. In addition, as noted, lenders may utilize HUD incentive payments for this purpose under the Pilot Program.

The interest shall be calculated on a traditional mortgage interest basis.

4. *Property improvement loan eligibility (24 CFR 201.20).*

a. *Borrower eligibility (24 CFR 201.20(a)).* As under Title I loans, Retrofit Pilot Program borrowers shall have at least a one-half interest in one of the following:

(i) Fee simple title of the property; or

(ii) A properly recorded land installment contract.

Unlike the Title I program, lessees of the property will not be eligible to participate in the Pilot Program. The limitation of eligibility to owner-occupied properties is designed to reduce the variables in the Pilot Program for purposes of evaluation, as well as to help ensure compliance with the minimum property loan-to-value ratios described in section V.F.5. below.

b. *Eligible use of the loan proceeds (24 CFR 201.20(b)).* Similar to the Title I program, loan proceeds shall be used only for the purposes disclosed in the loan application. Under the standard Title I loan, proceeds shall be used only to finance property improvements that substantially protect or improve the basic livability or utility of the property. Further, HUD has established a list of items and activities that may not be financed with the proceeds of any property improvement loan.

A list of eligible measures is attached as an appendix to this notice. Homeowners may use up to 25 percent of the PowerSaver loan proceeds to fund, with the following exceptions, any property improvement that is identified in Title I Letter 470 as an eligible improvement under the Title I program. The following property improvements, although listed in Title I Letter 470 as eligible improvements under the Title I program, are not eligible for funding with PowerSaver loan proceeds:

- Barns
- Boathouses
- Boatslips
- Bookcases (built-in)
- Cabinets (unless the improvement would result in health benefits)
- Choir lofts
- Decks, Gazebos
- Docks
- Door chimes
- Driveways
- Lattice work
- Piers
- Porches
- Safes/vaults

A copy of Title I Letter 470 may be downloaded at: *http://www.hud.gov/offices/adm/hudclips/letters/title1/index.cfm.* If a lender has any doubt as to the eligibility of any item or activity, the lender must request a determination from FHA before making a loan. HUD strongly encourages the use of home energy audits and other tools to enable consumers to determine the most beneficial improvements they should seek to undertake.

5. *Property valuation (24 CFR 201.20).* The combined loan-to-value ratio of any previously existing mortgage and PowerSaver loan cannot exceed 100 percent. As under the Title I Property Improvement program, this requirement does not apply in cases involving PowerSaver loans of less than $7,500 and not secured by the property. Lenders may either use a Fannie Mae and Freddie Mac Form 2055 Exterior-Only Inspection Residential Appraisal Report (most current version) or an Automated Valuation Model (AVM) to establish property value. Any use of AVMs by any lender participating in the pilot program must be approved by FHA on a case-by-case basis. HUD will

discuss this issue further with lenders in the review of their Expression of Interest. HUD notes, however, that potential purchasers of PowerSaver loans from originating lenders may have additional or more restrictive criteria regarding the use of AVMs, which lenders seeking to sell loans to such entities may be required to meet.

6. *Credit requirements for borrowers (24 CFR 201.22).* In addition to the requirements under the Title I program, all borrowers participating in the Retrofit Pilot Program must have a decision credit score of 660 or higher. The decision credit score used by FHA is based on methodologies developed by the FICO Corporation. FICO scores, which range from a low of 300 to a high of 850, are calculated by each of the three National Credit Bureaus and are based upon credit-related information reported by creditors, specific to each applicant. Lower credit scores indicate greater risk of default on any new credit extended to the applicant. The decision credit score is based on the middle of three National Credit Bureau scores or the lower of two scores when all three are not available, for the lowest scoring applicant.

The borrower's total debt-to-income ratio cannot exceed 45 percent, as under the Title I program. HUD recognizes that requiring a minimum credit score for participation in the pilot program will mean that some homeowners cannot participate. However, given that this is a pilot program, HUD has determined to limit the Retrofit Pilot Program to borrowers with these credit scores in order to make an initial assessment of the interaction of credit ratings and repayment in connection with home energy retrofit loans.

7. *Charges to borrower to obtain loan (24 CFR 201.25).* The regulations provide for a HUD-established list of fees and charges that may be included in a property improvement loan. A slightly different list of fees and charges is established for the Retrofit Pilot Program in an appendix to this notice. The list indicates which of those fees and charges may be financed as part of a PowerSaver loan.

8. *Conditions for loan disbursement (24 CFR 201.26).* In addition to current Title I requirements pertaining to disbursement of loan proceeds, the Retrofit Pilot Program funds shall be disbursed to the borrower(s) in two increments: (1) 50 percent of the proceeds shall be disbursed at loan funding/closing; and (2) the remaining 50 percent of the proceeds shall be disbursed after the energy retrofit improvements have been completed as evidenced by an executed Completion Certificate for Property Improvements (form HUD–56002) by the borrower(s), and a lender-required inspection.

9. *Dealer loans (24 CFR 201.27).* Under the Title I program, a dealer loan (defined at 24 CFR 201.2) "means a loan where a dealer, having a direct or indirect financial interest in the transaction between the borrower and the lender, assists the borrower in preparing the credit application or otherwise assists the borrower in obtaining the loan from the lender."

Dealer loans will not be permitted in the Retrofit Pilot Program. The reason for this limitation is that dealer loans have been disproportionately correlated with poor loan performance under Title I and other home improvement loan programs in the past. While HUD recognizes that there are many responsible dealers who can and would provide financing through dealer loans in a responsible manner, it is limiting the Retrofit Pilot Program to "direct loans." "Direct loans" is defined under the Title I program (at 24 CFR 201.2) as "a loan for which a borrower makes application directly to a lender without any assistance from a dealer." HUD believes that home improvement contractors and others whose activity may be described under the definition of "dealer" for the Title I program will play an important role in ensuring the pilot's success by performing the actual work related to the retrofits.

However, home improvement contractors may provide information to homeowners as to how they may obtain a PowerSaver loan, including the identity of lenders who are participating in the program.

10. *Loan servicing (24 CFR 201.41).* Under the Title I program, lenders remain responsible for proper collection efforts, even though actual loan servicing and collection may be performed by an agent of the lender. In addition to these requirements, the servicer of a Retrofit Pilot Program loan, whether the servicer is the original lender or a subsequent servicer, as under FHA's major single family program (commonly referred to as the Title II program), is fully responsible for the required servicing responsibilities. As under the Title II program, "the mortgagee shall remain fully responsible for proper servicing, and the actions of its servicer shall be considered to be the actions of the mortgagee." HUD emphasizes that the servicer shall also be fully responsible for its actions as a servicer. HUD intends to seek recovery from servicers if FHA losses are attributable to servicing errors.

In addition, as noted, lenders that also service loans they originate under the pilot program may utilize HUD incentive payments under the program to reduce servicing costs that deliver bona fide benefits to borrowers.

11. *Insurance claim procedure (24 CFR 201.54).* Under the Title I program, HUD requires that insurance claims be fully documented.

Under the Pilot Program, the holder of the note will be accountable to HUD for origination/underwriting errors, and the servicer will be accountable to HUD for servicing errors, as long as the servicer is a HUD-approved lender. To effectuate this, the insured lender must enter into an agreement with its servicer, under which the servicer agrees to be liable to HUD for such errors, and which identifies HUD as a third-party beneficiary of such agreement.

VI. Evaluating the Success of the Retrofit Pilot Program

As stated in the November 10, 2010, notice, HUD's goals for the Pilot Program are: (1) To facilitate the testing and scaling of a mainstream mortgage product for home energy retrofit loans that includes liquidity options for lenders, resulting in more affordable and widely available loans than are currently available for home energy retrofits; and (2) to establish a robust set of data on home energy efficiency improvements and their impact—on energy savings, borrower income, property value, and other metrics—for the purpose of driving development and expansion of mainstream mortgage products to support home energy retrofits.

HUD's evaluation of PowerSaver will be focused on the extent to which the pilot program achieves those goals. To address the first goal, HUD, through its internal staff and systems, will closely assess lender performance and experience in marketing, originating, servicing and selling PowerSaver loans. As a pilot program in which a small number of lenders will participate, PowerSaver will afford HUD an unusual ability to learn from lenders as they deploy PowerSaver loans. As the PowerSaver program launches and lenders establish marketing plans, loan interest rates, and strategies for holding and/or selling loans, HUD will be in position to assess market impacts as they develop. HUD, working with its lender partners in the pilot program, will get a sense of the factors that contribute to (or impede) consumer demand for home energy efficiency improvement financing. In addition, as noted, lenders will be reporting regularly to HUD on loan performance and the uses of loan proceeds for various improvements. Thus, HUD will

have a sense of performance and preference within specific lender programs and markets, as well as potential trends across the portfolio of lenders. HUD will not attempt to rush to conclusions, and will expect possible changes in trends as the pilot program matures and expands.

As a pilot program, one of the principal purposes of the Pilot is to generate data on key questions that can help make the case for additional mainstream mortgage products to support home energy retrofits, including first mortgage options. HUD is therefore committed to a robust evaluation program in connection with the Pilot. (The evaluation will also enable HUD to assess the success of possible modifications to the existing Title I program before initiating, through rulemaking, any changes to the Title I regulations.)

To address the second goal, HUD will focus on three overarching questions: (1) Did homes reduce their energy consumption after retrofits were completed? (2) Did homeowners realize lower energy bills as a result of the retrofits? and (3) Were home values affected as a result of the retrofits? Data from the PowerSaver Pilot Program suggesting answers to these questions will help fill a major void and start to establish a basis for analyzing other financing.

This component of the evaluation will be conducted by a third party with which HUD will contract. That entity will be under contract as the pilot program launches and lenders begin to make loans. HUD anticipates that a critical component of this part of the evaluation will be the third party's ability to access pre- and post-retrofit utility data from at least a sample of PowerSaver homeowners. HUD is aware of effective practices for third parties to access this information, on a confidential basis, and will encourage the evaluation contractor to utilize such practices, including those developed and implemented by DOE.

HUD acknowledges that the issues identified can be challenging impacts to evaluate, for reasons ranging from "rebound effects" to consumer concerns about access to utility billing data. HUD believes that it must attempt to do so, however, and believes that additional, useful information at a meaningful scale can be obtained through the PowerSaver program. HUD believes that continued progress on mainstream mortgage financing options for home energy retrofits requires attention to these issues.

HUD recognizes that an evaluation of PowerSaver could also consider other important questions. HUD will explore, internally and with its contractor, the feasibility of adding to the core evaluation scope, potentially including: (1) Lender costs for originating and servicing; (2) impact of interest rates on consumer participation; (3) relative effectiveness of nonfinancial programmatic elements (consumer education, product marketing, auditing tools, and workforce quality assurance); and (4) the extent to which specific home energy improvements are chosen and the results from specific measures.

The results of the evaluation program will heavily inform HUD's determination of whether to make the PowerSaver pilot program a permanent FHA program, subject to any desired changes and pursuant to any appropriate rulemaking process that HUD may determine is necessary. A successful pilot program, and a sound basis for making PowerSaver a permanent program would be reflected in an evaluation that HUD believes demonstrates that: (1) Lenders demonstrate that there is a market for PowerSaver loans in their communities that they can serve on a viable continuing basis, facilitated to the extent necessary by an ability to sell or securitize PowerSaver loans; (2) the best available data suggests that PowerSaver loans are resulting in more home energy retrofits (and related jobs and economic benefits), lower energy use, and lower energy bills; and (3) FHA systems and staff indicate that FHA can continue and potentially expand the program in a safe and sound manner.

VII. Findings and Certifications

Paperwork Reduction Act

The information collection requirements in this notice have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) (PRA) and assigned OMB Control Number 2502–0596. In accordance with the PRA, 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.

Executive Order 12866, Regulatory Planning and Review

OMB reviewed this notice rule under Executive Order 12866 (entitled "Regulatory Planning and Review"). As was the case with the November 10, 2010, notice, this notice has been determined to be an "economically significant regulatory action," as defined in section 3(f)(1) of the Order. The revised impact analysis for this notice is available at *http://www.hud.gov/offices/adm/hudclips/ia/.* The following provides a brief summary of the finding relating to the aggregate costs, benefits, and transfers of the pilot program contained in the analysis:

Introduction. As discussed more fully in the accompanying impact analysis, HUD envisions that the pilot program will provide insurance for up to 24,000 loans over the 2-year period of the pilot program, with an expected average loan size of $12,500. The program is therefore expected to result in the extension of up to $300 million in FHA-insured energy efficiency property improvement loans over the 2-year period and a resulting energy-saving valued at as much as $630 million (in present discounted value).

Benefits. The aggregate net benefits are obtained by multiplying the individual net benefits by the expected number of loans and adding the expected social benefits of reduced energy consumption. As a base case, HUD assumes a consumer household with annual savings of $1,000, a 0 percent price growth, and a 7 percent discount rate. The present value of a technical retrofit for this base case scenario is $11,400. Assuming a rebound effect of 30 percent yields a comfort benefit of $3,400 and energy savings of $8,000 per participant.[4] As noted, approximately 24,000 loans are expected over 2 years. For the base case scenario, this would equal $41 million in comfort benefits and $96 million in energy savings for each year of the program. The benefits of the FHA program may not equal the sum of the benefits of all retrofits financed through the program, but only reflect the benefits of the retrofits that would not have occurred without the program; however, the existence of significant market imperfections and the lack of affordable financing make it reasonable to assume that a large proportion, if not all of the loans, will generate benefits.

Costs. The cost of receiving the energy-savings is the upfront investment plus the costs of financing the investment. The cost per investment is thus equal to the size of the loan, or $14,880 on average.

Transfers to Consumers. The transfer to consumers is equal to the difference

[4] The "rebound effect" refers to the fact that the reaction of the consumer to the energy-saving technology will not necessarily reduce energy consumption by what is technically possible. By increasing energy efficiency, the retrofit reduces the expense of physical comfort and will thus increase the demand for comfort. In fact, the retrofit may have been driven for a demand for more heating in the winter or cooling in the summer. The size of the rebound effect will depend on the income of the household and the path of energy prices.

between the FHA interest rate and the interest rates on other loans available for the same purpose. As discussed, alternative means of financing are limited and come with higher interest costs. However, if the next best interest rate for the consumer were fairly low at 10 percent, then this loan would represent a transfer of approximately $5,000 per household. Aggregated over 12,000 participants, the aggregate annual consumer transfer through lower interest costs would be $62 million.

The docket file is available for public inspection in the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street, SW., Room 10276 Washington, DC 20410–0500. Due to security measures at the HUD Headquarters building, please schedule an appointment to review the docket file by calling the Regulations Division at 202–402–3055 (this is not a toll-free number). Individuals with speech or hearing impairments may access this number via TTY by calling the Federal Information Relay Service at 800–877–8339.

Environmental Impact

A Finding of No Significant Impact (FONSI) with respect to the environment was prepared in accordance with HUD regulations at 24 CFR part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)). Individual mortgage insurance actions taken under the pilot program are categorically excluded under HUD's regulations at 24 CFR 50.19(b)(17) and not subject to the federal laws and authorities cited in 24 CFR 50.4, other than 24 CFR 50.4(b)(1) and (c)(1), and 24 CFR 51.303(a)(3). The FONSI is available for public inspection between the hours of 8 a.m. and 5 p.m. weekdays in the Regulations Division, Office of General Counsel, Room 10276, Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410. Due to security measures at the HUD Headquarters building, please schedule an appointment to review the FONSI by calling the Regulations Division at 202–708–3055 (this is not a toll-free number). Individuals with speech or hearing impairments may access this number via TTY by calling the toll-free Federal Information Relay Service at 800–877–8339.

Dated: March 24, 2011.

Joseph F. Smith,

General Deputy Assistant Secretary for Housing—Federal Housing Commissioner.

Appendix A
Allowable Charges and Fees

Fees & Charges that May be Financed	Fees and Charges that May be Collected, but May Not be Financed
An origination fee, not to exceed five percent of the loan amount.[1]	Discount points paid by the borrower or third party to the lender, but only if the lender can demonstrate a clear relationship between the discount points being charged and a compensating decrease in the interest rate on the loan.
Fees for architectural and engineering services. [1]	A fee for the services of a qualified closing agent to act on behalf of the lender in closing a direct loan transaction.
Building permit costs.[1]	Title I loan insurance charges assessed by the lender.
Credit report costs.[1]	Premiums for flood insurance that may be required in connection with a property improvement loan.[1]
Title examination costs.[1]	Premiums for credit life insurance or credit disability insurance.
Fees for determining whether the property is in a special flood hazard area.[1]	Title insurance costs.
Recording fees, recording taxes, filing fees, and documentary stamp Recording fees, recording taxes, filing fees, and documentary stamp taxes.	Payments into a tax and insurance escrow account for the current year.
Fee for inspection of the property by the lender or its agent, not to exceed $125.[1]	Other fees necessary to establish the validity of a lien.
Appraisal fees.[1]	Survey costs.[1]
Energy Audits.[1]	A handling charge to refinance an existing Title I loan, not to exceed one percent of the new loan amount.[1]
Such other items as may be specified by the Department.	A fee for approving an assumptor and preparing the assumption agreement, not to exceed one percent of the unpaid principal balance on the loan.[1]
	A fee for recording a release of the lender's security in the property, if permitted under State law.
	Such other items as may be specified by the Department.

* Typical fees & charges that may be collected at the time of application.

Appendix B
Eligible Improvements
Under Retrofit Pilot Program[5]

Improvement	Standard Home Energy Improvement Standards
Whole House	Whole house air sealing measures, including interior and exterior measures, utilizing sealants, caulks, insulating foams, gaskets, weather-stripping, mastics, and other building materials in accordance with BPI standards or other procedures approved by the Secretary. Reference: **http://www.bpi.org/standards.aspx**
Insulation: Attic	Attic insulation measures that— **(A)** include sealing of air leakage between the attic and the conditioned space, in accordance with BPI standards or the attic portions of the DOE or EPA thermal bypass checklist or other procedures approved by the Secretary; **(B)** add at least R-19 insulation to existing insulation; **(C)** result in at least R-38 insulation in DOE climate zones 1 through 4 and at least R-49 insulation in DOE climate zones 5 through 8, including existing insulation, within the limits of structural capacity, except that a State, with the approval of the Secretary, may designate climate zone sub regions as a function of varying elevation; and (Map Page: **http://www.energystar.gov/index.cfm?c=home_sealing.hm_improvement_insulation_table**) **(D)** cover at least-- (i) 100 percent of an accessible attic; or (ii) 75 percent of the total conditioned footprint of the house. BPI Standards reference: **http://www.bpi.org/standards.aspx**
Insulation: Wall	Wall insulation that— **(A)** is installed in accordance with BPI standards or other procedures approved by the Secretary; **(B)** is to full-stud thickness or adds at least R-10 of continuous insulation; and **(C)** covers at least 75 percent of the total external wall area of the home. BPI Reference: **http://www.bpi.org/standards.aspx**

[5] Section V.F.4(b) of this notice provides that homeowners may use up to 25 percent of the PowerSaver loan proceeds to fund, with certain specified exceptions, property improvements that, although not listed in this appendix, are identified in Title I Letter 470 as an eligible improvement under the Title I program. A copy of Title I Letter 470 may be downloaded at: http://www.hud.gov/offices/adm/hudclips/letters/title1/index.cfm If a lender has any doubt as to the eligibility of any item or activity, the lender must request a determination from FHA before making a loan. HUD strongly encourages the use of home energy audits and other tools to enable consumers to determine the most beneficial improvements they should seek to undertake.

Improvement	Standard Home Energy Improvement Standards
Insulation: Crawl Space	Crawl space insulation or basement wall and rim joist insulation that is installed in accordance with BPI standards or other procedures approved by the Secretary and— **(A)** covers at least 500 square feet of crawl space or basement wall and adds at least-- (i) R-19 of cavity insulation or R-15 of continuous insulation to existing crawl space insulation; or (ii) R-13 of cavity insulation or R-10 of continuous insulation to basement walls; and **(B)** fully covers the rim joist with at least R-10 of new continuous or R-13 of cavity insulation. BPI Reference: **http://www.bpi.org/standards.aspx**
Duct Sealing	Duct sealing or replacement and sealing that— **(A)** is installed in accordance with BPI standards or other procedures approved by the Secretary; and **(B)** in the case of duct replacement and sealing, replaces and seals at least 50 percent of a distribution system of the home. BPI Reference: **http://www.bpi.org/standards.aspx** Reference: **http://www1.eere.energy.gov/buildings/windowsvolumepurchase/**
Skylight Replacement	Skylight replacement that meets most recent Energy Star specifications.
Door Replacement	Door replacement that meets most recent Energy Star specifications.
Storm Doors	Storm doors.[This change made at request from OMB]
Window Replacement	Replacement windows that meet the most recent Energy Star specifications.
Storm Windows	Storm windows that meet the requirements for low-e storm windows under the Department of Energy Windows Volume Purchase Program.
Heating System Gas/Propane/Oil Boiler / Furnace	Heating system replacement that meets most recent Energy Star specifications.
Air Conditioner	Central air conditioner or air-source heat pump replacement with a new unit that meets most recent Energy Star specifications.
Water Heater (gas, propane, electric, tank less)	Replacement of a natural gas, propane, or electric water heater that meets most recent Energy Star specifications.
Roofs Metal & Asphalt	Metal or asphalt roofs that meet most recent Energy Star specifications.
Improvement	**Renewable Energy Home Improvement Standards**
Ground Source Heat Pump Systems	Ground source heat pump systems must be installed in accordance with ANSI/ACCA Standard 5 QJ-201.

Improvement	Standard Home Energy Improvement Standards
Water Heater (solar)	Solar water heating property must be Energy Star Qualified, or certified by the Solar Rating and Certification Corporation or by comparable entity endorsed by the state in which the system is installed.
Fuel Cells and Micro turbine Systems	Efficiency of at least 30% and must have a capacity of at least 0.5 kW.
Solar Panels (Photovoltaic Systems)	Photovoltaic systems must provide electricity for the residence, and must meet applicable fire and electrical code requirement.
Wind Turbine Residential	A wind turbine must (i) have a nameplate capacity of not more than 100 kilowatts; (ii) have performance and safety certification to: • The International Electrotechnical Commission (IEC) standards from an accredited product certification body, or • Certification to the American Wind Energy Association (AWEA) standards from the Small Wind Certification Council (SWCC), or a Nationally Recognized Testing Laboratory (NRTL); and (iii) be installed by an installer with North American Board of Certified Energy Practitioners Small Wind Installer Certification or small wind turbine installation training from an accredited training organization.

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BILLING CODE 4210–67–C

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5420–N–04]

Notice of Regulatory Waiver Requests Granted for the Fourth Quarter of Calendar Year 2010

AGENCY: Office of the General Counsel, HUD.

ACTION: Notice.

SUMMARY: Section 106 of the Department of Housing and Urban Development Reform Act of 1989 (the HUD Reform Act) requires HUD to publish quarterly **Federal Register** notices of all regulatory waivers that HUD has approved. Each notice covers the quarterly period since the previous **Federal Register** notice. The purpose of this notice is to comply with the requirements of section 106 of the HUD Reform Act. This notice contains a list of regulatory waivers granted by HUD during the period beginning on October 1, 2010, and ending on December 31, 2010.

FOR FURTHER INFORMATION CONTACT: For general information about this notice, contact Camille E. Acevedo, Associate General Counsel for Legislation and Regulations, Department of Housing and Urban Development, 451 7th Street, SW., Room 10282, Washington, DC 20410–0500, telephone 202–708–1793 (this is not a toll-free number). Persons with hearing- or speech-impairments may access this number through TTY by calling the toll-free Federal Information Relay Service at 800–877–8339.

For information concerning a particular waiver that was granted and for which public notice is provided in this document, contact the person whose name and address follow the description of the waiver granted in the accompanying list of waivers that have been granted in the fourth quarter of calendar year 2010.

SUPPLEMENTARY INFORMATION: Section 106 of the HUD Reform Act added a new section 7(q) to the Department of Housing and Urban Development Act (42 U.S.C. 3535(q)), which provides that:

1. Any waiver of a regulation must be in writing and must specify the grounds for approving the waiver;

2. Authority to approve a waiver of a regulation may be delegated by the Secretary only to an individual of Assistant Secretary or equivalent rank, and the person to whom authority to waive is delegated must also have authority to issue the particular regulation to be waived;

3. Not less than quarterly, the Secretary must notify the public of all waivers of regulations that HUD has approved, by publishing a notice in the **Federal Register**. These notices (each covering the period since the most recent previous notification) shall:

a. Identify the project, activity, or undertaking involved;

b. Describe the nature of the provision waived and the designation of the provision;

c. Indicate the name and title of the person who granted the waiver request;

d. Describe briefly the grounds for approval of the request; and

e. State how additional information about a particular waiver may be obtained.

Section 106 of the HUD Reform Act also contains requirements applicable to waivers of HUD handbook provisions that are not relevant to the purpose of this notice.

This notice follows procedures provided in HUD's Statement of Policy on Waiver of Regulations and Directives issued on April 22, 1991 (56 FR 16337). In accordance with those procedures and with the requirements of section 106 of the HUD Reform Act, waivers of regulations are granted by the Assistant Secretary with jurisdiction over the regulations for which a waiver was requested. In those cases in which a General Deputy Assistant Secretary granted the waiver, the General Deputy Assistant Secretary was serving in the absence of the Assistant Secretary in accordance with the office's Order of Succession.

This notice covers waivers of regulations granted by HUD from

October 1, 2010 through December 31, 2010. For ease of reference, the waivers granted by HUD are listed by HUD program office (for example, the Office of Community Planning and Development, the Office of Fair Housing and Equal Opportunity, the Office of Housing, and the Office of Public and Indian Housing, etc.). Within each program office grouping, the waivers are listed sequentially by the regulatory section of title 24 of the Code of Federal Regulations (CFR) that is being waived. For example, a waiver of a provision in 24 CFR part 58 would be listed before a waiver of a provision in 24 CFR part 570.

Where more than one regulatory provision is involved in the grant of a particular waiver request, the action is listed under the section number of the first regulatory requirement that appears in 24 CFR and that is being waived. For example, a waiver of both § 58.73 and § 58.74 would appear sequentially in the listing under § 58.73.

Waiver of regulations that involve the same initial regulatory citation are in time sequence beginning with the earliest-dated regulatory waiver.

Should HUD receive additional information about waivers granted during the period covered by this report (the fourth quarter of calendar year 2010) before the next report is published (the first quarter of calendar year 2011), HUD will include any additional waivers granted for the fourth quarter in the next report.

Accordingly, information about approved waiver requests pertaining to HUD regulations is provided in the Appendix that follows this notice.

Dated: March 24, 2011.

Helen R. Kanovsky,

General Counsel.

Appendix—Listing of Waivers of Regulatory Requirements Granted by Offices of the Department of Housing and Urban Development October 1, 2010 Through December 31, 2010

Note to Reader: More information about the granting of these waivers, including a copy of the waiver request and approval, may be obtained by contacting the person whose name is listed as the contact person directly after each set of regulatory waivers granted.

The regulatory waivers granted appear in the following order:

I. Regulatory Waivers Granted by the Office of Community Planning and Development
II. Regulatory Waivers Granted by the Office of Housing
III. Regulatory Waivers Granted by the Office of Public and Indian Housing

I. Regulatory Waivers Granted by the Office of Community Planning and Development

For further information about the following regulatory waivers, please see the name of the contact person that immediately follows the description of the waiver granted.

• *Regulation:* 24 CFR 50.17(e).

Project/Activity: The Turtleville project in Belcourt, ND, contained 117 units of housing that were built upon a former landfill and suffered from mold. Replacement housing was built and families were relocated. The unoccupied housing at Turtleville became an attractive nuisance to the community and the Turtle Mountain Housing Authority demolished the housing with funds under the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) before completing an environmental review to address the public health and safety concerns.

In accordance with 24 CFR part 58 (§§ 58.11(c) and (d) and 58.77(d)(1)), HUD agreed to assist the Tribe by re-assuming environmental responsibilities for the project.

Nature of Requirement: The regulation requires that when HUD exercises environmental responsibility under 24 CFR part 50 for projects originally subject to 24 CFR part 58, an Environmental Assessment and Finding of No Significant Impact shall be completed before HUD's execution of a contract.

Granted by: Mercedes M. Márquez, Assistant Secretary for Community Planning and Development.

Date Granted: October 29, 2010.

Reason Waived: The waiver was granted based on the following findings: (1) The project will further the HUD mission and will advance HUD program goals to support safe communities and decent and safe housing; (2) the need for reversion of environmental responsibilities for this project from 24 CFR part 58 to 24 CFR part 50 arose after HUD has signed a contract providing for assistance under NAHASDA; and (3) based on the environmental assessment and the HUD field inspection, granting a waiver will not result in any unmitigated, adverse environmental impact.

Contact: Danielle Schopp, Office of Environment and Energy, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 7250, Washington, DC 20410–7000, telephone (202) 402–4442.

• *Regulation:* 24 CFR 570.200(h)(1)(ii).

Project/Activity: The city of Baltimore, MD, requested a waiver of the regulation pertaining to pre-award costs, in order to be permitted to incur costs for Community Development Block Grant (CDBG) program eligible activities beginning with its July 1, 2010, program year start date, rather than the August 9, 2010 date on which the city's fiscal year 2010–2014 Consolidated Plan was submitted to HUD.

Nature of Requirement: HUD's regulations at 24 CFR 570.200(h)(1)(i) through (vi) establish the conditions under which a CDBG entitlement grantee may incur costs prior to the effective date of the grant agreement between HUD and the grantee. After the effective date of the grant agreement, the grantee may pay for those costs using CDBG funds provided those conditions are met.

Granted by: Mercedes M. Márquez, Assistant Secretary for Community Planning and Development.

Date Granted: October 27, 2010.

Reason Waived: The Department determined that Baltimore complied with the conditions described in 24 CFR 570.200(h)(1)(i), (iii), (iv), (v) and (vi). Citizens are to be advised of the extent to which pre-award costs will affect future grants pursuant to 24 CFR 570.200 (h)(1)(iii). At the time the costs were incurred, however, it appears that the city may not have complied with this provision. Based on the information provided by the city, the costs in question were allocable to the city's current CDBG award and the city will not use a future CDBG grant for those costs. Therefore, because Baltimore's future CDBG awards will not be affected by this action, HUD waived the requirement at 24 CFR 570.200(h)(1)(ii).

Contact: Valerie Browne, Office of Block Grant Assistance, Entitlement Communities Division, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 7282, Washington, DC 20410, telephone (202) 402–4533.

• *Regulation:* 24 CFR 570.209(b)(3)(i)(A).

Project/Activity: The city of Cleveland, Ohio requested a waiver of the public benefit standards for special economic development activities at 24 CFR 570.209(b)(3)(i)(A) for an individual activity. The waiver would allow the city to provide financial assistance, i.e. Section 108 Guaranteed Loan funds, to Dunham Square Land, LLC, a for-profit developer in the City of Cleveland.

Nature of Requirements: HUD's regulation at 24 CFR 570.209(b)(3)(i)(A) specifies that for special economic development activities that create or retain jobs, the use of Community Development Block Grant funds cannot exceed $50,000 per full-time equivalent job for individual activities. The city's activity did not meet the individual public benefit requirement because the actual dollar per full-time equivalent job was $71,334.

Granted by: Mercedes M. Márquez, Assistant Secretary for Community Planning and Development.

Date Granted: October 6, 2010.

Reasons Waived: HUD granted the waiver because the waiver would assist the city in completing its Empowerment Zone redevelopment strategy of creating new jobs and leveraging new investment in one of its most distressed neighborhoods. Additionally, it was determined that the activity would result in the creation of 150 full-time equivalent jobs.

Contact: Paul D. Webster, Director, Financial Management Division, Office of Block Grant Assistance, Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW., Room 7178, Washington, DC 20410–7000, telephone (202) 708–1871.

• *Regulation:* 24 CFR 570.705(f).

Project/Activity: The city of Scranton, Pennsylvania, requested a waiver of the limit on the repayment period for a loan

guaranteed pursuant to Section 108 of the Housing and Community Development Act of 1974, as amended. The waiver will permit the city of Scranton to extend the maturity of its pass-through loan (the "Obligor Loan") to Steamtown Mall Partners, L.P., which operates a downtown mall facility.

Nature of Requirements: HUD's regulations at 24 CFR 570.705(f) provide that the maximum loan repayment period on a debt obligation guaranteed under Section 108 is 20 years. Since the debt obligation in question was originally issued in 1992, the final principal payment permitted on the Section 108 obligation is August 1, 2012. Consequently, the requested maturity date of August 1, 2013 would be prohibited by the regulatory limitation.

Granted by: Mercedes M. Márquez, Assistant Secretary for Community Planning and Development.

Date Granted: December 20, 2010.

Reasons Waived: HUD granted the waiver to facilitate the extension of the Obligor Loan and thereby avoid the loss of 900 jobs, numerous store closings, and the potential vacancy of the lynchpin building of the city's downtown renovation. Failure to grant the waiver would have required the city of Scranton to apply CDBG funds, in lieu of other funds anticipated to be available in July 2013, to the payment due on the Section 108 loan. Such application of CDBG funds would deprive the city of resources that would otherwise be used to meet the community development needs of an economically distressed city.

Contact: Paul D. Webster, Director, Financial Management Division, Office of Block Grant Assistance, Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 7178, Washington, DC 20410–7000, telephone (202) 708–1871.

• *Regulation:* Section IV.A.1 of the Notice of Allocations, Application Procedures, and Requirements for Homeless Prevention and Rapid Re-Housing Program Grantees under the American Recovery and Reinvestment Act of 2009 (HPRP Notice).

Project/Activity: Homelessness Prevention and Rapid Re-Housing Program (HPRP) grantee, the City of San Diego, California, requested a waiver in order to provide financial assistance to HPRP participants in housing owned by the subgrantee, San Diego Housing Commission (SDHC).

Nature of Requirement: Subsection IV.A.1 of the HPRP Notice provides that HPRP financial assistance may not be used in connection with housing owned by the grantee, subgrantee, or the parent, subsidiary, or affiliated organization of the subgrantee.

Granted by: Mercedes M. Márquez, Assistant Secretary for Community Planning and Development.

Date Granted: November 18, 2010.

Reason Waived: The subgrantee provided sufficient information for HUD to conclude the following:

(1) The use of the housing owned by SDHC is necessary to provide an adequate supply of appropriate housing options for HPRP participants; (2) SDHC disclosed the conflict of interest; (3) SDHC's attorney reviewed the conflict of interest and determined that the use of the housing owned by the subgrantee would not violate State or local law; (4) HPRP participants would not be required or steered to live in SDHC's housing in order to receive financial or other assistance under HPRP; (5) the use of the housing owned by SDHC would not result in any personal or financial gain for any employee of the grantee, subgrantee, or the parent, subsidiary, or affiliated organization of the subgrantee; and (6) the housing owned by SDHC is not subsidized through another federal, state, or local housing program.

Contact: Ann M. Oliva, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 7262, Washington, DC 20410–7000, telephone number (202) 708–4300.

• *Regulation:* Section III.A of the HPRP Notice.

Project/Activity: HPRP grantee, the State of Utah, requested a waiver to retain and use its grant funds to directly carry out Data Collection and Evaluation activities under HPRP.

Nature of Requirement: Section III.A. of the HPRP Notice provides that a state grantee must make available all of its formula allocation, except for an appropriate share of funds for the administrative costs, to units of general local government and private nonprofit organizations in the state to carry out all eligible activities.

Granted by: Mercedes M. Márquez, Assistant Secretary for Community Planning and Development.

Date Granted: December 23, 2010.

Reason Waived: The grantee provided sufficient information for HUD to conclude the following: (1) The Homeless Management Information System (HMIS) was already in place; (2) the HMIS was being administered by the State of Utah, and (3) the alternative proposal of utilizing a fee structure to administer HMIS and meet the requirements in the Recovery Act would impose additional administrative burdens for the State.

Contact: Ann M. Oliva, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 7262, Washington, DC 20410–7000, telephone number (202) 708–4300.

II. Regulatory Waivers Granted by the Office of Housing—Federal Housing Administration (FHA)

For further information about the following regulatory waivers, *please see* the name of the contact person that immediately follows the description of the waiver granted.

• *Regulation:* 24 CFR 200.926d (f)(1)(i) and (2)(i).

Project/Activity: This request for waiver pertains to certain boroughs in the State of Alaska, specifically Juneau, Mantanuska-Susitna, Anchorage, Bethel, North Slope (Barrow), Fairbanks (North Star and Southeast) and the Kenai Peninsula, where conventional water supply systems, such as those required under FHA's Minimum Property Standards are not feasible as water sources due to the unique geographical characteristics present there.

Nature of Requirement: FHA's Minimum Property Standards (MPS) regulations governing new construction for single-family dwellings, 24 CFR 200.926d(f)(1)(i) and (f)(2)(i) provide that to be eligible for FHA insurance, each living unit within a newly constructed single-family residential property should be capable of delivering a flow of 5 gallons per minute (gpm) over a 4 hour period in order to provide a continuing and sufficient supply of safe water under adequate pressure and appropriate quality for household use.

Granted by: David H. Stevens, Assistant Secretary for Housing—Federal Housing Commissioner.

Waiver Date Granted: October 15, 2010.

Reason Waived: The waiver was granted to allow in these Alaska boroughs for FHA mortgage insurance to be secured by properties, otherwise eligible for FHA mortgage insurance, that rely upon hauled water, cisterns and other alternative water supply systems where there is no other acceptable permanent water supply available.

Contact: Peter Gillispie, Housing Program/Policy Specialist, Home Valuation Policy Division, Office of Single Family Program Development, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 9270, Washington, DC 20410, telephone (202) 402–3439.

• *Regulation:* 24 CFR 219.220(b).

Project/Activity: Smith Keys Village Apartments, FHA No. 082–35019. The owner requested permission to defer repayment of the Flexible Subsidy Loan on this project.

Nature of Requirement: Section 219.220(b) of HUD's regulations govern the repayment of operating assistance provided under the Flexible Subsidy Program for Troubled Projects (Flexible Subsidy Program) and, prior to May 1, 1996, this provisions states: "Assistance that has been paid to a project owner under this subpart must be repaid at the earlier of the expiration of the term of the mortgage, termination of the mortgage, termination of mortgage insurance, prepayment of the of the mortgage, or sale of the project, termination of these actions would typically terminate FHA involvement with the property, and the Flexible Subsidy loan would be repaid, in whole, at that time." Any of these actions typically would terminate FHA involvement with the property, and the Flexible Subsidy Loan would be repaid, in whole, at this time. The Section 221(d)(3) mortgage on the project matured in September 2004.

Granted by: David H. Stevens, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: September 30, 2010.

Reason Waived: This regulation was waived in order to allow the owner to defer repayment and re-amortize the existing balance plus accrued interest on the Flexible Subsidy Loan over a 15-year period. The owner will execute and record a Use Agreement for the term of the re-amortized Flexible Subsidy Loan. This waiver will ensure preservation of the project as an affordable housing resources for an additional 15 years.

Contact: James C. Wyatt, Housing Program Manger, Field Asset Management Division,

Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6168, Washington, DC 20410–8000, telephone (202) 708–3730, extension 2519.

• *Regulation:* 24 CFR 219.220(b).

Project/Activity: Grote Street Apartments—FHA Project Number 012–060NI, Bronx, New York. The owner requested to defer repayment of the Flexible Subsidy Loan on this project due to financial difficulties at the property.

Nature of Requirement: Section 219.220(b) of HUD's regulations govern the repayment of operating assistance provided under the Flexible Subsidy Program for Troubled Projects (Flexible Subsidy Program) and, prior to May 1, 1996, this provisions states: "Assistance that has been paid to a project owner under this subpart must be repaid at the earlier of the expiration of the term of the mortgage, termination of these actions would typically terminate FHA involvement with the property, and the Flexible Subsidy loan would be repaid, in whole, at that time." Because there has been no new operating assistance provided under the Flexible Subsidy Program since 1996, the 1996 regulations continue to govern the rights and obligations of housing owners and tenants with respect to projects assisted under the Flexible Subsidy Program prior to May 1996.

Granted by: David H. Stevens, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: October 15, 2010.

Reason Waived: The owner requested and was granted a waiver to defer of repayment of the Flexible Subsidy Operating Assistance Loan at the time of repayment of the mortgage. This allowed the owner to utilize funds to complete many necessary repairs at the project, thereby strengthening the physical and financial stability of the project. The loan will be re-amortized over a 20-year period and a new rental Use Agreement is to be executed. This waiver will also prevent displacement of tenants and serve to preserve this project as an affordable housing resource.

Contact: Marilyn M. Edge, Acting Director, Office of Asset Management, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6164, Washington, DC 20410–8000, telephone (202) 708–3730, extension 7538.

• *Regulation:* 24 CFR 219.220(b).

Project/Activity: Twin Parks N.E., Bronx, New York—FHA Project Number 012–027NI. The owner requested waiver of this regulation to permit transfer of ownership, and to make urgently needed repairs at the property.

Nature of Requirement: Section 219.220(b) of HUD's regulations govern the repayment of operating assistance provided under the Flexible Subsidy Program for Troubled Projects (Flexible Subsidy Program) and, prior to May 1, 1996, this provisions states: "Assistance that has been paid to a project owner under this subpart must be repaid at the earlier of the expiration of the term of the mortgage, termination of these actions would typically terminate FHA involvement with the property, and the Flexible Subsidy loan would be repaid, in whole, at that time." Because there has been no new operating assistance provided under the Flexible Subsidy Program since 1996, the 1996 regulations continue to govern the rights and obligations of housing owners and tenants with respect to projects assisted under the Flexible Subsidy Program prior to May 1996.

Granted by: David H. Stevens, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: October 15, 2010.

Reason Waived: The granting of this regulatory waiver allowed the sale of Twin Parks, N.E. and deferral of repayment of the Flexible Subsidy Loan in full upon prepayment of the Section 236 mortgage. The new owner agreed to address the physical needs of the property by making urgently needed repairs. The mortgage will be re-amortized over a 20-year period maintaining the property as an affordable housing resource.

Contact: Marilyn M. Edge, Acting Director, Office of Asset Management, Office of Housing, Department of Housing and Urban Development,
451 Seventh Street, SW., Room 6164, Washington, DC 20410–8000, telephone (202) 708–3730, extension 7538.

• *Regulation:* 24 CFR 219.220(b).

Project/Activity: Zion Towers, Newark, New Jersey—FHA Project Number 031–003–NI. The owner requested waiver of this regulation to permit deferral of repayment of the Flexible Subsidy Loans upon refinancing of the Section 236 mortgage.

Nature of Requirement: Section 219.220(b) of HUD's regulations govern the repayment of operating assistance provided under the Flexible Subsidy Program for Troubled Projects (Flexible Subsidy Program) and, prior to May 1, 1996, this provisions states: "Assistance that has been paid to a project owner under this subpart must be repaid at the earlier of the expiration of the term of the mortgage, termination of these actions would typically terminate FHA involvement with the property, and the Flexible Subsidy loan would be repaid, in whole, at that time." Because there has been no new operating assistance provided under the Flexible Subsidy Program since 1996, the 1996 regulations continue to govern the rights and obligations of housing owners and tenants with respect to projects assisted under the Flexible Subsidy Program prior to May 1996.

Granted by: David H. Stevens, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: November 10, 2010.

Reason Waived: Granting the waiver allowed the proposed owner to assume the loan, remove the seller from the transaction and gain site control. The new owner proposed rehabilitation of the project which would benefit the City of Newark, contribute to improvement of the neighborhood, reduce criminal activity through improvements in security, and improve living conditions for the residents of Zion Towers. Deferral of repayment of the Flexible Subsidy Loans would increase the availability of funds for the project. A new rental Use Agreement is to be executed, extending the affordability of the project through the term of the new financing.

Contact: Marilyn M. Edge, Acting Director, Office of Asset Management, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6164, Washington, DC 20410–8000, telephone (202) 708–3730, extension 7538.

• *Regulation:* 24 CFR 219.220(b).

Project/Activity: Council Towers Apartments—FHA Project Number 085–SH010. The owner requested to sell the property and allow a profit-motivated owner to refinance the mortgage. Deferral of repayment of the Flexible Subsidy Operating Assistance Loan on this project will allow a longer term to pay off the loan.

Nature of Requirement: Section 219.220(b) of HUD's regulations govern the repayment of operating assistance provided under the Flexible Subsidy Program for Troubled Projects (Flexible Subsidy Program) and, prior to May 1, 1996, this provisions states: "Assistance that has been paid to a project owner under this subpart must be repaid at the earlier of the expiration of the term of the mortgage, termination of these actions would typically terminate FHA involvement with the property, and the Flexible Subsidy loan would be repaid, in whole, at that time." Because there has been no new operating assistance provided under the Flexible Subsidy Program since 1996, the 1996 regulations continue to govern the rights and obligations of housing owners and tenants with respect to projects assisted under the Flexible Subsidy Program prior to May 1996.

Granted by: David H. Stevens, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: November 22, 2010.

Reason Waived: The owner requested waiver of the requirement to defer repayment of the Flexible Subsidy Operating Assistance Loan because the project is 40 years old, 50 percent occupied, in poor condition and unable to repay the loan at the time of sale or refinancing. Deferment is necessary to recapitalize the property and make urgently needed repairs which will preserve the property as affordable housing in good condition for the long term. A new rental Use Agreement is to be executed for the 40-year term of the new loan.

Contact: Marilyn M. Edge, Acting Director, Office of Asset Management, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6164, Washington, DC 20410–8000, telephone (202) 708–3730, extension 7538.

• *Regulation:* 24 CFR 219.220(b).

Project/Activity: Guild Park Apartments, San Antonio, Texas—FHA Project Number 115–35035. The owner requested to defer repayment of the Flexible Subsidy loans on this project.

Nature of Requirement: Section 219.220(b) of HUD's regulations govern the repayment of operating assistance provided under the Flexible Subsidy Program for Troubled Projects (Flexible Subsidy Program) and, prior to May 1, 1996, this provisions states: "Assistance that has been paid to a project owner under this subpart must be repaid at the earlier of the expiration of the term of the mortgage, termination of these actions would typically terminate FHA involvement with the property, and the Flexible Subsidy loan

would be repaid, in whole, at that time." Because there has been no new operating assistance provided under the Flexible Subsidy Program since 1996, the 1996 regulations continue to govern the rights and obligations of housing owners and tenants with respect to projects assisted under the Flexible Subsidy Program prior to May 1996.

Granted by: David H. Stevens, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: December 14, 2010.

Reason Waived: This waiver was granted in order to allow the owner to amortize the flexible subsidy debt with a newly financed mortgage. The owner is to record a new rental Use Agreement for the 40-year term of the re-amortized Flexible Subsidy Loan, extending project affordability until November 1, 2051. This waiver will ensure that the current residents are not displaced or lose their subsidy and that the project will be substantially rehabilitated to meet or exceed the Department's standards for providing safe, decent, sanitary and affordable housing.

Contact: Marilyn M. Edge, Acting Director, Office of Asset Management, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6164, Washington, DC 20410–8000, telephone (202) 708–3730, extension 2078.

• *Regulation:* 24 CFR 232.3.

Project/Activity: Sarah's Place Memory Care; Glendale, AZ.

Nature of Requirement: HUD's regulation at 24 CFR 232.3 requires one full bathroom for every four residents of a board and care home or assisted living facility and bathroom access must not pass through a public corridor or area.

Granted by: David H. Stevens, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: December 2, 2010.

Reason Waived: The project agreed to provide for one half-bath per single occupancy residency unit and one full bathroom with shower or bath per six residency units. The project is a memory care facility and residents require staff supervision for bathing safely; therefore, the facility is designed with bathing facilities located centrally to insure supervision. This design is similar to newer memory care facilities found throughout the country.

Contact: Renee D. Greenman, Director, NW/Alaska Multifamily, Seattle Federal Office Building, Office of Housing, Department of Housing and Urban Development, 909 First Avenue, Room 190, Seattle, Washington 98104–1000, telephone (206) 220–6227.

• *Regulation:* 24 CFR 232.3.

Project/Activity: Mayberry Gardens, V; Garland, TX.

Nature of Requirement: HUD's regulation at 24 CFR 232.3 requires one full bathroom for every four residents of a board and care home or assisted living facility and bathroom access must not pass through a public corridor or area.

Granted by: David H. Stevens, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: December 2, 2010.

Reason Waived: HUD granted the waiver because the loan is to be used to provide three additional building of 11 units each to an existing 88 unit facility. For each building of 11 units, three units will have accessible private baths, three will have accessible half-baths and five will have inaccessible half baths. The two bathing facilities are located in the center of the building and will serve the eight inaccessible units. Although the bathing facilities are across a public corridor, the facilities are not located in an area that will be frequented by anyone other than residents and staff. Additionally, the regulations do not define "public corridor." The current facility has an 8/1 resident/bathing facility ratio and maintains a 98% or better occupancy rate. Because many residents are frail, families typically prefer assistance for bathing in a central facility even when private facilities are available.

Contact: Renee D. Greenman, Director, NW/Alaska Multifamily, Seattle Federal Office Building, Office of Housing, Department of Housing and Urban Development, 909 First Avenue, Room 190, Seattle, Washington 98104–1000, telephone (206) 220–6227.

• *Regulation:* 24 CFR 232.251(a), 207.258b(b), and 207.258b(c)(1).

Project/Activity: The Lenox on the Lake, Lauderhill, FL.

Nature of Requirement: HUD's regulations at the above-referenced provisions: require the mortgagee to notify the Commissioner of its election to assign the mortgage to HUD (24 CFR 207.251(a)); and restrict partial payments of claims to, *inter alia,* when necessary for maintaining "the low-and moderate-income character" of the project (24 CFR 258b(b) and 207.258b(c)(1)).

Granted by: David H. Stevens, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: November 12, 2010.

Reason Waived: Waiver of these regulations allowed the mortgagee to participate in a partial payment of claim that would be less costly to the federal government. It is anticipated the fund would avoid paying a $21.47 million claim and instead make a partial payment that is $11 million less. Additionally, granting of the waiver allowed the continuing operations of the facility, thus 90 elderly residents would not be uprooted and the facility would remain a viable housing choice.

Contact: John Hartung, Senior Account Executive, St. Louis Field Office, Office of Housing, Department of Housing and Urban Development, 1222 Spruce Street, St. Louis, MO 63103–2836, telephone (314) 539–6333.

• *Regulation:* 24 CFR 290.30(a).

Project/Activity: Marion Avenue Apartments, Bronx, New York—FHA Project Number 012–35312V. The owner requested waiver of this regulation to permit the purchase of this HUD-Held mortgage loan on a noncompetitive basis.

Nature of Requirement: HUD's regulations governing the sale of HUD-Held mortgages are set forth in 24 CFR part 290, subpart B. Section 290.30(a) of those regulations state: "[e]xcept as otherwise provided in Section 290.31(a)(2), HUD will sell HUD–Held multifamily mortgages on a competitive basis." Section 290.31(a)(2) permits "negotiated" sales to state or local governments for mortgage loans that are current and secured by subsidized projects, provided such loans are sold with FHA insurance.

Granted by: David H. Stevens, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: November 4, 2010.

Reason Waived: Granting of the waiver allowed the sale of Marion Avenue Apartments on a non-competitive basis. The sale of the property will provide a tax savings to the state of New York, as well as preserving the property as affordable housing. These measures also serve to prevent foreclosure of the property.

Contact: Marilyn M. Edge, Acting Director, Office of Asset Management, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6164, Washington, DC 20410–8000, telephone (202) 708–3730, extension 7538.

• *Regulation:* 24 CFR 891.100(d).

Project/Activity: Kappa House II Apartments, Cleveland, OH, Project Number: 042–EE206/OH12–S061–004.

Nature of Requirement: Section 891.100(d) prohibits amendment of the amount of the approved capital advance funds prior to closing.

Granted by: David H. Stevens, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: October 22, 2010.

Reason Waived: The project is economically designed and comparable in cost to similar projects in the area, and the sponsor/owner exhausted all efforts to obtain additional funding from other sources.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6134, Washington, DC 20410–8000, telephone (202) 708–3000.

• *Regulation:* 24 CFR 891.100(d).

Project/Activity: CAAP Place of Hope, Memphis, TN, Project Number: 081–HD026/TN40–Q081–005.

Nature of Requirement: Section 891.100(d) prohibits amendment of the amount of the approved capital advance funds prior to closing.

Granted by: David H. Stevens, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: November 23, 2010.

Reason Waived: The project is economically designed and comparable in cost to similar projects in the area, and the sponsor/owner exhausted all efforts to obtain additional funding from other sources.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6134, Washington, DC 20410–8000, telephone (202) 708–3000.

• *Regulation:* 24 CFR 891.100(d).

Project/Activity: The Apartments at St. Elizabeth's, Linden, NJ, Project Number: 031–HD155/NJ39–Q081–001.

Nature of Requirement: Section 891.100(d) prohibits amendment of the amount of the approved capital advance funds prior to closing.

Granted by: David H. Stevens, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: November 24, 2010.

Reason Waived: The project is economically designed and comparable in cost to similar projects in the area, and the sponsor/owner exhausted all efforts to obtain additional funding from other sources.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6134, Washington, DC 20410–8000, telephone (202) 708–3000.

• *Regulation:* 24 CFR 891.100(d) and 24 CFR 891.165.

Project/Activity: Pelican Place Apartments, Wooster, OH, Project Number: 042–HD148/OH12–Q071–003.

Nature of Requirement: Section 891.100(d) prohibits amendment of the amount of the approved capital advance funds prior to initial closing. Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: David H. Stevens, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: October 29, 2010.

Reason Waived: The project is economically designed and comparable in cost to similar projects in the area, and the sponsor/owner exhausted all efforts to obtain additional funding from other sources and additional time was needed to allow the sponsor time to obtain gap financing, issue the Firm Commitment and to achieve an initial closing.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6134, Washington, DC 20410–8000, telephone (202) 708–3000.

• *Regulation:* 24 CFR 891.100(d) and 24 CFR 891.165.

Project/Activity: West Bergen ILP 2005, Ridgewood, NJ, Project Number: 031–HD145/NJ39–Q051–001.

Nature of Requirement: Section 891.100(d) prohibits amendment of the amount of the approved capital advance funds prior to initial closing. Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: David H. Stevens, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: December 15, 2010.

Reason Waived: The project is economically designed and comparable in cost to similar projects in the area, and the sponsor/owner exhausted all efforts to obtain additional funding from other sources and additional time was needed for issuance of the firm commitment and for the project to achieve an initial closing.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6134, Washington, DC 20410–8000, telephone (202) 708–3000.

• *Regulation:* 24 CFR 891.100(d) and 24 CFR 891.165.

Project/Activity: Bridge Gardens, Bronx, NY, Project Number: 012–HD106/NY36–Q011–003.

Nature of Requirement: Section 891.100(d) prohibits amendment of the amount of the approved capital advance funds prior to initial closing. Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: David H. Stevens, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: December 23, 2010.

Reason Waived: The project is economically designed and comparable in cost to similar projects in the area, and the sponsor/owner exhausted all efforts to obtain additional funding from other sources and additional time was needed to issue the firm commitment and for the project to achieve an initial closing.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6134, Washington, DC 20410–8000, telephone (202) 708–3000.

• *Regulation:* 24 CFR 891.165.

Project/Activity: Hale Mahaolu Ehiku, Phase II, Project Number: 140–EE035/HI10–S051–002.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: David H. Stevens, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: October 4, 2010.

Reason Waived: Additional time was needed for this mixed finance project to resolve cost certification issues and for initial/final closing to take place.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6134, Washington, DC 20410–8000, telephone (202) 708–3000.

• *Regulation:* 24 CFR 891.165.

Project/Activity: Oakridge Park Apartments, Lake Oswego, OR, Project Number: 126–EE059/OR16–S061–002.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: David H. Stevens, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: October 4, 2010.

Reason Waived: Additional time was needed for the tax credit investor to prepare for endorsement and for the project to be initially closed.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6134, Washington, DC 20410–8000, telephone (202) 708–3000.

• *Regulation:* 24 CFR 891.165.

Project/Activity: Emerald Rose I Apartments, Burton, OH, Project Number: 042–HD141/OH12–Q061–004.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: David H. Stevens, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: October 6, 2010.

Reason Waived: Additional time was needed for the field office to complete its review of the new site, submit the request for approval of the site change to HUD Headquarters and for the project to reach an initial closing.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6134, Washington, DC 20410–8000, telephone (202) 708–3000.

• *Regulation:* 24 CFR 891.165.

Project/Activity: Sierra Manor II, Reno, NV, Project Number: 125–EE129/Nv25–S061–003.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: David H. Stevens, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: October 6, 2010.

Reason Waived: Additional time was needed for the sponsor/owners to obtain additional documentation from their general contractor, for the firm commitment to be processed and for the project to achieve an initial closing.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6134, Washington, DC 20410–8000, telephone (202) 708–3000.

• *Regulation:* 24 CFR 891.165.

Project/Activity: Parham House, Vista, CA, Project Number: 129–HD031/CA33–Q061–001.

Nature of Requirement: Section 891.165 provides that the duration of the fund

reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: David H. Stevens, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: October 21, 2010.

Reason Waived: Additional time was needed for the contractor to obtain bonding, for the loan documents for the additional funding to be finalized and for the project to be initially closed.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6134, Washington, DC 20410–8000, telephone (202) 708–3000.

• *Regulation:* 24 CFR 891.165.

Project/Activity: Harrison Street Senior Housing, Oakland, CA, Project Number: 121–EE204/CA39–S071–008.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: David H. Stevens, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: October 21, 2010.

Reason Waived: Additional time was needed to complete the review and approval of the closing documents and for the project to achieve an initial closing.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6134, Washington, DC 20410–8000, telephone (202) 708–3000.

• *Regulation:* 24 CFR 891.165.

Project/Activity: Paseo De Luz Apartments, Oxnard, CA, Project Number: 122–HD168/CA16–Q071–001.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: David H. Stevens, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: October 21, 2010.

Reason Waived: Additional time was needed for the lenders to complete their review of the firm commitment, update their reports, finalize their loan documents, and complete disbursement of all funds and for the project to achieve an initial closing.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6134, Washington, DC 20410–8000, telephone (202) 708–3000.

• *Regulation:* 24 CFR 891.165.

Project/Activity: San Marino Apartments, Montclair, CA, Project Number: 143–EE062/CA43–S061–001.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: David H. Stevens, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: October 22, 2010.

Reason Waived: Additional time was needed to prepare for and achieve initial closing.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6134, Washington, DC 20410–8000, telephone (202) 708–3000.

• *Regulation:* 24 CFR 891.165.

Project/Activity: Brunswick Apartments, Brunswick, OH, Project Number: 042–HD152/OH12–Q071–007.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: David H. Stevens, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: October 22, 2010.

Reason Waived: Additional time was needed to issue the firm commitment and for the project to reach an initial closing.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6134, Washington, DC 20410–8000, telephone (202) 708–3000.

• *Regulation:* 24 CFR 891.165.

Project/Activity: St. Theresa's Elderly Housing (*aka:* Rose Hill Manor), Billerica, MA, Project Number: 023–EE216/MA06–S071–006.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: David H. Stevens, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: October 25, 2010.

Reason Waived: Additional time was needed to make changes and modifications to the HUD lease addendum and for the project to achieve an initial closing.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6134, Washington, DC 20410–8000, telephone (202) 708–3000.

• *Regulation:* 24 CFR 891.165.

Project/Activity: Fillmore Haciendas, Phoenix, AZ, Project Number: 13–EE105/AZ20–S071–001.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: David H. Stevens, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: November 17, 2010.

Reason Waived: Additional time was needed for the initial closing package to be processed and for the project to achieve an initial closing.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6134, Washington, DC 20410–8000, telephone (202) 708–3000.

• *Regulation:* 24 CFR 891.165.

Project/Activity: Willow Glen Apartments (aka: Newton Falls), Newton Falls, OH, Project Number: 042–EE223/OH12–S071–009.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: David H. Stevens, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: December 1, 2010.

Reason Waived: Additional time was needed for the county to complete an environmental review, issue the firm commitment and for the project to reach an initial closing.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6134, Washington, DC 20410–8000, telephone (202) 708–3000.

• *Regulation:* 24 CFR 891.165.

Project/Activity: AHEPA Apartment #63, Tallmadge, OH, Project Number: 042–EE218/OH12–S071–004.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: David H. Stevens, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: December 15, 2010.

Reason Waived: Additional time was needed for the sponsor to form the ownership limited partnership for the project, form the firm commitment to be reprocessed and for the project reach an initial closing.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6134, Washington, DC 20410–8000, telephone (202) 708–3000.

• *Regulation:* 24 CFR 891.165.

Project/Activity: RJ Piltz Vista Bonita (*aka:* ASI-Mesa), Mesa, AZ, Project Number: 123–HD041/AZ20–Q061–003.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: David H. Stevens, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: December 15, 2010.

Reason Waived: Additional time was needed for the sponsor/owner's architect to make the adjustments to the plans required by the City of Mesa, for the firm commitment to be issued and for the project reach an initial closing.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6134, Washington, DC 20410–8000, telephone (202) 708–3000.

• *Regulation:* 24 CFR 891.165.

Project/Activity: Cedar Street Apartments, Redwood City, CA, Project Number: 121–HD090/CA39–Q071–002.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: David H. Stevens, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: December 23, 2010.

Reason Waived: Additional time was needed for because the General Contractor suddenly passed away and the sponsor/owner needs to review the credentials of the replacement contractor and for the project reach an initial closing.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6134, Washington, DC 20410–8000, telephone (202) 708–3000.

• *Regulation:* 24 CFR 891.165.

Project/Activity: Kappa House II Apartments, Cleveland, OH, Project Number: 042–EE206/OH12–S061–004.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: David H. Stevens, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: December 23, 2010.

Reason Waived: Additional time was needed to review a revised draft initial closing package which was submitted late due to an Ownership change in the consultant firm and the illness of the Owner's project counsel and for the project reach an initial closing.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6134, Washington, DC 20410–8000, telephone (202) 708–3000.

• *Regulation:* 24 CFR 891.165.

Project/Activity: Willows at Melvin Place, Everett, WA, Project Number: 127–HD041/WA19–Q081–001.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: David H. Stevens, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: December 23, 2010.

Reason Waived: Additional time was needed for the sponsor/owner to prepare the closing documents and for the project reach an initial closing.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6134, Washington, DC 20410–8000, telephone (202) 708–3000.

• *Regulation:* 24 CFR 891.165, 24 CFR 891.830(b), CFR 891.830(c)(4) and 24 CFR 891.830(c)(5).

Project/Activity: Acacia Lane Senior Housing, Santa Rosa, CA, Project Number: 121–EE205/CA39–S081–001.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis. Section 891.830(b) allows the capital advance funds be drawn down only in an approved ratio to other funds, in accordance with draw down schedule approved by HUD. Section 891.830(c)(4) permits the capital advance drawn down will be used only for eligible costs actually incurred in accordance with the provisions of this subpart and the approved mixed-finance project. Section 891.830(c)(5) allows the amount of the draw down is consistent with the ratio of 202 or 811 supportive housing units to other units.

Granted by: David H. Stevens, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: November 23, 2010.

Reason Waived: Additional time was needed for issuance of the firm commitment, construction of the project and for initial/final closing of this capital advance upon completion of project. Additionally, granting of the waiver allowed the capital advance to be drawn down in one requisition, to pay off that portion of a bridge or construction financing, or bonds that strictly relate to capital advance eligible costs after completion of construction at initial/final closing.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6134, Washington, DC 20410–8000, telephone (202) 708–3000.

• *Regulation:* 24 CFR 891.830(c)(4).

Project/Activity: Elim Manor, Columbus, OH, Project Number: 043–EE125/OH16–S081–004.

Nature of Requirement: Section 891.830(c)(4) prohibits the capital advance funds from paying off bridge or construction financing, or repaying or collateralizing bonds.

Granted by: David H. Stevens, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: December 13, 2010.

Reason Waived: The waiver was granted to permit capital advance funds to be used to pay off that portion of a bridge or construction financing, or repaying a portion of bonds that strictly relate to capital advance eligible costs.

Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6134, Washington, DC 20410–8000, telephone (202) 708–3000.

III. Regulatory Waivers Granted by the Office of Public and Indian Housing

For further information about the following regulatory waivers, please see the name of the contact person that immediately follows the description of the waiver granted.

• *Regulation:* 24 CFR 5.801(d)(1).

Project/Activity: Burlington County Human Services Facility Rental Assistance, (NJ215), Mount Holly, NJ.

Nature of Requirement: The regulation establishes certain reporting compliance dates. Audited financial statements are required to be submitted to the Real Estate Assessment Center (REAC) no later than nine months after the housing authority's (HA) fiscal year end (FYE), in accordance with the Single Audit Act and OMB Circular A–133.

Granted by: Sandra B. Henriquez, Assistant Secretary for Public and Indian Housing.

Date Granted: November 12, 2010.

Reason Waived: The HA submitted that their auditor was not able to certify, verify and submit the audited financial information for fiscal year end (FYE) December 31, 2009, as a result of an unexpected absence and a slight problem with the auditor's access to the Real Estate Assessment Center (REAC) Secure System. The waiver was granted. The additional two weeks permitted the audit documentation to be compiled and submitted into REAC's secure system.

Contact: Johnson Abraham, Acting Program Manager, NASS, Real Estate Assessment Center, Office of Public and Indian Housing, Department of Housing and Urban Development, 550 12th Street, SW., Suite 100, Washington, DC 20410, telephone (202) 475–8583.

• *Regulation:* 24 CFR 902.40.

Project/Activity: Housing Authority of Maricopa County, (AZ009), Phoenix, AZ.

Nature of Requirement: The regulation establishes that public housing agencies (PHAs) are required to submit a management operations certification under Public Housing Assessment System (PHAS). In accordance with **Federal Register** Notice (FR–5428–N–01), dated July 23, 2010, PHAs that requested and received an approved waiver for their

management operations certification for FYEs June 30, 2009, or September 30, 2009, may request another waiver for the FYE June 30, 2010, or September 30, 2010.

Granted by: Sandra B. Henriquez, Assistant Secretary for Public and Indian Housing.

Date Granted: October 8, 2010.

Reason Waived: The HA received an approved waiver from HUD on June 30, 2009. The HA is continuing its conversion to asset management, established ten Asset Management Projects (AMP) and has expanded the role of its AMP Managers. The burden of trying to certify MASS performance while continuing to move forward would result in an unreasonable hardship. The waiver was granted for FYE June 30, 2010 and the most recent management operations score of record will be carried over to the fiscal year being assessed.

Contact: Johnson Abraham, Program Manager, NASS, Real Estate Assessment Center, Office of Public and Indian Housing, Department of Housing and Urban Development, 550 Twelfth Street, SW., Suite 100, Washington, DC 20410, telephone (202) 475–8583.

• *Regulation:* 24 CFR 902.40.

Project/Activity: Jackson County Housing Authority, (IL053), Murphysboro, IL.

Nature of Requirement: The regulation establishes that public housing agencies (PHAs) are required to submit a management operations certification under Public Housing Assessment System (PHAS). In accordance with **Federal Register** Notice (FR–5428–N–01), dated July 23, 2010, PHAs that requested and received an approved waiver for their management operations certification for FYEs June 30, 2009, or September 30, 2009, may request another waiver for the FYE June 30, 2010, or September 30, 2010.

Granted by: Sandra B. Henriquez, Assistant Secretary for Public and Indian Housing.

Date Granted: October 08, 2010.

Reason Waived: The HA received an approved waiver for fiscal year end (FYE) June 30, 2009. The HA is continuing its convert its properties to Asset Management Projects (AMPS) and is rewriting its software to conform to the new reporting requirements for an AMP reconfiguration. The burden of trying to certify MASS performance while continuing to move forward with the conversion to asset management would result in an unreasonable hardship. The waiver was granted for FYE June 30, 2010 and the most recent management operations score of record will be carried over to the fiscal year being assessed.

Contact: Johnson Abraham, Program Manager, NASS, Real Estate Assessment Center, Office of Public and Indian Housing, Department of Housing and Urban Development, 550 Twelfth Street, SW., Suite 100, Washington, DC 20410, telephone (202) 475–8583.

• *Regulation:* 24 CFR 902.40.

Project/Activity: Fayetteville Metropolitan Housing Authority, (NC009), Fayetteville, NC.

Nature of Requirement: The regulation establishes that public housing agencies (PHAs) are required to submit a management operations certification under Public Housing Assessment System (PHAS). In accordance with **Federal Register** Notice (FR–5428–N–01), dated July 23, 2010, PHAs that requested and received an approved waiver for their management operations certification for FYEs June 30, 2009, or September 30, 2009, may request another waiver for the FYE June 30, 2010, or September 30, 2010.

Granted by: Sandra B. Henriquez, Assistant Secretary for Public and Indian Housing.

Date Granted: October 21, 2010.

Reason Waived: The HA is continuing its conversion to asset management. Concurrently, the HA has undertaken a number of projects including a $ 20 million 2007 HOPE VI Revitalization Grant Program, a $ 6.5 million 2009 Capital Fund Recovery Completive Grant and a series of additional grant programs that focus on improving and administering its 796 public housing units. The HA submitted that having to submit its management operations certification while continuing to move forward with the conversion would result in an unreasonable hardship. The waiver was granted for FYE September 30, 2010 and the most recent management operations score of record will be carried over to the fiscal year being assessed.

Contact: Johnson Abraham, Program Manager, NASS, Real Estate Assessment Center, Office of Public and Indian Housing, Department of Housing and Urban Development, 550 Twelfth Street, SW., Suite 100, Washington, DC 20410, telephone (202) 475–8583.

• *Regulation:* 24 CFR 902.40.

Project/Activity: Knoxville Community Development Corporation, (TN003), Knoxville, TN.

Nature of Requirement: The regulation establishes that public housing agencies (PHAs) are required to submit a management operations certification under Public Housing Assessment System (PHAS). In accordance with **Federal Register** Notice (FR–5428–N–01), dated July 23, 2010, PHAs that requested and received an approved waiver for their management operations certification for FYEs June 30, 2009, or September 30, 2009, may request another waiver for the FYE June 30, 2010, or September 30, 2010.

Granted by: Sandra B. Henriquez, Assistant Secretary for Public and Indian Housing.

Date Granted: November 8, 2010.

Reason Waived: The HA received an approved waiver from HUD on May 25, 2010. The HA is transitioning to asset management and compiling and submitting a management operations certification would impose an administrative hardship. The HA submitted that a waiver of the requirement of the MASS certification would allow their staff to concentrate on organizational, procedural and software changes that transition the HA's operations of assets from portfolio- based to property-based management. The waiver was granted for FYE June 30, 2010 and the most recent management operations score of record will be carried over to the fiscal year being assessed.

Contact: Johnson Abraham, Program Manager, NASS, Real Estate Assessment Center, Office of Public and Indian Housing, Department of Housing and Urban Development, 550 Twelfth Street, SW., Suite 100, Washington, DC 20410, telephone (202) 475–8583.

• *Regulation:* 24 CFR 902.40.

Project/Activity: Housing Authority of Clackamas County, (OR011), Oregon City, OR.

Nature of Requirement: The regulation establishes that public housing agencies (PHAs) are required to submit a management operations certification under Public Housing Assessment System (PHAS). In accordance with **Federal Register** Notice (FR–5428–N–01), dated July 23, 2010, PHAs that requested and received an approved waiver for their management operations certification for FYEs June 30, 2009, or September 30, 2009, may request another waiver for the FYE June 30, 2010, or September 30, 2010.

Granted by: Sandra B. Henriquez, Assistant Secretary for Public and Indian Housing.

Date Granted: December 8, 2010.

Reason Waived: The HA received an approved waiver from HUD on June 30, 2009 and completed its conversion to asset management during FYE 2008. The HA requested a waiver due to the resulting hardship created by having to certify its MASS performance during the transition period and prior to any potential regulatory changes that may result at some future point in time. The waiver was granted for FYE June 30, 2010 and the most recent management operations score of record will be carried over to the fiscal year being assessed.

Contact: Johnson Abraham, Program Manager, NASS, Real Estate Assessment Center, Office of Public and Indian Housing, Department of Housing and Urban Development, Twelfth Street, SW., Suite 100, Washington, DC 20410, telephone (202) 475–8583.

• *Regulation:* 24 CFR 982.505(c)(3).

Project/Activity: Indianapolis Housing Authority (IHA), Indianapolis, IN.

Nature of Requirement: HUD's regulation at 24 CFR 982.505(c)(3) states that, if the amount on the payment standard schedule is decreased during the term of the housing assistance payments (HAP) contract, the lower payment standard amount generally must be used to calculate the monthly HAP for the family beginning on the effective date of the family's second regular reexamination following the effective date of the decrease.

Granted by: Sandra B. Henriquez, Assistant Secretary for Public and Indian Housing.

Date Granted: July 2, 2010.

Reason Waived: This waiver was granted because this cost-saving measure would enable the IHA to manage its Housing Choice Voucher program within allocated budget authority and avoid the termination of HAP contracts due to insufficient funding.

Contact: Laure Rawson, Acting Director, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 4210, Washington, DC 20410; telephone (202) 708–0477.

• *Regulation:* 24 CFR 982.505(c)(3).

Project/Activity: Inglewood Housing Authority (IHA), Inglewood, CA.

Nature of Requirement: HUD's regulation at 24 CFR 982.505(c)(3) states that, if the

amount on the payment standard schedule is decreased during the term of the housing assistance payments (HAP) contract, the lower payment standard amount generally must be used to calculate the monthly HAP for the family beginning on the effective date of the family's second regular reexamination following the effective date of the decrease.

Granted by: Sandra B. Henriquez, Assistant Secretary for Public and Indian Housing.

Date Granted: July 2, 2010.

Reason Waived: This waiver was granted because this cost-saving measure would enable the IHA to manage its Housing Choice Voucher program within allocated budget authority and avoid the termination of HAP contracts due to insufficient funding.

Contact: Laure Rawson, Acting Director, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 4210, Washington, DC 20410; telephone (202) 708–0477.

• *Regulation:* 24 CFR 982.505(c)(3).

Project/Activity: Housing Authority of Skagit County (HASC), Skagit County, WA.

Nature of Requirement: HUD's regulation at 24 CFR 982.505(c)(3) states that, if the amount on the payment standard schedule is decreased during the term of the housing assistance payments (HAP) contract, the lower payment standard amount generally must be used to calculate the monthly HAP for the family beginning on the effective date of the family's second regular reexamination following the effective date of the decrease.

Granted by: Sandra B. Henriquez, Assistant Secretary for Public and Indian Housing.

Date Granted: July 8, 2010.

Reason Waived: This waiver was granted because this cost-saving measure would enable the HASC to manage its Housing Choice Voucher program within allocated budget authority and avoid the termination of HAP contracts due to insufficient funding.

Contact: Laure Rawson, Acting Director, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 4210, Washington, DC 20410; telephone (202) 708–0477.

• *Regulation:* 24 CFR 982.505(c)(3).

Project/Activity: West Springfield Housing Authority (WSHA), West Springfield, MA.

Nature of Requirement: 24 CFR 982.505(c)(3) states that, if the amount on the payment standard schedule is decreased during the term of the housing assistance payments (HAP) contract, the lower payment standard amount generally must be used to calculate the monthly HAP for the family beginning on the effective date of the family's second regular reexamination following the effective date of the decrease.

Granted by: Sandra B. Henriquez, Assistant Secretary for Public and Indian Housing.

Date Granted: July 8, 2010.

Reason Waived: This waiver was granted because this cost-saving measure would enable the WSHA to manage its Housing Choice Voucher program within allocated budget authority and avoid the termination of HAP contracts due to insufficient funding.

Contact: Laure Rawson, Acting Director, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 4210, Washington, DC 20410; telephone (202) 708–0477.

• *Regulation:* 24 CFR 982.505(c)(3).

Project/Activity: Worthington Housing and Redevelopment Authority (WHRA), Worthington, MN.

Nature of Requirement: HUD's regulation at 24 CFR 982.505(c)(3) states that, if the amount on the payment standard schedule is decreased during the term of the housing assistance payments (HAP) contract, the lower payment standard amount generally must be used to calculate the monthly HAP for the family beginning on the effective date of the family's second regular reexamination following the effective date of the decrease.

Granted by: Sandra B. Henriquez, Assistant Secretary for Public and Indian Housing.

Date Granted: July 8, 2010.

Reason Waived: This waiver was granted because this cost-saving measure would enable the WHRA to manage its Housing Choice Voucher program within allocated budget authority and avoid the termination of HAP contracts due to insufficient funding.

Contact: Laure Rawson, Acting Director, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 4210, Washington, DC 20410; telephone (202) 708–0477.

• *Regulation:* 24 CFR 982.505(c)(3).

Project/Activity: Crookston Housing and Economic Development Authority (CHEDA), Crookston, MN.

Nature of Requirement: HUDS's regulation at 24 CFR 982.505(c)(3) states that, if the amount on the payment standard schedule is decreased during the term of the housing assistance payments (HAP) contract, the lower payment standard amount generally must be used to calculate the monthly HAP for the family beginning on the effective date of the family's second regular reexamination following the effective date of the decrease.

Granted by: Sandra B. Henriquez, Assistant Secretary for Public and Indian Housing.

Date Granted: July 19, 2010.

Reason Waived: This waiver was granted because this cost-saving measure would enable the CHEDA to manage its Housing Choice Voucher program within allocated budget authority and avoid the termination of HAP contracts due to insufficient funding.

Contact: Laure Rawson, Acting Director, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 4210, Washington, DC 20410; telephone (202) 708–0477.

• *Regulation:* 24 CFR 982.505(c)(3).

Project/Activity: East Chicago Housing Authority (ECHA), East Chicago, IN.

Nature of Requirement: HUD's regulation at 24 CFR 982.505(c)(3) states that, if the amount on the payment standard schedule is decreased during the term of the housing assistance payments (HAP) contract, the lower payment standard amount generally must be used to calculate the monthly HAP for the family beginning on the effective date of the family's second regular reexamination following the effective date of the decrease.

Granted by: Sandra B. Henriquez, Assistant Secretary for Public and Indian Housing.

Date Granted: July 20, 2010.

Reason Waived: This waiver was granted because this cost-saving measure would enable the ECHA to manage its Housing Choice Voucher program within allocated budget authority and avoid the termination of HAP contracts due to insufficient funding.

Contact: Laure Rawson, Acting Director, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 4210, Washington, DC 20410; telephone (202) 708–0477.

• *Regulation:* 24 CFR 982.505(c)(3).

Project/Activity: Carbon County Housing Authority (CCHA), Carbon County, PA.

Nature of Requirement: HUD's regulation at 24 CFR 982.505(c)(3) states that, if the amount on the payment standard schedule is decreased during the term of the housing assistance payments (HAP) contract, the lower payment standard amount generally must be used to calculate the monthly HAP for the family beginning on the effective date of the family's second regular reexamination following the effective date of the decrease.

Granted by: Sandra B. Henriquez, Assistant Secretary for Public and Indian Housing.

Date Granted: July 29, 2010.

Reason Waived: This waiver was granted because this cost-saving measure would enable the CCHA to manage its Housing Choice Voucher program within allocated budget authority and avoid the termination of HAP contracts due to insufficient funding.

Contact: Laure Rawson, Acting Director, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 4210, Washington, DC 20410; telephone (202) 708–0477.

• *Regulation:* 24 CFR 982.505(c)(3).

Project/Activity: LeSueur County Housing and Redevelopment Authority (LCHRA), LeSueur County, MN.

Nature of Requirement: HUD's regulation at 24 CFR 982.505(c)(3) states that, if the amount on the payment standard schedule is decreased during the term of the housing assistance payments (HAP) contract, the lower payment standard amount generally must be used to calculate the monthly HAP for the family beginning on the effective date of the family's second regular reexamination following the effective date of the decrease.

Granted by: Sandra B. Henriquez, Assistant Secretary for Public and Indian Housing.

Date Granted: July 29, 2010.

Reason Waived: This waiver was granted because this cost-saving measure would enable the LCHRA to manage its Housing Choice Voucher program within allocated budget authority and avoid the termination of HAP contracts due to insufficient funding.

Contact: Laure Rawson, Acting Director, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 4210, Washington, DC 20410; telephone (202) 708–0477.

• *Regulation:* 24 CFR 982.505(c)(3).

Project/Activity: Randolph County Housing Authority (RCHA), Randolph County, IL.

Nature of Requirement: HUD's regulation at 24 CFR 982.505(c)(3) states that, if the amount on the payment standard schedule is decreased during the term of the housing assistance payments (HAP) contract, the lower payment standard amount generally must be used to calculate the monthly HAP for the family beginning on the effective date of the family's second regular reexamination following the effective date of the decrease.

Granted by: Sandra B. Henriquez, Assistant Secretary for Public and Indian Housing.

Date Granted: August 6, 2010.

Reason Waived: This waiver was granted because this cost-saving measure would enable the RCHA to manage its Housing Choice Voucher program within allocated budget authority and avoid the termination of HAP contracts due to insufficient funding.

Contact: Laure Rawson, Acting Director, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 4210, Washington, DC 20410; telephone (202) 708–0477.

• *Regulation:* 24 CFR 982.505(c)(3).

Project/Activity: Richmond Housing Authority (RHA), Richmond, IN.

Nature of Requirement: HUD's regulation at 24 CFR 982.505(c)(3) states that, if the amount on the payment standard schedule is decreased during the term of the housing assistance payments (HAP) contract, the lower payment standard amount generally must be used to calculate the monthly HAP for the family beginning on the effective date of the family's second regular reexamination following the effective date of the decrease.

Granted by: Sandra B. Henriquez, Assistant Secretary for Public and Indian Housing.

Date Granted: August 13, 2010.

Reason Waived: This waiver was granted because this cost-saving measure would enable the RHA to manage its Housing Choice Voucher program within allocated budget authority and avoid the termination of HAP contracts due to insufficient funding.

Contact: Laure Rawson, Acting Director, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 4210, Washington, DC 20410; telephone (202) 708–0477.

• *Regulation:* 24 CFR 982.505(c)(3).

Project/Activity: Terrebone Parish Consolidated Government (TPCG), Terrebone Parish, LA.

Nature of Requirement: HUD's regulation at 24 CFR 982.505(c)(3) states that, if the amount on the payment standard schedule is decreased during the term of the housing assistance payments (HAP) contract, the lower payment standard amount generally must be used to calculate the monthly HAP for the family beginning on the effective date of the family's second regular reexamination following the effective date of the decrease.

Granted by: Sandra B. Henriquez, Assistant Secretary for Public and Indian Housing.

Date Granted: August 18, 2010.

Reason Waived: This waiver was granted because this cost-saving measure would enable the TPCG to manage its Housing Choice Voucher program within allocated budget authority and avoid the termination of HAP contracts due to insufficient funding.

Contact: Laure Rawson, Acting Director, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 4210, Washington, DC 20410; telephone (202) 708–0477.

• *Regulation:* 24 CFR 982.505(c)(3).

Project/Activity: People Incorporated of Southwest Virginia (PISV), Arlington, VA.

Nature of Requirement: HUD's regulation at 24 CFR 982.505(c)(3) states that, if the amount on the payment standard schedule is decreased during the term of the housing assistance payments (HAP) contract, the lower payment standard amount generally must be used to calculate the monthly HAP for the family beginning on the effective date of the family's second regular reexamination following the effective date of the decrease.

Granted by: Sandra B. Henriquez, Assistant Secretary for Public and Indian Housing.

Date Granted: September 21, 2010.

Reason Waived: This waiver was granted because this cost-saving measure would enable the PISV to manage its Housing Choice Voucher program within allocated budget authority and avoid the termination of HAP contracts due to insufficient funding.

Contact: Laure Rawson, Acting Director, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 4210, Washington, DC 20410; telephone (202) 708–0477.

• *Regulation:* 24 CFR 982.505(d).

Project/Activity: Housing Authority of the City of Los Angeles (HACLA), Los Angeles, CA.

Nature of Requirement: HUD's regulation at 24 CFR 982.505(d) states that a public housing agency may only approve a higher payment standard for a family as a reasonable accommodation if the higher payment standard is within the basic range of 90 to 110 percent of the fair market rent (FMR) for the unit size.

Granted by: Sandra B. Henriquez, Assistant Secretary for Public and Indian Housing.

Date Granted: July 2, 2010.

Reason Waived: The participant, who is disabled, required an exception payment standard to remain in her assisted unit. Her health care provider confirmed the need for this participant to remain in her unit. To provide this reasonable accommodation so the client could be assisted in her current unit and pay no more than 40 percent of her adjusted income toward the family share, the HACLA was allowed to approve an exception payment standard that exceeded the basic range of 90 to 110 percent of the FMR.

Contact: Laure Rawson, Acting Director, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 4210, Washington, DC 20410; telephone (202) 708–0477.

• *Regulation:* 24 CFR 982.505(d).

Project/Activity: Cumberland County Housing Authority, Cumberland (CCHA), Cumberland County, PA.

Nature of Requirement: HUD's regulation at 24 CFR 982.505(d) states that a public housing agency may only approve a higher payment standard for a family as a reasonable accommodation if the higher payment standard is within the basic range of 90 to 110 percent of the fair market rent (FMR) for the unit size.

Granted by: Sandra B. Henriquez, Assistant Secretary for Public and Indian Housing.

Date Granted: July 20, 2010.

Reason Waived: The participant, who has a disabled daughter, required an exception payment standard to remain in her assisted unit as her daughter's health care provider recommended that she not relocate. To provide this reasonable accommodation so the client could be assisted in her current unit and pay no more than 40 percent of her adjusted income toward the family share, the CCHA was allowed to approve an exception payment standard that exceeded the basic range of 90 to 110 percent of the FMR.

Contact: Laure Rawson, Acting Director, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 4210, Washington, DC 20410; telephone (202) 708–0477.

• *Regulation:* 24 CFR 982.505(d).

Project/Activity: Grand Forks Housing Authority (GFHA), Grand Forks, ND.

Nature of Requirement: HUD's regulation at 24 CFR 982.505(d) states that a public housing agency may only approve a higher payment standard for a family as a reasonable accommodation if the higher payment standard is within the basic range of 90 to 110 percent of the fair market rent (FMR) for the unit size.

Granted by: Sandra B. Henriquez, Assistant Secretary for Public and Indian Housing.

Date Granted: August 13, 2010.

Reason Waived: The participant, who is disabled, required a wheelchair-accessible unit. To provide this reasonable accommodation so the client could be assisted in this unit and pay no more than 40 percent of her adjusted income toward the family share, the GFHA was allowed to approve an exception payment standard that exceeded the basic range of 90 to 110 percent of the FMR.

Contact: Laure Rawson, Acting Director, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 4210, Washington, DC 20410; telephone (202) 708–0477.

• *Regulation:* 24 CFR 982.505(d).

Project/Activity: Lincoln Housing Authority (LHA), Lincoln, RI.

Nature of Requirement: HUD's regulation at 24 CFR 982.505(d) states that a public housing agency may only approve a higher payment standard for a family as a reasonable accommodation if the higher payment standard is within the basic range of 90 to 110 percent of the fair market rent (FMR) for the unit size.

Granted by: Sandra B. Henriquez, Assistant Secretary for Public and Indian Housing.

Date Granted: August 13, 2010.

Reason Waived: The applicant, who is disabled, needed a unit that is free of chemical fumes. To provide this reasonable accommodation so the client could be assisted in this unit and pay no more than 40 percent of her adjusted income toward the family share, the LHA was allowed to approve an exception payment standard that exceeded the basic range of 90 to 110 percent of the FMR.

Contact: Laure Rawson, Acting Director, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 4210, Washington, DC 20410; telephone (202) 708–0477.

• *Regulation:* 24 CFR 982.505(d).

Project/Activity: Northeast Oregon Housing Authority (NOHA), La Grande, OR.

Nature of Requirement: HUD's regulation at 24 CFR 982.505(d) states that a public housing agency may only approve a higher payment standard for a family as a reasonable accommodation if the higher payment standard is within the basic range of 90 to 110 percent of the fair market rent (FMR) for the unit size.

Granted by: Sandra B. Henriquez, Assistant Secretary for Public and Indian Housing.

Date Granted: August 17, 2010.

Reason Waived: The participant, who is disabled, needed a unit that is wheelchair-accessible with yard space for a service dog in order to provide reasonable accommodation. To provide this reasonable accommodation so the client could be assisted in this current unit and pay no more than 40 percent of her adjusted income toward the family share, the NOHA was allowed to approve an exception payment standard that exceeded the basic range of 90 to 110 percent of the FMR.

Contact: Laure Rawson, Acting Director, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 4210, Washington, DC 20410; telephone (202) 708–0477.

• *Regulation:* 24 CFR 983.55(b).

Project/Activity: Minneapolis Public Housing Authority (MPHA), Minneapolis, MN.

Nature of Requirement: HUD's regulation at 24 CFR 983.55(b) states that the public housing agency may not enter an agreement to enter into a housing assistance payments contract (AHAP) until HUD or an independent entity approved by HUD has conducted any required subsidy layering review and determined that the project-based voucher assistance is in accordance with HUD subsidy layering requirements.

Granted by: Sandra B. Henriquez, Assistant Secretary for Public and Indian Housing.

Date Granted: September 2, 2010.

Reason Waived: This waiver was granted because MPHA misunderstood the requirements and did not attempt to avoid compliance. The project also complied with HUD's strategic goal of increasing the number of affordable housing for families.

Contact: Laure Rawson, Acting Director, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 4210, Washington, DC 20410; telephone (202) 708–0477.

• *Regulation:* 24 CFR 983.58(d)(1)(i), 983.152(b), and 983.153(a) and (b).

Project/Activity: Minneapolis Public Housing Authority (MPHA), Minneapolis, MN.

Nature of Requirement: The first regulation prohibits the public housing agency (PHA) from entering into an Agreement to Enter into a HAP Contract (AHAP) or starting construction until such time as the responsible entity has completed the environmental review and HUD has approved the environmental certification and request for release of funds. The second regulation requires that a PHA enter into an AHAP in which the owner agrees to develop the contract units to comply with housing quality standards (HQS) and the PHA agrees that, upon timely completion of such development in accordance with the terms of the AHAP, the PHA will enter into a HAP contract with the owner for the units. The third regulation states that: (a) The PHA may not enter the AHAP with the owner until the subsidy layering review is completed; and (b) the PHA may not enter the AHAP with the owner until the environmental review is completed and the PHA has received the environmental approval.

Granted by: Sandra B. Henriquez, Assistant Secretary for Public and Indian Housing.

Date Granted: August 13, 2010.

Reason Waived: The waiver was granted based on the documentation that was reviewed by the field office showing that environmental review requirements were met and that the developer complied with the requirements under the AHAP, as well as the fact that without a commitment of PBV assistance the viability of six projects as affordable housing to replace the significant loss of affordable housing units as a result of Hurricane Katrina would be in jeopardy.

Contact: Laure Rawson, Acting Director, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 4210, Washington, DC 20410; telephone (202) 708–0477.

• *Regulation:* 24 CFR 983.152(a) and 983.153(c).

Project/Activity: Housing Authority of the City of Los Angeles (HACLA), Los Angeles, CA.

Nature of Requirement: HUD's regulation at 983.152(a) requires that a public housing agency (PHA) must enter into an Agreement to Enter into a Housing Assistance Payments (AHAP) Contract in a form required by HUD. HUD's regulation at 24 CFR 983.153(c) requires prompt execution of the AHAP after PHA notice of proposal selection to the selected owner.

Granted by: Sandra B. Henriquez, Assistant Secretary for Public and Indian Housing.

Date Granted: August 17, 2010.

Reason Waived: The waivers were granted because the owner certified that the developer complied with the requirements under the AHAP, and because the unique circumstances surrounding the need for PBV assistance for the project as an integral piece of a much larger funding commitment to serve low-income elderly, homeless and special needs populations

Contact: Laure Rawson, Acting Director, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 4210, Washington, DC 20410; telephone (202) 708–0477.

[FR Doc. 2011–7525 Filed 3–30–11; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Geological Survey

[USGS–GX11CY00STF0000]

Strengthening the Scientific Understanding of Climate Change Impacts on Freshwater Resources of the United States

AGENCY: U.S. Geological Survey, Interior.

ACTION: Notice of feedback.

SUMMARY: We, the U.S. Geological Survey (USGS), announce the

availability for public comment of draft report titled "Strengthening the Scientific Understanding of Climate Change Impacts on Freshwater Resources of the United States". The report reviews key issues related to freshwater resource data and climate change and identifies next steps to improve the Nation's capacity to detect and predict changes in freshwater resources that are likely to result from a changing climate.

DATES: We must receive any written comments on or before April 22, 2011.

ADDRESSES: We have posted our draft report at *http://acwi.gov/Rpt.Congress3.18.11.pdf*. You may submit comments to *tschertz@usgs.gov* (e-mail). Please include "9506 Report" in the subject line of the message, and your full name and return address in the body of your message. Please note that we will not respond to any e-mail messages once the public comment period closes. Alternatively, you may submit comments or recommendations by mail to: T. Schertz; U.S. Geological Survey; 12201 Sunrise Valley Drive, MS 412; Reston, VA 20192.

FOR FURTHER INFORMATION CONTACT: T. Schertz, 703–648–6864.

SUPPLEMENTARY INFORMATION: The draft report was prepared in response to Section 9506 of Public Law 111–11 by an interagency team of water data program managers and scientists. The interagency team cooperated with the Subcommittee on Water Availability and Quality (SWAQ), an interagency subcommittee of the National Science and Technology Council (NSTC) Committee on Environment Natural Resources, and Sustainability (CENRS) and the Federal Interagency Climate Change Adaptation Task Force and its Water Resources Workgroup. The interagency team also collaborated with a range of interested parties including the Advisory Committee on Water Information (ACWI). The interagency team consisted of representatives from the U.S. Geological Survey, U.S. Environmental Protection Agency, National Oceanic and Atmospheric Administration, U.S. Army Corps of Engineers, U.S. Department of Agriculture, U.S. Global Change Program, and Council on Environmental Quality.

Public Availability of Comments

Before including your address, phone number, e-mail 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. You can ask us in your comment to withhold your personal identifying information from public review, but we cannot guarantee that we will be able to do so.

Dated: March 25, 2011.

David J. Newman,

USGS Federal Register Liaison.

[FR Doc. 2011–7615 Filed 3–30–11; 8:45 am]

BILLING CODE P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Renewal of Agency Information Collection for Application for Job Placement and Training Services; Request for Comments

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of submission to the Office of Management and Budget.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Office of Indian Energy & Economic Development (IEED) is seeking comments on renewal of the Office of Management and Budget (OMB) approval for the collection of information for the Application for Job Placement and Training Services. The information collection is currently authorized by OMB Control Number 1076–0062, which expires on March 31, 2011.

DATES: Interested persons are invited to submit comments on or before *May 2, 2011.*

ADDRESSES: You may submit comments on the information collection to the Desk Officer for Department of the Interior at the Office of Management and Budget, by facsimile to (202) 395–5806 or you may send an e-mail to: *OIRA_DOCKET@omb.eop.gov.* Please send a copy of your comments to Francis Dunne, Division of Workforce Development, Office of Indian Energy and Economic Development, 1951 Constitution Avenue, NW., Mail Stop SIB/20, Washington, DC 20240, e-mail *Francis.Dunne@bia.gov.*

FOR FURTHER INFORMATION CONTACT: Francis Dunne, Division of Workforce Development at (202) 219–5270.

SUPPLEMENTARY INFORMATION:

I. Abstract

The IEED is seeking renewal of the approval for the information collection conducted under 25 CFR part 26 to administer the job placement and training program, which provides vocational/technical training, related counseling, guidance, job placement services, and limited financial assistance to Indian individuals who are not less than 18 years old and who reside within the Department of the Interior (DOI) approved service areas. This information collection includes a form: BIA–8205, Application for Job Placement and/or Training Assistance. Approval for this collection expires March 31, 2011.

This renewal will adjust the responses and burden hours that are currently approved to correct for a database entry error that occurred in the last submission that quadrupled the number of responses and burden hours. The 60-day notice and 30-day notice for the current approval reflected the current number of responses and burden hours, as does this notice. The database will be corrected to reflect these figures through a change due to adjustment in agency estimate.

II. Request for Comments

The IEED requests that you send your comments on this collection to the location listed in the **ADDRESSES** section. Your comments should address: (a) The necessity of the information collection for the proper performance of the agencies, including whether the information will have practical utility; (b) the accuracy of our estimate of the burden (hours and cost) of the collection of information, including the validity of the methodology and assumptions used; (c) ways we could enhance the quality, utility and clarity of the information to be collected; and (d) ways we could minimize the burden of the collection of the information on the respondents, such as through the use of automated collection techniques or other forms of information technology.

Please note that an agency may not sponsor or conduct, an individual need not respond to, a collection of information unless it has a valid OMB Control Number. This information collection expires March 31, 2011.

It is our policy to make all comments available to the public for review at the location listed in the **ADDRESSES** section during the hours of 9 a.m.–5 p.m., Eastern Time, Monday through Friday except for legal holidays. Before including your address, phone number, e-mail address or other personally identifiable information, be advised that your entire comment—including your personally identifiable information—may be made public at any time. While you may request that we withhold your personally identifiable information, we cannot guarantee that we will be able to do so.

III. Data

OMB Control Number: 1076–0062.

Title: Application for Job Placement & Training Services.

Brief Description of Collection: Submission of this information allows DOI to administer the job placement and training program, which provides vocational/technical training, related counseling, guidance, job placement services, and limited financial assistance to Indian individuals who are not less than 18 years old and who reside within DOI approved service areas. The information collection includes an application for services, quarterly progress reports, and information from employers regarding opportunities. Response is required to obtain a benefit.

Type of Review: Extension without change of a currently approved collection.

Respondents: Individuals seeking to participate, or currently participating, in the IEED job placement and training program.

Number of Respondents: 4,900 per year, on average.

Total Number of Responses: 7,450 per year, on average.

Frequency of Response: Once annually to apply for services, quarterly to provide progress reports, on occasion to provide information regarding job opportunities.

Estimated Time per Response: 30 minutes.

Estimated Total Annual Burden: 3,726 hours.

Dated: March 14, 2011.

Alvin Foster,

Acting Chief Information Officer—Indian Affairs.

[FR Doc. 2011–7584 Filed 3–30–11; 8:45 am]

BILLING CODE 4310–4J–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Renewal of Agency Information Collection for Home-Living Programs and School Closure and Consolidation; Comment Request

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of Submission to the Office of Management and Budget.

SUMMARY: As required by the Paperwork Reduction Act, the Bureau of Indian Education (BIE), U.S. Department of the Interior, is submitting a request for renewal of the information collection for Home-living Programs and School Closure and Consolidation, currently authorized by OMB Control Number 1076–0164, to the Office of Management and Budget (OMB) for review.

DATES: Submit comments on or before May 2, 2011.

ADDRESSES: You may submit comments on the information collection to the Desk Officer for the Department of the Interior at the Office of Management and Budget, by facsimile to (202) 395–5806 or you may send an e-mail to: *OIRA_DOCKET@ omb.eop.gov.* Please send a copy of your comments to Juanita Keesing, Program Analyst, U.S. Department of the Interior, Bureau of Indian Education, 1849 C Street, NW., MS–3609, Washington, DC 20240; or via e-mail to *Juanita.Keesing@bie.edu.*

FOR FURTHER INFORMATION CONTACT: Juanita Keesing, Program Analyst, at (202) 208–3559. To see a copy of the entire collection submitted to OMB, go to *http://www.reginfo.gov* (select Information Collection Review, Currently Under Review).

SUPPLEMENTARY INFORMATION:

I. Abstract

Public Law 107–110, the No Child Left Behind (NCLB) Act of January 8, 2001, requires all schools including BIE-funded boarding/residential schools to ensure that all children have a fair, equal, and significant opportunity to obtain a high-quality education and reach, at a minimum, proficiency on challenging academic achievement standards and assessments. The NCLB Act, and implementing regulations at 25 CFR part 36, requires the BIE to implement national standards for home-living situations in all BIE-funded residential schools. The BIE must collect information from all BIE-funded residential schools in order to assess each school's progress in meeting the national standards. The BIE is seeking renewal of the approval for this information collection to ensure that minimum academic standards for the education of Indian children and criteria for dormitory situations in Bureau-operated schools and Indian-controlled contract schools are met.

II. Request for Comments

The BIE requests your comments on this information collection concerning: (a) The necessity of this information collection for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) The accuracy of the agency's estimate of the burden (hours and cost) of the collection of information, including the validity of the methodology and assumptions used; (c) Ways we could enhance the quality, utility and clarity of the information to be collected; and (d) Ways we could minimize the burden of the collection of the information on the respondents, such as through the use of automated collection techniques or other forms of information technology. A notice requesting public comment on renewal of this information collection was previously published in the **Federal Register** on January 26, 2011 (76 FR 4720). No comments were received in response to that notice.

Please note that an agency may not sponsor or conduct, and an individual need not respond to, a collection of information unless it has a valid OMB Control Number. This information collection expires March 31, 2011.

It is our policy to make all comments available to the public for review at the location listed in the **ADDRESSES** section. Before including your address, phone number, e-mail address or other personally identifiable information, be advised that your entire comment—including your personally identifiable information—may be made public at any time. While you may request that we withhold your personally identifiable information, we cannot guarantee that we will be able to do so.

III. Data

OMB Control Number: 1076–0164.

Title: Home-living Programs and School Closure and Consolidation.

Brief Description of Collection: Submission of this information allows the Department of the Interior to ensure that minimum academic standards for the education of Indian children and criteria for dormitory situations in Bureau-operated schools and Indian-controlled contract schools are met. Response is required to obtain a benefit.

Type of Review: Extension without change of a currently approved collection.

Respondents: Indian tribes.

Number of Respondents: There are 66 schools with residential programs, of which 28 are Bureau-operated and 38 are tribally operated. Thus, the collection of information must be cleared for 38 of the 66 residential schools.

Total Number of Responses: 730 per year, on average.

Frequency of Response: Annually or on occasion, depending on the activity.

Estimated Time per Response: Ranges from 0.02 hours to 40 hours, depending on the activity.

Estimated Total Annual Burden: 1,344 hours.

Dated: March 14, 2011.

Alvin Foster,

Acting Chief Information Officer—Indian Affairs.

[FR Doc. 2011–7586 Filed 3–30–11; 8:45 am]

BILLING CODE 4310–4M–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Advisory Board for Exceptional Children

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of meeting.

SUMMARY: The Bureau of Indian Education (BIE) is announcing that the Advisory Board for Exceptional Children (Advisory Board) will hold its next meeting in Riverside, California. The purpose of the meeting is to meet the mandates of the Individuals with Disabilities Education Act of 2004 (IDEA) for Indian children with disabilities.

DATES: The Advisory Board will meet on Thursday, May 5, 2011, from 8 a.m. to 4 p.m. and Friday, May 6, 2011, from 8 a.m. to 4 p.m. Pacific Standard Time.

ADDRESSES: The meeting will be held at the Sherman Indian High School, 9010 Magnolia Avenue, Riverside, California 92503; telephone number (951) 276–6325.

FOR FURTHER INFORMATION CONTACT: Sue Bement, Designated Federal Official, Bureau of Indian Education, Albuquerque Service Center, Division of Performance and Accountability, 1011 Indian School Road, NW., Suite 332, Albuquerque, NM 87104; telephone number (505) 563–5274.

SUPPLEMENTARY INFORMATION: In accordance with the Federal Advisory Committee Act, the BIE is announcing that the Advisory Board will hold its next meeting in Riverside, California. The Advisory Board was established under the IDEA (20 U.S.C. 1400 *et seq.*) to advise the Secretary of the Interior, through the Assistant Secretary—Indian Affairs, on the needs of Indian children with disabilities. The meetings are open to the public.

The following items will be on the agenda:

- Report from Gloria Yepa, Supervisory Education Specialist, BIE, Division of Performance and Accountability.
- Report from BIE Director's Office.
- Report from Dr. Jeffrey Hamley, Associate Deputy Director, BIE.
- Advisory Board work on priorities.
- Native American Student Information System (NASIS) Update.
- Native Star Update—Gaye Leia King.
- Public Comment (via conference call, May 5, 2011, meeting only*).
- Panel discussion with Special Education faculty from Sherman Indian School, Riverside, California.
- BIE Advisory Board—Advice and Recommendations.

*During the May 5, 2011, meeting, time has been set aside for public comment via conference call from 11:30 a.m.–12 p.m. Pacific Standard Time. The call-in information is: Conference Number 1–888–417–0376, Passcode 1509140.

Dated: March 21, 2011.

Donald Laverdure,

Principal Deputy Assistant Secretary—Indian Affairs.

[FR Doc. 2011–7582 Filed 3–30–11; 8:45 am]

BILLING CODE 4310–6W–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–703]

In the Matter of Certain Mobile Telephones and Wireless Communication Devices Featuring Digital Cameras, and Components Thereof Notice of Commission Determination To Review A Final Determination of No Violation of Section 337; Schedule for Filing Written Submissions on the Issues Under Review and on Remedy, the Public Interest, and Bonding

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to review the final initial determination ("ID") issued by the presiding administrative law judge ("ALJ") on January 24, 2011, finding no violation of section 337 in the above-captioned investigation.

FOR FURTHER INFORMATION CONTACT: Sidney A. Rosenzweig, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 708–2532. Copies of non-confidential documents filed in connection with this investigation are or 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 at *http://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.* 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: This investigation was instituted on February 23, 2010, based upon a complaint filed on behalf of Eastman Kodak Company of Rochester, New York ("Kodak") on January 14, 2010, and supplemented on February 4, 2010. 75 FR 8112. The complaint alleged violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain mobile telephones and wireless communication devices featuring digital cameras, and components thereof, that infringe certain claims of U.S. Patent No. 6,292,218 ("the '218 patent"). The complaint named as respondents Apple, Inc., of Cupertino, Calif. ("Apple"); Research in Motion, Ltd., of Ontario, Canada; and Research in Motion Corp., of Irving, Texas (collectively, "RIM"). Claim 15 is now the only claim in issue.

On January 24, 2011, the ALJ issued a final ID finding no violation of section 337. The ALJ found that none of the accused Apple and RIM products infringe asserted claim 15 of the '218 patent. In addition, the ALJ found that claim 15 is invalid for obviousness under 35 U.S.C. 103. The ALJ found, however, that the domestic industry requirement is satisfied with respect to the asserted patent. With respect to remedy, the ALJ recommended that if the Commission disagrees with the finding of no violation, the Commission should issue a limited exclusion order and cease and desist orders directed to Apple and RIM. In addition, the ALJ recommended, in the event that a violation is found, that no bond be required during the Presidential review period.

On February 7, 2011, Kodak, Apple, RIM, and the Commission investigative attorney each filed a petition for review of the ALJ's final ID. The parties each filed a response submission on February 15, 2011.

Having examined the record of this investigation, including the ALJ's final ID and the submissions of the parties, the Commission has determined to review the final ID in its entirety.

The parties should brief their positions on the issues on review with

reference to the applicable law and the evidentiary record. In connection with its review, the Commission is particularly interested in responses to the following questions:

1. Kodak has argued in its petition for review that the ALJ made a ruling on obviousness with respect to prior art combinations that Kodak did not have an opportunity to address. The parties should address whether the ALJ permissibly relied on these prior art combinations and whether these combinations render claim 15 invalid for obviousness.

2. Kodak has argued in its petition for review that the ALJ did not address the claim constructions of the presiding ALJ in Inv. No. 337–TA–663. The parties should address whether the ALJ should have considered the claim constructions in Inv. No. 337–TA–663 and what effect those constructions should have in this case.

3. Kodak has argued in its petition for review that the ALJ did not address the reexaminations at the U.S. Patent and Trademark Office of the '218 patent. The parties should address whether the ALJ should have considered the reexaminations and what effect those reexaminations should have in this case.

4. Please explain whether U.S. Patent No. 5,493,335 is prior art, and if so, on what statutory basis.

5. What is the meaning of "color pixel value" in part (b) of claim 15? Is it "the value of a color pixel"? In your answer, address the patent's discussion of each red, green, or blue element of a display being a "pixel" (column 8 lines 17–28).

In connection with the final disposition of this investigation, the Commission may (1) issue an order that could result in the exclusion of the subject articles from entry into the United States, and/or (2) issue one or more cease and desist orders that could result in a respondent being required to cease and desist from engaging in unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in receiving written submissions that address the form of remedy, if any, that should be ordered. If a party seeks exclusion of an article from entry into the United States for purposes other than entry for consumption, the party should so indicate and provide information establishing that activities involving other types of entry either are adversely affecting it or likely to do so. For background, *see In the Matter of Certain Devices for Connecting Computers via Telephone Lines,* Inv. No. 337–TA–360, USITC Pub. No. 2843 (December 1994) (Commission Opinion).

If the Commission contemplates some form of remedy, it must consider the effects of that remedy upon the public interest. The factors the Commission will consider include the effect that an exclusion order and/or cease and desist orders would have on (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are subject to investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions that address the aforementioned public interest factors in the context of this investigation.

If the Commission orders some form of remedy, the United States Trade Representative, as delegated by the President, has 60 days to approve or disapprove the Commission's action. *See* Presidential Memorandum of July 21, 2005, 70 FR 43251 (July 26, 2005). During this period, the subject articles would be entitled to enter the United States under bond, in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving submissions concerning the amount of the bond that should be imposed if a remedy is ordered.

Written Submissions: The parties to the investigation are requested to file written submissions on the issues identified in this notice. Parties to the investigation, interested government agencies, and any other interested parties are encouraged to file written submissions on the issues of remedy, the public interest, and bonding. Such submissions should address the recommended determination by the ALJ on remedy and bonding. Complainant and the Commission investigative attorney are also requested to submit proposed remedial orders for the Commission's consideration. Complainant is also requested to state the date that the patent expires and the HTSUS numbers under which the accused products are imported. The written submissions and proposed remedial orders must be filed no later than close of business on Friday April 8, 2011. Reply submissions must be filed no later than the close of business on Friday April 15, 2011. The written submissions must be no longer than 100 pages and the reply submissions must be no longer than 50 pages. No further submissions on these issues will be permitted unless otherwise ordered by the Commission.

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. Any person desiring to submit a document to the Commission in confidence must request confidential treatment unless the information has already been granted such treatment during the proceedings. All such requests should be directed to the Secretary of the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 210.6. Documents for which confidential treatment by the Commission is sought will be treated accordingly. All non-confidential written submissions will be available for public inspection at the Office of the Secretary.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in sections 210.42–46 and 210.50 of the Commission's Rules of Practice and Procedure (19 CFR 210.42–46 and 210.50).

Issued: March 25, 2011.

By order of the Commission.

James R. Holbein,

Acting Secretary to the Commission.

[FR Doc. 2011–7553 Filed 3–30–11; 8:45 am]

BILLING CODE P

INTERNATIONAL TRADE COMMISSION

[USITC SE–11–008]

Government In the Sunshine Act Meeting Notice

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: April 12, 2011 at 11 a.m.

PLACE: Room 110, 500 E Street, SW., Washington, DC 20436. Telephone: (202) 205–2000.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agendas for future meetings: none.
2. Minutes.
3. Ratification List.
4. Vote in Inv. Nos. 731–TA–1084–1087 (Review) (Purified Carboxymethylcellulose from Finland, Mexico, Netherlands, and Sweden). The Commission is currently scheduled to transmit its determinations and Commissioners' opinions to the Secretary of Commerce on or before May 3, 2011.
5. Outstanding action jackets: none.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting. Earlier Notification of this meeting was not possible.

By order of the Commission:

Issued: March 28, 2011.

William R. Bishop,

Hearings and Meetings Coordinator.

[FR Doc. 2011–7671 Filed 3–29–11; 11:15 am]

BILLING CODE 7020–02–P

JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

Meeting of the Advisory Committee; Meeting

AGENCY: Joint Board for the Enrollment of Actuaries.

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: The Executive Director of the Joint Board for the Enrollment of Actuaries gives notice of a closed meeting of the Advisory Committee on Actuarial Examinations.

DATES: The meeting will be held on April 29, 2011, from 8:30 a.m. to 5 p.m.

ADDRESSES: The meeting will be held at Mercer, 4400 Comerica Bank Tower, 1717 Main Street, Dallas, TX 75201.

FOR FURTHER INFORMATION CONTACT: Patrick W. McDonough, Executive Director of the Joint Board for the Enrollment of Actuaries, 202–622–8225.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Advisory Committee on Actuarial Examinations will meet at Mercer, 4400 Comerica Bank Tower, 1717 Main Street, Dallas, TX, on April 29, 2011, from 8:30 a.m. to 5 p.m.

The purpose of the meeting is to discuss topics and questions that may be recommended for inclusion on future Joint Board examinations in actuarial mathematics, pension law and methodology referred to in 29 U.S.C. 1242(a)(1)(B).

A determination has been made as required by section 10(d) of the Federal Advisory Committee Act, 5 U.S.C. App., that the subject of the meeting falls within the exception to the open meeting requirement set forth in Title 5 U.S.C. 552b(c)(9)(B), and that the public interest requires that such meeting be closed to public participation.

Dated: March 25, 2011.

Patrick W. McDonough,

Executive Director, Joint Board for the Enrollment of Actuaries.

[FR Doc. 2011–7518 Filed 3–30–11; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importer of Controlled Substances; Notice of Registration

By Notice dated October 8, 2010, and published in the **Federal Register** on October 20, 2010 75 FR 64744, Hospira Inc., 1776 North Centennial Drive, McPherson, Kansas 67460–1247, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as an importer of Remifentanil (9739), a basic class of controlled substance listed in schedule II.

The company plans to import Remifentanil for use in dosage form manufacturing.

No comments or objections have been received. DEA has considered the factors in 21 U.S.C. 823(a) and 952(a), and determined that the registration of Hospira Inc. to import the basic class of controlled substance is consistent with the public interest, and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971, at this time. DEA has investigated Hospira Inc. to ensure that the company's registration is consistent with the public interest. The investigation has included inspection and testing of the company's physical security systems, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 952(a) and 958(a), and in accordance with 21 CFR 1301.34, the above named company is granted registration as an importer of the basic class of controlled substance listed.

Dated: March 21, 2011.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 2011–7537 Filed 3–30–11; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importer of Controlled Substances; Notice of Registration

By Notice dated October 19, 2010, and published in the **Federal Register** on October 26, 2010, 75 FR 65658, Cody Laboratories Inc., 601 Yellowstone Avenue, Cody, Wyoming 82414–3921, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as an importer of the following basic classes of controlled substances:

Drug	Schedule
Raw Opium (9600)	II
Concentrate of Poppy Straw (9670).	II

The company plans to import narcotic raw materials for manufacturing and further distribution to its customers. The company is registered with DEA as a manufacturer of several controlled substances that are manufactured from raw opium, poppy straw, and concentrate of poppy straw.

No comments or objections have been received. DEA has considered the factors in 21 U.S.C. 823(a) and 952(a) and determined that the registration of Cody Laboratories, Inc. to import the basic classes of controlled substances is consistent with the public interest, and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971. DEA has investigated Cody Laboratories, Inc. to ensure that the company's registration is consistent with the public interest. The investigation has included inspection and testing of the company's physical security systems, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 952(a) and 958(a), and in accordance with 21 CFR 1301.34, the above named company is granted registration as an importer of the basic classes of controlled substances listed.

Dated: March 21, 2011.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 2011–7542 Filed 3–30–11; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importer of Controlled Substances; Notice of Registration

By Notice dated November 19, 2010, and published in the **Federal Register** on December 3, 2010 75 FR 75494, Mylan Technologies, Inc., 110 Lake Street, Saint Albans, Vermont 05478, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as an importer of the following basic classes of controlled substances:

Drug	Schedule
Methylphenidate (1724)	II
Fentanyl (9801)	II

The company plans to import the listed controlled substances in finished dosage form (FDF) from foreign sources for analytical testing and clinical trials in which the foreign FDF will be compared to the company's own domestically-manufactured FDF. This analysis is required to allow the company to export domestically-manufactured FDF to foreign markets.

No comments or objections have been received. DEA has considered the factors in 21 U.S.C. 823(a) and 952(a), and determined that the registration of Mylan Pharmaceuticals, Inc. to import the basic classes of controlled substances is consistent with the public interest, and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971. DEA has investigated Mylan Pharmaceuticals, Inc. to ensure that the company's registration is consistent with the public interest. The investigation has included inspection and testing of the company's physical security systems, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 952(a) and 958(a), and in accordance with 21 CFR 1301.34, the above named company is granted registration as an importer of the basic classes of controlled substances listed.

Dated: March 21, 2011.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 2011–7545 Filed 3–30–11; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importer of Controlled Substances; Notice of Registration

By Notice dated November 1, 2010, and published in the **Federal Register** on November 12, 2010, 75 FR 69460, GE Healthcare, 3350 North Ridge Avenue, Arlington Heights, Illinois 60004–1412, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as an importer of Cocaine (9041), a basic class of controlled substance listed in schedule II.

The company plans to import small quantities of ioflupane, in the form of three separate analogues of Cocaine, to validate production and quality control systems, for a reference standard, and for producing material for a future investigational new drug (IND) submission.

No comments or objections have been received. DEA has considered the factors in 21 U.S.C. 823(a) and 952(a) and determined that the registration of GE Healthcare to import the basic class of controlled substance is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971. DEA has investigated GE Healthcare to ensure that the company's registration is consistent with the public interest. The investigation has included inspection and testing of the company's physical security systems, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 952(a) and 958(a), and in accordance with 21 CFR 1301.34, the above named company is granted registration as an importer of the basic class of controlled substance listed.

Dated: March 21, 2011.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 2011–7544 Filed 3–30–11; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration

By Notice dated August 2, 2010, and published in the **Federal Register** on September 1, 2010, (75 FR 53720), Austin Pharma LLC., 811 Paloma Drive, Suite A, Round Rock, Texas 78665–2402, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of the following basic classes of controlled substances:

Drug	Schedule
Marihuana (7360)	I
Tetrahydrocannabinols (7370)	I
Alphamethadol (9605)	I
Nabilone (7379)	II
Methadone (9250)	II
Methadone Intermediate (9254)	II
Levo-alphacetylmethadol (9648)	II
Alfentanil (9737)	II
Remifentanil (9739)	II
Sufentanil (9740)	II
Fentanyl (9801)	II

The company plans to manufacture the listed controlled substances in bulk for distribution to its customers.

In reference to drug code 7360 (Marihuana), the company plans to bulk manufacture cannabidiol as a synthetic intermediate. This controlled substance will be further synthesized to bulk manufacture a synthetic THC (7370). No other activity for this drug code is authorized for this registration.

No comments or objections have been received. DEA has considered the factors in 21 U.S.C. 823(a) and determined that the registration of Austin Pharma LLC. to manufacture the listed basic classes of controlled substances is consistent with the public interest at this time. DEA has investigated Austin Pharma LLC. to ensure that the company's registration is consistent with the public interest. The investigation has included inspection and testing of the company's physical security systems, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 823, and in accordance with 21 CFR 1301.33, the above named company is granted registration as a bulk manufacturer of the basic classes of controlled substances listed.

Dated: March 21, 2011.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 2011–7540 Filed 3–30–11; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration

By Notice dated August 13, 2010, and published in the **Federal Register** on September 1, 2010, 75 FR 53719, Cambrex Charles City, Inc., 1205 11th Street, Charles City, Iowa 50616, made application by letter to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of Gamma Hydroxybutyric Acid (GHB) (2010), a basic class of controlled substance listed in schedule I.

The company plans to manufacture Gamma Hydroxybutyric Acid (GHB)

(2010) in bulk active pharmaceutical ingredient (API) form for distribution to the company's customers.

No comments or objections have been received. DEA has considered the factors in 21 U.S.C. 823(a) and determined that the registration of Cambrex Charles City, Inc. to manufacture the listed basic class of controlled substance is consistent with the public interest at this time. DEA has investigated Cambrex Charles City, Inc. to ensure that the company's registration is consistent with the public interest. The investigation has included inspection and testing of the company's physical security systems, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 823(a), and in accordance with 21 CFR 1301.33, the above named company is granted registration as a bulk manufacturer of the basic class of controlled substance listed.

Dated: March 21, 2011.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 2011–7539 Filed 3–30–11; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration

By Notice dated November 1, 2010, and published in the **Federal Register** on November 12, 2010, 75 FR 69464, Cerilliant Corporation, 811 Paloma Drive, Suite A, Round Rock, Texas 78665–2402, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of the following basic classes of controlled substances:

Drug	Schedule
Cathinone (1235)	I
Methcathinone (1237)	I
N-Ethylamphetamine (1475)	I
N,N-Dimethylamphetamine (1480).	I
Aminorex (1585)	I
4-Methylaminorex (cis isomer) (1590).	I
Gamma-Hydroxybutyric acid (2010).	I
Methaqualone (2565)	I
Alpha-ethyltryptamine (7249)	I
Lysergic acid diethylamide (7315).	I
2,5-Dimethoxy-4-(n)-propylthiophenethylamine (7348).	I
Marihuana (7360)	I
Tetrahydrocannabinols (7370)	I
Mescaline (7381)	I
3,4,5-Trimethoxyamphetamine (7390).	I
4-Bromo-2,5-dimethoxyamphetamine (7391).	I
4-Bromo-2,5-dimethoxyphenethylamine (7392).	I
4-Methyl-2,5-dimethoxyamphetamine (7395).	I
2,5-Dimethoxyamphetamine (7396).	I
2,5-Dimethoxy-4-ethylamphetamine (7399).	I
3,4-Methylenedioxyamphetamine (7400).	I
5-Methoxy-3,4-methylenedioxyamphetamine (7401).	I
N-Hydroxy-3,4-methylenedioxyamphetamine (7402).	I
3,4-Methylenedioxy-N-ethylamphetamine (7404).	I
3,4-Methylenedioxymethamphetamine (7405).	I
4-Methoxyamphetamine (7411)	I
Alpha-methyltryptamine (7432)	I
Bufotenine (7433)	I
Diethyltryptamine (7434)	I
Dimethyltryptamine (7435)	I
Psilocybin (7437)	I
Psilocyn (7438)	I
5-Methoxy-N,N-diisopropyltyptamine (7439).	I
N-Benzylpiperazine (7493)	I
Acetyldihydrocodeine (9051)	I
Benzylmorphine (9052)	I
Codeine-N-oxide (9053)	I
Dihydromorphine (9145)	I
Heroin (9200)	I
Hydromorphinol (9301)	I
Methyldihydromorphine (9304)	I
Morphine-N-oxide (9307)	I
Normorphine (9313)	I
Pholcodine (9314)	I
Acetylmethadol (9601)	I
Allylprodine (9602)	I
Alphacetylmethadol except levo-alphacetylmethadol (9603).	I
Alphameprodine (9604)	I
Alphamethadol (9605)	I
Betacetylmethadol (9607)	I
Betameprodine (9608)	I
Betamethadol (9609)	I
Betaprodine (9611)	I
Hydroxypethidine (9627)	I
Noracymethadol (9633)	I
Norlevorphanol (9634)	I
Normethadone (9635)	I
Trimeperidine (9646)	I
Phenomorphan (9647)	I
1–Methyl-4-phenyl-4-propionoxypiperidine (9661).	I
Tilidine (9750)	I
Para-Fluorofentanyl (9812)	I
3–Methylfentanyl (9813)	I
Alpha-Methylfentanyl (9814)	I
Acetyl-alpha-methylfentanyl (9815).	I
Beta-hydroxyfentanyl (9830)	I
Beta-hydroxy-3-methylfentanyl (9831).	I
Alpha-Methylthiofentanyl (9832)	I
3–Methylthiofentanyl (9833)	I
Thiofentanyl (9835)	I
Amphetamine (1100)	II
Methamphetamine (1105)	II
Lisdexamfetamine (1205)	II
Phenmetrazine (1631)	II
Methylphenidate (1724)	II
Amobarbital (2125)	II
Pentobarbital (2270)	II
Secobarbital (2315)	II
Glutethimide (2550)	II
Nabilone (7379)	II
1-Phenylcyclohexylamine (7460)	II
Phencyclidine (7471)	II
1-Piperidinocyclohexanecarbonitrile (8603).	II
Alphaprodine (9010)	II
Cocaine (9041)	II
Codeine (9050)	II
Dihydrocodeine (9120)	II
Oxycodone (9143)	II
Hydromorphone (9150)	II
Diphenoxylate (9170)	II
Benzoylecgonine (9180)	II
Ethylmorphine (9190)	II
Hydrocodone (9193)	II
Levomethorphan (9210)	II
Levorphanol (9220)	II
Isomethadone (9226)	II
Meperidine (9230)	II
Meperidine intermediate-A (9232).	II
Meperidine intermediate-B (9233).	II
Meperidine intermediate-C (9234).	II
Methadone (9250)	II
Methadone intermediate (9254)	II
Dextropropoxyphene, bulk (non-dosage forms) (9273).	II
Morphine (9300)	II
Thebaine (9333)	II
Levo-alphacetylmethadol (9648)	II
Oxymorphone (9652)	II
Noroxymorphone (9668)	II
Racemethorphan (9732)	II
Alfentanil (9737)	II
Sufentanil (9740)	II
Tapentadol (9780)	II
Fentanyl (9801)	II

The company plans to manufacture small quantities of the listed controlled substances to make reference standards which will be distributed to their customers.

No comments or objections have been received. DEA has considered the factors in 21 U.S.C. 823(a) and determined that the registration of Cerilliant Corporation to manufacture the listed basic classes of controlled substances is consistent with the public interest at this time. DEA has investigated Cerilliant Corporation to

ensure that the company's registration is consistent with the public interest. The investigation has included inspection and testing of the company's physical security systems, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 823(a), and in accordance with 21 CFR 1301.33, the above named company is granted registration as a bulk manufacturer of the basic classes of controlled substances listed.

Dated: March 21, 2011.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 2011–7547 Filed 3–30–11; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Funding Opportunity and Solicitation for Grant Applications (SGA) for the Young Parents Demonstration

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice of Solicitation for Grant Applications (SGA).

Funding Opportunity Number: SGA/DFA PY–10–12

SUMMARY: The Employment and Training Administration (ETA), U.S. Department of Labor announces the availability of approximately $5.5 million authorized by the Consolidated Appropriations Act of 2010 to support applicants in providing intensive mentoring services to low-income young parents (both mothers and fathers, and expectant parents ages 16 to 24) participating in workforce development programs. Activities under this SGA are authorized under Section 171(b) of the Workforce Investment Act, which allows for demonstration and pilot projects for the purpose of developing and implementing techniques and approaches, and demonstrating the effectiveness of specialized methods, in addressing employment and training needs.

The complete SGA and any subsequent SGA amendments, in connection with the Consolidated Appropriations Act of 2010 is described in further detail on ETA's Web site at *http://www.doleta.gov/grants* 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 29, 2011.

FOR FURTHER INFORMATION CONTACT: Latifa Jeter, 200 Constitution Avenue, NW., Room N4716, Washington, DC 20210; *Telephone:* 202–693–3553.

Signed at Washington, DC, this 25th day of March, 2011.

Eric D. Luetkenhaus,

Grant Officer, Employment and Training Administration.

[FR Doc. 2011–7556 Filed 3–30–11; 8:45 am]

BILLING CODE 4510–FN–P

NATIONAL SCIENCE FOUNDATION

National Science Board; Sunshine Act Meetings; Notice

The National Science Board's Committee on Education and Human Resources (CEH), pursuant to NSF regulations (45 CFR part 614), the National Science Foundation Act, as amended (42 U.S.C. 1862n–5), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of a teleconference for the transaction of National Science Board business and other matters specified, as follows:

DATE AND TIME: April 7, 2011, 10:30 a.m.–12 p.m. EST.

SUBJECT MATTER: Discussion of the Committee on Education and Human Resources (CEH) STEM education prospective "action items" (to be developed at the teleconference) and discussion of the May 10–11, 2011 CEH meeting agenda.

STATUS: Open.

LOCATION: This meeting will be held by teleconference at the National Science Board Office, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. A room will be available for the public to listen-in to this meeting held by teleconference at Stafford Place I, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. All visitors must contact the Board Office [call 703–292–7000 or send an e-mail message to *nationalsciencebrd@nsf.gov*] at least 24 hours prior to the teleconference for the room number and provide name and organizational affiliation. All visitors must report to the NSF visitor desk located in the lobby at the 9th and N. Stuart Streets entrance on the day of the teleconference to receive a visitor's badge.

UPDATES AND POINT OF CONTACT: Please refer to the National Science Board Web site *http://www.nsf.gov/nsb* for additional information and schedule updates (time, place, subject matter or status of meeting) may be found at *http://www.nsf.gov/nsb/notices/.* Point of contact for this meeting is: Matthew B. Wilson, National Science Board Office, 4201 Wilson Blvd., Arlington, VA 22230. Telephone: (703) 292–7000.

Daniel A. Lauretano,

Counsel to the National Science Board.

[FR Doc. 2011–7694 Filed 3–29–11; 11:15 am]

BILLING CODE 7555–01–P

NUCLEAR WASTE TECHNICAL REVIEW BOARD

Board Meeting: April 27, 2011—Amherst, New York; the U.S. Nuclear Waste Technical Review Board Will Meet To Discuss the West Valley Demonstration Project

Pursuant to its authority under section 5051 of Public Law 100–203, Nuclear Waste Policy Amendments Act of 1987, the U.S. Nuclear Waste Technical Review Board will hold a public meeting in Amherst, New York, on Wednesday, April 27, 2011, to discuss the West Valley Demonstration Project (WVDP). Currently planned are presentations on the WVDP by representatives of the New York State Energy Research and Development Authority and the U.S. Department of Energy's (DOE) Office of Environmental Management. Other issues expected to be discussed include previous reprocessing and vitrification activities at the WVDP; long-term onsite storage of vitrified high-level radioactive waste (HLW); determination of waste classification of the melter from the vitrification facility; and the final Environmental Impact Statement and Record of Decision on decommissioning and/or long-term stewardship at the WVDP. Also planned are presentations and a panel discussion on the 2008–9 study on Quantitative Risk Assessment of the State Licensed Radioactive Waste Disposal Area.

The meeting will be held at the Buffalo Marriott Niagara; 1340 Millersport Highway; Amherst, New York 14221; (tel) 716–689–6900; (fax) 716–689–0483. A block of rooms has been reserved at the hotel for meeting attendees. To ensure receiving the meeting rate, room reservations must be made by April 8, 2011.

Reservations can be made online at *http://www.buffaloniagaramarriott.com* using the following procedure: In the "Rates & Availability" box, enter the reservation dates; click "Special Rates &

Awards"; enter USIUSIA under "Group Code"; click on "FIND"; and make your reservation when the Group block appears. To reserve by phone, call 800–334–4040 and indicate that you are attending a meeting under the Group block name "NUCLEAR WASTE."

A detailed agenda will be available on the Board's Web site at *www.nwtrb.gov* approximately one week before the meeting. The agenda also may be obtained by telephone request at that time.

The meeting will be open to the public, and opportunities for public comment will be provided. Those wanting to speak are encouraged to sign the "Public Comment Register" at the check-in table. It may be necessary to set a time limit on individual remarks, but written comments of any length may be submitted for the record.

Transcripts of the meeting will be available on the Board's Web site, by e-mail, on computer disk, and on library-loan in paper form from Davonya Barnes of the Board's staff after May 18, 2011.

The Board was established as an independent federal agency to provide ongoing objective expert advice to Congress and the Secretary of Energy on technical issues and to review the technical validity of DOE activities related to implementing the Nuclear Waste Policy Act. Board members are experts in their fields and are appointed to the Board by the President from a list of candidates submitted by the National Academy of Sciences. The Board is required to report to Congress and the Secretary no fewer than two times each year. Board reports, correspondence, congressional testimony, and meeting transcripts and materials are posted on the Board's Web site.

The Board's visit to West Valley will complete a series of visits to federal facilities where government-owned HLW and spent nuclear fuel are managed and stored. As part of the Board's ongoing technical evaluation of DOE activities, the Board intends to develop a report to Congress and the Secretary of Energy containing Board findings, conclusions, and recommendations based on technical information gathered from visits to the Hanford site in Washington, Idaho National Laboratory in Idaho, the Savannah River Site in South Carolina, and the West Valley site in New York.

For information on the meeting agenda, contact Karyn Severson. For information on lodging or logistics, contact Linda Coultry. They can be reached at 2300 Clarendon Boulevard, Suite 1300; Arlington, VA 22201–3367; (tel) 703–235–4473; (fax) 703–235–4495.

Dated: March 24, 2011.

Nigel Mote,

Executive Director, U.S. Nuclear Waste Technical Review Board.

[FR Doc. 2011–7447 Filed 3–30–11; 8:45 am]

BILLING CODE 6820–AM–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC–29618]

Notice of Applications for Deregistration Under Section 8(f) of the Investment Company Act of 1940

March 25, 2011.

The following is a notice of applications for deregistration under section 8(f) of the Investment Company Act of 1940 for the month of March 2011. A copy of each application may be obtained via the Commission's Web site by searching for the file number, or an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090. An order granting each application will be issued unless the SEC orders a hearing. Interested persons may request a hearing on any application by writing to the SEC's Secretary at the address below and serving the relevant applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on April 19, 2011, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Secretary, U.S. Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

FOR FURTHER INFORMATION CONTACT: Diane L. Titus at (202) 551–6810, SEC, Division of Investment Management, Office of Investment Company Regulation, 100 F Street, NE., Washington, DC 20549–4041.

Morgan Stanley Dividend Growth Securities Inc. [File No. 811–3128]; Morgan Stanley California Tax-Free Income Fund [File No. 811–4020]; Morgan Stanley New York Tax-Free Income Fund [File No. 811–4222]; Morgan Stanley Equally-Weighted S&P 500 Fund [File No. 811–5181]; Morgan Stanley Balanced Fund [File No. 811–7245]; Morgan Stanley S&P 500 Index Fund [File No. 811–8265]; Morgan Stanley Fundamental Value Fund [File No. 811–21160]

Summary: Each applicant seeks an order declaring that it has ceased to be an investment company. On June 1, 2010, each applicant transferred its assets to a corresponding series of AIM Counselor Series Trust, based on net asset value. Expenses of approximately $1,244,560, $93,704, $73,457, $566,552, $151,484, $434,071, and $92,108, respectively, incurred in connection with the reorganizations were paid by Morgan Stanley Investment Advisors Inc., applicants' investment adviser, and Invesco Advisers, Inc.

Filing Date: The applications were filed on March 4, 2011.

Applicants' Address: c/o Morgan Stanley Investment Advisors Inc., 522 Fifth Ave., New York, NY 10036.

Morgan Stanley Pacific Growth Fund Inc. [File No. 811–6121]; Morgan Stanley Health Sciences Trust [File No. 811–6683]; Morgan Stanley Global Dividend Growth Securities [File No. 811–7548]; Morgan Stanley Global Advantage Fund [File No. 811–8455]; Morgan Stanley FX Series Funds [File No. 811–22020]; Morgan Stanley Series Funds [File No. 811–22075]

Summary: Each applicant seeks an order declaring that it has ceased to be an investment company. On June 1, 2010, each applicant transferred its assets to a corresponding series of AIM Investment Funds, based on net asset value. Expenses of approximately $183,371, $191,468, $410,968, $186,821, $151,617, and $203,843, respectively, incurred in connection with the reorganizations were paid by Morgan Stanley Investment Advisors Inc., applicants' investment adviser, and Invesco Advisers, Inc.

Filing Date: The applications were filed on March 4, 2011.

Applicants' Address: c/o Morgan Stanley Investment Advisors Inc., 522 Fifth Ave., New York, NY 10036.

Morgan Stanley Special Value Fund [File No. 811–7683]; Morgan Stanley Value Fund [File No. 811–8861]; Morgan Stanley Technology Fund [File No. 811–8916]; Morgan Stanley Mid-Cap Value Fund [File No. 811–10359]; Morgan Stanley Small-Mid Special Value Fund [File No. 811–21042]

Summary: Each applicant seeks an order declaring that it has ceased to be an investment company. On June 1, 2010, each applicant transferred its assets to a corresponding series of AIM Sector Funds, based on net asset value. Expenses of approximately $232,421, $154,029, $396,121, $182,975, and $153,105, respectively, incurred in connection with the reorganizations were paid by Morgan Stanley Investment Advisors Inc., applicants' investment adviser, and Invesco Advisers, Inc.

Filing Date: The applications were filed on March 4, 2011.

Applicants' Address: c/o Morgan Stanley Investment Advisors Inc., 522 Fifth Ave., New York, NY 10036.

Morgan Stanley Tax-Exempt Securities Trust [File No. 811–2979]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On June 1, 2010, applicant transferred its assets to Invesco Tax-Exempt Securities Fund, a series of AIM Tax-Exempt Funds, based on net asset value. Expenses of approximately $274,002 incurred in connection with the reorganization were paid by Morgan Stanley Investment Advisors Inc., applicant's investment adviser, and Invesco Advisers, Inc.

Filing Date: The application was filed on March 4, 2011.

Applicant's Address: c/o Morgan Stanley Investment Advisors Inc., 522 Fifth Ave., New York, NY 10036.

Morgan Stanley Convertible Securities Trust [File No. 811–4310]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On June 1, 2010, applicant transferred its assets to Invesco Convertible Securities Fund, a series of AIM Growth Series, based on net asset value. Expenses of approximately $150,888 incurred in connection with the reorganization were paid by Morgan Stanley Investment Advisors Inc., applicant's investment adviser, and Invesco Advisers, Inc.

Filing Date: The application was filed on March 4, 2011.

Applicant's Address: c/o Morgan Stanley Investment Advisors Inc., 522 Fifth Ave., New York, NY 10036.

Morgan Stanley Natural Resource Development Securities Inc. [File No. 811–3129]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On February 5, 2010, applicant transferred its assets to Morgan Stanley Commodities Alpha Fund, a series of Morgan Stanley Series Funds, based on net asset value. Expenses of approximately $248,780 incurred in connection with the reorganization were paid by applicant and Morgan Stanley Investment Advisors Inc., applicant's investment adviser.

Filing Date: The application was filed on March 7, 2011.

Applicant's Address: c/o Morgan Stanley Investment Advisors Inc., 522 Fifth Ave., New York, NY 10036.

Man-Glenwood Lexington, LLC [File No. 811–21173]; Man-Glenwood Lexington TEI, LLC [File No. 811–21458]

Summary: Each applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. Applicants made a public offering of their securities from January 2003 until September 2010 and from April 2004 until September 2010, respectively, at which time each applicant's board of managers determined to cease such offer. Each applicant conducted final investor repurchases and presently has fewer than one hundred investors. Applicants are not presently making an offering of securities and do not propose to make any offering of securities. Each applicant will continue to operate as a private investment fund in reliance on section 3(c)(1) of the Act until final liquidation.

Filing Date: The applications were filed on February 28, 2011.

Applicants' Address: 1 Rockefeller Plaza, 16th Floor, New York, NY 10020.

Man-Glenwood Lexington Associates Portfolio, LLC [File No. 811–21285]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. Applicant made a private offering of its securities to its feeder funds from January 2003 until September 2010, at which time applicant's board of managers determined to cease such offer. Applicant conducted final investor repurchases and presently has fewer than one hundred investors. Applicant is not presently making an offering of securities and does not propose to make any offering of securities. Applicant will continue to operate as a private investment fund in reliance on section 3(c)(1) of the Act until final liquidation.

Filing Date: The application was filed on February 28, 2011.

Applicant's Address: 1 Rockefeller Plaza, 16th Floor, New York, NY 10020.

Aetos Capital Opportunities Fund, LLC [File No. 811–21728]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. On December 31, 2010, applicant transferred its assets to Aetos Capital Long/Short Strategies Fund, LLC, based on net asset value. Expenses of approximately $150,000 incurred in connection with the reorganization were paid by applicant.

Filing Dates: The application was filed on February 4, 2011, and amended on March 23, 2011.

Applicant's Address: c/o Aetos Capital, LLC, 875 Third Ave., New York, NY 10022.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Cathy H. Ahn,

Deputy Secretary.

[FR Doc. 2011–7516 Filed 3–30–11; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission will hold a Closed Meeting on Tuesday, April 5, 2011 at 2 p.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the Closed Meeting. Certain staff members who have an interest in the matters also may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (7), 9(B) and (10) and 17 CFR 200.402(a)(3), (5), (7), 9(ii) and (10), permit consideration of the scheduled matters at the Closed Meeting.

Commissioner Casey, as duty officer, voted to consider the items listed for the Closed Meeting in a closed session.

The subject matter of the Closed Meeting scheduled for Tuesday, April 5, 2011 will be:

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings; and

Other matters relating to enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact:

The Office of the Secretary at (202) 551–5400.

Dated: March 29, 2011.

Elizabeth M. Murphy,

Secretary.

[FR Doc. 2011–7731 Filed 3–29–11; 4:15 pm]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–64128; File No. SR–C2–2011–003]

Self-Regulatory Organizations; C2 Options Exchange, Incorporated; Order Approving Proposed Rule Change, as Modified by Amendment No. 1, Relating to Bylaw and Related Rule Changes

March 25, 2011.

I. Introduction

On January 27, 2011, C2 Options Exchange, Incorporated ("C2" or "Exchange") filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] and Rule 19b–4 thereunder,[2] a proposed rule change to modify its governance structure. On February 9, 2011, the Exchange filed Amendment No. 1 to the proposed rule change.[3] The proposed rule change was published for comment in the **Federal Register** on February 10, 2011.[4] The Commission received no comment letters regarding the proposal. This order approves the proposed rule change, as modified by Amendment No. 1.

II. Description of the Proposal

The Exchange proposes to: (1) Eliminate its office of the Vice Chairman of the Board ("Vice Chairman"); (2) provide that the Board of Directors may establish an Advisory Board; and (3) eliminate the C2 Audit Committee.

A. Elimination of the Office of the Vice Chairman of the Board

The Exchange proposes to amend its Bylaws to eliminate the office of the Vice Chairman.[5] The primary function of the Vice Chairman's office was to facilitate communication between the Exchange and its Trading Permit Holders and to coordinate the activities of Trading Permit Holder committees.[6] The Exchange believes that C2 management is able to perform these functions and has represented that it will continue to obtain input from Trading Permit Holders through other channels, including direct communication with individual Trading Permit Holders, committees established by the Exchange, and through the proposed Advisory Board (discussed below).[7]

B. Provision for an Advisory Board

The Exchange proposes to adopt Section 6.1 of the Bylaws that would allow the Board of Directors to establish an Advisory Board which would advise the Office of the Chairman regarding matters of interest to Trading Permit Holders. According to the Exchange, this would be beneficial because it would provide another vehicle by which the Exchange management could receive advice and feedback from Trading Permit Holders.[8] Under the proposal, the Board of Directors would determine the number of members of the Advisory Board, the Chief Executive Officer or his or her designee would serve as the Chairman of an Advisory Board, and the C2 Nominating and Governance Committee would recommend the members of any Advisory Board for approval by the Board of Directors.

The Advisory Board would be completely advisory in nature and would not be vested with any Exchange decision-making authority or other authority to act on behalf of the Exchange. Pursuant to proposed Section 6.1 of the Bylaws, the Board of Directors would have the discretion as to whether (or not) to put an Advisory Board in place. C2 has represented that the Board of Directors intends to establish an Advisory Board.[9]

C. Elimination of Exchange Audit Committee

C2 proposes to amend its Bylaws to eliminate its Audit Committee because its functions are duplicative of the functions performed by the Audit Committee of its parent company, CBOE Holdings, Inc. ("CBOE Holdings").

The CBOE Holdings Audit Committee has broad authority to assist the CBOE Holdings Board of Directors in discharging its responsibilities relating to, among other things: (1) The qualifications, engagement, and oversight of CBOE Holdings' independent auditor; (2) CBOE Holdings' financial statements and disclosure matters; (3) CBOE Holdings' internal audit function and internal controls; and (4) CBOE Holdings' oversight and risk management, including compliance with legal and regulatory requirements. CBOE Holdings' financial statements are prepared on a consolidated basis that includes the financial results of CBOE Holdings' subsidiaries, including C2. Therefore, according to the Exchange, the CBOE Holdings Audit Committee's purview necessarily includes C2 and the responsibilities of the C2 Audit Committee are fully duplicated by the responsibilities of the CBOE Holdings Audit Committee.[10] Consequently, C2 proposes that the responsibilities of its audit committee be performed by the CBOE Holdings Audit Committee.

Although the CBOE Holdings Audit Committee would continue to have overall responsibility with respect to the internal audit function, the C2 Board of Directors would maintain its own independent oversight over the internal audit function with respect to C2 regulatory functions through the C2 Regulatory Oversight Committee. Specifically, upon elimination of the C2 Audit Committee, the Regulatory Oversight Committee would have the authority to review the internal audit plan relating to C2's regulatory

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] At the time C2 submitted the original proposed rule change, it had not yet obtained formal approval from its Board of Directors for the specific Bylaw and rule changes set forth in this proposed rule change. C2 stated that once that approval was obtained, the Exchange would file a technical amendment to its proposed rule change to reflect that approval. In Amendment No. 1, the Exchange notes that the C2 Board of Directors approved the specific Bylaw and rule changes set forth in SR–C2–2011–003 on February 8, 2011 and stated that no further action was necessary in connection with its proposal. Amendment No. 1 is technical in nature, and the Commission is not publishing Amendment No. 1 for public comment.

[4] *See* Securities Exchange Act Release No. 63845 (February 4, 2011), 76 FR 7598 ("Notice").

[5] The specific proposed Bylaw and rule changes relating to the elimination of the Office of the Vice Chairman are discussed in detail in the Notice. *See* Notice, *supra* note 4, 76 FR at 7598–7599.

[6] Currently, the Vice Chairman is an office held by one of the Exchange's Industry Directors. *See* Notice, *supra* note 4, 76 FR at 7598.

[7] *See* Notice, *supra* note 4, 76 FR at 7598.

[8] *See* Notice, *supra* note 4, 76 FR at 7599.

[9] *See* Notice, *supra* note 4, 76 FR at 7599.

[10] *See* Notice, *supra* note 4, 76 FR at 7599 (noting that the C2 Audit Committee has a more limited role focusing on: (1) C2's financial statements and disclosure matters, and (2) C2's oversight and risk management, including compliance with legal and regulatory requirements, in each case, only to the extent required in connection with C2's discharge of its obligations as a self-regulatory organization).

functions and to request at any time that C2's internal auditor conduct an audit relating to those functions.[11]

III. Discussion

After careful review of the proposal, the Commission finds that the proposed rule change, as modified by Amendment No. 1, is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.[12] In particular, the Commission finds that the proposal is consistent with Section 6(b)(1) of the Act,[13] which requires a national securities exchange to be so organized and have the capacity to carry out the purposes of the Act and to comply, and to enforce compliance by its members and persons associated with its members, with the provisions of the Act.

The Commission finds that the proposed elimination of C2's Office of the Vice Chairman of the Board is consistent with the Act. As noted above, the Exchange believes that the role previously performed by the Vice Chairman of the Board can effectively be performed by C2 management and the new Advisory Board. Accordingly, the Exchange seeks to eliminate this position to make its governance structure more streamlined and efficient. With respect to member input in the affairs of the Exchange, the Commission notes that the Exchange Bylaws will continue to require that at least 30% of the directors on the C2 Board of Directors be Industry Directors and that at least 20% of C2's directors be Representative Directors.[14] The Commission has previously noted that this requirement, consistent with Section 6(b)(3) of the Act,[15] helps to ensure that an exchange's members have a voice in the governing body of the exchange and the corresponding exercise by the exchange of its self-regulatory authority, and that the exchange is administered in a way that is equitable to all who trade on its market or through its facilities.[16] The Commission believes that, despite the elimination of the office of the Vice Chairman, C2 governance will continue to provide for the fair representation of C2 Trading Permit Holders in the selection of directors and the administration of the Exchange consistent with Section 6(b)(3) of the Act. Further, as discussed below, additional opportunities for member input could result from the proposed Advisory Board.

In addition, the Commission finds that the Exchange's proposal to authorize an Advisory Board to advise the Office of the Chairman regarding matters of interest to Trading Permit Holders is consistent with the Act. With respect to composition, the Nominating and Governance Committee will recommend members of the Advisory Board for approval by the Board of Directors.[17] The Commission notes that the new Advisory Board will be advisory in nature and will not be vested with decision-making authority or the authority to act on behalf of the Exchange. Nevertheless, the Advisory Board could serve as a supplemental adjunct advisory body that can provide an additional forum for members to be heard and provide input to Exchange management above and beyond the formal role played by Representative Directors, discussed above.

Finally, the Commission finds that the proposed elimination of C2's Audit Committee is consistent with the Act. The Commission previously approved a structure in which certain committees of the board of directors of NYSE Euronext, including its audit committee, were authorized to perform functions for various subsidiaries, including the New York Stock Exchange, LLC.[18] More recently, the Commission approved proposals by The NASDAQ Stock Market LLC, NASDAQ OMX BX, Inc., and NASDAQ OMX PHLX, Inc. to eliminate their respective audit committees.[19] The responsibilities of the C2 Audit Committee are fully duplicated by the CBOE Holdings Audit Committee. Further, the C2 Regulatory Oversight Committee has broad authority to oversee the adequacy and effectiveness of C2's regulatory responsibilities and is able to maintain oversight over internal controls in tandem with the CBOE Holdings Audit Committee. Accordingly, elimination of the C2 Audit Committee should not impact the ability of the C2 Board or the C2 Regulatory Oversight Committee to maintain substantial and independent oversight of the Exchange's regulatory program.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[20] that the proposed rule change (SR–C2–2011–003), as modified by Amendment No. 1, be, and hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[21]

Cathy H Ahn,

Deputy Secretary.

[FR Doc. 2011–7605 Filed 3–30–11; 8:45 am]

BILLING CODE 8011–01–P

[11] These changes would be in addition to the C2's current Regulatory Oversight Committee charter provision, which provides that the Regulatory Oversight Committee shall meet regularly with C2's internal auditor regarding regulatory functions. C2's Regulatory Oversight Committee would continue its existing practice of reviewing internal audits of C2's regulatory functions. *See* Notice, *supra* note 4, 76 FR at 7600.

[12] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[13] 15 U.S.C. 78f(b)(1).

[14] Representative Directors are Industry Directors nominated (or otherwise selected through a petition process) by the Industry-Director Subcommittee of the C2 Nominating and Governance Committee. C2 Trading Permit Holders may nominate alternative Representative Director candidates to those nominated by the Industry Director Subcommittee, in which case a Run-off Election would be held in which C2's Trading Permit Holders would vote to determine which candidates would be elected to the C2 Board of Directors to serve as Representative Directors. *See* Notice, *supra* note 4, 76 FR at 7599.

[15] 15 U.S.C. 78f(b)(3).

[16] *See* Securities Exchange Act Release No. 61152 (December 10, 2009), 74 FR 66699 (December 16, 2009) (File No. 191) (approving C2 as a national securities exchange) ("C2 Approval Order").

[17] Persons interested in being considered for a seat on an Advisory Board could contact the Nominating and Governance Committee, but the Nominating and Governance Committee would have sole discretion in recommending members of the Advisory Board to the Board of Directors for approval.

[18] *See* Securities Exchange Act Release No. 55293 (February 14, 2007), 72 FR 8033 (February 22, 2007) (SR–NYSE–2006–120).

[19] *See* Securities Exchange Act Release Nos. 60276 (July 9, 2009), 74 FR 34840 (July 17, 2009) (SR–NASDAQ–2009–042), 60247 (July 17, 2009), 74 FR 33495 (July 13, 2009) (SR–BX–2009–021), and 60687 (September 18, 2009), 74 FR 49060 (September 25, 2009) (SR–Phlx–2009–59).

[20] 15 U.S.C. 78s(b)(2).

[21] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–64127; File No. SR–CBOE–2011–010]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Order Approving Proposed Rule Change, as Modified by Amendment No. 1, Relating to Bylaw and Related Rule Changes

March 25, 2011.

I. Introduction

On January 27, 2011, Chicago Board Options Exchange, Incorporated ("CBOE" or "Exchange") filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] and Rule 19b–4 thereunder,[2] a proposed rule change to modify its governance structure. On February 9, 2011, the Exchange filed

Amendment No. 1 to the proposed rule change.[3] The proposed rule change was published for comment in the **Federal Register** on February 10, 2011.[4] The Commission received no comment letters regarding the proposal. This order approves the proposed rule change, as modified by Amendment No. 1.

II. Description of the Proposal

The Exchange proposes to: (1) Eliminate the CBOE Office of the Vice Chairman of the Board ("Vice Chairman"); (2) eliminate the CBOE Trading Advisory Committee and provide that the Board of Directors may establish an Advisory Board instead; (3) eliminate the CBOE Audit Committee; and (4) conform the composition requirements for the CBOE Board of Directors and Executive Committee to the composition requirements of the Board of Directors and Executive Committee of its affiliate C2 Options Exchange, Incorporated ("C2").

A. Elimination of the Office of the Vice Chairman of the Board

The Exchange proposes to amend its Bylaws to eliminate the office of the Vice Chairman.[5] Historically, the Vice Chairman's primary function was to facilitate communication between the Exchange and its membership, including lessor members that owned memberships and leased them to trading members, and to coordinate the activities of member committees.[6] According to the Exchange, the role of the Vice Chairman has been significantly reduced since the Exchange changed its structure from a membership organization to a stock corporation owned by a public holding company, CBOE Holdings, Inc. ("CBOE Holdings").[7] The Exchange has represented that CBOE will continue to obtain input from Trading Permit Holders through other channels, including direct communication with individual Trading Permit Holders, committees established by the Exchange, and through the proposed Advisory Board (discussed below).[8]

B. Elimination of the Trading Advisory Committee and Provision for an Advisory Board

Section 4.7 of the CBOE Bylaws currently provides for a Trading Advisory Committee to advise CBOE's Office of the Chairman regarding matters of interest to Trading Permit Holders. Section 4.7 allows the Board of Directors to set the number of members of the Trading Advisory Committee, requires that the majority of the members of the Committee be involved in trading either directly or indirectly through their firms, states that the Chairman of the Committee is the Vice Chairman of the Board, and the Vice Chairman appoints the other members of the Committee with the approval of the Board.

In place of a Trading Advisory Committee, the Exchange proposes that the Board of Directors may establish an Advisory Board which would advise the Office of the Chairman regarding matters of interest to Trading Permit Holders. The Board of Directors would determine the number of members of the Advisory Board, the Chief Executive Officer or his or her designee would serve as the Chairman of an Advisory Board, and the CBOE Nominating and Governance Committee would recommend the members of any Advisory Board for approval by the Board of Directors.

The Advisory Board would be completely advisory in nature and would not be vested with any Exchange decision-making authority or other authority to act on behalf of the Exchange. Pursuant to proposed Section 6.1 of the Bylaws, the Board of Directors would have the discretion as to whether (or not) to put an Advisory Board in place. CBOE has represented that the Board of Directors intends to establish an Advisory Board.[9]

C. Elimination of Exchange Audit Committee

CBOE proposes to amend its Bylaws to eliminate its Audit Committee because its functions are duplicative of the functions performed by the Audit Committee of its parent company, CBOE Holdings, Inc. ("CBOE Holdings").

The CBOE Holdings Audit Committee has broad authority to assist the CBOE Holdings Board of Directors in discharging its responsibilities relating to, among other things: (1) The qualifications, engagement, and oversight of CBOE Holdings' independent auditor; (2) CBOE Holdings' financial statements and disclosure matters; (3) CBOE Holdings' internal audit function and internal controls; and (4) CBOE Holdings' oversight and risk management, including compliance with legal and regulatory requirements. CBOE Holdings' financial statements are prepared on a consolidated basis that includes the financial results of CBOE Holdings' subsidiaries, including CBOE. Therefore, according to the Exchange, the CBOE Holdings Audit Committee's purview necessarily includes CBOE and the responsibilities of the CBOE Audit Committee are fully duplicated by the responsibilities of the CBOE Holdings Audit Committee.[10] Consequently, CBOE proposes that the responsibilities of its audit committee be performed by CBOE Holdings audit committee.

Although the CBOE Holdings Audit Committee would continue to have overall responsibility with respect to the internal audit function, the CBOE Board of Directors would maintain its own independent oversight over the internal audit function with respect to CBOE regulatory functions through the CBOE Regulatory Oversight Committee. Specifically, upon elimination of the CBOE Audit Committee, the Regulatory Oversight Committee would have the authority to review the internal audit plan relating to CBOE's regulatory functions and to request at any time that CBOE's internal auditor conduct an audit relating to those functions.[11]

[3] At the time CBOE submitted the original proposed rule change, CBOE had not yet obtained formal approval from its Board of Directors for the specific Bylaw and rule changes set forth in this proposed rule change. CBOE stated that once that approval was obtained, the Exchange would file a technical amendment to its proposed rule change to reflect that approval. In Amendment No. 1, the Exchange notes that the CBOE Board of Directors approved the specific Bylaw and rule changes set forth in SR–CBOE–2011–010 on February 8, 2011 and stated that no further action was necessary in connection with its proposal. Amendment No. 1 is technical in nature, and the Commission is not publishing Amendment No. 1 for public comment.

[4] *See* Securities Exchange Act Release No. 63844 (February 4, 2011), 76 FR 7610 ("Notice").

[5] The specific proposed Bylaw and rule changes relating to the elimination of the Office of the Vice Chairman are discussed in detail in the Notice. *See* Notice, *supra* note 4, 76 FR at 7610–7611.

[6] Currently, the Vice Chairman is an office held by one of the Exchange's Industry Directors. *See* Notice, *supra* note 4, 76 FR at 7610.

[7] For example, the Exchange no longer has lessor members because they were made stockholders as part of CBOE's restructuring, the Exchange's trading members became Trading Permit Holders and there are fewer Trading Permit Holder Committees. *See id.*

[8] *See* Notice, *supra* note 4, 76 FR at 7610.

[9] *See* Notice, *supra* note 4, 76 FR at 7612.

[10] *See* Notice, *supra* note 4, 76 FR at 7612 (noting that the CBOE Audit Committee has a more limited role focusing on: (1) CBOE's financial statements and disclosure matters, and (2) CBOE's oversight and risk management, including compliance with legal and regulatory requirements, in each case, only to the extent required in connection with CBOE's discharge of its obligations as a self-regulatory organization).

[11] These changes would be in addition to the CBOE's current Regulatory Oversight Committee charter provision, which provides that the Regulatory Oversight Committee shall meet regularly with CBOE's internal auditor regarding regulatory functions. CBOE's Regulatory Oversight Committee would continue its existing practice of reviewing internal audits of CBOE's regulatory functions. *See* Notice, *supra* note 4, 76 FR at 7612.

D. Composition Requirements for Board of Directors and Executive Committee

CBOE proposes to amend its Bylaws to conform the composition requirements of its Board of Directors and Executive Committee to the composition requirements of C2 Board of Directors and Executive Committee. Currently, CBOE's Bylaws require that the number of Non-Industry Directors on the CBOE Board of Directors may not be less than a majority of the members of the Board. Similarly, the Bylaws require that the majority of the directors serving on the CBOE Executive Committee must be Non-Industry Directors. Consistent with Sections 3.1 and 4.2 of the C2 Bylaws, CBOE proposes to change these provisions to provide that in no event shall the number of Non-Industry Directors on the CBOE Board or CBOE Executive Committee constitute less than the number of Industry Directors on the Board or Executive Committee, respectively (excluding the Chief Executive Officer from the calculation of Industry Directors for such purposes).

Under CBOE's proposal, the CBOE Bylaws would require that the Executive Committee include the Chairman of the Board, the Chief Execute Officer (if a Director), the Lead Director (if any), at least one Representative Director, and such other number of directors that the Board deems appropriate, provided that in no event would the number of Non-Industry Directors be less than the number of Industry Directors serving on the Executive Committee.[12]

CBOE believes that having the same composition requirements for CBOE Holdings' two affiliated exchange subsidiaries will promote consistency and efficiency. CBOE and C2 currently have the same individuals serving on the CBOE and C2 Boards and the CBOE and C2 Executive Committees.[13]

III. Discussion

After careful review of the proposal, the Commission finds that the proposed rule change, as modified by Amendment No. 1, is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.[14] In particular, the Commission finds that the proposal is consistent with Section 6(b)(1) of the Act,[15] which requires a national securities exchange to be so organized and have the capacity to carry out the purposes of the Act and to comply, and to enforce compliance by its members and persons associated with its members, with the provisions of the Act. The Commission further finds that the proposal is consistent with Section 6(b)(3) of the Act[16] which requires that one or more directors be representative of issuers and investors and not be associated with a member of the exchange, or with a broker or dealer. The Commission also finds that the proposal is consistent with Section 6(b)(5) of the Act,[17] which requires, among other things, that the rules of an exchange be designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

The Commission finds that the proposed elimination of CBOE's Office of the Vice Chairman of the Board is consistent with the Act. As noted above, the Exchange believes that the role previously performed by the Vice Chairman of the Board can effectively be performed by CBOE management and the new Advisory Board. Accordingly, the Exchange seeks to eliminate this position to make its governance structure more streamlined and efficient. With respect to member input in the affairs of the Exchange, the Commission notes that the Exchange Bylaws will continue to require that at least 30% of the directors on the CBOE Board of Directors be Industry Directors and that at least 20% of CBOE's directors be Representative Directors.[18] The Commission has previously noted that this requirement, consistent with Section 6(b)(3) of the Act,[19] helps to ensure that an exchange's members have a voice in the governing body of the exchange and the corresponding exercise by the exchange of its self-regulatory authority, and that the exchange is administered in a way that is equitable to all who trade on its market or through its facilities.[20] The Commission believes that, despite the elimination of the office of the Vice Chairman, CBOE governance will continue to provide for the fair representation of CBOE Trading Permit Holders in the selection of directors and the administration of the Exchange consistent with Section 6(b)(3) of the Act. Further, as discussed below, additional opportunities for member input could result from the proposed Advisory Board.

In addition, the Commission finds that the Exchange's proposal to authorize an Advisory Board to advise the Office of the Chairman regarding matters of interest to Trading Permit Holders is consistent with the Act. With respect to composition, the Nominating and Governance Committee will recommend members of the Advisory Board for approval by the Board of Directors.[21] The Commission notes that the new Advisory Board will be advisory in nature and will not be vested with decision-making authority or the authority to act on behalf of the Exchange. Nevertheless, the Advisory Board could serve as a supplemental adjunct advisory body that can provide an additional forum for members to be heard and provide input to Exchange management above and beyond the formal role played by Representative Directors discussed above.

Further, the Commission finds that the proposed elimination of CBOE's audit committee is consistent with the Act. The Commission previously approved a structure in which certain committees of the board of directors of NYSE Euronext, including its audit committee, were authorized to perform functions for various subsidiaries, including the New York Stock Exchange, LLC.[22] More recently, the Commission approved proposals by The NASDAQ Stock Market LLC, NASDAQ OMX BX, Inc., and NASDAQ OMX PHLX, Inc. to eliminate their respective audit committees.[23] The responsibilities

[12] *See* Notice, *supra* note 4, 76 FR at 7613.

[13] *See* Notice, *supra* note 4, 76 FR at 7613.

[14] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[15] 15 U.S.C. 78f(b)(1).

[16] 15 U.S.C. 78f(b)(3).

[17] 15 U.S.C. 78f(b)(5).

[18] Representative Directors are Industry Directors nominated (or otherwise selected through a petition process) by the Industry-Director Subcommittee of the CBOE Nominating and Governance Committee. CBOE Trading Permit Holders may nominate alternative Representative Director candidates to those nominated by the Industry Director Subcommittee, in which case a Run-off Election would be held in which CBOE's Trading Permit Holders would vote to determine which candidates would be elected to the CBOE Board of Directors to serve as Representative Directors. *See* Notice, *supra* note 4, 76 FR at 7610.

[19] 15 U.S.C. 78f(b)(3).

[20] *See* Securities Exchange Act Release No. 61152 (December 10, 2009), 74 FR 66699 (December 16, 2009) (File No. 191) (approving C2 as a national securities exchange) ("C2 Approval Order").

[21] Persons interested in being considered for a seat on an Advisory Board could contact the Nominating and Governance Committee, but the Nominating and Governance Committee would have sole discretion in recommending members of the Advisory Board to the Board of Directors for approval.

[22] *See* Securities Exchange Act Release No. 55293 (February 14, 2007), 72 FR 8033 (February 22, 2007) (SR–NYSE–2006–120).

[23] *See* Securities Exchange Act Release Nos. 60276 (July 9, 2009), 74 FR 34840 (July 17, 2009) (SR–NASDAQ–2009–042), 60247 (July 17, 2009), 74 FR 33495 (July 13, 2009) (SR–BX–2009–021), and

of the CBOE Audit Committee are fully duplicated by the CBOE Holdings Audit Committee. Further, the CBOE Regulatory Oversight Committee has broad authority to oversee the adequacy and effectiveness of CBOE's regulatory responsibilities and is able to maintain oversight over internal controls in tandem with the CBOE Holdings Audit Committee. Accordingly, elimination of the CBOE Audit Committee should not impact the ability of the CBOE Board or the CBOE Regulatory Oversight Committee to maintain substantial and independent oversight of the Exchange's regulatory program.

Finally, the Commission finds that the proposed changes to the compositional requirements for the CBOE Board of Directors and Executive Committee are consistent with the Act. The Commission notes these proposed changes are designed to align CBOE's compositional requirements with those of its affiliated exchange, which were previously approved by the Commission.[24] In addition, the change is similar to the treatment of "Staff Governors" that the Commission previously approved for another self-regulatory organization.[25]

Though, as revised, the Executive Committee would not have 20% of its members that are elected by Permit Holders (as the Board is required to have), CBOE has represented that the role of its Executive Committee does not involve it routinely acting in place of the Board. Rather, CBOE represented that its Executive Committee generally does not make a decision unless there is a need for a CBOE Board-level decision between CBOE Board meetings due to the time sensitivity of the matter.[26] In addition, in situations when the Executive Committee does make a decision between CBOE Board meetings, the CBOE Board is generally aware ahead of time of the potential that the Executive Committee may need to make the decision. The CBOE Board is fully informed of any decision made by the Executive Committee at its next meeting and can always decide to review that decision and take a different action.[27] Accordingly, the CBOE Board, including the Representative Directors, will continue to have final say on any matter considered by the Executive Committee.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[28] that the proposed rule change (SR–CBOE–2011–010), as modified by Amendment No. 1, be, and hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[29]

Cathy H Ahn,

Deputy Secretary.

[FR Doc. 2011–7604 Filed 3–30–11; 8:45 am]

BILLING CODE 8011–01–P

60687 (September 18, 2009), 74 FR 49060 (September 25, 2009) (SR–Phlx–2009–59).

[24] *See* C2 Approval Order, *supra* note 20, 74 FR at 66701–66702 (noting that "requirement that the number of Non-Industry Directors equal or exceed the number of Industry Directors on the Board is designed to assure the inclusion of a significant non-industry presence in the governance of the Exchange, which the Commission believes is a critical element in the Exchange's ability to protect the public interest.").

[25] *See* Securities Exchange Act Release No. 44280 (May 8, 2001), 66 FR 26892 (May 15, 2001) (SR–NASD–2001–06)(approving amendment to NASD By-Laws to allow for the treatment of Staff Governors as "neutral" for purposes of Industry/Non-Industry balancing on the NASD Board of Governors).

[26] *See* Notice, *supra* note 4, 76 FR at 7613, n.6.

[27] CBOE previously noted the foregoing to the Commission and has represented that it continues to be the case. *See* Securities Exchange Act Release No. 62158 (May 24, 2010), 75 FR 30082, n.87 (May 28, 2010) (SR–CBOE–2008–88), *see also* Notice, *supra* note 4, 76 FR at 7613, n.6.

[28] 15 U.S.C. 78s(b)(2).

[29] 17 CFR 200.30–3(a)(12).

SOCIAL SECURITY ADMINISTRATION

Agency Information Collection Activities: Proposed Request and Comment Request

The Social Security Administration (SSA) publishes a list of information collection packages requiring clearance by the Office of Management and Budget (OMB) in compliance with Public Law 104–13, the Paperwork Reduction Act of 1995, effective October 1, 1995. This notice includes revisions of OMB-approved information collections.

SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility, and clarity; and ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology. Mail, e-mail, or fax your comments and recommendations on the information collection(s) to the OMB Desk Officer and SSA Reports Clearance Officer at the following addresses or fax numbers.

(OMB)

Office of Management and Budget, Attn: Desk Officer for SSA, Fax: 202–395–6974, E-mail address: *OIRA_Submission@omb.eop.gov.*

(SSA)

Social Security Administration, DCBFM, Attn: Reports Clearance Officer, 1333 Annex Building, 6401 Security Blvd., Baltimore, MD 21235, Fax: 410–965–6400, E-mail address: *OPLM.RCO@ssa.gov.*

I. The information collection below is pending at SSA. SSA will submit it to OMB within 60 days from the date of this notice. To be sure we consider your comments, we must receive them no later than May 31, 2011. Individuals can obtain copies of the collection instruments by calling the SSA Reports Clearance Officer at 410–965–8783 or by writing to the above e-mail address.

Representative Payee Report-Adult, Representative Payee Report-Child, Representative Payee Report-Organizational Representative Payees—20 CFR 404.635, 404.2035, 404.2065, and 416.665—0960–0068. When SSA determines it is not in an Old Age Survivors and Disability Insurance (OASDI) or Supplemental Security Income (SSI) recipient's best interest to receive Social Security payments directly, the agency will designate a representative payee for the recipient. The representative payee can be (1) A family member; (2) a non-family member who is a private citizen and is acquainted with the beneficiary; (3) an organization; (4) a state or local government agency; or (5) a business. In this capacity, the person or organization receives the SSA recipient's payments directly and manages these payments. As part of its stewardship mandate, SSA must ensure the representative payees are properly using the payments they receive for the recipients they represent. The agency annually collects the information necessary to make this assessment using the SSA–623—Representative Payee Report—Adult, SSA–6230—Representative Payee Report—Child (, SSA–6234—Representative Payee Report—Organizational Representative Payees), and through the electronic internet application Internet Representative Payee Accounting (iRPA). The respondents are representative payees of OASDI and SSI recipients.

Type of Request: Revision to an OMB-approved information collection.

Form No.	Number of respondents	Frequency of response	Average burden per response (minutes)	Total annual burden (hours)
SSA–623	2,378,400	1	15	594,600
SSA–6230	2,875,900	1	15	718,975
SSA–6234	702,100	1	15	175,525
iRPA*	652,500	1	15	163,125
Totals	6,608,900			1,652,225

II. SSA submitted the information collections listed below to OMB for clearance. Your comments on the information collections would be most useful if OMB and SSA receive them within 30 days from the date of this publication. To be sure we consider your comments, we must receive them no later than May 2, 2011. You can obtain a copy of the OMB clearance package by calling the SSA Reports Clearance Officer at 410–965–8783 or by writing to the above e-mail address.

1. *Petition To Obtain Approval of a Fee for Representing a Claimant Before the SSA— 20 CFR 404.1720 and 404.1725; 20 CFR 416.1520 and 416.1525—0960–0104.* A Social Security claimant's representative, whether an attorney or a non-attorney, uses Form SSA–1560–U4 to petition SSA for authorization to charge and collect a fee. A claimant may also use the form to agree or disagree with the requested fee amount or other information the representative provides on the form. The SSA official responsible for setting the fee uses the information from the form to determine a reasonable fee amount representatives may charge for their services. The respondents are attorneys and non-attorneys who represent Social Security claimants.

Type of Request: Revision of an OMB-approved information collection.

Number of Respondents: 48,110.

Frequency of Response: 1.

Average Burden per Response: 30 minutes.

Estimated Annual Burden: 24,055 hours

2. *Questionnaire for Children Claiming SSI Benefits—0960–0499.* Section 1631(d)(2) of the Social Security Act gives the agency the authority to collect information needed to determine the validity of an applicant's claim for SSI benefits. Section 20 CFR 416.912(a) of the Code of Federal Regulations states an applicant must furnish medical and other evidence SSA can use to reach conclusions about a child's medical condition. Parents or legal guardians use the SSA–3881–BK to provide SSA with the names and addresses of non-medical sources such as schools, counselors, agencies, organizations, or therapists who would have information about a child's functioning. SSA uses this information to help determine a child's eligibility or continuing eligibility for SSI when conducting a continuing disability review or in the appeals process. The respondents are applicants who appeal SSI childhood disability decisions or recipients undergoing a continuing disability review. This is a correction notice: SSA published this information collection as an extension on January 28, 2011 at 76 FR 5233. Since we are revising the Privacy Act Statement, this is now a revision of an OMB-approved information collection.

Type of Request: Revision of an OMB-approved information collection.

Number of Respondents: 253,000.

Frequency of Response: 1.

Average Burden per Response: 30 minutes.

Estimated Annual Burden: 126,500 hours.

3. *Electronic Benefit Verification Information (BEVE)—20 CFR 401.40—0960–0595.* The electronic proof of income (POI) verification Internet service, BEVE, provides SSI recipients, Social Security beneficiaries, and Medicare beneficiaries the convenience of requesting a POI statement through the Internet. Beneficiaries and SSI recipients often require POI to obtain housing, food stamps, or other public services. After verifying the requester's identity, SSA uses the information from BEVE to provide the POI statement. The respondents are Social Security beneficiaries, Medicare beneficiaries, and SSI recipients.

Type of Request: Revision of an OMB-approved information collection.

Number of Respondents: 870,958.

Frequency of Response: 1.

Average Burden per Response: 5 minutes.

Estimated Annual Burden: 72,580 hours.

Dated: March 25, 2011.

Liz Davidson,

Center Director, Center for Reports Clearance, Social Security Administration.

[FR Doc. 2011–7503 Filed 3–30–11; 8:45 am]

BILLING CODE 4191–02–P

SOCIAL SECURITY ADMINISTRATION

Agency Information Collection Activities: Emergency Clearance Request

The Social Security Administration (SSA) publishes a list of information collection packages requiring clearance by the Office of Management and Budget (OMB) in compliance with Public Law 104–13, the Paperwork Reduction Act of 1995, effective October 1, 1995. This notice includes a new collection.

SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility, and clarity; and ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology. Mail, e-mail, or fax your comments and recommendations on the information collection to the OMB Desk Officer and SSA Reports Clearance Officer to the following addresses or fax numbers.

(OMB), Office of Management and Budget, Attn: Desk Officer for SSA, Fax: 202–395–6974, E-mail address: *OIRA_Submission@omb.eop.gov.*

(SSA), Social Security Administration, DCBFM, Attn: Reports Clearance Officer, 1333 Annex Building, 6401 Security Blvd., Baltimore, MD 21235, Fax: 410–965–6400, E-mail address: *OPLM.RCO@ssa.gov.*

SSA submitted the information collection below to OMB for Emergency Clearance. SSA is requesting Emergency Clearance from OMB no later than April 5, 2011. Individuals can obtain copies of the collection instrument by calling the SSA Reports Clearance Officer at 410–965–8783 or by writing to the above e-mail address.

Statement of Claimant or Other Person-Medical Resident Federal Insurance Contributions Act (FICA) Refund Claims—20 CFR 404.702 and 416.570—0960–NEW

Background

A recent Internal Revenue Service (IRS) ruling allows doctors who worked as medical residents from 1993 through 2005 to consider their residencies to be student training, not employment. Accordingly, these doctors may request a FICA refund from IRS for those years. However, if they choose this option, SSA will remove their earnings for those years from their earnings records, ultimately reducing their Social Security benefits.

Information Collection Description

SSA will conduct outreach with those medical residents (or their survivors, next of kin, representative payees, *etc.*) who (1) meet the above criteria, (2) are currently entitled to Social Security benefits, and (3) will experience a reduction of their benefits if they request the FICA refund. SSA will call the affected beneficiaries, and explain how accepting the refund would affect their Social Security benefits. We will then mail form SSA–795–OP2 and ask them to confirm or change their decision to receive the FICA refund and have SSA reduce their earnings records accordingly. If SSA cannot first reach the respondents by phone, we will mail them an explanatory letter together with form SSA–795–OP2.

The respondents for this collection are beneficiaries who served as medical residents from 1993 through 2005 and who filed a request with IRS for a FICA refund for those years. The collection is voluntary; if SSA does not receive a response, IRS will assume the original request for a FICA refund stands.

Emergency Clearance

Because IRS is holding the FICA refund payments until we receive confirmation from the respondents of their decision, we are requesting emergency OMB approval for this collection. We will undergo the standard OMB clearance process after receiving emergency approval.

Type of Request: Request for a new information collection.

Number of Respondents: 496.

Frequency of Response: 1.

Average Burden per Response: 4 minutes.

Estimated Annual Burden: 33 hours.

Dated: March 28, 2011.

Faye Lipsky,

Reports Clearance Officer, Center for Reports Clearance, Social Security Administration.

[FR Doc. 2011–7591 Filed 3–30–11; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF STATE

[Public Notice 7392]

In the Matter of the Review of the Designation of al-Aqsa Martyrs' Brigade aka al-Aqsa Martyrs' Battalion as a Foreign Terrorist Organization Pursuant to Section 219 of the Immigration and Nationality Act, As Amended

Based upon a review of the Administrative Record assembled in this matter pursuant to Section 219(a)(4)(C) of the Immigration and Nationality Act, as amended (8 U.S.C. 1189(a)(4)(C)) ("INA"), and in consultation with the Attorney General and the Secretary of the Treasury, I conclude that the circumstances that were the basis for the 2004 re-designation of the aforementioned organization as a foreign terrorist organization have not changed in such a manner as to warrant revocation of the designation and that the national security of the United States does not warrant a revocation of the designation.

Therefore, I hereby determine that the designation of the aforementioned organization as a foreign terrorist organization, pursuant to Section 219 of the INA (8 U.S.C. 1189), shall be maintained.

This determination shall be published in the **Federal Register**.

Dated: March 24, 2011.

James B. Steinberg,

Deputy Secretary of State.

[FR Doc. 2011–7624 Filed 3–30–11; 8:45 am]

BILLING CODE 4710–10–P

DEPARTMENT OF STATE

[Public Notice 7390]

Bureau of Educational and Cultural Affairs (ECA) Request for Grant Proposals: Timor-Leste and South Pacific Scholarship Programs

Announcement Type: New Cooperative Agreement.

Funding Opportunity Number: ECA/A/E/EAP–11–03.

Catalog of Federal Domestic Assistance Number: 19.011.

Application Deadline: May 12, 2011.

Executive Summary: The Office of Academic Programs of the Bureau of Educational and Cultural Affairs announces an open competition to administer the United States Timor-Leste (USTL) Scholarship Program and the United States South Pacific (USSP) Scholarship Program. Eligible applicants may submit a proposal to administer one or both of the scholarship programs. Public and private non-profit organizations meeting the provisions described in Internal Revenue Code section 26 U.S.C. 501(c)(3) may submit proposals to organize and carry out academic exchange program activities for approximately ten (10) students, i.e. approximately five (5) from Timor-Leste and five (5) from the sovereign island nations of the South Pacific (eligible nations are listed below in the Overview section). The recipient(s) will be responsible for all aspects of the programs, including publicity and recruitment of applicants; merit-based competitive selection; placement of students at an accredited U.S. academic institution; student travel to the U.S.; orientation; up to four years of U.S. degree study at the bachelor's or up to three years at the master's level (including one year of preparatory study); enrichment programming; advising, monitoring and support; pre-return activities; evaluation; and follow-up with program alumni. The duration of the cooperative agreement(s) will be up to five years, beginning approximately on August 1, 2011. These programs will be implemented pending the availability of FY 2011 funds.

I. Funding Opportunity Description

Authority: Overall grant making authority for this program is contained in the Mutual Educational and Cultural Exchange Act of 1961, Public Law 87–256, as amended, also known as the Fulbright-Hays Act. The purpose of the Act is "to enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations * * * and thus to assist in the development of friendly, sympathetic and peaceful relations between the United States and the other countries of the world." The funding authority for the program above is provided through legislation.

Purpose: In response to Public Law 103–236, which directed the Bureau of Educational and Cultural Affairs (ECA) to provide scholarships to students from Timor-Leste and from the sovereign

island nations of the South Pacific region, ECA created the USTL Scholarship Program and the USSP Scholarship Program for academic study at accredited colleges and universities in the United States.

United States Timor-Leste Scholarship Program Overview: The goal of the USTL Scholarship Program is to identify and support undergraduate level study at accredited higher education institutions in the United States for a select cadre of academically talented Timorese who are expected to assume future leadership roles in Timor-Leste's development. An objective of the USTL program is to develop the human resource capacity of the Timorese people, especially in fields such as agricultural science, business, communications, economics, education, environmental science, international relations, political science, and psychology.

The eligible academic fields of study were selected to emphasize the areas of critical development need in Timor-Leste. USTL scholarships are typically offered for four years total including up to one year of English language and pre-academic training followed by up to three years for the completion of the undergraduate degree in designated fields. In almost all cases, USTL students will have undergraduate credits for transfer from their home institutions.

United States South Pacific Scholarship Program Overview: The USSP Scholarship Program was established by the United States Congress to provide opportunities for U.S. study to students from South Pacific nations in fields important for the region's future development. Public Law 103–236 authorized academic scholarships to qualified students from the sovereign island nations of the South Pacific region to pursue undergraduate and graduate study at institutions of higher education in the United States.

This program supports increased mutual understanding between the people of the U.S. and those of the South Pacific Islands. Students from the following nations are eligible to apply for these scholarships: Cook Islands, Fiji, Kiribati, Nauru, Niue, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu, and Vanuatu.

Fields of study under the program are based on recommendations from Department of State regional bureau representatives and Public Affairs Sections (PAS) at U.S. embassies abroad and include public administration, journalism, education, environmental studies, agriculture, political science, business and other fields. The recipient organization should arrange for the students' enrollment at accredited U.S. institutions of higher education where a full liberal arts curriculum (including social sciences, humanities and sciences) is available. Students selected for these scholarships enroll in four-year undergraduate degree programs, or in master's degree programs. South Pacific student applicants will not require pre-academic English training, but at the master's level, may benefit from up to one year of preparatory study in the U.S. prior to enrolling in a formal master's degree program.

The requirements for administration of this program are outlined in further detail in this document and in the Program Objectives, Goals and Implementation (POGI) document. The proposal should respond to each item in the POGI.

In a cooperative agreement, the Bureau is substantially involved in program activities above and beyond routine grant monitoring. Bureau activities and responsibilities for these programs include:

(1) Participation in the design and direction of program activities;

(2) Approval of key personnel;

(3) Approval and input on program timelines and agendas;

(4) Guidance in execution of all program components;

(5) Review and approval of all program publicity and recruitment materials;

(6) Participation in student interview and selection panels;

(7) Review of selection decisions prior to offer of award;

(8) Consultation on and approval of academic placement assignments;

(9) Approval of changes to students' proposed academic field or institution;

(10) Approval of decisions related to special circumstances or problems throughout duration of program;

(11) Assistance with SEVIS-related issues;

(12) Assistance with participant emergencies;

(13) Liaison with relevant U.S. Embassies and country desk officers at the State Department.

II. Award Information

Type of Award: Cooperative Agreement.

ECA's level of involvement in this program is listed under number I above.

Fiscal Year Funds: 2011.

Approximate Total Funding: $1,000,000 (pending the availability of funds).

Approximate Number of Awards: 1–2.

Award Range: $500,000 for administration of one program; $1,000,000 for administration of both programs.

Anticipated Award Date: Pending availability of funds, on or about August 1, 2011.

Anticipated Project Completion Date: August 2016.

Additional Information: Pending successful implementation of this program and the availability of funds in subsequent fiscal years, it is ECA's intent to renew this cooperative agreement(s) for two additional fiscal years, before openly competing it again.

III. Eligibility Information

III.1 Eligible applicants: Applications may be submitted by public and private non-profit organizations meeting the provisions described in Internal Revenue Code section 26 U.S.C. 501(c)(3).

III.2 Cost Sharing or Matching Funds: There is no minimum or maximum percentage required for this competition. However, the Bureau encourages applicants to provide maximum levels of cost sharing and funding in support of its programs. When cost sharing is offered, it is understood and agreed that the applicant must provide the amount of cost sharing as stipulated in its proposal and later included in an approved grant agreement. Cost sharing may be in the form of allowable direct or indirect costs. For accountability, the grantee must maintain written records to support all costs which are claimed as your contribution, as well as costs to be paid by the Federal government. Such records are subject to audit. The basis for determining the value of cash and in-kind contributions must be in accordance with OMB Circular A–110, (Revised), Subpart C.23—Cost Sharing and Matching. In the event you do not provide the minimum amount of cost sharing as stipulated in the approved budget, ECA's contribution will be reduced in like proportion.

III.3 Other Eligibility Requirements: Bureau grant guidelines require that organizations with less than four years experience in conducting international exchanges be limited to $60,000 in Bureau funding. ECA anticipates making one award, in an amount up to $1,000,000, or two awards of up to $500,000 each, to support program and administrative costs required to implement the exchange program(s). Therefore, organizations with less than four years experience in conducting international exchanges are ineligible to apply under this competition. The Bureau encourages applicants to provide maximum levels of cost sharing and funding in support of its programs.

IV. Application and Submission Information

Note: Please read the complete announcement before sending inquiries or submitting proposals. Once the RFGP deadline has passed, Bureau staff may not discuss this competition with applicants until the proposal review process has been completed.

IV.1 Contact Information to Request an Application Package: Please contact Julia Findlay, East Asia and Pacific Programs Branch, ECA/A/E/EAP, SA–5, 4th Floor, U.S. Department of State, 2200 C Street, NW., Washington, DC 20037, *phone:* (202) 632–9453, *fax:* (202) 632–9411, *e-mail: findlayjm@state.gov* to request a Solicitation Package. Please refer to the Funding Opportunity Number *ECA/A/E/EAP–11–03* when making your request. Alternatively, an electronic application package may be obtained from grants.gov. *Please see* section IV.3f for further information.

The Solicitation Package contains the Proposal Submission Instruction (PSI) document, which consists of required application forms, and standard guidelines for proposal preparation.

It also contains the Project Objectives, Goals and Implementation (POGI) document, which provides specific information, award criteria and budget instructions tailored to this competition.

Please specify Julia Findlay and refer to the Funding Opportunity Number *ECA/A/E/EAP–11–03* on all other inquiries and correspondence.

IV.2 To Download a Solicitation Package Via Internet: The entire Solicitation Package may be downloaded from the Bureau's Web site at *http://exchanges.state.gov/grants/open2.html,* or from the Grants.gov Web site at *http://www.grants.gov.*

Please read all information before downloading.

IV.3 Content and Form of Submission: Applicants must follow all instructions in the Solicitation Package. The application should be submitted per the instructions under IV.3f. "Application Deadline and Methods of Submission" section below.

IV.3a You are required to have a Dun and Bradstreet Data Universal Numbering System (DUNS) number to apply for a grant or cooperative agreement from the U.S. Government. This number is a nine-digit identification number, which uniquely identifies business entities. Obtaining a DUNS number is easy and there is no charge. To obtain a DUNS number, access *http://www.dunandbradstreet.com* or call 1–866–705–5711. Please ensure that your DUNS number is included in the appropriate box of the SF–424 which is part of the formal application package.

IV.3b All proposals must contain an executive summary, proposal narrative and budget.

Please Refer to the Solicitation Package. It contains the mandatory Proposal Submission Instructions (PSI) document and the Project Objectives, Goals and Implementation (POGI) document for additional formatting and technical requirements.

IV.3c All federal award recipients and sub-recipients must maintain current registrations in the Central Contractor Registration (CCR) database and have a Dun and Bradstreet Date Universal Numbering System (DUNS) number. Recipients and sub-recipients must maintain accurate and up-to-date information in the CCR until all program and financial activity and reporting have been completed. All entities must review and update the information at least annually after the initial registration and more frequently if required information changes or another award is granted.

You must have nonprofit status with the IRS at the time of application. **Please note:** Effective January 7, 2009, all applicants for ECA federal assistance awards must include in their application the names of directors and/or senior executives (current officers, trustees, and key employees, regardless of amount of compensation). In fulfilling this requirement, applicants must submit information in one of the following ways:

(1) Those who file Internal Revenue Service Form 990, "Return of Organization Exempt From Income Tax," must include a copy of relevant portions of this form.

(2) Those who do not file IRS Form 990 must submit information above in the format of their choice.

In addition to final program reporting requirements, award recipients will also be required to submit a one-page document, derived from their program reports, listing and describing their cooperative agreement activities. For award recipients, the names of directors and/or senior executives (current officers, trustees, and key employees), as well as the one-page description of cooperative agreement activities, will be transmitted by the State Department to OMB, along with other information required by the Federal Funding Accountability and Transparency Act (FFATA), and will be made available to the public by the Office of Management and Budget on its USASpending.gov Web site as part of ECA's FFATA reporting requirements. If your organization is a private nonprofit which has not received a grant or cooperative agreement from ECA in the past three years, or if your organization received nonprofit status from the IRS within the past four years, you must submit the necessary documentation to verify nonprofit status as directed in the PSI document. Failure to do so will cause your proposal to be declared technically ineligible.

IV.3d Please take into consideration the following information when preparing your proposal narrative:

IV.3d.1 Adherence to All Regulations Governing the J Visa

The Bureau of Educational and Cultural Affairs places critically important emphases on the security and proper administration of Exchange Visitor (J visa) Programs and adherence by award recipients and sponsors to all regulations governing the J visa. Therefore, proposals should demonstrate the applicant's capacity to meet all requirements governing the administration of the Exchange Visitor Programs as set forth in 22 CFR part 62, including the oversight of Responsible Officers and Alternate Responsible Officers, screening and selection of program participants, provision of pre-arrival information and orientation to participants, monitoring of participants, proper maintenance and security of forms, record-keeping, reporting and other requirements. The award recipient will be responsible for issuing DS–2019 forms to participants in this program.

A copy of the complete regulations governing the administration of Exchange Visitor (J) programs is available at *http://exchanges.state.gov* or from: Office of Designation, Private Sector Programs Division, U.S. Department of State, ECA/EC/D/PS, SA–5, 5th Floor, 2200 C Street, NW., Washington, DC 20037.

Please refer to Solicitation Package for further information.

IV.3d.2 Diversity, Freedom and Democracy Guidelines

Pursuant to the Bureau's authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social, and cultural life. "Diversity" should be interpreted in the broadest sense and encompass differences including, but not limited to ethnicity, race, gender, religion, geographic location, socio-economic status, and disability. Applicants are strongly encouraged to adhere to the advancement of this principle both in program administration and in program content. Please refer to the review criteria under the 'Support for Diversity' section for

specific suggestions on incorporating diversity into your proposal. Public Law 104–319 provides that "in carrying out programs of educational and cultural exchange in countries whose people do not fully enjoy freedom and democracy," the Bureau "shall take appropriate steps to provide opportunities for participation in such programs to human rights and democracy leaders of such countries." Public Law 106–113 requires that the governments of the countries described above do not have inappropriate influence in the selection process. Proposals should reflect advancement of these goals in their program contents, to the full extent deemed feasible.

IV.3d.3 Program Monitoring and Evaluation

Proposals must include a plan to monitor and evaluate the project's success, both as the activities unfold and at the end of the program. The Bureau recommends that your proposal include a draft survey questionnaire or other technique plus a description of a methodology to use to link outcomes to original project objectives. The Bureau expects that the recipient organization will track participants or partners and be able to respond to key evaluation questions, including satisfaction with the program, learning as a result of the program, changes in behavior as a result of the program, and effects of the program on institutions (institutions in which participants work or partner institutions). The evaluation plan should include indicators that measure gains in mutual understanding as well as substantive knowledge.

Successful monitoring and evaluation depend heavily on setting clear goals and outcomes at the outset of a program. Your evaluation plan should include a description of your project's objectives, your anticipated project outcomes, and how and when you intend to measure these outcomes (performance indicators). The more that outcomes are "smart" (specific, measurable, attainable, results-oriented, and placed in a reasonable time frame), the easier it will be to conduct the evaluation. You should also show how your project objectives link to the goals of the program described in this RFGP.

Your monitoring and evaluation plan should clearly distinguish between program outputs and outcomes. Outputs are products and services delivered, often stated as an amount. Output information is important to show the scope or size of project activities, but it cannot substitute for information about progress towards outcomes or the results achieved. Examples of outputs include the number of people trained or the number of seminars conducted. Outcomes, in contrast, represent specific results a project is intended to achieve and are usually measured as an extent of change. Findings on outputs and outcomes should both be reported, but the focus should be on outcomes.

We encourage you to assess the following four levels of outcomes, as they relate to the program goals set out in the RFGP (listed here in increasing order of importance):

1. Participant satisfaction with the program and exchange experience.
2. Participant learning, such as increased knowledge, aptitude, skills, and changed understanding and attitude. Learning includes both substantive (subject-specific) learning and mutual understanding.
3. Participant behavior, concrete actions to apply knowledge in work or community; greater participation and responsibility in civic organizations; interpretation and explanation of experiences and new knowledge gained; continued contacts between participants, community members, and others.
4. Institutional changes, such as increased collaboration and partnerships, policy reforms, new programming, and organizational improvements.

Please note: Consideration should be given to the appropriate timing of data collection for each level of outcome. For example, satisfaction is usually captured as a short-term outcome, whereas behavior and institutional changes are normally considered longer-term outcomes.

Overall, the quality of your monitoring and evaluation plan will be judged on how well it (1) specifies intended outcomes; (2) gives clear descriptions of how each outcome will be measured; (3) identifies when particular outcomes will be measured; and (4) provides a clear description of the data collection strategies for each outcome (i.e., surveys, interviews, or focus groups). (**Please note** that evaluation plans that deal only with the first level of outcomes [satisfaction] will be deemed less competitive under the present evaluation criteria.)

Recipient organizations will be required to provide reports analyzing their evaluation findings to the Bureau in their regular program reports. All data collected, including survey responses and contact information, must be maintained for a minimum of three years and provided to the Bureau upon request.

IV.3d.4. Describe your plans for: i.e. sustainability, overall program management, staffing, coordination with ECA and PAS or any other requirements.

IV.3e. Please take the following information into consideration when preparing your budget:

IV.3e.1. Applicants must submit SF–424A—"Budget Information—Non-Construction Programs" along with a comprehensive budget for the entire program. In addition, the proposal must include a comprehensive budget narrative demonstrating how costs were derived. The budget format should break out costs on a year-by-year basis. The total amount of funding requested from ECA may not exceed $1,000,000 if applying to administer both the USTL and USSP programs; or $500,000 if applying to administer one of the two programs. At this level of funding, applicants are expected to budget for not fewer than ten (10) students for degree study, i.e., approximately five (5) each under the USTL and USSP programs. It is anticipated that applicants submitting proposals for both programs may realize economies of scale that would allow for more than ten (10) participants. The number of participants that the organization proposes to sponsor should be clearly stated. ECA reserves the right to reduce, revise or increase the proposed budget in accordance with funding availability and the needs of the program. There must be a budget summary page that breaks out program and administrative costs. Applicants may provide separate sub-budgets for each program component, phase, location, or activity to provide clarification.

IV.3e.2. Allowable costs for the program include the following:

(1) Publicity, recruitment, selection, placement and communication with applicants and participants.

(2) Travel for student participants between home and program location.

(3) Tuition and fees, stipends for living costs, book allowances, and other necessary maintenance costs and expenses for the students.

(4) Advising and monitoring of students.

(5) Academic and cultural support and enrichment activities.

(6) Pre-return activities and evaluation.

(7) Staff and administrative expenses to carry out the program activities. Administrative and overhead costs should be as low as possible.

Please refer to the Solicitation Package for complete budget guidelines and formatting instructions.

IV.3f. Application Deadline and Methods of Submission:

Application Deadline Date: May 12, 2011.

Reference Number: ECA/A/E/EAP–11–03.

Methods of Submission: Applications may be submitted in one of two ways:

(1.) In hard-copy, via a nationally recognized overnight delivery service (i.e., DHL, Federal Express, UPS, Airborne Express, or U.S. Postal Service Express Overnight Mail, etc.), or

(2.) electronically, through *http://www.grants.gov.*

Along with the Project Title, all applicants must enter the above Reference Number in Box 11 on the SF–424 contained in the mandatory Proposal Submission Instructions (PSI) of the solicitation document.

IV.3f.1 Submitting Printed Applications

Applications must be shipped no later than the above deadline. Delivery services used by applicants must have in-place, centralized shipping identification and tracking systems that may be accessed via the Internet and delivery people who are identifiable by commonly recognized uniforms and delivery vehicles. Proposals shipped on or before the above deadline but received at ECA more than seven days after the deadline will be ineligible for further consideration under this competition. Proposals shipped after the established deadlines are ineligible for consideration under this competition. ECA will not notify you upon receipt of application. It is each applicant's responsibility to ensure that each package is marked with a legible tracking number and to monitor/confirm delivery to ECA via the Internet. Delivery of proposal packages may not be made via local courier service or in person for this competition. Faxed documents will not be accepted at any time. Only proposals submitted as stated above will be considered.

Important note: When preparing your submission please make sure to include one extra copy of the completed SF–424 form and place it in an envelope addressed to "ECA/EX/PM".

The original and 10 copies of the application should be sent to: Program Management Division, ECA–IIP/EX/PM, *Ref.:* ECA/A/E/EAP–11–03, SA–5, Floor 4, Department of State, 2200 C Street, NW., Washington, DC 20037.

IV.3f.2 Submitting Electronic Applications

Applicants have the option of submitting proposals electronically through Grants.gov (*http://www.grants.gov*). Complete solicitation packages are available at Grants.gov in the "Find" portion of the system.

Please Note: ECA bears no responsibility for applicant timeliness of submission or data errors resulting from transmission or conversion processes for proposals submitted via Grants.gov.

Please follow the instructions available in the 'Get Started' portion of the site (*http://www.grants.gov/GetStarted*). Several of the steps in the Grants.gov registration process could take several weeks. Therefore, applicants should check with appropriate staff within their organizations immediately after reviewing this RFGP to confirm or determine their registration status with Grants.gov.

Once registered, the amount of time it can take to upload an application will vary depending on a variety of factors including the size of the application and the speed of your internet connection. In addition, validation of an electronic submission via Grants.gov can take up to two business days.

Therefore, we strongly recommend that you not wait until the application deadline to begin the submission process through Grants.gov.

The Grants.gov Web site includes extensive information on all phases/aspects of the Grants.gov process, including an extensive section on frequently asked questions, located under the "For Applicants" section of the Web site. ECA strongly recommends that all potential applicants review thoroughly the Grants.gov Web site, well in advance of submitting a proposal through the Grants.gov system. ECA bears no responsibility for data errors resulting from transmission on conversion processes.

Direct all questions regarding Grants.gov registration and submission to: Grants.gov Customer Support, *Contact Center Phone:* 800–518–4726, *Business Hours:* Monday—Friday, 7 a.m.–9 p.m. Eastern Time, *E-mail: support@grants.gov.*

Applicants have until midnight (12 a.m.), Washington, DC time of the closing date to ensure that their entire application has been uploaded to the Grants.gov site. There are no exceptions to the above deadline. Applications uploaded to the site after midnight of the application deadline date will be automatically rejected by the grants.gov system, and will be technically ineligible.

Please refer to the Grants.gov Web site, for definitions of various "application statuses" and the difference between a submission receipt and a submission validation. Applicants will receive a validation e-mail from grants.gov upon the successful submission of an application. Again, validation of an electronic submission via Grants.gov can take up to two business days. Therefore, we strongly recommend that you not wait until the application deadline to begin the submission process through Grants.gov. ECA will not notify you upon receipt of electronic applications.

It is the responsibility of all applicants submitting proposals via the Grants.gov web portal to ensure that proposals have been received by Grants.gov in their entirety, and ECA bears no responsibility for data errors resulting from transmission or conversion processes.

IV.3g. Intergovernmental Review of Applications: Executive Order 12372 does not apply to this program.

V. Application Review Information

V.1 Review Process: The Bureau will review all proposals for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines stated herein and in the Solicitation Package. All eligible proposals will be reviewed by the program office, as well as the Public Diplomacy section overseas, where appropriate. Eligible proposals will be subject to compliance with Federal and Bureau regulations and guidelines and forwarded to Bureau grant panels for advisory review. Proposals may also be reviewed by the Office of the Legal Adviser or by other Department elements. Final funding decisions are at the discretion of the Department of State's Assistant Secretary for Educational and Cultural Affairs. Final technical authority for cooperative agreements resides with the Bureau's Grants Officer.

Review Criteria: Technically eligible applications will be competitively reviewed according to the criteria stated below. These criteria are not rank ordered and all carry equal weight in the proposal evaluation:

(1) *Program Planning and Ability To Achieve Program Objectives:* Detailed agenda and relevant work plan should demonstrate substantive undertakings and logistical capacity. Agenda and plan should adhere to the program overview and guidelines described above. Each component of the program should be addressed. Objectives should be reasonable, feasible, and flexible. Proposals should clearly demonstrate how the institution will meet the program's objectives and plan. Proposals should explain how objectives will be met through specific activities to be carried out in the U.S., and in Timor-Leste and/or the South Pacific region.

(2) *Institutional Capacity:* Proposed personnel and institutional resources should be adequate and appropriate to

achieve the program or project's goals. Proposals should explain how the grantee organization will meet the requirements of students on this specific program. Proposals should describe the applicant's knowledge of or prior experience with, students from Timor-Leste, and/or the South Pacific nations, and/or other developing countries.

(3) *Institution's Record/Ability:* Proposals should demonstrate an institutional record of successful exchange programs, including responsible fiscal management and full compliance with all reporting requirements for past Bureau awards (grants or cooperative agreements) as determined by the Bureau's Grants Staff. The Bureau will consider the past performance of prior recipients and the demonstrated potential of new applicants.

(4) *Multiplier Effect/Impact and Value to U.S.-Partner Country Relations:* Proposed programs should strengthen long-term mutual understanding, including maximum sharing of information and establishment of long-term institutional and individual linkages. Anticipated results of the program in Timor-Leste and/or the South Pacific region as well as in the U.S. should be addressed. Proposed projects should receive positive assessments by the U.S. Department of State's geographic area desk and overseas officers of program need, potential impact, and significance in the partner country(ies).

(5) *Support of Diversity:* Proposals should demonstrate substantive support for the Bureau's policy on diversity. Achievable and relevant features should be cited in both program administration (selection of participants, program venue and program evaluation) and program content (orientation and wrap-up sessions, program meetings, resource materials and follow-up activities). To the fullest extent possible, scholarship recipients for this program should be representative of diversity in the following categories: Country of origin/residence within country(ies); gender; ethnic community of origin within country(ies), where relevant; urban and rural regions (with emphasis on outreach beyond capital cities); and proposed fields of study within the general parameters outlined in this solicitation. Proposals should explain what efforts will be undertaken to achieve these goals. The U.S. study and enrichment programs should also incorporate and demonstrate the diversity of the American people, regions and culture. Efforts should be made to place eligible students in institutions of higher education that represent a broad cross-section of the United States.

(6) *Project Evaluation:* Proposals should include a plan to evaluate the activity's success, both as the activities unfold and at the end of the program. A draft survey questionnaire or other technique plus description of a methodology to use to link outcomes to original project objectives is recommended. The recipient(s) will be expected to submit quarterly program reports.

(7) *Cost-effectiveness and Cost-sharing:* The overhead and administrative components of the proposal, including salaries and honoraria, should be kept as low as possible. All other items should be necessary and appropriate. Proposals should maximize cost-sharing through other private sector support as well as institutional direct funding contributions.

(8) *Follow-on Activities:* Proposals should provide a plan for continued follow-on activity (without Bureau support) ensuring that Bureau-supported programs are not isolated events.

VI. Award Administration Information

VI.1 Award Notices: Final awards cannot be made until funds have been appropriated by Congress, allocated and committed through internal Bureau procedures. Successful applicants will receive a Federal Assistance Award (FAA) from the Bureau's Grants Office. The FAA and the original cooperative agreement proposal with subsequent modifications (if applicable) shall be the only binding authorizing document between the recipient and the U.S. Government. The FAA will be signed by an authorized Grants Officer, and mailed to the recipient's responsible officer identified in the application.

Unsuccessful applicants will receive notification of the results of the application review from the ECA program office coordinating this competition.

VI.2 Administrative and National Policy Requirements:

Terms and Conditions for the Administration of ECA agreements include the following:

Office of Management and Budget Circular A–122, "Cost Principles for Nonprofit Organizations."

Office of Management and Budget Circular A–21, "Cost Principles for Educational Institutions."

OMB Circular A–87, "Cost Principles for State, Local and Indian Governments".

OMB Circular No. A–110 (Revised), Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and other Nonprofit Organizations.

OMB Circular No. A–102, Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments.

OMB Circular No. A–133, Audits of States, Local Government, and Non-profit Organizations.

Please reference the following Web sites for additional information:

http://www.whitehouse.gov/omb/grants
http://fa.statebuy.state.gov

VI.3 Reporting Requirements: You must provide ECA with a hard copy original plus one copy of the following reports:

(1.) A final program and financial report no more than 90 days after the expiration of the award;

(2.) A concise, one-page final program report summarizing program outcomes no more than 90 days after the expiration of the award. This one-page report will be transmitted to OMB, and be made available to the public via OMB's USAspending.gov Web site—as part of ECA's Federal Funding Accountability and Transparency Act (FFATA) reporting requirements.

(3.) A SF–PPR, "Performance Progress Report" Cover Sheet with all program reports.

(4.) Quarterly financial and program reports, the latter of which should include record and analysis of program activities from that period.

Award recipients will be required to provide reports analyzing their evaluation findings to the Bureau in their regular program reports. Please refer to IV. Application and Submission Instructions (IV.3d.3) above for Program Monitoring and Evaluation information.

All data collected, including survey responses and contact information, must be maintained for a minimum of three years and provided to the Bureau upon request.

All reports must be sent to the ECA Grants Officer and ECA Program Officer listed in the final assistance award document.

VI.4. Program Data Requirements:

Award recipients will be required to maintain specific data on program participants and activities in an electronically accessible database format that can be shared with the Bureau as required. As a minimum, the data must include the following:

(1) Name, address, contact information and biographic sketch of all persons who travel internationally on funds provided by the agreement or who benefit from the award funding but do not travel.

(2) Itineraries of international and domestic travel, providing dates of travel and cities in which any exchange experiences take place. Final schedules for in-country and U.S. activities must be received by the ECA Program Officer at least three work days prior to the official opening of the activity.

VII. Agency Contacts

For questions about this announcement, contact: Julia Findlay, Program Officer, U.S. Department of State, East Asia and Pacific Programs Branch (ECA/A/E/EAP), SA–5, 4th Floor, *ECA/A/E/EAP–11–03,* 2200 C Street, NW., Washington, DC 20037, *phone:* (202) 632–9453, *fax:* (202) 632–9411, *e-mail: FindlayJM@state.gov.*

All correspondence with the Bureau concerning this RFGP should reference the title and number *ECA/A/E/EAP–11–03.*

Please read the complete **Federal Register** announcement before sending inquiries or submitting proposals. Once the RFGP deadline has passed, Bureau staff may not discuss this competition with applicants until the proposal review process has been completed.

VIII. Other Information

Notice: The terms and conditions published in this RFGP are binding and may not be modified by any Bureau representative. Explanatory information provided by the Bureau that contradicts published language will not be binding. Issuance of the RFGP does not constitute an award commitment on the part of the Government. The Bureau reserves the right to reduce, revise, or increase proposal budgets in accordance with the needs of the program and the availability of funds. Awards made will be subject to periodic reporting and evaluation requirements per section VI.3 above.

Dated: March 23, 2011.

Ann Stock,

Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. 2011–7628 Filed 3–30–11; 8:45 am]

BILLING CODE 4710–05–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Dispute No. WTO/DS422]

WTO Dispute Settlement Proceeding Regarding United States—Anti-Dumping Measures on Certain Frozen Warmwater Shrimp From China

AGENCY: Office of the United States Trade Representative.

ACTION: Notice; request for comments.

SUMMARY: The Office of the United States Trade Representative ("USTR") is providing notice that on February 28, 2011, the People's Republic of China requested consultations with the United States under the *Marrakesh Agreement Establishing the World Trade Organization* ("WTO Agreement") concerning antidumping measures regarding certain frozen warmwater shrimp from China. That request may be found at *http://www.wto.org* contained in a document designated as WT/DS422/1. USTR invites written comments from the public concerning the issues raised in this dispute.

DATES: Although USTR will accept any comments received during the course of the dispute settlement proceedings, comments should be submitted on or before May 2, 2011, to be assured of timely consideration by USTR.

ADDRESSES: Public comments should be submitted electronically to *http://www.regulations.gov,* docket number USTR–2011–0002. If you are unable to provide submissions by *http://www.regulations.gov,* please contact Sandy McKinzy at (202) 395–9483 to arrange for an alternative method of transmission. If (as explained below) the comment contains confidential information, then the comment should be submitted by fax only to Sandy McKinzy at (202) 395–3640.

FOR FURTHER INFORMATION CONTACT: Jared Wessel, Assistant General Counsel, Office of the United States Trade Representative, 600 17th Street, NW., Washington, DC 20508, (202) 395–3150.

SUPPLEMENTARY INFORMATION: USTR is providing notice that consultations have been requested pursuant to the WTO *Understanding on Rules and Procedures Governing the Settlement of Disputes* ("DSU"). If such consultations should fail to resolve the matter and a dispute settlement panel is established pursuant to the DSU, such panel, which would hold its meetings in Geneva, Switzerland, would be expected to issue a report on its findings and recommendations within nine months after it is established.

Major Issues Raised by China

On February 28, 2011, China requested consultations regarding the antidumping duty investigation, a number of antidumping administrative reviews, and the sunset review conducted by the Department of Commerce on certain frozen warmwater shrimp from China, referring in particular to the use of what it describes as "zeroing" in those proceedings. Specifically, China requested consultations regarding the determinations by the Department of Commerce in (1) *Notice of Final Determination of Sales at Less Than Fair Value: Certain Frozen and Canned Warmwater Shrimp From the People's Republic of China,* 69 FR 70,997 (December 8, 2004), and the accompanying November 29, 2004, Issues and Decision Memorandum, as well as any amendments, replacements and/or implementing measures issued pursuant thereto; (2) *Certain Frozen Warmwater Shrimp From the People's Republic of China: Notice of Final Results and Rescission, in Part, of 2004/2006 Antidumping Duty Administrative and New Shipper Reviews,* 72 FR 52,049 (September 12, 2007); (3) *Third Administrative Review of Frozen Warmwater Shrimp From the People's Republic of China: Final Results and Partial Rescission of Antidumping Duty Administrative Review,* 74 FR 46,565 (September 10, 2009); (4) *Administrative Review of Certain Frozen Warmwater Shrimp From the People's Republic of China: Final Results and Partial Rescission of Antidumping Duty Administrative Review,* 75 FR 49,460 (August 13, 2010); (5) *Certain Frozen Warmwater Shrimp From the People's Republic of China: Preliminary Results and Preliminary Partial Rescission of Fifth Antidumping Duty Administrative Review,* 76 FR 8,338 (February 14, 2011); (6) the final results of the fifth antidumping duty administrative review on *Certain Frozen Warmwater Shrimp From the People's Republic of China* published in the **Federal Register** after the date of the request for consultations, as well as any amendments, replacements, and/or implementing measures, including, *inter alia,* any assessment instructions and cash deposit requirements issued pursuant to each of the identified administrative reviews; (7) *Certain Frozen Warmwater Shrimp from Brazil, India, the People's Republic of China and Thailand: Final Results of the Expedited Sunset Reviews of the Antidumping Duty Orders,* 75 FR 27,299 (May 14, 2010), as well as any amendments, replacements, and/or implementing measures issued pursuant thereto. China also requested consultations regarding any affirmative injury determination issued by the United States International Trade Commission ("ITC') in the sunset review of certain frozen warmwater shrimp from China after the date of its request for consultations in which the antidumping duty margin considered by the ITC for purposes of determining injury is calculated using so-called zeroing. *See Notice of Institution of*

Five-Year Reviews Concerning the Antidumping Duty Orders on Frozen Warmwater Shrimp From Brazil, China, India, Thailand, and Vietnam, Investigation Nos. 731–TA–1063, 1064, 1066–1068 (Review), 75 FR 1,078 (January 8, 2010).

China alleges that so-called zeroing is inconsistent with Articles VI:1 and VI:2 of the *General Agreement on Tariffs and Trade 1994* and Articles 1, 2.1, 2.4, 2.4.2, 5.8, 9.1, 9.2, 9.3, 9.4, and 11.3 of the *Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994.*

Public Comment: Requirements for Submissions

Interested persons are invited to submit written comments concerning the issues raised in this dispute. Persons may submit public comments electronically to *http://www.regulations.gov* docket number USTR–2011–0002. If you are unable to provide submissions by *http://www.regulations.gov,* please contact Sandy McKinzy at (202) 395–9483 to arrange for an alternative method of transmission.

To submit comments via *http://www.regulations.gov,* enter docket number USTR–2011–0002 on the home page and click "search". The site will provide a search-results page listing all documents associated with this docket. Find a reference to this notice by selecting "Notice" under "Document Type" on the left side of the search-results page, and click on the link entitled "Submit a Comment." (For further information on using the *http://www.regulations.gov* Web site, please consult the resources provided on the Web site by clicking on "How to Use This Site" on the left side of the home page.)

The *http://www.regulations.gov* site provides the option of providing comments by filling in a "Type Comment and Upload File" field, or by attaching a document. It is expected that most comments will be provided in an attached document. If a document is attached, it is sufficient to type "See attached" in the "Type Comment and Upload File" field.

A person requesting that information contained in a comment submitted by that person be treated as confidential business information must certify that such information is business confidential and would not customarily be released to the public by the submitter. Confidential business information must be clearly designated as such and the submission must be marked "BUSINESS CONFIDENTIAL" at the top and bottom of the cover page and each succeeding page. Any comment containing business confidential information must be submitted by fax to Sandy McKinzy at (202) 395–3640. A non-confidential summary of the confidential information must be submitted to *http://www.regulations.gov.* The non-confidential summary will be placed in the docket and open to public inspection.

Information or advice contained in a comment submitted, other than business confidential information, may be determined by USTR to be confidential in accordance with section 135(g)(2) of the Trade Act of 1974 (19 U.S.C.2155(g)(2)). If the submitter believes that information or advice may qualify as such, the submitter—

(1) Must clearly so designate the information or advice;

(2) Must clearly mark the material as "SUBMITTED IN CONFIDENCE" at the top and bottom of the cover page and each succeeding page; and

(3) Must provide a non-confidential summary of the information or advice. Any comment containing confidential information must be submitted by fax. A non-confidential summary of the confidential information must be submitted to *http://www.regulations.gov.* The non-confidential summary will be placed in the docket and open to public inspection.

Pursuant to section 127(e) of the Uruguay Round Agreements Act (19 U.S.C. 3537(e)), USTR will maintain a docket on this dispute settlement proceeding accessible to the public at *http://www.regulations.gov,* docket number USTR–2011–0002. The public file will include non-confidential comments received by USTR from the public with respect to the dispute. If a dispute settlement panel is convened or in the event of an appeal from such a panel, the U.S. submissions, any non-confidential submissions, or non-confidential summaries of submissions, received from other participants in the dispute, will be made available to the public on USTR's Web site at *http://www.ustr.gov,* and the report of the panel, and, if applicable, the report of the Appellate Body, will be available on the Web site of the World Trade Organization, *http://www.wto.org.* Comments open to public inspection may be viewed on the *http://www.regulations.gov* Web site.

William Busis,

Deputy Assistant United States Trade Representative for Monitoring and Enforcement.

[FR Doc. 2011–7501 Filed 3–30–11; 8:45 am]

BILLING CODE 3190–W1–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Public Notice for Waiver of Aeronautical Land-Use Assurance; Capital Region International Airport, Lansing, MI

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of intent of waiver with respect to land.

SUMMARY: The Federal Aviation Administration (FAA) is considering a proposal to change a portion of the airport from aeronautical use to non-aeronautical use and to authorize the sale of the airport property. The proposal consists of remnants from 8 parcels of land, totaling approximately 7.33 acres. Current use and present condition is undeveloped land compatible with local commercial/industrial zoning classification. The land was acquired under the FAA Project Numbers 3–26–0055–3906, 3–26–0055–4107, and 3–26–0055–44208. The remnants left from construction activities during airport development are not usable to the airport due to shape and size. There are no impacts to the airport by allowing the airport to dispose of the property, since the land is no longer needed for aeronautical use. Subject land may provide good commercial/industrial development opportunities for the community and are well outside airport perimeter fence limits. Approval does not constitute a commitment by the FAA to financially assist in the disposal of the subject airport property nor a determination of eligibility for grant-in-aid funding from the FAA. The disposition of proceeds from the sale of the airport property will be in accordance FAA's Policy and Procedures Concerning the Use of Airport Revenue, published in the **Federal Register** on February 16, 1999. In accordance with section 47107(h) of title 49, United States Code, this notice is required to be published in the **Federal Register** 30 days before modifying the land-use assurance that requires the property to be used for an aeronautical purpose.

DATES: Comments must be received on or before May 2, 2011.

ADDRESSES: Documents reflecting this FAA action may be reviewed at the Detroit Airports District Office.

FOR FURTHER INFORMATION CONTACT: Marlon Pena, Program Manager, Detroit Airports District Office, Federal Aviation Administration, 11677 South Wayne Road, Romulus, Michigan 48174. Telephone Number (734) 229–2909 FAX Number (734) 229–2950. Documents reflecting this FAA action may be reviewed at this same location or at Capital Region International Airport, Lansing, Michigan.

SUPPLEMENTARY INFORMATION: Following is a legal description of the property located in Lansing, Clinton County, Michigan, and described as follows:

Parcels 222 & 223 (0.26 ACRES) south part of newly acquired property by capital city airport. To be conveyed to Consumers Energy (to give 162.67 feet frontage on proposed Dewitt road). PART OF THE NORTH ½ OF THE SOUTHEAST ¼ OF THE SOUTHEAST ¼ OF SECTION 32, TSN–R2W. DEWITT TOWNSHIP, CLINTON COUNTY, MICHIGAN. DESCRIBED AS BEGINNING AT A POINT WHICH IS DEFINED BY THE FOLLOWING THREE (3) COURSES FROM THE SOUTHEAST CORNER OF SAID SECTION: (I)NO1–2323–30W. ALONG THE EAST LINE OF SAID SECTION, 1324.86 FEET AND (2]S88–52–54″W, ALONG THE NORTH LINE OF THE SOUTHEAST ¼ OF THE SOUTHEAST ¼ OF SAID SECTION, 1187.36 FEET AND [3]S01–22–11E, ALONG THE NORTHERLY EXTENSION OF THE EASTERLY LINE OF CONSUMERS ENERGY PROPERTY AND ALONG SAID EASTERLY LINE, 502.24 FEET (RECORDED AS 500.OO FEET); THENCE FROM SAID POINT OF BEGINNING S88–52–54W. ALONG THE SOUTH LINE OF EXISTING CONSUMERS ENERGY PROPERTY, 132.00 FEET TO A POINT ON THE WEST LINE OF THE SOUTHEAST ¼ OF THE SOUTHEAST ¼ OF SAID SECTION 32; THENCE S01–22–11E, ALONG SAID WEST LINE, Lo8.59 FEET; THENCE S57–00–12E, 42.69 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF PROPOSED DEWITT ROAD (50 FEET, ½ WIDTH): THENCE NORTHEASTERLY, ALONG SAID RIGHT OF WAY LINE, 95.04 FEET ALONG A CURVE TO THE RIGHT (SAID CURVE HAVING A RADIUS OF 560.00 FEET, A DELTA ANGLE OF 09–43–26, AND A CHORD BEARING AND DISTANCE OF N37–51–31E, 94.93 FEET); THENCE CONTINUING ALONG SAID RIGHT OF WAY, N42–43–14E, 67.63 FEET; THENCE LEAVING SAID LINE, N47–16–46E. 14.37 FEET TO THE POINT OF BEGINNING; CONTAINING 0.26 ACRES OF LAND AND SUBJECT TO ANY OR ALL EASEMENTS OR RESTRICTIONS OF RECORD.

Parcel 219 (0.06 ACRES) Triangular parcel to be conveyed to Bioport to give minimum frontage along proposed Dewitt Road (area to the east of centerline of existing Dewitt Road right of way) PART OF THE SOUTHEAST ¼ OF SECTION 32, T5N–R2W, DEWITT TOWNSHIP, CLINTON COUNTY, MICHIGAN, DESCRIBED AS BEGINNING AT A POINT ON THE WESTERLY RIGHT OF WAY LINE OF PROPOSED DEWITT ROAD BEING DEFINED BY THE FOLLOWING FOUR (4) COURSES FROM THE SOUTHEAST CORNER OF SAID SECTION 32: (I) N01–23–30W, ALONG THE EAST LINE OF SAID SECTION, 1324.87 FEET AND (2) S88–52–54W, ALONG THE NORTH LINE OF THE SOUTHEAST ¼ OF THE SOUTHEAST ¼ OF SAID SECTION, 682.95 FEET AND (3) S42–43–14W, ALONG THE WESTERLY RIGHT OF WAY LINE OF PROPOSED DEWITT ROAD (100 FEET WIDE, 5O FEET HALF WIDTH), 777.73 FEET AND (4) SOUTHWESTERLY ALONG SAID RIGHT OF WAY LINE, 95.04 FEET ALONG A CURVE TO THE LEFT (SAID CURVE HAVING A RADIUS OF 560.00 FEET, A DELTA ANGLE OF 09–43–26, AND A CHORD BEARING AND DISTANCE OF S37–51–31W, 94.93 FEET),' THENCE FROM SAID POINT OF BEGINNING, CONTINUING SOUTHWESTERLY ALONG SAID WESTERLY RIGHT OF WAY LINE, 86.90 FEET ALONG A CURVE TO THE LEFT (SAID CURVE HAVING A RADIUS OF 560.00 FEET, A DELTA ANGLE OF 08–53–29, AND A CHORD BEARING AND DISTANCE OF S28–33–03W, 86.81 FEET) TO A POINT ON THE CENTERLINE OF EXISTING DEWITT ROAD; THENCE NORTHERLY ALONG SAID CENTERLINE, 113.56 FEET ALONG A CURVE TO THE LEFT (SAID CURVE HAVING A RADIUS OF 770.82 FEET, A DELTA ANGLE OF 08–26–28, AND A CHORD BEARING AND DISTANCE OF N07–17–09W, 113.46 FEET); THENCE LEAVING SAID CENTERLINE S57–00–12E, 66.63 FEET TO THE POINT OF BEGINNING; CONTAINING 0.06 ACRES (2627.7 SQUARE FEET) OF LAND AND SUBJECT TO ANY OR ALL EASEMENTS OR RESTRICTIONS OF RECORD.

Parcel 219 (1.13 Acres) To be conveyed to Bioport. PART OF THE SOUTHWEST ¼ OF THE SOUTHEAST ¼ OF SECTION 32, T5N–R2W, DEWITT TOWNSHIP, CLINTON COUNTY, MICHIGAN. DESCRIBED AS BEGINNING AT A POINT ON THE NORTH LINE OF THE SOUTHWEST ¼ OF THE SOUTHEAST ¼ OF SAID SECTION 32. WHICH IS N00–01–10W, ALONG THE EAST LINE OF SAID SECTION, 1324.51 FEET AND N89–41–58W ALONG THE EAST AND WEST ⅛ LINE, 1319.56 FEET AND S00–00–01E ALONG THE EAST ⅛ LINE, 140.00 FEET FROM THE SOUTHEAST CORNER OF SAID SECTION 32; THENCE CONTINUING S00–01–55E, 526.95 FEET TO THE NORTH LINE OF THE PLAT OF LAKE VIEW FARMS EXTENDED; THENCE N89–41–22W, 10.91 FEET TO THE CENTERLINE OF DEWITT ROAD; THENCE ALONG CENTERLINE OF DEWITT ROAD FOR THE NEXT TWO COURSES, ALONG A 770.82 FOOT RADIUS TO THE LEFT (DELTA= 22–19–36, CHORD= N16–03–56, 298.47 FEET) FOR 300.37 FEET; THENCE N27–13–45W, 271.28 FEET; THENCE S89–41–58E, 217.34 FEET TO THE PLACE OF BEGINNING. CONTAINING 1.13 ACRES OF LAND, SUBJECT TO ANY EASEMENT OR RESTRICTIONS OF RECORD.

Parcels 223, 224, 225, 226, 227, and 228 (5.882 Acres) PART OF THE SE ¼ OF THE SE ¼ OF SECTION 32, T5N, R2W AND PART OF LOTS 29–34 OF THE PLAT AND AMENDED PLAT OF LAKE VIEW FARMS, DEWITT TOWNSHIP, CLINTON COUNTY, MICHIGAN, MORE FULLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE SOUTH LINE OF LAKE VIEW FARMS SUBDIVISION WHICH IS N89–43–50W, 1273.68 FEET ALONG THE SOUTH LINE OF SAID SECTION 32 AND N00–05–43W, 33.00 FEET FROM THE SE CORNER OF SAID SECTION 32; THENCE ALONG THE EASTERLY PROPOSED RIGHT-OF-WAY OF DEWITT ROAD RELOCATION FOR THE NEXT THREE COURSES. N00–05–43W, 340.51 FEET; THENCE ALONG A 460.00 FOOT RADIUS CURVE TO THE RIGHT (DELTA = 44–13–44, CHORD = N22–01–09E, 346.34 FEET) FOR 355.09 FEET; THENCE N44–08–01E, 44.42 FEET; THENCE S00–02–36W. 68.43 FEET TO THE NORTH LINE OF LAKE VIEW FARMS SUBDIVISION; THENCE ALONG THE NORTH LINE OF LAKEVIEW FARMS SUBDIVISION S89–41–22E, 460.38 FEET TO THE NE CORNER OF LOT 34 OF SAID SUBDIVISION; THENCE ALONG THE EAST LINE OF LOTS 32, 33 & 34 OF SAID SUBDIVISION S00–12–25E, 330.00 FEET TO THE SE CORNER OF SAID LOT 32; THENCE ALONG THE SOUTH LINE OF SAID LOT 32 N 89′41′22″ W. 330.00 FEET TO THE NE CORNER OF LOT 31 OF SAID SUBDIVSION; THENCE ALONG THE EAST LINE OF LOTS 30 AND 31 OF SAID SUBDIVISION S00–09–34E, 164.41 FEET TO THE SE CORNER OF SAID LOT 30; THENCE ALONG THE SOUTH LINE OF SAID LOT 30 N 89′41′22″ W, 237.42 FEET TO THE EAST LINE OF THE WEST 60 FEET OF LOT 29 OF SAID SUBDIVISION; THENCE S00–05–43–E, 132.00 FEET TO THE SE CORNER OF THE WEST 50 FEET OF SAID LOT 29 AND THE NORTH RIGHT-OF-WAY LINE OF SHERIDAN AVENUE; THENCE ALONG SAID RIGHT–OF–WAY N89–43–50W. 55.00 FEET TO THE SW CORNER OF SAID LOT 29 AND THE POINT OF BEGINNING. CONTAINING 5.822 ACRES.

Issued in Romulus, Michigan on February 3, 2011.

John L. Mayfield, Jr.

Manager, Detroit Airports District Office, FAA, Great Lakes Region.

[FR Doc. 2011–7599 Filed 3–30–11; 8:45 am]

BILLING CODE P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Supplemental Identification Information of One Individual Designated Pursuant to Executive Order 13224

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Treasury Department's Office of Foreign Assets Control

("OFAC") is publishing supplemental identification information for one individual whose property and interests in property are blocked pursuant to Executive Order 13224 of September 23, 2001, "Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten To Commit, or Support Terrorism."

DATES: The publishing of updated information by the Director of OFAC of the individual in this notice, pursuant to Executive Order 13224, is effective on March 24, 2011.

FOR FURTHER INFORMATION CONTACT: Assistant Director, Compliance Outreach & Implementation, Office of Foreign Assets Control, Department of the Treasury, Washington, DC 20220, tel.: 202/622–2490.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

This document and additional information concerning OFAC are available from OFAC's Web site (*http://www.treas.gov/ofac*) or via facsimile through a 24-hour fax-on-demand service, tel.: 202/622–0077.

Background

On September 23, 2001, the President issued Executive Order 13224 (the "Order") pursuant to the International Emergency Economic Powers Act, 50 U.S.C. 1701–1706, and the United Nations Participation Act of 1945, 22 U.S.C. 287c. In the Order, the President declared a national emergency to address grave acts of terrorism and threats of terrorism committed by foreign terrorists, including the September 11, 2001, terrorist attacks in New York, Pennsylvania, and at the Pentagon. The Order imposes economic sanctions on persons who have committed, pose a significant risk of committing, or support acts of terrorism. The President identified in the Annex to the Order, as amended by Executive Order 13268 of July 2, 2002, 13 individuals and 16 entities as subject to the economic sanctions. The Order was further amended by Executive Order 13284 of January 23, 2003, to reflect the creation of the Department of Homeland Security.

Section 1 of the Order blocks, with certain exceptions, all property and interests in property that are in or hereafter come within the United States or the possession or control of United States persons, of: (1) Foreign persons listed in the Annex to the Order; (2) foreign persons determined by the Secretary of State, in consultation with the Secretary of the Treasury, the Secretary of the Department of Homeland Security and the Attorney General, to have committed, or to pose a significant risk of committing, acts of terrorism that threaten the security of U.S. nationals or the national security, foreign policy, or economy of the United States; (3) persons determined by the Director of OFAC, in consultation with the Departments of State, Homeland Security and Justice, to be owned or controlled by, or to act for or on behalf of those persons listed in the Annex to the Order or those persons determined to be subject to subsection 1(b), 1(c), or 1(d)(i) of the Order; and (4) except as provided in section 5 of the Order and after such consultation, if any, with foreign authorities as the Secretary of State, in consultation with the Secretary of the Treasury, the Secretary of the Department of Homeland Security and the Attorney General, deems appropriate in the exercise of his discretion, persons determined by the Director of OFAC, in consultation with the Departments of State, Homeland Security and Justice, to assist in, sponsor, or provide financial, material, or technological support for, or financial or other services to or in support of, such acts of terrorism or those persons listed in the Annex to the Order or determined to be subject to the Order or to be otherwise associated with those persons listed in the Annex to the Order or those persons determined to be subject to subsection 1(b), 1(c), or 1(d)(i) of the Order.

On March 24, 2011, the Director of OFAC supplemented the identification information for one individual whose property and interests in property are blocked pursuant to Executive Order 13224.

The supplemental identification information for the individual is as follows:

1. ABDURRAHMAN, Mohamad Iqbal (a.k.a. A RAHMAN, Mohamad Iqbal; a.k.a. ABDUL RAHMAN, Mohamad Iqbal; a.k.a. ABDURRAHMAN, Abu Jibril; a.k.a. MUQTI, Fihiruddin; a.k.a. MUQTI, Fikiruddin; a.k.a. RAHMAN, Mohamad Iqbal; a.k.a. "ABU JIBRIL"), Jalan Nakula, Komplek Witana Harja III, Blok C 106–107, Pamulang, Tangerang, Indonesia; DOB 17 Aug 1957; alt. DOB 17 Aug 1958; POB Korleko-Lombok Timur, Indonesia; alt. POB Tirpas-Selong Village, East Lombok, Indonesian; nationality Indonesia; National ID No. 3603251708570001 (individual) [SDGT]

Dated: March 24, 2011.

Adam J. Szubin,

Director, Office of Foreign Assets Control.

[FR Doc. 2011–7627 Filed 3–30–11; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form SS–4 and SS–4PR

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13(44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form SS–4, Application for Employer Identification Number, and Form SS–4PR, Solicitud de Numero de Indentification Patronal (EIN).

DATES: Written comments should be received on or before May 31, 2011 to be assured of consideration.

ADDRESSES: Direct all written comments to Yvette B. Lawrence, Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Joel Goldberger at Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202) 622–6688, or through the Internet at *Joel.P.Goldberger@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: SS–4, Application for Employer Identification Number, and Form SS–4PR, Solicitud de Numero de Identification Patronal (EIN).

OMB Number: 1545–0003.

Form Number: Forms SS–4 and SS–4PR.

Abstract: Taxpayers who are required to have an identification number for use on any return, statement, or other document must prepare and file Form SS–4 or Form SS–4PR (Puerto Rico only) to obtain a number. The information is used by the Internal Revenue Service and the Social Security Administration in tax administration and by the Bureau of the Census for business statistics.

Current Actions: Changes have been made to the burden hours previously approved by the OMB due to changes made to the number of burden hours associated with Form SS–4PR.

Type of Review: Revision of a currently approved collection.

Affected Public: Business or other for-profit organizations, individuals or households, not-for-profit institutions, farms, Federal government and state, local or tribal governments.

Estimated Number of Respondents: 1,612,708.

Estimated Total Annual Burden Hours: 15,988,579.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request For Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 23, 2011.

Yvette B. Lawrence,

IRS Reports Clearance Officer.

[FR Doc. 2011–7508 Filed 3–30–11; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8951

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8951, Compliance Fee for Employee Plans Voluntary Correction Program Submission.

DATES: Written comments should be received on or before May 31, 2011 to be assured of consideration.

ADDRESSES: Direct all written comments to Yvette Lawrence, Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Allan Hopkins, (202) 622–6665, at Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or through the Internet at *Allan.M.Hopkins@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Compliance Fee for Employee Plans Voluntary Correction Program Submission.

OMB Number: 1545–XXXX.

Form Number: Form 8951.

Abstract: The proposed collection of information is necessary for the proper performance of the Service in granting applications for the Voluntary Correction with Service Approval Program (VCP). VCP is an integral part of the Employee Plans Compliance Resolution System as currently contained in Revenue Procedure 2008–50 and subsequent revisions.

Current Actions: This form is being submitted for OMB approval.

Type of Review: New collection.

Affected Public: Businesses and other for-profit organizations and Not-for-profit organizations.

Estimated Number of Respondents: 5,000.

Estimated Time per Respondent: 11 hours 19 minutes.

Estimated Total Annual Burden Hours: 56,600.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 9, 2011.

Yvette Lawrence,

IRS Reports Clearance Officer.

[FR Doc. 2011–7531 Filed 3–30–11; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8950

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8951, Application for Voluntary Correction Program (VCP).

DATES: Written comments should be received on or before May 31, 2011 to be assured of consideration.

ADDRESSES: Direct all written comments to Yvette Lawrence, Internal Revenue

Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Allan Hopkins, (202) 622–6665, at Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or through the Internet at *Allan.M.Hopkins@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Application for Voluntary Correction Program (VCP).

OMB Number: 1545–XXXX.

Form Number: Form 8950.

Abstract: The proposed collection of information is necessary for the proper performance of the Service in granting applications for the Voluntary Correction with Service Approval Program (VCP). VCP is an integral part of the Employee Plans Compliance Resolution System as currently contained in Revenue Procedure 2008–50 and subsequent revisions.

Current Actions: This new form is being submitted for OMB approval.

Type of Review: New collection.

Affected Public: Businesses and other for-profit organizations and not-for-profit institutions.

Estimated Number of Respondents: 5,000.

Estimated Time per Respondent: 25 hours 49 minutes.

Estimated Total Annual Burden Hours: 129,050.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 9, 2011.

Yvette Lawrence,

IRS Reports Clearance Officer.

[FR Doc. 2011–7529 Filed 3–30–11; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[T.D. 8461]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, T.D. 8461, Nuclear Decommissioning Fund Qualification Requirements (§ 1.468A–3).

DATES: Written comments should be received on or before May 31, 2011 to be assured of consideration.

ADDRESSES: Direct all written comments to Yvette B. Lawrence, Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulation should be directed to Joel Goldberger, at (202) 927–9368 or at Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or through the Internet, at *Joel.P.Goldberger@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Nuclear Decommissioning Fund Qualification Requirements.

OMB Number: 1545–1269.

Regulation Project Number: T.D. 8461.

Abstract: Section 468A outlines rules governing the treatment of a qualified nuclear decommissioning fund and contributions to such a fund. Section 1.468A–5 (a)(l)(i) of the Income Tax Regulations requires that each qualified nuclear decommissioning fund be established as a trust under State law. Certain trusts may constitute associations taxable as corporations under classification standards set forth in sections 301.7701–2 through 301.7701–4. If a trust is classified as a taxable corporation, the corporate tax could deplete the assets in the fund, thereby impairing their ability to achieve the purpose for which they were created. In addition, the classification of a fund will impact on the schedule of ruling amounts approved by the Service under section 468A.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 50.

Estimated Time per Respondent: 3 hours.

Estimated Total Annual Burden Hours: 150.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation,

maintenance, and purchase of services to provide information.

Approved: March 21, 2011.

Yvette B. Lawrence,

IRS Reports Clearance Officer.

[FR Doc. 2011–7522 Filed 3–30–11; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[T.D. 8706]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, T.D. 8706, Electronic Filing of Form W–4 (§ 31.3402(f)(5)–1).

DATES: Written comments should be received on or before May 31, 2011 to be assured of consideration.

ADDRESSES: Direct all written comments to Yvette B. Lawrence, Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulations should be directed to, Joel Goldberger at (202) 927–9368, or at Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or through the Internet, at *Joel.P.Goldberger@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Electronic Filing of Form W–4.

OMB Number: 1545–1435.

Regulation Project Number: T.D. 8706

Abstract: Information is required by the Internal Revenue Service to verify compliance with regulation section 31.3402(f)(2)–1(g)(1), which requires submission to the Service of certain withholding exemption certificates. The affected respondents are employers that choose to make electronic filing of Forms W–4 available to their employees.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, not for-profit institutions, and Federal, state, local or tribal governments.

Estimated Number of Respondents: 2,000.

Estimated Time per Respondent: 20 hours.

Estimated Total Annual Burden Hours: 40,000.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 24, 2011.

Yvette B. Lawrence,

IRS Reports Clearance Officer.

[FR Doc. 2011–7524 Filed 3–30–11; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[TD 8537]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, TD 8537, Carryover of Passive Activity Losses and Credits and At-Risk Losses to Bankruptcy Estates of Individuals (§§ 1.1398–1 and 1.1398–2).

DATES: Written comments should be received on or before May 31, 2011 to be assured of consideration.

ADDRESSES: Direct all written comments to Yvette B. Lawrence, Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this regulation should be directed to Joel Goldberger, (202)927–9368, Internal Revenue Service, room 6129, 1111 Constitution Ave., NW., Washington, DC 20224, or through the internet at *Joel.P.Goldberger@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Carryover of Passive Activity Losses and Credits and At Risk Losses to Bankruptcy Estates for Individuals.

OMB Number: 1545–1375.

Regulation Project Number: T.D. 8537

Abstract: These regulations relate to the application of carryover of passive activity losses and credits and at risk losses to the bankruptcy estates of individuals. The final regulations affect individual taxpayers who file bankruptcy petitions under chapter 7 or chapter 11 of title 11 of the United States Code and have passive activity losses and credits under section 469 or losses under section 465.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households.

Estimated Number of Respondents: 500.

Estimated Time per Respondent: 12 Minutes.

Estimated Total Annual Burden Hours: 100.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to

respond to, a collection of information unless the collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 22, 2011.

Yvette B. Lawrence,

IRS Reports Clearance Officer.

[FR Doc. 2011–7527 Filed 3–30–11; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF TREASURY

Internal Revenue Service

Information Reporting Program Advisory Committee (IRPAC); Nominations

AGENCY: Internal Revenue Service, Department of Treasury

ACTION: Request for nominations.

SUMMARY: The Internal Revenue Service (IRS) requests nominations of individuals for selection to the Information Reporting Program Advisory Committee (IRPAC). Nominations should describe and document the proposed member's qualifications for IRPAC membership, including the applicant's past or current affiliations and dealings with the particular tax segment or segments of the community that he or she wishes to represent on the committee. In addition to individual nominations, the IRS is soliciting nominations from professional and public interest groups that wish to have representatives on the IRPAC. IRPAC is comprised of 24 members. There are seven positions open for calendar year 2012. It is important that IRPAC continue to represent a diverse taxpayer and stakeholder base. Accordingly, to maintain membership diversity, selection is based on the applicant's qualifications as well as the taxpayer or stakeholder base he/she represents.

The IRPAC advises the IRS on information reporting issues of mutual concern to the private sector and the federal government. The committee works with the Commissioner of Internal Revenue and other IRS leadership to provide recommendations on a wide range of information reporting administration issues. Membership is balanced to include representation from the tax professional community, small and large businesses, banks, insurance companies, state tax administration, colleges and universities, securities, payroll, financial institutions and other industries.

DATES: Written nominations must be received on or before May 31, 2011.

ADDRESSES: Nominations should be sent to: Ms. Caryl Grant, National Public Liaison, CL:NPL:SRM, Room 7559 IR, 1111 Constitution Avenue, NW., Washington, DC 20224, *Attn:* IRPAC Nominations. Applications may be submitted via fax to 202–622–8345. Application packages are available on the Tax Professional's Page of the IRS Web site at *http://www.irs.gov/taxpros/index.html.* Application packages may also be requested by telephone from National Public Liaison, 202–927–3641 (not a toll-free number).

FOR FURTHER INFORMATION CONTACT: Ms. Caryl Grant at 202–927–3641 (not a toll-free number) or **Public_Liaison@irs.gov.*

SUPPLEMENTARY INFORMATION: Established in 1991 in response to an administrative recommendation in the final Conference Report of the Omnibus Budget Reconciliation Act of 1989, the IRPAC works closely with the IRS to provide recommendations on a wide range of issues intended to improve the information reporting program and achieve fairness to taxpayers. Conveying the public's perception of IRS activities to the Commissioner, the IRPAC is comprised of individuals who bring substantial, disparate experience and diverse backgrounds to the Committee's activities.

The IRPAC members are nominated by the Commissioner with the concurrence of the Secretary of Treasury to serve a three-year term. Working groups address policies and administration issues specific to information reporting. Members are not paid for their services. However, travel expenses for working sessions, public meetings and orientation sessions, such as airfare, per diem, and transportation are reimbursed within prescribed federal travel limitations.

Receipt of applications will be acknowledged, and all individuals will be notified when selections have been made. In accordance with Department of Treasury Directive 21–03, a clearance process including, fingerprints, annual tax checks, a Federal Bureau of Investigation criminal check, and a practitioner check with the Office of Professional Responsibility will be conducted. Federally-registered lobbyists cannot be members of the IRPAC.

Equal opportunity practices will be followed for all appointments to the IRPAC in accordance with the Department of Treasury and IRS policies. To ensure that the IRPAC recommendations take into account the needs of the diverse groups served by the IRS, membership shall include, to the extent practicable, individuals who demonstrate the ability to represent minorities, women, and persons with disabilities.

Dated: March 11, 2011.

Candice Cromling,

Designated Federal Official, National Public Liaison.

[FR Doc. 2011–7528 Filed 3–30–11; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Area 1 Taxpayer Advocacy Panel (Including the States of New York, New Jersey, Connecticut, Massachusetts, Rhode Island, New Hampshire, Vermont and Maine)

AGENCY: Internal Revenue Service (IRS) Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Area 1 Taxpayer Advocacy Panel will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Tuesday, May 10, 2011.

FOR FURTHER INFORMATION CONTACT: Marisa Knispel at 1–888–912–1227 or 718–488–3557.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Area 1 Taxpayer Advocacy Panel will be held Tuesday, May 10, 2011, at 10 a.m. Eastern Time via telephone conference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Marisa Knispel. For more information, please contact Ms. Knispel at 1–888–912–1227 or 718–488–3557, or write TAP Office, 10 MetroTech Center, 625 Fulton Street, Brooklyn, NY 11201, or contact us at the Web site: *http://www.improveirs.org.*

The agenda will include various IRS issues.

Dated: March 24, 2011.

Shawn Collins,

Director, Taxpayer Advocacy Panel.

[FR Doc. 2011–7520 Filed 3–30–11; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of Taxpayer Advocacy Panel Notice Improvement Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Notice Improvement Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Tuesday, May 3, 2011 and Wednesday, May 4, 2011.

FOR FURTHER INFORMATION CONTACT: Audrey Y. Jenkins at 1–888–912–1227 or 718–488–2085.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Notice Improvement Project Committee will be held Tuesday, May 3, 2011 from 8 a.m. to 4:30 p.m. and Wednesday, May 4, 2011 from 8 a.m. to 12 p.m. Eastern Time at 10 MetroTech Center, 625 Fulton Street, Brooklyn, NY 11201. The public is invited to make oral comments or submit written statements for consideration. Notification of intent to participate must be made with Ms. Jenkins. For more information, please contact Ms. Jenkins at 1–888–912–1227 or 718–488–2085, or write TAP Office, 10 MetroTech Center, 625 Fulton Street, Brooklyn, NY 11201, or post comments to the web site: *http://www.improveirs.org.*

The agenda will include various IRS issues.

Dated: March 24, 2011.

Shawn Collins,

Director, Taxpayer Advocacy Panel.

[FR Doc. 2011–7534 Filed 3–30–11; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Area 2 Taxpayer Advocacy Panel (Including the States of Delaware, North Carolina, South Carolina, Maryland, Pennsylvania, Virginia, West Virginia and the District of Columbia)

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Area 2 Taxpayer Advocacy Panel will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Wednesday, May 18, 2011.

FOR FURTHER INFORMATION CONTACT: Audrey Y. Jenkins at 1–888–912–1227 or 718–488–2085.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Area 2 Taxpayer Advocacy Panel will be held Wednesday, May 18, 2011, at 2:30 p.m. Eastern Time via telephone conference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Audrey Jenkins. For more information, please contact Ms. Jenkins at 1–888–912–1227 or 718–488–2085, or write TAP Office, 10 MetroTech Center, 625 Fulton Street, Brooklyn, NY 11201, or post comments to the Web site: *http://www.improveirs.org.*

The agenda will include various IRS issues.

Dated: March 24, 2011.

Shawn Collins,

Director, Taxpayer Advocacy Panel.

[FR Doc. 2011–7549 Filed 3–30–11; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Area 3 Taxpayer Advocacy Panel (Including the States of Alabama, Georgia, Florida, Louisiana, Mississippi, Tennessee, and Puerto Rico

AGENCY: Internal Revenue Service (IRS) Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Area 3 Taxpayer Advocacy Panel will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Wednesday, May 4, 2011.

FOR FURTHER INFORMATION CONTACT: Donna Powers at 1–888–912–1227 or 954–423–7977.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that a meeting of the Area 3 Taxpayer Advocacy Panel will be held Wednesday, May 4, 2011, at 3:30 p.m. Eastern Time via telephone conference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Donna Powers. For more information, please contact Ms. Powers at 1–888–912–1227 or 954–423–7977, or write TAP Office, 1000 South Pine Island Road, Suite 340, Plantation, FL 33324, or post comments to the web site: *http://www.improveirs.org.*

The agenda will include various IRS issues.

Dated: March 24, 2011.

Shawn Collins,

Director, Taxpayer Advocacy Panel.

[FR Doc. 2011–7546 Filed 3–30–11; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Area 4 Taxpayer Advocacy Panel (Including the States of Illinois, Indiana, Kentucky, Michigan, Ohio, and Wisconsin)

AGENCY: Internal Revenue Service (IRS) Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Area 4 Taxpayer Advocacy Panel will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Tuesday, May 17, 2011.

FOR FURTHER INFORMATION CONTACT: Ellen Smiley at 1–888–912–1227 or 414–231–2360.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that a meeting of the Area 4 Taxpayer Advocacy Panel will be held Tuesday, May 17, 2011, at 1 p.m. Central Time via telephone conference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Ellen Smiley. For more information please contact Ms. Smiley at 1–888–912–1227 or 414–231–2360, or write TAP Office Stop 1006MIL, 211 West Wisconsin Avenue, Milwaukee, WI 53203–2221, or post comments to the Web site: *http://www.improveirs.org.*

The agenda will include various IRS issues.

Dated: March 24, 2011.

Shawn Collins,

Director, Taxpayer Advocacy Panel.

[FR Doc. 2011–7543 Filed 3–30–11; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Area 5 Taxpayer Advocacy Panel (Including the States of Arizona, Arkansas, Colorado, Kansas, New Mexico, Missouri, Oklahoma, and Texas)

AGENCY: Internal Revenue Service (IRS) Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Area 5 Taxpayer Advocacy Panel will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Thursday, May 19, 2011.

FOR FURTHER INFORMATION CONTACT: Patricia Robb at 1–888–912–1227 or 414–231–2360.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that a meeting of the Area 5 Taxpayer Advocacy Panel will be held Thursday, May 19, 2011, at 11:30 a.m., Central Time via telephone conference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Patricia Robb. For more information please contact Ms. Robb at 1–888–912–1227 or 414–231–2360, or write TAP Office Stop 1006MIL, 211 West Wisconsin Avenue, Milwaukee, WI 53203–2221, or post comments to the Web site: *http://www.improveirs.org.*

The agenda will include various IRS issues.

Dated: March 24, 2011.

Shawn Collins,

Director, Taxpayer Advocacy Panel.

[FR Doc. 2011–7541 Filed 3–30–11; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Area 6 Taxpayer Advocacy Panel (Including the States of Idaho, Iowa, Minnesota, Montana, Nebraska, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming)

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Area 6 Taxpayer Advocacy Panel will be conducted. The Taxpayer Advocacy Panel is soliciting public comment, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Wednesday, May 4, 2011.

FOR FURTHER INFORMATION CONTACT: Timothy Shepard at 1–888–912–1227 or 206–220–6095.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Area 6 Taxpayer Advocacy Panel will be held Wednesday, May 4, 2011, at 11 a.m. Pacific Time via telephone conference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Timothy Shepard. For more information, please contact Mr. Shepard at 1–888–912–1227 or 206–220–6095, or write TAP Office, 915 2nd Avenue, MS W–406, Seattle, WA 98174 or post comments to the Web site: *http://www.improveirs.org.*

The agenda will include various IRS issues.

Dated: March 24, 2011.

Shawn Collins,

Director, Taxpayer Advocacy Panel.

[FR Doc. 2011–7538 Filed 3–30–11; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Area 7 Taxpayer Advocacy Panel (Including the States of Alaska, California, Hawaii, and Nevada)

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Area 7 Taxpayer Advocacy Panel will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Thursday, May 19, 2011.

FOR FURTHER INFORMATION CONTACT: Janice Spinks at 1–888–912–1227 or 206–220–6098.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that a meeting of the Area 7 Taxpayer Advocacy Panel will be held Thursday, May 19, 2011, at 2 p.m., Pacific Time via telephone conference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Janice Spinks. For more information please contact Ms. Spinks at 1–888–912–1227 or 206–220–6098, or write TAP Office,

915 2nd Avenue, MS W–406, Seattle, WA 98174 or post comments to the Web site: *http://www.improveirs.org.*

The agenda will include various IRS issues.

Dated: March 24, 2011.

Shawn Collins,

Director, Taxpayer Advocacy Panel.

[FR Doc. 2011–7535 Filed 3–30–11; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Earned Income Tax Credit Project Committee

AGENCY: Internal Revenue Service (IRS) Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Earned Income Tax Credit Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Monday, May 23, 2011.

FOR FURTHER INFORMATION CONTACT: Marianne Ayala at 1–888–912–1227 or 954–423–7978.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Earned Income Tax Credit Project Committee will be held Monday, May 23, 2011, from 3 p.m. to 4 p.m. Eastern Time. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Marianne Ayala. For more information please contact Ms. Ayala at 1–888–912–1227 or 954–423–7978, or write TAP Office, 1000 South Pine Island Road, Suite 340, Plantation, FL 33324, or contact us at the web site: *http://www.improveirs.org.*

The agenda will include various IRS issues.

Dated: March 24, 2011.

Shawn Collins,

Director, Taxpayer Advocacy Panel.

[FR Doc. 2011–7532 Filed 3–30–11; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Tax Forms and Publications Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Tax Forms and Publications Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Thursday, May 5, 2011 and Friday, May 6, 2011.

FOR FURTHER INFORMATION CONTACT: Marisa Knispel at 1–888–912–1227 or 718–488–3557.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Tax Forms and Publications Project Committee will be held Thursday, May 5, 2011 from 8 a.m. to 4:30 p.m. and Friday, May 6, 2011 from 8 a.m. to 12 p.m. Eastern Time at 10 MetroTech Center, 625 Fulton Street, Brooklyn, NY 11201. The public is invited to make oral comments or submit written statements for consideration. Notification of intent to participate must be made with Ms. Knispel. For more information, please contact Ms. Knispel at 1–888–912–1227 or 718–488–3557, or write TAP Office, 10 MetroTech Center, 625 Fulton Street, Brooklyn, NY 11201, or post comments to the Web site: *http://www.improveirs.org.*

The agenda will include various IRS issues.

Dated: March 24, 2011.

Shawn Collins,

Director, Taxpayer Advocacy Panel.

[FR Doc. 2011–7521 Filed 3–30–11; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Taxpayer Assistance Center Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Taxpayer Assistance Center Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Thursday, May 19, 2011; Friday, May 20, 2011; and Saturday, May 21, 2011.

FOR FURTHER INFORMATION CONTACT: Ellen Smiley at 1–888–912–1227 or 414–231–2360.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Taxpayer Assistance Center Project Committee will be held Thursday, May 19, 2011 from 1 p.m. to 5 p.m.; Friday, May 20, 2011 from 8 a.m. to 5 p.m.; and Saturday, May 21, 2011 from 8 a.m. to 12 p.m. Pacific Time in San Diego, CA. The public is invited to make oral comments or submit written statements for consideration. Notification of intent to participate must be made with Ms. Ellen Smiley. For more information and site location, please contact Ms. Smiley at 1–888–912–1227 or 414–231–2360, or write TAP Office Stop 1006MIL, 211 West Wisconsin Avenue, Milwaukee, WI 53203–2221, or post comments to the Web site: *http://www.improveirs.org.*

The agenda will include various IRS issues.

Dated: March 24, 2011.

Shawn Collins,

Director, Taxpayer Advocacy Panel.

[FR Doc. 2011–7511 Filed 3–30–11; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Small Business/Self Employed Correspondence Exam Practitioner Engagement Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Small Business/Self Employed Correspondence Exam Practitioner Engagement Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving

customer service at the Internal Revenue Service.

DATES: The meeting will be held Monday, May 23, 2011 and Tuesday, May 24, 2011.

FOR FURTHER INFORMATION CONTACT: Janice Spinks at 1–888–912–1227 or 206–220–6098.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Small Business/Self Employed Correspondence Exam Practitioner Engagement Project Committee will be held Monday, May 23, 2011 from 8 a.m. to 4:30 p.m. and Tuesday, May 24, 2011 from 8 a.m. to 11:30 a.m. Mountain Time in Denver, CO. The public is invited to make oral comments or submit written statements for consideration. Notifications of intent to participate must be made with Ms. Janice Spinks. For more information and site location please contact Ms. Spinks at 1–888–912–1227 or 206–220–6098, or write TAP Office, 915 2nd Avenue, MS W–406, Seattle, WA 98174, or post comments to the Web site: *http://www.improveirs.org.*

The agenda will include various IRS issues.

Dated: March 24, 2011.

Shawn Collins,

Director, Taxpayer Advocacy Panel.

[FR Doc. 2011–7510 Filed 3–30–11; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Small Business/Self Employed Correspondence Exam Toll Free Project Committee

AGENCY: Internal Revenue Service (IRS) Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Small Business/Self Employed Correspondence Exam Toll Free Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Monday, May 16, 2011 and Tuesday, May 17, 2011.

FOR FURTHER INFORMATION CONTACT: Timothy Shepard at 1–888–912–1227 or 206–220–6095.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Small Business/Self Employed Correspondence Exam Toll Free Project Committee will be held Monday, May 16, 2011 from 8 a.m. to 4:30 p.m. and Tuesday, May 17, 2011 from 8 a.m. to 11:30 a.m. Pacific Time in Seattle, WA. The public is invited to make oral comments or submit written statements for consideration. Notification of intent to participate must be made with Timothy Shepard. For more information and site location please contact Mr. Shepard at 1–888–912–1227 or 206–220–6095, or write TAP Office, 915 2nd Avenue, MS W–406, Seattle, WA 98174 or post comments to the web site: *http://www.improveirs.org.*

The agenda will include various IRS issues.

Dated: March 24, 2011.

Shawn Collins,

Director, Taxpayer Advocacy Panel.

[FR Doc. 2011–7536 Filed 3–30–11; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Joint Committee

AGENCY: Internal Revenue Service (IRS) Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Joint Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Thursday, May 26, 2011.

FOR FURTHER INFORMATION CONTACT: Susan Gilbert at 1–888–912–1227 or (515) 564–6638.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Joint Committee will be held Thursday, May 26, 2011, at 2 p.m., Eastern Time via telephone conference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Susan Gilbert. For more information please contact Ms. Gilbert at 1–888–912–1227 or (515) 564–6638 or write: TAP Office, 210 Walnut Street, Stop 5115, Des Moines, IA 50309, or contact us at the Web site: *http://www.improveirs.org.*

The agenda will include various IRS issues.

Dated: March 24, 2011.

Shawn Collins,

Director, Taxpayer Advocacy Panel.

[FR Doc. 2011–7533 Filed 3–30–11; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Volunteer Income Tax Assistance Project Committee

AGENCY: Internal Revenue Service (IRS) Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Volunteer Income Tax Assistance Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Wednesday, May 18, 2011; Thursday, May 19, 2011; and Friday, May 20, 2011.

FOR FURTHER INFORMATION CONTACT: Donna Powers at 1–888–912–1227 or 954–423–7977.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that a meeting of the Taxpayer Advocacy Panel Volunteer Income Tax Assistance Project Committee will be held Wednesday, May 18, 2011 from 1 p.m. to 5 p.m.; Thursday, May 19, 2011 from 8 a.m. to 5 p.m.; and Friday, May 20, 2011 from 8 a.m. to 1 p.m. Eastern Time in Atlanta, GA. The public is invited to make oral comments or submit written statements for consideration. Notification of intent to participate must be made with Donna Powers. For more information and site location, please contact Ms. Powers at 1–888–912–1227 or 954–423–7977, or write TAP Office, 1000 South Pine Island Road, Suite 340, Plantation, FL 33324, or contact us at the Web site: *http://www.improveirs.org.*

The agenda will include various IRS Issues

Dated: March 24, 2011.

Shawn Collins,

Director, Taxpayer Advocacy Panel.

[FR Doc. 2011–7519 Filed 3–30–11; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Privacy Act of 1974, as Amended

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of Proposed New Privacy Act System of Records.

SUMMARY: In accordance with the requirements of the Privacy Act of 1974, as amended, 5 U.S.C. 552a, the Department of the Treasury, Internal Revenue Service, gives notice of a proposed new system of records entitled "Treasury/IRS 42.888—Qualifying Therapeutic Discovery Project Records."

DATES: Comments must be received no later than May 2, 2011. This new system of records will be effective May 2, 2011 unless the IRS receives comments which would result in a contrary determination.

ADDRESSES: Comments should be sent to the Office of Governmental Liaison and Disclosure, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224. Comments will be available for inspection and copying in the Freedom of Information Reading Room (Room 1621), at the above address. The telephone number for the Reading Room is (202) 622–5164. All comments, including attachments and other supporting materials, received are subject to public disclosure. You should submit only information that you wish to make available publicly.

FOR FURTHER INFORMATION CONTACT: Dave Thurber, Chief, Abusive Transactions and Technical Issues (ATTI) Group, Office of Examination, Small Business/Self-Employed Division, Internal Revenue Service, (707) 646–7291 (*Dave.Thurber@irs.gov).*

SUPPLEMENTARY INFORMATION: The IRS is required to administer, in consultation with the Department of Health and Human Services, the Qualifying Therapeutic Discovery Program pursuant to The Patient Protection and Affordable Care Act (Pub. L. 111–148), as amended by the Health Care and Education Reconciliation Act of 2010 (Pub. L. 111–152) (Affordable Care Act).

The qualifying therapeutic discovery tax credit targets projects that show significant potential to produce new therapies, address unmet medical needs, reduce the long-term growth of health care costs, and advance the goal of curing cancer within the next 30 years. Allocation of credits will also take into consideration which projects show the greatest potential to create and sustain high-quality, high-paying jobs in the United States and to advance our competitiveness in the fields of life, biological, and medical sciences.

This proposed new system will contain information regarding qualifying therapeutic discovery projects that are designed to develop a product, process, or therapy to diagnose, treat, or prevent diseases and afflictions by: (1) Conducting pre-clinical activities, clinical trials, clinical studies, and research protocols; or (2) developing technology or products designed to diagnose diseases and conditions, including molecular and companion drugs and diagnostics, or to further the delivery or administration of therapeutics.

The Affordable Care Act requires the IRS to disclose certain information to the public regarding the amount of the grant or credit, the identity of the person receiving the grant or credit, and a description of the project with respect to which the grant was made or the credit allowed. This proposed new system includes a routine use authorizing these disclosures to comply with the Act and the intent of Congress to publicize projects that show significant potential to produce new and cost-saving therapies, support good jobs, and increase U.S. competitiveness.

As required by 5 U.S.C. 552a(r), a report of a new system of records has been provided to the Committee on Oversight and Government Reform of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Office of Management and Budget.

The system of records entitled "Treasury/IRS 42.888—Qualifying Therapeutic Discovery Project Records" is published in its entirety below.

Dated: March 11, 2011.

Melissa Hartman,

Deputy Assistant Secretary for Privacy, Transparency, and Records.

Treasury/IRS 42.888

SYSTEM NAME:

Qualifying Therapeutic Discovery Project Records.

SYSTEM LOCATION:

IRS Campus, Covington, KY.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who file an Application for a Qualifying Therapeutic Discovery Project credit (or grant in lieu of credit) in their individual capacity or on behalf of their sole proprietorship.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records include information pertaining to the IRS's administration of the Qualifying Therapeutic Discovery Project Program. Records include, but are not limited to the application, including Form 8942 and the Project Information Memorandum, representative authorization information, and a unique administrative control identifier associated with each application for certification. The records may contain taxpayer names and Taxpayer Identification Numbers (TIN) (social security number (SSN)).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 26 U.S.C. 48D and 7801. Section 9023(a) of The Patient Protection and Affordable Care Act (Pub. L. 111–148) as amended by the Health Care and Education Reconciliation Act of 2010 (P. L. 111–152) [Affordable Care Act].

PURPOSE:

To administer, in consultation with the Department of Health & Human Services, a qualifying therapeutic discovery project program to consider and award certifications for qualified investments eligible for the credit (or, at the taxpayer's election, the grant) to qualifying therapeutic discovery project sponsors.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103. All other records may be used as described below if the IRS deems that the purpose of the disclosure is compatible with the purpose for which IRS collected the records, and no privilege is asserted.

(1) To disclose certain information to the public regarding the amount of the grant, the identity of the person to whom the grant was made, and a description of the project with respect to which the grant was made in accordance with the intent of Congress to publicize the projects that show significant potential to produce new and cost-saving therapies, support good jobs, and increase U.S. competitiveness.

(2) Disclose information to the Department of Justice (DOJ) when seeking legal advice or for use in any proceeding, or in preparation for any proceeding, when: (a) The IRS or any component thereof; (b) any IRS employee in his or her official capacity;

(c) any IRS employee in his or her individual capacity if the IRS or DOJ has agreed to provide representation for the employee; or (d) the United States is a party to, has an interest in, or is likely to be affected by, the proceeding and the IRS or DOJ determines that the records are relevant and necessary to the proceeding or advice sought.

(3) Disclose information during a proceeding before a court, administrative tribunal, or other adjudicative body when: (a) The IRS or any component thereof; (b) any IRS employee in his or her official capacity; (c) any IRS employee in his or her personal capacity if the IRS or DOJ has agreed to provide representation for the employee; or (d) the United States is a party to, has an interest in, or is likely to be affected by, the proceeding and the IRS or DOJ determines that the information is relevant and necessary to the proceeding. Information may be disclosed to the adjudicative body to resolve issues of relevancy, necessity, or privilege pertaining to the information.

(4) Disclose information to an appropriate Federal, State, local, tribal, or foreign agency, or other public authority, responsible for implementing or enforcing, or for investigating or prosecuting the violation of a statute, rule, regulation, order, or license, when a record on its face, or in conjunction with other records, indicates a potential violation of law or regulation and the information disclosed is relevant to any regulatory, enforcement, investigative, or prosecutorial responsibility of the receiving authority.

(5) Disclose information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

(6) Disclose information to a contractor, including an expert witness or a consultant hired by the IRS, to the extent necessary for the performance of a contract.

(7) To appropriate agencies, entities, and persons when: (a) The Department suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (b) the Department has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the Department or another agency or entity) that rely upon the compromised information; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

(8) Disclose information to professional organizations or associations with which individuals covered by this system of records may be affiliated, such as state bar disciplinary authorities, to meet their responsibilities in connection with the administration and maintenance of standards of conduct and discipline.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records and electronic media.

RETRIEVABILITY:

By taxpayer name and Taxpayer Identification Number (TIN) (social security number (SSN), employer identification number (EIN), or similar number assigned by the IRS.

SAFEGUARDS:

Only persons authorized by law will have access to these records. Access controls are not less than those published in IRM 10.8.1, Information Technology (IT) Security Policy and Guidance, and IRM 10.2, Physical Security Program.

RETENTION AND DISPOSAL:

Records are maintained in accordance with IRM 1.15, Records Management.

SYSTEM MANAGER(S) AND ADDRESS:

Commissioner, SB/SE, 5000 Ellin Road, New Carrollton, MD 20706.

NOTIFICATION PROCEDURE:

Individuals seeking to determine if this system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed as in "Record Access Procedures" below.

RECORDS ACCESS PROCEDURES:

Individuals seeking access to any record contained in this system of records, or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed to Disclosure Office 5, Room 7019, 550 Main Street, Cincinnati, OH 45202. The IRS may assert 5 U.S.C. 552a(d)(5) as appropriate.

CONTESTING RECORDS PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records. For all other records, *see* "Records Access Procedures" above.

RECORDS SOURCE CATEGORIES:

Records in this system are provided by the applicants, the Department of Health and Human Services, and the IRS taxpayer account records.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 2011–7629 Filed 3–30–11; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Notice 2008–113; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correction to notice and request for comments.

SUMMARY: This document describes corrections to a notice and request for comments that was published in the **Federal Register** on Monday, March 7, 2011 at 76 FR 12415 inviting the general public and other Federal Agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the forms and instructions should be directed to Ralph Terry at (202) 622–8144, or at Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or through the Internet, at *Ralph.M.Terry@irs.gov*.

SUPPLEMENTARY INFORMATION:

Background

The notice and request for comments that is the subject of this correction is required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

Need for Correction

As published, the notice and request for comments for Proposed Collection; Comment Request for Notice 2008–113 contains errors that may prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, the publication of the notice and request for comments for Proposed Collection; Comment Request for Notice 2008–113, which was the

subject of FR Doc. 2011– 4996, is corrected as follows:

1. On page 12415, column 1, in the document heading, the language "Proposed Collection; Comment Request for Notice 2007–100" is corrected to read "Proposed Collection; Comment Request for Notice 2008–113".

2. On page 12415, column 1, under the caption **SUMMARY:**, line 13, the language "2007–100, Transition Relief and" is corrected to read "2008–113, Transition Relief and".

3. On page 12415, column 1, under the caption **DATES:**, line 2, the language "received on or before April 8, 2008 to" is corrected to read "received on or before May 6, 2011 to".

4. On page 12415, column 1, under the caption **SUPPLEMENTARY INFORMATION:**, line 7, the language "*Notice Number:* Notice 2007–100." is corrected to read "*Notice Number:* Notice 2008–113.".

LaNita Van Dyke,

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

[FR Doc. 2011–7552 Filed 3–30–11; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on Disability Compensation; Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under Public Law 92–463 (Federal Advisory Committee Act) that the Advisory Committee on Disability Compensation will meet on April 18–19, 2011, at the St. Regis Hotel, 923 16th Street, NW., Washington, DC, from 8:30 a.m. to 3 p.m. The meeting is open to the public.

The purpose of the Committee is to advise the Secretary of Veterans Affairs on the maintenance and periodic readjustment of the VA Schedule for Rating Disabilities. The Committee is to assemble and review relevant information relating to the nature and character of disabilities arising from service in the Armed Forces, provide an ongoing assessment of the effectiveness of the rating schedule, and give advice on the most appropriate means of responding to the needs of Veterans relating to disability compensation.

The Committee will receive briefings on issues related to compensation for Veterans with service-connected disabilities and other VA benefits programs. Time will be allocated for receiving public comments in the afternoon. Public comments will be limited to three minutes each. Individuals wishing to make oral statements before the Committee will be accommodated on a first-come, first-served basis. Individuals who speak are invited to submit 1–2 page summaries of their comments at the time of the meeting for inclusion in the official meeting record.

The public may submit written statements for the Committee's review to Dr. Corina Negrescu, Designated Federal Officer, Department of Veterans Affairs, Compensation and Pension Service, Regulation Staff (211D), 810 Vermont Avenue, NW., Washington, DC 20420, or e-mail at *Corina.Negrescu@va.gov.* Any member of the public wishing to attend the meeting or seeking additional information should contact Dr. Corina Negrescu at (202) 461–9752.

Dated: March 28, 2011.

By Direction of the Secretary.

William F. Russo,

Director of Regulations Management, Office of General Counsel.

[FR Doc. 2011–7588 Filed 3–30–11; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Geriatrics and Gerontology Advisory Committee; Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under Public Law 92–463 (Federal Advisory Committee Act) that a meeting of the Geriatrics and Gerontology Advisory Committee will be held on April 14–15, 2011, in Room 250, Department of Veterans Affairs, 1575 Eye Street, NW., Washington, DC. On April 14, the session will begin at 8:30 a.m. and end at 5 p.m. On April 15, the session will begin at 8 a.m. and end at 12 noon. This meeting is open to the public.

The purpose of the Committee is to provide advice to the Secretary of Veterans Affairs and the Under Secretary for Health on all matters pertaining to geriatrics and gerontology. The Committee assesses the capability of VA health care facilities and programs to meet the medical, psychological, and social needs of older Veterans and evaluates VA programs designated as Geriatric Research, Education, and Clinical Centers.

The meeting will feature presentations and discussions on VA's geriatrics and extended care programs, aging research activities, update on VA's employee staff working in the area of geriatrics (to include training, recruitment and retention approaches), Veterans Health Administration (VHA) strategic planning activities in geriatrics and extended care, recent VHA efforts regarding dementia and program advances in palliative care, and performance and oversight of the VA Geriatric Research, Education, and Clinical Centers.

No time will be allocated at this meeting for receiving oral presentations from the public. Interested parties should provide written comments for review by the Committee to Mrs. Marcia Holt-Delaney, Program Analyst, Office of Geriatrics and Extended Care (114), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420. Individuals who wish to attend the meeting should contact Mrs. Holt-Delaney at (202) 461–6769 or e-mail at *Marcia.Holt-Delaney@va.gov.*

Dated: March 28, 2011.

By direction of the Secretary.

William F. Russo,

Director of Regulations Management, Office of General Counsel.

[FR Doc. 2011–7589 Filed 3–30–11; 8:45 am]

BILLING CODE P

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CFR Checklist. Effective January 1, 2009, the CFR Checklist no longer appears in the Federal Register. This information can be found online at **http://bookstore.gpo.gov/.**

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