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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. NM362; Special Conditions No. 25–354A–SC]

Special Conditions: Boeing Model 787–8 Airplane; Interaction of Systems and Structures, Electronic Flight Control System-Control Surface Awareness, High Intensity Radiated Fields (HIRF) Protection, Limit Engine Torque Loads for Sudden Engine Stoppage, and Design Roll Maneuver Requirement

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Amended special conditions

SUMMARY: These amended special conditions are issued to the Boeing Model 787–8 airplane. This airplane will have novel or unusual design features when compared to the state of technology envisioned in the airworthiness standards for transport category airplanes. These design features include limit engine torque loads for sudden engine stoppage. Special Conditions No. 25–354–SC was issued on July 18, 2007, addressing, in part, this condition. We have determined that more clarification is needed on the limit engine torque loads for sudden engine stoppage special conditions, and have therefore added a new requirement. This additional requirement has been applied, via special conditions, to other programs. Since applicable airworthiness regulations, including those contained in Special Conditions No. 25–354–SC, do not contain adequate or appropriate safety standards for this particular design feature, these amended special conditions contain the additional safety standards which the Administrator finds necessary to establish a level of safety equivalent to that established by the existing standards.

DATES: *Effective Date:* August 8, 2011.

FOR FURTHER INFORMATION CONTACT: Todd Martin, FAA, Airframe and Cabin Safety Branch, ANM–115, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue, SW., Renton, Washington 98057–3356, telephone (425–227–1178; facsimile (425–227–1320).

SUPPLEMENTARY INFORMATION:

Background

On March 28, 2003, Boeing applied for an FAA type certificate for its new Boeing Model 787–8 passenger airplane. The Boeing Model 787–8 airplane will be an all-new, two-engine jet transport airplane with a two-aisle cabin. The maximum takeoff weight will be 476,000 pounds, with a maximum passenger count of 381 passengers. Special Conditions No. 25–354–SC was issued on July 17, 2007, to address interaction of systems and structures, electronic flight control system control surface awareness, HIRF protection, limit engine torque loads for sudden engine stoppage, and design roll maneuver requirements. Since then, it was determined more clarification was needed on the limit engine torque loads for sudden engine stoppage special conditions.

Discussion

The limit engine torque loads for sudden engine stoppage special conditions, issued as part of Special Conditions No. 25–354–SC, distinguishes between the more common, less severe engine failure events, and those rare events resulting from structural failures. Paragraph (a) defines limit load conditions for the less severe events, and paragraph (c) defines the ultimate load conditions for the more severe structural failure events.

Compliance with paragraph (a) includes, by definition, assessment of deformation at limit load, as well as assessment of structural integrity at ultimate load. However, since paragraph (c) is defined as an ultimate load condition, it only requires assessment of structural integrity at ultimate load, and does not require assessment of deformation.

New paragraph (e), therefore, is added to the special condition to require assessment of deformation for the structural failures defined in paragraph (c).

Type Certification Basis

Under provisions of 14 Code of Federal Regulations (CFR) 21.17, Boeing must show that Boeing Model 787–8 airplanes (hereafter referred to as ''the 787'') meet the applicable provisions of 14 CFR part 25, as amended by Amendments 25–1 through 25–117, except §§ 25.809(a) and 25.812, which will remain at Amendment 25–115. If the Administrator finds that the applicable airworthiness regulations do not contain adequate or appropriate safety standards for the 787 because of a novel or unusual design feature, special conditions are prescribed under provisions of 14 CFR 21.16.

If the Administrator finds that the applicable airworthiness regulations (i.e., 14 CFR part 25) do not contain adequate or appropriate safety standards for the Boeing Model 787–8 because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

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

In addition to the applicable airworthiness regulations and special conditions, the 787 must comply with the fuel vent and exhaust emission requirements of 14 CFR part 34 and the noise certification requirements of part 36. In addition, the FAA must issue a finding of regulatory adequacy pursuant to section 611 of Public Law 92–574, the ''Noise Control Act of 1972.''

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

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

Novel or Unusual Design Features

The 787 will incorporate a number of novel or unusual design features. Because of rapid improvements in airplane technology, the applicable airworthiness regulations do not contain adequate or appropriate safety standards for these design features. These special conditions for the 787 contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

Most of these special conditions are identical or nearly identical to those previously required for type certification of the Model 777 series airplanes.

Most of these special conditions were derived initially from standardized requirements developed by the Aviation Rulemaking Advisory Committee (ARAC), comprised of representatives of the FAA, Europe's Joint Aviation Authorities (now replaced by the European Aviation Safety Agency), and industry. In the case of some of these requirements, a draft notice of proposed rulemaking has been prepared but no final rule has yet been promulgated.

Additional special conditions will be issued for other novel or unusual design features of the 787 in the near future.

1. Interaction of Systems and Structures

The 787 is equipped with systems that affect the airplane's structural performance, either directly or as a result of failure or malfunction. That is, the airplane's systems affect how it responds in maneuver and gust conditions, and thereby affect its structural capability. These systems may also affect the aeroelastic stability of the airplane. Such systems represent a novel and unusual feature when compared to the technology envisioned in the current airworthiness standards. A special condition is needed to require consideration of the effects of systems on the structural capability and aeroelastic stability of the airplane, both in the normal and in the failed state.

This special condition requires that the airplane meet the structural requirements of subparts C and D of 14 CFR part 25 when the airplane systems are fully operative. The special condition also requires that the airplane meet these requirements considering failure conditions. In some cases, reduced margins are allowed for failure conditions based on system reliability.

2. Electronic Flight Control System: Control Surface Awareness

With a response-command type of flight control system and no direct coupling from cockpit controller to control surface, such as on the 787, the pilot is not aware of the actual surface deflection position during flight maneuvers. This feature of this design is novel and unusual when compared to the state of technology envisioned in the airworthiness standards for transport category airplanes. These special conditions are meant to contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards. Some unusual flight conditions, arising from atmospheric conditions or airplane or engine failures or both, may result in full or nearly full surface deflection. Unless the flightcrew is made aware of excessive deflection or impending control surface deflection limiting, piloted or auto-flight system control of the airplane might be inadvertently continued in a way that would cause loss of control or other unsafe handling or performance situations.

These special conditions require that suitable annunciation be provided to the flightcrew when a flight condition exists in which nearly full control surface deflection occurs. Suitability of such an annunciation must take into account that some pilot-demanded maneuvers, such as a rapid roll, are necessarily associated with intended full or nearly full control surface deflection. Simple alerting systems which would function in both intended and unexpected control-limiting situations must be properly balanced between providing needed crew awareness and avoiding nuisance warnings.

3. High Intensity Radiated Fields (HIRF) Protection

The 787 will use electrical and electronic systems which perform critical functions. These systems may be vulnerable to high-intensity radiated fields (HIRF) external to the airplane. There is no specific regulation that addresses requirements for protection of electrical and electronic systems from HIRF. Increased power levels from radio frequency transmitters and use of sensitive avionics/electronics and electrical systems to command and control the airplane have made it necessary to provide adequate protection.

To ensure that a level of safety is achieved that is equivalent to that intended by the regulations incorporated by reference, special conditions are needed for the 787. These special conditions require that avionics/electronics and electrical systems that perform critical functions be designed and installed to preclude component damage and interruption of function because of HIRF.

High-power radio frequency transmitters for radio, radar, television, and satellite communications can adversely affect operations of airplane electrical and electronic systems. Therefore, immunity of critical avionics/electronics and electrical systems to HIRF must be established. Based on surveys and analysis of existing HIRF emitters, adequate protection from HIRF exists if airplane system immunity is demonstrated when exposed to the HIRF environments in either paragraph (a) OR (b) below:

(a) A minimum environment of 100 volts rms (root-mean-square) per meter electric field strength from 10 KHz to 18 GHz.

(1) System elements and their associated wiring harnesses must be exposed to this environment without benefit of airframe shielding.

(2) Demonstration of this level of protection is established through system tests and analysis.

(b) An environment external to the airframe of the field strengths shown in the table below for the frequency ranges indicated. Immunity to both peak and average field strength components from the table must be demonstrated.

Frequency	Field strength (volts per meter)	
	Peak	Average
10 kHz–100 kHz	50	50
100 kHz–500 kHz	50	50
500 kHz–2 MHz	50	50
2 MHz–30 MHz	100	100
30 MHz–70 MHz	50	50
70 MHz–100 MHz	50	50
100 MHz–200 MHz	100	100
200 MHz–400 MHz	100	100
400 MHz–700 MHz	700	50
700 MHz–1 GHz	700	100
1 GHz–2 GHz	2000	200
2 GHz–4 GHz	3000	200
4 GHz–6 GHz	3000	200
6 GHz–8 GHz	1000	200
8 GHz–12 GHz	3000	300
12 GHz–18 GHz	2000	200
18 GHz–40 GHz	600	200

Field strengths are expressed in terms of peak root-mean-square (rms) values over the complete modulation period.

The environment levels identified above are the result of an FAA review of existing studies on the subject of HIRF and of the work of the Electromagnetic Effects Harmonization Working Group of ARAC.

4. Limit Engine Torque Loads for Sudden Engine Stoppage

The 787 will have high-bypass engines with a chord-swept fan 112

inches in diameter. Engines of this size were not envisioned when § 25.361, pertaining to loads imposed by engine seizure, was adopted in 1965. Worst case engine seizure events become increasingly more severe with increasing engine size because of the higher inertia of the rotating components.

Section 25.361(b)(1) requires that for turbine engine installations, the engine mounts and supporting structures must be designed to withstand a ''limit engine torque load imposed by sudden engine stoppage due to malfunction or structural failure.'' Limit loads are expected to occur about once in the lifetime of any airplane. Section 25.305 requires that supporting structures be able to support limit loads without detrimental permanent deformation, meaning that supporting structures should remain serviceable after a limit load event.

Since adoption of § 25.361(b)(1), the size, configuration, and failure modes of jet engines have changed considerably. Current engines are much larger and are designed with large bypass fans. In the event of a structural failure, these engines are capable of producing much higher transient loads on the engine mounts and supporting structures.

As a result, modern high bypass engines are subject to certain rare-but-severe engine seizure events. Service history shows that such events occur far less frequently than limit load events. Although it is important for the airplane to be able to support such rare loads safely without failure, it is unrealistic to expect that no permanent deformation will occur.

Given this situation, ARAC has proposed a design standard for today's large engines. For the commonly-occurring deceleration events, the proposed standard requires engine mounts and structures to support maximum torques without detrimental permanent deformation. For the rare-but-severe engine seizure events such as loss of any fan, compressor, or turbine blade, the proposed standard requires engine mounts and structures to support maximum torques without failure, but allows for some deformation in the structure.

The FAA concludes that modern large engines, including those on the 787, are novel and unusual compared to those envisioned when § 25.361(b)(1) was adopted and thus warrant a special condition. This special condition contains design criteria recommended by ARAC.

5. Design Roll Maneuver Requirement

The 787 is equipped with an electronic flight control system that provides control of the aircraft through pilot inputs to the flight computer. Current part 25 airworthiness regulations account for ''control laws,'' for which aileron deflection is proportional to control stick deflection. They do not address any nonlinearities [2] or other effects on aileron actuation that may be caused by electronic flight controls. Therefore, the FAA considers the flight control system to be a novel and unusual feature compared to those envisioned when current regulations were adopted. Since this type of system may affect flight loads, and therefore the structural capability of the airplane, special conditions are needed to address these effects.

This special condition differs from current requirements in that it requires that the roll maneuver result from defined movements of the cockpit roll control as opposed to defined aileron deflections. Also, this special condition requires an additional load condition at design maneuvering speed (V_A), in which the cockpit roll control is returned to neutral following the initial roll input.

This special condition differs from similar special conditions applied to previous designs. This special condition is limited to the roll axis only, whereas previous special conditions also included pitch and yaw axes. A special condition is no longer needed for the yaw axis because § 25.351 was revised at Amendment 25–91 to take into account effects of an electronic flight control system. No special condition is needed for the pitch axis because the applicant's proposed method for the pitch maneuver takes into account effects of an electronic flight control system.

Applicability

As discussed above, these special conditions are applicable to the 787. Should Boeing apply at a later date for a change to the type certificate to include another model on the same type certificate incorporating the same novel or unusual design features, these special conditions would apply to that model as well.

Conclusion

This action affects only certain novel or unusual design features of the Boeing Model 787–8 airplane. It is not a rule of general applicability.

[2] A nonlinearity is a situation where output does not change in the same proportion as input.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

The authority citation for these special conditions is as follows:

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

The Amended Special Conditions

■ Accordingly, pursuance to the authority delegated to me by the Administrator, the following amended special conditions (which adds paragraph (e) to Special Condition No. 4) are issued as part of the type certification basis for the Boeing Model 787–8 airplane regarding limit engine torque loads for sudden engine stoppage.

1. Interaction of Systems and Structures

The Boeing Model 787–8 airplane is equipped with systems which affect the airplane's structural performance either directly or as a result of failure or malfunction. The influence of these systems and their failure conditions must be taken into account when showing compliance with requirements of subparts C and D of part 25 of Title 14 of the Code of Federal Regulations. The following criteria must be used for showing compliance with this special condition for airplanes equipped with flight control systems, autopilots, stability augmentation systems, load alleviation systems, flutter control systems, fuel management systems, and other systems that either directly or as a result of failure or malfunction affect structural performance. If this special condition is used for other systems, it may be necessary to adapt the criteria to the specific system.

(a) The criteria defined here address only direct structural consequences of system responses and performances. They cannot be considered in isolation but should be included in the overall safety evaluation of the airplane. They may in some instances duplicate standards already established for this evaluation. These criteria are only applicable to structure whose failure could prevent continued safe flight and landing. Specific criteria defining acceptable limits on handling characteristics or stability requirements when operating in the system degraded or inoperative mode are not provided in this special condition.

(b) Depending on the specific characteristics of the airplane, additional studies may be required that go beyond the criteria provided in this special condition in order to demonstrate capability of the airplane to meet other realistic conditions such as

alternative gust conditions or maneuvers for an airplane equipped with a load alleviation system.

(c) The following definitions are applicable to this special condition.

(1) *Structural performance:* Capability of the airplane to meet the structural requirements of part 25.

(2) *Flight limitations:* Limitations that can be applied to the airplane flight conditions following an in-flight failure occurrence and that are included in the flight manual (speed limitations or avoidance of severe weather conditions, for example).

(3) *Operational limitations:* Limitations, including flight limitations, that can be applied to the airplane operating conditions before dispatch (fuel, payload, and master minimum equipment list limitations, for example).

(4) *Probabilistic terms:* Terms (probable, improbable, extremely improbable) used in this special condition which are the same as those probabilistic terms used in § 25.1309.

(5) *Failure condition:* Term that is the same as that used in § 25.1309. The term failure condition in this special condition, however, applies only to system failure conditions that affect structural performance of the airplane. Examples are system failure conditions that induce loads, change the response of the airplane to inputs such as gusts or pilot actions, or lower flutter margins.

Note: Although failure annunciation system reliability must be included in probability calculations for paragraph (f) of this special condition, there is no specific reliability requirement for the annunciation system required in paragraph (g) of the special condition.

(d) *General.* The following criteria will be used in determining the influence of a system and its failure conditions on the airplane structure.

(e) *System fully operative.* With the system fully operative, the following apply:

(1) Limit loads must be derived in all normal operating configurations of the system from all the limit conditions specified in subpart C of 14 CFR part 25 (or used in lieu of those specified in subpart C), taking into account any special behavior of such a system or associated functions or any effect on the structural performance of the airplane that may occur up to the limit loads. In particular, any significant degree of nonlinearity in rate of displacement of control surface or thresholds, or any other system nonlinearities, must be accounted for in a realistic or conservative way when deriving limit loads from limit conditions.

(2) The airplane must meet the strength requirements of part 25 for static strength and residual strength, using the specified factors to derive ultimate loads from the limit loads defined above. The effect of nonlinearities must be investigated beyond limit conditions to ensure the behavior of the system presents no anomaly compared to the behavior below limit conditions. However, conditions beyond limit conditions need not be considered if the applicant demonstrates that the airplane has design features that will not allow it to exceed those limit conditions.

(3) The airplane must meet the aeroelastic stability requirements of § 25.629.

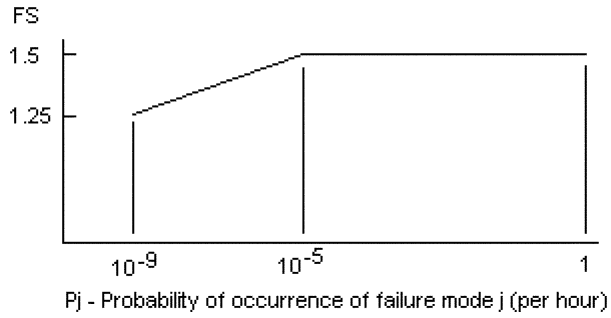
(f) *System in the failure condition.* For any system failure condition not shown to be extremely improbable, the following apply:

(1) *Establishing loads at the time of failure.* Starting from 1-g level flight conditions, a realistic scenario, including pilot corrective actions, must be established to determine loads occurring at the time of failure and immediately after failure.

(i) For static strength substantiation, these loads, multiplied by an appropriate factor of safety related to probability of occurrence of the failure, are ultimate loads to be considered for design. The factor of safety (FS) is defined in Figure 1.

Figure 1

Factor of safety at the time of occurrence



(ii) For residual strength substantiation, the airplane must be able to withstand two thirds of the ultimate loads defined in subparagraph (f)(1)(i) of these special conditions. For pressurized cabins, these loads must be combined with the normal operating differential pressure.

(iii) Freedom from aeroelastic instability must be shown up to the speeds defined in § 25.629(b)(2). For failure conditions that result in speeds beyond design cruise speed or design cruise mach number (V_C/M_C), freedom from aeroelastic instability must be shown to increased speeds, so that the margins intended by § 25.629(b)(2) are maintained.

(iv) Failures of the system that result in forced structural vibrations (oscillatory failures) must not produce loads that could result in detrimental deformation of primary structure.

(2) *Establishing loads in the system failed state for the continuation of the flight.* For the continuation of flight of the airplane in the system failed state and considering any appropriate reconfiguration and flight limitations, the following apply:

(i) Loads derived from the following conditions (or used in lieu of the following conditions) at speeds up to V_C/M_C, or the speed limitation

prescribed for the remainder of the flight, must be determined:

(A) The limit symmetrical maneuvering conditions specified in § 25.331 and § 25.345.

(B) The limit gust and turbulence conditions specified in § 25.341 and § 25.345.

(C) The limit rolling conditions specified in § 25.349 and the limit unsymmetrical conditions specified in § 25.367 and § 25.427(b) and (c).

(D) The limit yaw maneuvering conditions specified in § 25.351.

(E) The limit ground loading conditions specified in § 25.473 and § 25.491.

(ii) For static strength substantiation, each part of the structure must be able to withstand the loads in paragraph (f)(2)(i) of this special condition multiplied by a factor of safety depending on the probability of being in this failure state. The factor of safety is defined in Figure 2.

Figure 2

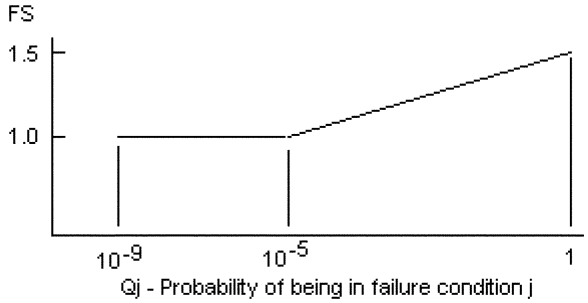
Factor of Safety for Continuation of Flight

Qj = (Tj)(Pj) where:

Tj = Average time spent in failure condition j (in hours)

Pj = Probability of occurrence of failure mode j (per hour)

Note: If Pj is greater than 10^{-3} per flight hour then a 1.5 factor of safety must be applied to all limit load conditions specified in subpart C–Structure, of 14 CFR part 25.



(iii) For residual strength substantiation, the airplane must be able to withstand two thirds of the ultimate loads defined in paragraph (f)(2)(ii) of this special condition. For pressurized cabins, these loads must be combined with the normal operating differential pressure.

(iv) If the loads induced by the failure condition have a significant effect on fatigue or damage tolerance then the effects of these loads must be taken into account.

(v) Freedom from aeroelastic instability must be shown up to a speed determined from Figure 3. Flutter clearance speeds V′ and V″ may be based on the speed limitation specified for the remainder of the flight using the margins defined by § 25.629(b).

Figure 3

Clearance Speed

V′ = Clearance speed as defined by § 25.629(b)(2).

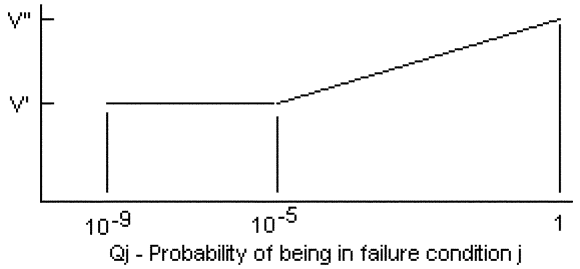
V″ = Clearance speed as defined by § 25.629(b)(1).

Qj = (Tj)(Pj) where:

Tj = Average time spent in failure condition j (in hours)

Pj = Probability of occurrence of failure mode j (per hour)

Note: If Pj is greater than 10^{-3} per flight hour, then the flutter clearance speed must not be less than V′.



(vi) Freedom from aeroelastic instability must also be shown up to V′ in Figure 3 above, for any probable system failure condition combined with any damage required or selected for investigation by § 25.571(b).

(3) Consideration of certain failure conditions may be required by other sections of 14 CFR part 25 regardless of calculated system reliability. Where analysis shows the probability of these failure conditions to be less than 10^{-9}, criteria other than those specified in this paragraph may be used for structural substantiation to show continued safe flight and landing.

(g) *Failure indications.* For system failure detection and indication, the following apply.

(1) The system must be checked for failure conditions, not extremely improbable, that degrade the structural capability of the airplane below the level required by part 25 or significantly reduce the reliability of the remaining system. As far as reasonably practicable, the flightcrew must be made aware of these failures before flight. Certain elements of the control system, such as mechanical and hydraulic components, may use special periodic inspections, and electronic components may use daily checks, instead of detection and indication systems to achieve the objective of this requirement. Such certification maintenance inspections or daily checks must be limited to components on which faults are not readily detectable by normal detection and indication systems and where service history shows that inspections will provide an adequate level of safety.

(2) The existence of any failure condition, not extremely improbable, during flight that could significantly affect the structural capability of the airplane and for which the associated reduction in airworthiness can be minimized by suitable flight limitations, must be signaled to the flightcrew. For example, failure conditions that result in a factor of safety between the airplane strength and the loads of subpart C below 1.25, or flutter margins below V″, must be signaled to the crew during flight.

(h) *Dispatch with known failure conditions.* If the airplane is to be dispatched in a known system failure condition that affects structural performance, or affects the reliability of the remaining system to maintain structural performance, then the provisions of this special condition must be met, including the provisions of paragraph (e) for the dispatched condition, and paragraph (f) for subsequent failures. Expected operational limitations may be taken into account in establishing Pj as the probability of failure occurrence for determining the safety margin in Figure 1. Flight limitations and expected operational limitations may be taken into account in establishing Qj as the combined probability of being in the dispatched failure condition and the subsequent failure condition for the safety margins in Figures 2 and 3. These limitations must be such that the probability of being in this combined failure state and then subsequently encountering limit load conditions is extremely improbable. No reduction in these safety margins is allowed if the subsequent system failure rate is greater than 10^{-3} per hour.

2. Electronic Flight Control System: Control Surface Awareness

In addition to compliance with §§ 25.143, 25.671, and 25.672, the following special condition applies.

(a) The system design must ensure that the flightcrew is made suitably aware whenever the primary control means nears the limit of control authority. This indication should direct the pilot to take appropriate action to avoid the unsafe condition in accordance with appropriate airplane flight manual (AFM) instructions. Depending on the application, suitable annunciations may include cockpit control position, annunciator light, or surface position indicators. Furthermore, this requirement applies at limits of control authority, not necessarily at limits of any individual surface travel.

(b) Suitability of such a display or alerting must take into account that some pilot-demanded maneuvers are necessarily associated with intended full performance, which may require full surface deflection. Therefore, simple alerting systems, which would function in both intended or unexpected control-limiting situations, must be properly balanced between needed crew awareness and nuisance factors. A monitoring system which might compare airplane motion, surface deflection, and pilot demand could be useful for eliminating nuisance alerting.

3. High Intensity Radiated Fields (HIRF) Protection

(a) Protection from Unwanted Effects of High-intensity Radiated Fields. Each electrical and electronic system which performs critical functions must be designed and installed to ensure that the operation and operational capabilities of these systems to perform critical functions are not adversely affected when the airplane is exposed to high intensity radiated fields external to the airplane.

(b) For the purposes of these Special Conditions, the following definition applies. Critical Functions: Functions whose failure would contribute to or cause a failure condition that would prevent continued safe flight and landing of the airplane.

4. Limit Engine Torque Loads for Sudden Engine Stoppage

In lieu of § 25.361(b) the Boeing Model 787–8 must comply with the following special condition.

(a) For turbine engine installations, the engine mounts, pylons, and adjacent supporting airframe structure must be designed to withstand 1g level flight loads acting simultaneously with the maximum limit torque loads imposed by each of the following:

(1) Sudden engine deceleration due to a malfunction which could result in a temporary loss of power or thrust.

(2) The maximum acceleration of the engine.

(b) For auxiliary power unit installations, the power unit mounts and adjacent supporting airframe structure must be designed to withstand 1g level flight loads acting simultaneously with the maximum limit torque loads imposed by each of the following:

(1) Sudden auxiliary power unit deceleration due to malfunction or structural failure.

(2) The maximum acceleration of the power unit.

(c) For engine supporting structure, an ultimate loading condition must be considered that combines 1g flight loads with the transient dynamic loads resulting from each of the following:

(1) Loss of any fan, compressor, or turbine blade.

(2) Where applicable to a specific engine design, any other engine structural failure that results in higher loads.

(d) The ultimate loads developed from the conditions specified in paragraphs (c)(1) and (c)(2) are to be multiplied by a factor of 1.0 when applied to engine mounts and pylons and multiplied by a factor of 1.25 when applied to adjacent supporting airframe structure.

(e) Any permanent deformation that results from the conditions specified in paragraph (c) must not prevent continued safe flight and landing.

5. Design Roll Maneuver Requirement

In lieu of compliance to § 25.349(a), the Boeing Model 787–8 must comply with the following special condition.

The following conditions, speeds, and cockpit roll control motions (except as the motions may be limited by pilot effort) must be considered in combination with an airplane load factor of zero and of two-thirds of the positive maneuvering factor used in design. In determining the resulting control surface deflections, the torsional flexibility of the wing must be considered in accordance with § 25.301(b):

(a) Conditions corresponding to steady rolling velocities must be investigated. In addition, conditions corresponding to maximum angular acceleration must be investigated for airplanes with engines or other weight concentrations outboard of the fuselage. For the angular acceleration conditions, zero rolling velocity may be assumed in the absence of a rational time history investigation of the maneuver.

(b) At V_A, sudden movement of the cockpit roll control up to the limit is assumed. The position of the cockpit roll control must be maintained until a steady roll rate is achieved and then must be returned suddenly to the neutral position.

(c) At V_C, the cockpit roll control must be moved suddenly and maintained so as to achieve a roll rate not less than that obtained in paragraph (b).

(d) At V_D, the cockpit roll control must be moved suddenly and maintained so as to achieve a roll rate not less than one third of that obtained in paragraph (b).

Issued in Renton, Washington, on June 23, 2011.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service, ANM–100.

[FR Doc. 2011–16295 Filed 7–6–11; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

Office of the Secretary

[Docket No. 110613329–1329–01]

RIN 0605–AA29

15 CFR Part 4

Disclosure of Government Information

AGENCY: Department of Commerce.

ACTION: Final rule.

SUMMARY: This rule amends the Department of Commerce's (Department) Freedom of Information Act (FOIA) regulations by changing the officials authorized to deny requests for records under the Freedom of Information Act, and requests for correction or amendment under the Privacy Act (PA), for the Office of Inspector General.

DATES: *Effective Date:* July 7, 2011.

FOR FURTHER INFORMATION CONTACT: Wade Green, Jr., Counsel to the Inspector General, Office of Inspector General, 202–482–5992.

SUPPLEMENTARY INFORMATION: The regulations at Appendix B to 15 CFR part 4 designate the officials authorized to deny requests for records under the FOIA, and requests for records and requests for correction or amendment under the PA. The Department of Commerce amends these regulations by changing the designated officials for the ''Office of Inspector General from the Counsel to the Inspector General; Deputy Counsel to the Inspector General'' to the ''FOIA Officer; Senior Associate Counsel to the Inspector General.''

Classification

Executive Order 12866: It has been determined that this notice is not significant for purposes of E.O. 12866.

Executive Order 13132: It has been determined that this notice does not contain policies with Federalism implications as that term is defined in E.O. 13132.

Paperwork Reduction Act: This rule does not involve a collection of information and, therefore, does not implicate requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 5201 *et seq.*) (PRA). Notwithstanding any other provisions of law, no person is required to respond to nor be subject to a penalty for failure to comply with a collection of information, subject to the requirements of the PRA, unless that collection of information displays a currently valid Office of Management and Budget (OMB) Control Number.

Administrative Procedure Act: Pursuant to 5 U.S.C. 553(b)(A), prior notice and an opportunity for public comment are not required by the Administrative Procedure Act for rules concerning agency organization, procedure, or practice. This rule merely changes the name of the officials who are authorized to deny requests for records under the Freedom of Information Act, and requests for correction or amendment under the Privacy Act.

Pursuant to 5 U.S.C. 553(e), the Department finds good cause to waive the 30-day delay in effectiveness. This rule merely changes the name of the officials who are authorized to deny requests for records under the Freedom of Information Act, and requests for correction or amendment under the Privacy Act.

Regulatory Flexibility Act: Because notice and opportunity for comment are not required pursuant to 5 U.S.C. 553 or any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are inapplicable. Therefore, a regulatory flexibility analysis is not required and has not been prepared.

List of Subjects in 15 CFR Part 4

Freedom of information, Privacy.

For the reasons above, amend 15 CFR Part 4 as follows:

PART 4—DISCLOSURE OF GOVERNMENT INFORMATION

■ 1. The authority citation for part 4 continues to read as follows:

Authority: 5 U.S.C. 301; 5 U.S.C. 552; 5 U.S.C. 552a; 5 U.S.C. 553; 31 U.S.C. 3717; 44 U.S.C. 3101; Reorganization Plan No. 5 of 1950.

Appendix B to Part 4—[Amended]

■ 2. In Appendix B to part 4, under the heading OFFICE OF THE SECRETARY, remove ''Office of the Inspector General: Counsel to the Inspector General; Deputy Counsel to the Inspector General'' and add in its place ''Office of the Inspector General: FOIA Officer; Senior Associate Counsel to the Inspector General.''

Dated: June 29, 2011.

Jonathan R. Cantor,

Chief Privacy Officer.

[FR Doc. 2011–17016 Filed 7–6–11; 8:45 am]

BILLING CODE 3510–55–P

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 200

[Release No. 34–64778]

Delegation of Authority to the Director of Its Division of Enforcement

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Commission is amending its rules to delegate authority to the Director of the Division of Enforcement to disclose information that could reasonably be expected to reveal the identity of a whistleblower (''whistleblower identifying information'') to those persons to whom disclosure may be made without loss of confidentiality under the whistleblower provisions of the Dodd-Frank Wall Street Reform and Consumer Protection Act (the ''Dodd-Frank Act'').

DATES: *Effective Date:* July 7, 2011.

FOR FURTHER INFORMATION CONTACT: Kenneth H. Hall, Assistant Chief Counsel, 202 551–4936, Office of Chief Counsel, Division of Enforcement, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–6553.

SUPPLEMENTARY INFORMATION: Section 922 of the Dodd-Frank Act, Public Law 111–203, 124 Stat. 1376, 1841 (2010), added Section 21F to the Securities Exchange Act of 1934, 15 U.S.C. 78u–6, which creates a new program authorizing the Commission to make monetary awards to whistleblowers who provide the Commission with ''original information'' that leads to the successful enforcement of a ''covered judicial or administrative action'' or a ''related action,'' as those terms are defined in Section 21F(a), 15 U.S.C. 78u–6(a). Awards may be paid in connection with original information concerning any violation of the federal securities laws, and may range from 10 to 30 percent of the amounts collected as monetary sanctions imposed in the covered judicial or administrative action brought by the Commission or in related actions brought by other entities identified in the statute.

To protect the identity of whistleblowers, Section 21F(h)(2)(A), 15 U.S.C. 78u–6(h)(2)(A) provides that,

except as otherwise permitted by that subsection, the Commission ''shall not disclose any information, including information provided by a whistleblower to the Commission, which could reasonably be expected to reveal the identity of a whistleblower.'' Such information may be disclosed by the Commission under Section 21F(h)(2)(A) to those entities identified in Section 21F(h)(2)(D)(i), 15 U.S.C. 78u–6(h)(2)(D)(i), ''when necessary to accomplish the purposes of [the Securities Exchange Act] and to protect investors.'' Otherwise, such information may be disclosed by the Commission only in accordance with the provisions of the Privacy Act of 1974, 5 U.S.C. 552a, ''unless and until required to be disclosed to a defendant or respondent in connection with a public proceeding instituted by the Commission or any entity described in [Section 21F(h)(2)(D)(i)].''

Whistleblower identifying information may be disclosed by the Commission to the following entities listed in Section 21F(h)(2)(D)(i): The Attorney General of the United States; an appropriate regulatory authority; a self-regulatory organization; a State attorney general in connection with any criminal investigation; any appropriate State regulatory authority; the Public Company Accounting Oversight Board; a foreign securities authority; or a foreign law enforcement authority. Domestic entities to which the Commission discloses such information ''shall maintain such information as confidential in accordance with the requirements established under [Section 21F(h)(2)(A].'' Section 21F(h)(2)(D)(ii)(I), 15 U.S.C. 78u–6(h)(2)(D)(ii)(I). Foreign securities authorities and foreign law enforcement authorities to which the Commission discloses such information ''shall maintain such information in accordance with such assurances of confidentiality as the Commission determines appropriate.'' Section 21F(h)(2)(D)(ii)(II), 15 U.S.C. 78u–6(h)(2)(D)(ii)(II).

The Commission is delegating authority to the Director of the Division of Enforcement to disclose whistleblower identifying information to the entities described in Section 21F(h)(2)(D), in accordance with the restrictions of Section 21F(h)(2)(A) and (D). The delegation will increase investor protection by facilitating administration of the whistleblower award program and the investigations and actions by those agencies and authorities that may receive whistleblower identifying information pursuant to this delegation.

Administrative Law Matters

The Commission finds, in accordance with the Administrative Procedure Act (''APA'') (5 U.S.C. 553(b)(3)(A)), that this amendment relates solely to agency organization, procedure, or practice and does not relate to a substantive rule. Accordingly, the provisions of the APA regarding notice of the proposed rulemaking, opportunities for public participation, and publication of the amendment prior to its effective date, 5 U.S.C. 553, are not applicable. For the same reason, and because this amendment does not substantively affect the rights or obligations of non-agency parties, the provisions of the Small Business Regulatory Enforcement Fairness Act, 5 U.S.C. 804(3)(C), are not applicable. Additionally, the provisions of the Regulatory Flexibility Act, which apply only when notice and comment are required by the APA or other law, 5 U.S.C. 603, are not applicable. Further, because the amendment imposes no new burdens on parties in investigations, the Commission does not believe it will have any anti-competitive effects for purposes of Section 23(a)(2) of the Securities Exchange Act, 15 U.S.C. 78w(a)(2). Finally, this amendment does not contain any collection of information requirements as defined by the Paperwork Reduction Act of 1980, as amended. Accordingly, the amendment is effective July 7, 2011.

List of Subjects in 17 CFR Part 200

Administrative practice and procedure, Authority delegations (Government agencies).

Text of Amendment

For the reasons set out in the preamble, Title 17, Chapter II of the Code of Federal Regulations is amended as follows:

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

■ 1. The authority citation for part 200, subpart A, continues to read in part as follows:

Authority: 15 U.S.C. 77o, 77s, 77sss, 78d, 78d–1, 78d–2, 78w, 78*ll*(d), 78mm, 80a–37, 80b–11, and 7202, unless otherwise noted.

* * * * *

■ 2. Section 200.30–4 is amended by adding paragraph (a)(16) to read as follows:

§ 200.30–4 Delegation of authority to Director of Division of Enforcement.

* * * * *

(a) * * *

(16) To disclose information, in accordance with Section 21F(h)(2) of the Securities Exchange Act of 1934 (15 U.S.C. 78u–6(h)(2)), that would reveal, or could reasonably be expected to reveal, the identity of a whistleblower.

* * * * *

By the Commission.

Dated: June 30, 2011.

Elizabeth M. Murphy,

Secretary.

[FR Doc. 2011–16864 Filed 7–6–11; 8:45 am]

BILLING CODE 8011–01–P

DEPARTMENT OF COMMERCE

International Trade Administration

19 CFR Part 351

[Docket No. 0612243022–1049–01]

RIN 0625–AA66

Interim Final Rule on Certification of Factual Information To Import Administration During Antidumping and Countervailing Duty Proceedings: Reopening of Rebuttal Comment Period

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of reopening of rebuttal comment period.

SUMMARY: The Department of Commerce (''the Department'') is reopening the public comment period for the submission of rebuttal comments on the Interim Final Rule on Certification of Factual Information to Import Administration During Antidumping and Countervailing Duty Proceedings due to recent technical difficulties with filing comments on the Federal eRulemaking Portal (''Portal'').

DATES: The submission period for public rebuttal comments is reopened through July 14, 2011.

ADDRESSES: All rebuttal comments must be submitted through the Portal at *http://www.regulations.gov,* Docket No. ITA–2010–0007, unless the commenter does not have access to the Internet. Commenters who do not have access to the Internet may submit the original and two copies of each set of comments by mail or hand delivery/courier. All rebuttal comments should refer to RIN 0625–AA66 and should be addressed to Ronald K. Lorentzen, Deputy Assistant Secretary for Import Administration, Room 1870, Department of Commerce, 14th Street and Constitution Ave., NW., Washington, DC 20230.

The Department will consider all rebuttal comments received before the close of the reopened comment period.

The Department will not accept rebuttal comments accompanied by a request that part or all of the material be treated confidentially because of its business proprietary nature or for any other reason. All comments will be a matter of public record and will be available for inspection at Import Administration's Central Records Unit (Room 7046 of the Herbert C. Hoover Building) and on the Portal at *www.Regulations.gov* and the Department's Web site at *http://www.trade.gov/ia/.*

FOR FURTHER INFORMATION CONTACT: Rebecca Cantu, Attorney, Office of the General Counsel, Office of Chief Counsel for Import Administration, or Myrna Lobo, International Trade Compliance Analyst, Office 6, Import Administration, U.S. Department of Commerce, 1401 Constitution Ave., NW., Washington, DC 20230, 202–482–4618 or 202–482–2371, respectively.

SUPPLEMENTARY INFORMATION: The Interim Final Rule for the Certification of Factual Information to Import Administration During Antidumping and Countervailing Duty Proceedings (''Interim Final Rule'') published on February 10, 2011 (76 FR 7491). In the notice announcing the Interim Final Rule, the Department stated that comments would be accepted until May 11, 2011 and rebuttal comments until June 27, 2011. Due to technical difficulties with the Portal, several interested parties were unable to submit their rebuttal comments within the established rebuttal comment filing period.

Based on these circumstances, the Department is reopening the rebuttal period through July 14, 2011, to provide interested parties an opportunity to file their rebuttal comments. The Department will accept rebuttal comments filed no later than July 14, 2011 and does not intend to consider any further extensions to the rebuttal comment period. The Department requests that those parties who previously submitted rebuttal comments refile their rebuttal comments during this period to ensure that the Department receives all rebuttal comments. The Department notes that the established period for submitting affirmative comments ended May 11, 2011 and was not extended. As such, this notice serves to extend the period for submission of rebuttal comments only; any new affirmative comments will not be accepted by the Department.

Requirements for On-Line Submissions

In order to ensure the timely receipt and consideration of comments, the Department's International Trade Administration requires commenters to make on-line submissions, using the *http://www.regulations.gov* Web site unless they do not have access to the Internet. Rebuttal comments should be submitted under docket number ITA–2010–0007. To find this docket, enter the docket number in the ''Enter Keyword or ID'' window at the *http://www.regulations.gov* home page and click ''Search.'' The site will provide a search-results page listing all documents associated with that docket number. Find a reference to the Interim Final Rule notice by selecting ''Rule'' under ''Document Type'' on the search-results page, and click on the link entitled ''Submit a Comment.'' The *http://www.regulations.gov* Web site provides the option of making submissions by filling in a comments field, or by attaching a document. ITA prefers submissions to be provided in an attached document. (For further information on using the *http://www.regulations.gov* Web site, please consult the resources provided on the Web site by clicking on the ''Help'' tab.)

Any other questions concerning file formatting, document conversion, access on the Internet, or other electronic filing issues should be addressed to Andrew Lee Beller, Import Administration Webmaster, at (202) 482–0866, *e-mail address: webmaster-support@ita.doc.gov.*

Dated: June 30, 2011.

Ronald K. Lorentzen,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 2011–17067 Filed 7–6–11; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG–2011–0277]

RIN 1625–AA08

Special Local Regulations for Marine Events; Lake Gaston, Enterprise, NC

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing Special Local Regulations for ''The Crossing'' swim event, to be held on the waters of Lake Gaston, adjacent to the Eaton Ferry Bridge in Enterprise, North Carolina on August 13, 2011. This Special Local Regulation is necessary to provide for the safety of life on navigable waters during the event. This action is intended to restrict vessel traffic on Lake Gaston under the Eaton Ferry Bridge and within 100 yards east of the bridge during the swim event.

DATES: This rule is effective from 8:30 a.m. to 12 p.m. (noon) on August 13, 2011.

ADDRESSES: Comments and material received from the public, as well as documents mentioned in this preamble as being available in the docket, are part of docket USCG–2011–0277 and are available online by going to *http://www.regulations.gov,* inserting USCG–2011–0277 in the ''Keyword'' box, and then clicking ''Search.'' This material is also available for inspection or copying at the Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary rule, call or e-mail BOSN3 Joseph M. Edge, Prevention Department, Coast Guard Sector North Carolina; telephone 252–247–4525, e-mail *Joseph.M.Edge@uscg.mil.* If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Regulatory Information

On May 24, 2011, we published a notice of proposed rulemaking (NPRM) entitled Special Local Regulations for Marine Events; Lake Gaston, Enterprise, North Carolina in the **Federal Register** (76 FR 30069). We received no comments on the proposed rule. No public meeting was requested, and none was held.

Background and Purpose

On August 13, 2011 from 8:30 a.m. to 12 p.m (noon) the Organization to Support the Arts, Infrastructure, and Learning on Lake Gaston, also known as O'SAIL, will sponsor ''The Crossing'' on the waters of Lake Gaston, adjacent to Enterprise, North Carolina. The swim event will consist of approximately 200 swimmers entering Lake Gaston at the Morning Star Marina on the north bank of Lake Gaston, east of the Eaton Ferry Bridge, and swimming south along the eastern side of the Eaton Ferry Bridge to the Waterview Restaurant. A fleet of spectator vessels are expected to gather near the event site to view the competition. To provide for the safety of

participants, spectators and transiting vessels, the Coast Guard will temporarily restrict vessel traffic in the regulated area during this event.

In an effort to enhance safety of event participants the channel in the vicinity of Eaton Ferry Bridge will remain closed during event on August 13, 2011 from 8:30 a.m. to 12 p.m (noon) The Coast Guard will temporarily restrict access to this section of Lake Gaston during the event.

Discussion of Comments and Changes

We received no comments in this rulemaking, and no changes have been made in response to comments.

Regulatory Analyses

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

Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under that those Orders.

Although this regulation will restrict access to this portion of Lake Gaston, the effect of this rule will not be significant because the regulated area will be in effect for a limited time, from 8:30 a.m. to 12 p.m (noon), on August 13, 2011. The Coast Guard will give advance notification via maritime advisories so mariners can adjust their plans accordingly, and the regulated area will apply only to the section of Lake Gaston in the immediate vicinity of the Eaton Ferry Bridge. Coast Guard vessels enforcing this regulated area can be contacted on marine band radio VHF–FM channel 16 (156.8 MHz).

Small Entities

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule will affect the following entities, some of which may be small entities: The owners or operators of recreational vessels intending to transit the specified portion of Lake Gaston from 8:30 a.m. to 12 p.m (noon) on August 13, 2011.

This rule will not have a significant economic impact on a substantial number of small entities for the following reasons. This rule will only be in effect for 3 and one-half hours from 8:30 a.m. to 12 p.m (noon) The regulated area applies only to the section of Lake Gaston in the vicinity of the Eaton Ferry Bridge and traffic may be allowed to pass through the regulated area with the permission of the Coast Guard Patrol Commander. In the case where the Patrol Commander authorizes passage through the regulated area, vessels shall proceed at the minimum speed necessary to maintain a safe course that minimizes wake near the swim course. The Patrol Commander will allow non-participating vessels to transit the event area once all swimmers are safely clear of navigation channels and vessel traffic areas. Before the enforcement period, we will issue maritime advisories so mariners can adjust their plans accordingly.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Assistance for Small Entities

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

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

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination

with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Energy Effects

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

Technical Standards

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

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

Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. This rule is categorically excluded, under figure 2–1, paragraph (34)(h), of the Instruction. This rule involves implementation of regulations within 33 CFR Part 100 that apply to organized marine events on the navigable waters of the United States that may have potential for negative impact on the safety or other interest of waterway users and shore side activities in the event area. This special local regulation is necessary to provide for the safety of the general public and event participants from potential hazards associated with movement of vessels near the event area. An environmental analysis checklist and a categorical exclusion determination are available in the docket where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 100

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

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

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

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

Authority: 33 U.S.C. 1233

■ 2. Add a temporary § 100.35T05–0277 to read as follows:

§ 100.35T05–0277 Lake Gaston, Enterprise, NC.

(a) *Regulated area.* The following location is a regulated area: All waters of Lake Gaston directly under the Eaton Ferry Bridge, latitude 36°31′06″ North, longitude 077°57′37″ West, and within 100 yards of the eastern side of the bridge at Enterprise, North Carolina. All coordinates reference Datum NAD 1983.

(b) *Definitions.* (1) *Coast Guard Patrol Commander* means a commissioned, warrant, or petty officer of the U. S. Coast Guard who has been designated by the Commander, Coast Guard Sector North Carolina.

(2) *Official Patrol* means any vessel assigned or approved by Commander, Coast Guard Sector North Carolina with a commissioned, warrant, or petty officer on board and displaying a Coast Guard ensign.

(3) *Participant* means all vessels participating in the ''The Crossing'' swim event under the auspices of the Marine Event Permit issued to the event sponsor and approved by Commander, Coast Guard Sector North Carolina.

(4) *Spectator* means all persons and vessels not registered with the event sponsor as participants or official patrol.

(c) *Special local regulations.* (1) The Coast Guard Patrol Commander may forbid and control the movement of all vessels in the vicinity of the regulated area. When hailed or signaled by an official patrol vessel, a vessel approaching the regulated area shall immediately comply with the directions given. Failure to do so may result in termination of voyage and citation for failure to comply.

(2) The Coast Guard Patrol Commander may terminate the event, or the operation of any support vessel participating in the event, at any time it is deemed necessary for the protection of life or property. The Coast Guard may be assisted in the patrol and enforcement of the regulated area by other Federal, State, and local agencies.

(3) Vessel traffic, not involved with the event, may be allowed to transit the regulated area with the permission of the Patrol Commander. Vessels that desire passage through the regulated area shall contact the Coast Guard Patrol Commander on VHF–FM marine band radio for direction. Only participants and official patrol vessels are allowed to enter the regulated area.

(4) All Coast Guard vessels enforcing the regulated area can be contacted on marine band radio VHF–FM channel 16 (156.8 MHz) and channel 22 (157.1 MHz). The Coast Guard will issue marine information broadcast on VHF–FM marine band radio announcing specific event date and times.

(d) *Enforcement period.* This section will be enforced from 8:30 a.m. to 12 p.m. (noon) on August 13, 2011.

Dated: June 23, 2011.

A. Popiel,

Captain, U.S. Coast Guard, Captain of the Port North Carolina.

[FR Doc. 2011–17114 Filed 7–6–11; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2011–0562]

Drawbridge Operation Regulation; Christina River, Wilmington, DE

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, Fifth Coast Guard District has issued a temporary deviation from the regulations governing the operation of the Third Street Bridge on Route 13, at mile 2.3, across the Christina River in Wilmington, DE. The deviation restricts the operation of the draw span in order

to facilitate the inspection of the operational equipment.

DATES: This deviation is effective from 8 a.m. July 18, 2011 until 5 p.m. August 5, 2011.

ADDRESSES: Documents mentioned in this preamble as being available in the docket are part of docket USCG–2011–0562 and are available online by going to *http://www.regulations.gov,* inserting USCG–2011–0562 in the ''Keyword'' box and then clicking ''Search''. They are also available for inspection or copying at the Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or e-mail Terrance Knowles, Environmental Protection Specialist, Fifth Coast Guard District, at telephone 757–398–6587, e-mail *Terrance.A.Knowles@uscg.mil.* If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION: The Delaware Department of Transportation (DELDOT), who owns and operates this bascule type drawbridge, has requested a temporary deviation from the current operating regulations set out in 33 CFR 117.237(c) to facilitate the inspection of the operational equipment within the structure.

The Third Street Bridge, at mile 2.3, across the Christina River in Wilmington, DE has a vertical clearance in the closed position to vessels of 14 feet above mean high water.

Under the regular operating schedule the bridge opens on signal as required by 33 CFR 117.237(c).

Under this temporary deviation, the Third Street Bridge will require two hours advance notice to open, each day from 8 a.m. to 5 p.m., on July 18, 2011 until August 5, 2011. At all other times, the Third Street Bridge will open on signal.

Vessels that can pass under the closed span may do so at all times. There are no alternate routes for vessels transiting this section of the Christina River.

There are three vessels that travel through the bridge several times per week whose vertical clearance surpasses the closed bridge position, requiring an opening of the draw span. DELDOT has coordinated this replacement work with these three waterway users and the Coast Guard will inform the other users of the waterway through our Local and Broadcast Notices to Mariners of the closure periods for the bridge so that vessels can arrange their transits to minimize any impacts caused by the temporary deviation. The bridge may be delayed when opening for an emergency during the proposed equipment inspections.

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

Dated: June 23, 2011.

Waverly W. Gregory, Jr.,

Bridge Program Manager. By direction of the Commander, Fifth Coast Guard District.

[FR Doc. 2011–16953 Filed 7–6–11; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2011–0564]

Drawbridge Operation Regulation; Black Warrior River, Demopolis, Marengo County, AL

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, Eighth Coast Guard District, has issued a temporary deviation from the regulation governing the operation of the Yo-Yo vertical lift span bridge across the Black Warrior River, mile 219.0, at Demopolis, AL. The deviation is necessary for tie replacement and maintenance to be performed on the bridge. This deviation allows the bridge to remain closed to navigation from 8 a.m. through 10:30 a.m. and then from noon through 2:30 p.m. each day for 6 consecutive days.

DATES: This deviation is effective from 8 a.m. on Wednesday, July 14, 2011 through 2:30 p.m. on Wednesday, July 20, 2011.

ADDRESSES: Documents mentioned in this preamble as being available in the docket are part of docket USCG–2011–0564 and are available online by going to *http://www.regulations.gov,* inserting USCG–2011–0564 in the ''Keyword'' box and then clicking ''Search.'' They are also available for inspection or copying at the Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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

SUPPLEMENTARY INFORMATION: The Alabama and Gulf Coast Railway has requested a temporary deviation from the operating schedule of the vertical lift span bridge across the Black Warrior River, mile 219.0, in Demopolis, Marengo County, AL. The vertical clearance of the bridge in the closed-to-navigation position is 18 feet above Mean High Water.

In accordance with 33 CFR 117.5, the vertical lift span of the bridge shall open on signal for the passage of vessels. This deviation allows the vertical lift span of the bridge to remain closed to navigational traffic from 8 a.m. until 10:30 a.m. and from noon until 2:30 p.m. each day from Thursday, July 14, 2011 through 2:30 p.m. on Wednesday, July 20, 2011. The closure is necessary to perform tie maintenance and replacement. This maintenance is essential for the continued operation of the bridge. Notices will be published in the Eighth Coast Guard District Local Notice to Mariners and will be broadcast via the Coast Guard Broadcast Notice to Mariners System.

No Alternate routes are available for the passage of vessels; however, the closure was coordinated with waterway interests who have indicated that they will be able to adjust their operations around the proposed work schedule. Small vessels may pass under the bridge while in the closed-to-navigation position provided caution is exercised.

Due to prior experience and coordination with waterway users, it has been determined that this closure will not have a significant effect on vessels that use the waterway.

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

Dated: June 21, 2011.

David M. Frank,

Chief, Bridge Administration Branch, U.S. Coast Guard.

[FR Doc. 2011–17106 Filed 7–6–11; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2011–0547]

Drawbridge Operation Regulation; Lafourche Bayou, Lafourche, LA

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, Eighth Coast Guard District, has issued a temporary deviation from the regulation governing the operation of the Cut Off vertical lift span bridge across the Lafourche Bayou, mile 36.3, at Cut Off, Lafourche Parish, LA. The deviation is necessary to perform major maintenance and repair on the bridge. This deviation allows the bridge to remain closed to navigation for 45 consecutive days except that from 6 a.m. through 6 p.m. the bridge will open every four hours, as necessary, to allow waiting vessel traffic to pass.

DATES: This deviation is effective from 6 a.m. on Monday, July 11, 2011 through 6 p.m. on Wednesday, August 24, 2011.

ADDRESSES: Documents mentioned in this preamble as being available in the docket are part of docket USCG–2011–0547 and are available online by going to *http://www.regulations.gov,* inserting USCG–2011–0547 in the ''Keyword'' box and then clicking ''Search''. They are also available for inspection or copying at the Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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

SUPPLEMENTARY INFORMATION: The Lafourche Parish Government has requested a temporary deviation from the operating schedule of the vertical lift span bridge across Lafourche Bayou, mile 36.3 in Cut Off, Lafourche Parish, LA. The vertical clearance of the bridge in the closed-to-navigation position is 5 feet above Mean High Water and 73 feet above Mean High Water in the open-to-navigation position.

In accordance with 33 CFR 117.465(a)(5), the vertical lift span of the bridge shall open on signal for the passage of vessels; except that from August 15–May 31, the draw need not open for the passage of vessels Monday–Friday, except Federal holidays, from 7 a.m.–8:30 a.m.; from 2 p.m. to 4 p.m.; and from 4:30 p.m. to 5:30 p.m. This deviation allows the vertical lift span of the bridge to remain closed to navigation from Monday, July 11, 2011 through Wednesday, August 24, 2011 except that from 6 a.m. through 6 p.m., the bridge will open every four hours, as necessary, to allow for the passage of any vessels in waiting.

The closure is necessary to perform major maintenance and repair. This maintenance is essential for the continued operation of the bridge. Notices will be published in the Eighth Coast Guard District Local Notice to Mariners and will be broadcast via the Coast Guard Broadcast Notice to Mariners System.

Navigation on the waterway consists of commercial and recreational fishing vessels, small to medium crew boats, and small tugs with and without tows. Alternate routes are available for the passage of vessels; however, this closure was coordinated with waterway interests who have indicated that they will be able to adjust their operations around the proposed work schedule. Small vessels may pass under the bridge while in the closed-to-navigation position provided caution is exercised.

Due to prior experience and coordination with waterway users, it has been determined that this closure will not have a significant effect on vessels that use the waterway.

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

Dated: June 21, 2011.

David M. Frank,

Chief, Bridge Administration Branch, U.S. Coast Guard, by Direction.

[FR Doc. 2011–17108 Filed 7–6–11; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2010–0404; FRL–9430–2]

Approval and Promulgation of Air Quality Implementation Plans; Louisiana; Determination of Termination of Section 185 Fees

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The EPA has determined that the State of Louisiana is no longer required to submit a section 185 fee program State Implementation Plan (SIP) revision for the Baton Rouge ozone nonattainment area to satisfy anti-backsliding requirements for the 1-hour ozone standard. This determination (''Termination Determination'') is based on complete, quality-assured monitoring data showing attainment of the 1-hour ozone National Ambient Air Quality Standard (NAAQS), which is due to permanent and enforceable emission reductions implemented in the area.

DATES: This rule is effective August 8, 2011.

ADDRESSES: EPA has established a docket for this action under Docket No. EPA–R06–OAR–2010–0404. All documents in the docket are listed in the *http://www.regulations.gov index.* Publicly available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy at the Air Planning Section (6PDL), Environmental Protection Agency, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733. The file will be made available by appointment for public inspection in the Region 6 FOIA Review Room between the hours of 8:30 a.m. and 4:30 p.m. weekdays except for legal holidays.

Contact the person listed in the **FOR FURTHER INFORMATION CONTACT** paragraph below to make an appointment. If possible, please make the appointment at least two working days in advance of your visit. There will be a fee of 15 cents per page for making photocopies of documents. On the day of the visit, please check in at the EPA Region 6 reception area at 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733.

FOR FURTHER INFORMATION CONTACT: Ms. Sandra Rennie, Air Planning Section (6PD–L), Environmental Protection Agency, Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733, telephone (214) 665–7367, fax (214)

665–7263, e-mail address *rennie.Sandra@epa.gov.*

SUPPLEMENTARY INFORMATION:

Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA.

Organization of this document. The following outline is provided to aid in locating information in this preamble.

I. What action is EPA taking?
II. What is the background and legal rationale for this final action?
III. What is the effect of this final action?
IV. What is EPA's final analysis?
a. Attainment of the 1-Hour Ozone Standard
b. Permanent and Enforceable Emission Reductions
V. What comments did EPA receive?
VI. Final Action
VII. Statutory and Executive Order Reviews

I. What action Is EPA taking?

EPA has determined that Louisiana is no longer required to submit a Clean Air Act section 185 fee program SIP revision for the Baton Rouge 1-hour ozone nonattainment area to satisfy anti-backsliding requirements associated with the transition from the 1-hour ozone standard to the 1997 8-hour ozone standard. This Termination Determination is based on EPA's determination that the area is attaining the 1-hour ozone standard due to permanent and enforceable emission reductions implemented in the area. EPA's determination terminates the area's obligation to submit a section 185 fee program SIP revision for the 1-hour ozone standard.

II. What is the background and legal rationale for this final action?

For a detailed description of the background and legal rationale for this final action, see our proposed approval, published March 29, 2011 (76 FR 17368).

III. What is the effect of this final action?

By finalizing this action, we are terminating the requirement for the State of Louisiana to submit a CAA section 185 penalty fee 1-hour ozone anti-backsliding SIP revision, which would have required major stationary sources in the Baton Rouge area to pay fees as a penalty for failure to attain the 1-hour ozone standard by the area's 1-hour ozone attainment date.[1]

IV. What is EPA's final analysis?

EPA's final Termination Determination is based upon EPA's determination that the BR area is attaining the 1-hour ozone standard due to permanent and enforceable emission reductions implemented in the area, as detailed in our proposal for this final action.

a. Attainment of the 1-Hour Ozone Standard

As noted above, EPA determined that the Baton Rouge 1-hour ozone nonattainment area attained the 1-hour ozone NAAQS. For the details of that determination see our final action at 75 FR 6570 (February 10, 2010). As discussed in our proposal, EPA has also determined that the area continues to monitor attainment of the 1-hour ozone standard, based on complete, quality-assured data for 2010. 76 FR 17368, March 29, 2011.

EPA notes that, on September 9, 2010, EPA determined that the Baton Rouge 1997 8-hour ozone nonattainment area also attained the 1997 8-hour ozone NAAQS. For the details of that determination see our final action at 75 FR 54778 (September 9, 2010).[2]

b. Permanent and Enforceable Emission Reductions

EPA is finalizing its determination that the BR area demonstrated that the observed air quality improvements with respect to the 1-hour ozone standard are due to permanent and enforceable emission reductions through the implementation of emission controls contained in the SIP and in federal control measures. For a detailed analysis of these permanent and enforceable measures, please see our proposal at 76 FR 17371–17372.

V. What comments did EPA receive?

EPA received thirteen comment letters in response to the proposed rulemaking. The comment letters are available for review in the docket for this rulemaking. All commenters expressed support for our proposed action, and no adverse comments were received. Comments were submitted by American Chemistry Council, American Petroleum Institute or ''API'', BASF, Entergy Gulf State Louisiana L.L.C, National Petrochemical & Refiners Association (''NPRA''), PCS Nitrogen Fertilizer, Shell Chemical LP, Syngenta Crop Protection LLC, Williams Olefins, LLC (Williams), ExxonMobil, Calpine Corporation (Calpine), Louisiana Chemical Association, the Baton Rouge Area Chamber, and the Louisiana Mid-Continent Oil and Gas Association, (collectively, the Associations), and Baker Botts (through the Section 185 Working Group (the ''Group''). In addition to expressing support, some comments also addressed additional points relating to requirements under section 185 and triggers for applicability, as well as other issues which EPA considers to be outside the scope of this Termination Determination rulemaking, which-addresses only the circumstances relating to termination of the section 185 SIP obligation, and thus EPA need not address such comments here.

VI. Final Action

For the reasons set forth in the proposed rulemaking and in this final rulemaking, EPA is finalizing its determination to terminate (Termination Determination) the section 185 fee penalty requirement for the Baton Rouge area for the 1-hour ozone standard. This final determination is based on EPA's determination that the area has attained and continues to attain the 1-hour ozone standard due to permanent and enforceable emissions reductions.

VII. Statutory and Executive Order Reviews

This action makes a determination of termination of the CAA section 185 penalty fee requirement based on attainment of the 1-hour ozone standard due to permanent and enforceable emission reductions, and results in the termination of the section 185 fee requirements for the 1-hour standard, and does not impose any additional requirements. For that reason, this action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);

[1] For the reasons set forth in the proposal to this final action, a final approval of the Termination Determination for the 1-hour standard section 185 measures will not be rescinded based on subsequent monitored nonattainment for the 1-hour ozone standard.

[2] A final determination that attainment for the 8-hour standard is due to permanent and enforceable emissions reductions would provide an additional basis for a Termination Determination for Baton Rouge, but EPA has not yet made such a determination and therefore does not rely on that ground here.

• 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 the requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and

• Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of these actions must be filed in the United States Court of Appeals for the appropriate circuit by September 6, 2011. Filing a petition for reconsideration by the Administrator of these final rules does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: June 23, 2011.

Al Armendariz,

Regional Administrator, Region 6.

40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

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

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

Subpart T—Louisiana

■ 2. Section 52.977 is amended by adding paragraph (c) to read as follows:

§ 52.977 Control strategy and regulations: Ozone.

* * * * *

(c) Determination to Terminate the Clean Air Act Section 185 Penalty Fee Requirement. Effective September 6, 2011 EPA has determined that the State of Louisiana is no longer required to submit a section 185 fee program State Implementation Plan (SIP) revision for the Baton Rouge ozone nonattainment area to satisfy anti-backsliding requirements for the 1-hour ozone standard. This determination is based on EPA's determination that the area has attained the 1-hour ozone standard due to permanent and enforceable emissions reductions.

[FR Doc. 2011–16881 Filed 7–6–11; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2010–0907; FRL–9428–7]

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

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is finalizing a limited approval and limited disapproval of revisions to the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) portion of the California State Implementation Plan (SIP). This action was proposed in the **Federal Register** on January 4, 2011 and concerns volatile organic compound (VOC) emissions from crude oil production operations and refineries. Under authority of the Clean Air Act as amended in 1990 (CAA or the Act), this action simultaneously approves local rules that regulate these emission sources and directs California to correct rule deficiencies.

DATES: *Effective Date:* This rule is effective on August 8, 2011.

ADDRESSES: EPA has established docket number EPA–R09–OAR–2010–0907 for this action. Generally, documents in the docket for this action are available electronically at *http://www.regulations.gov* or in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California. While all documents in the docket are listed at *http://www.regulations.gov,* some information may be publicly available only at the hard copy location (*e.g.,* copyrighted material, large maps, multi-volume reports), and some may not be available in either location (*e.g.,* confidential business information (CBI)). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

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

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

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II. Public Comments and EPA Responses
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I. Proposed Action

On January 4, 2011 (76 FR 298), EPA proposed a limited approval and limited disapproval of the following rules that were submitted for incorporation into the California SIP.

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

We proposed a limited approval because we determined that these rules improve the SIP and are largely consistent with the relevant CAA requirements. We simultaneously proposed a limited disapproval because some rule provisions conflict with section 110 and part D of the Act. These provisions include the following:

A. Rule 4402, Crude Oil Production Sumps

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

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

b. Section 5.2.5 requires fixed covers to be equipped with a pressure/vacuum valve set to within ten percent of maximum safe working pressure. In contrast, SCAQMD Rule 1176(2)(A)(ii) and (6)(A) and SBCAPCD Rule 344 D.2.b.2 require that fixed covers be equipped with a 95% efficient Air Pollution Control (APC) device.

c. Rule 4402 does not require periodic inspection of covers and APC equipment to ensure proper operation. In contrast, SCAQMD Rule 1176(f)(1)(C) requires periodic leak inspection and APC testing.

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

• Uncontrolled VOC emissions from exempted 2nd and 3rd stage sumps. Section 4.1.1 exempts operations less than 6000 barrels per day with sumps less than 1000 sf and section 4.1.3 exempts operations less than 300 barrels per day with sumps less than 5000 sf from substantive requirements. No other neighboring districts allow exemptions for small producers except for SBCAPCD Rule 344, and the exemption in Santa Barbara's rule is more restrictive than the exemptions found in Rule 4402.

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

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

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

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

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

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

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

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

d. Please revise section 6.1 (Recordkeeping) to:

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

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

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

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

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

B. Rule 4625, Wastewater Separators

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

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

2. SJVUAPCD has not adequately demonstrated that Rule 4625 currently implements RACT because RACT can change over time as control technology improves and/or becomes more available. More stringent requirements

exist in the NSPS (1988), NESHAP (1995), BAAQMD Rule 8–8 (1993) and SCAQMD 1176 (1996). These regulations have requirements for stricter VOC controls (see, *e.g.,* 95% requirement in SCAQMD Rule 1176, section (e)(2)(A)(ii) and (e)(6)), additional design requirements for controlling fugitive emissions or breathing losses (see, *e.g.,* BAAQMD Regulation 8 Rule 8, section 302.4), and additional requirements for inspections and maintenance (see, *e.g.,* BAAQMD Regulation 8 Rule 8, section 302.4 and 302.6).

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

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

5. The SJVUAPCD 2009 RACT SIP Demonstration mentions that the requirements in SJVUAPCD Rule 4455, ''Components at Petroleum Refineries, Gas Liquids Processing Facilities and Chemical Plants'', apply to oil-water separators. SJVUAPCD should include those requirements directly in Rule 4625 or by reference to improve enforceability, or demonstrate that this is not appropriate.

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

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

Additional detailed information on the deficiencies listed above can be found in the TSDs and proposed notice for this rulemaking (76 FR 298).

II. Public Comments and EPA Responses

EPA's proposed action provided a 30-day public comment period. During this period, we received comments from the following parties.

1. Sarah E. Jackson, Earthjustice; letter and email dated and received February 2, 2011.

2. Samir Sheikh, San Joaquin Valley Air Pollution Control District (SJVAPCD); letter and email dated and received February 3, 2011.

The comments and our responses are summarized below.

Comment #1: Earthjustice generally supported EPA's analysis of these rules and the deficiencies identified.

Response #1: No response required.

Comment #2: Earthjustice raised concerns regarding the inventory associated with these rules and asserted that EPA should thoroughly analyze the inventory. Earthjustice asserted that SJVUAPCD fails to require related reporting as required by San Luis Obispo Rule 419, and instead bases inventory estimates on an industry survey. Earthjustice provided two inventory reports and asserted that SJVUAPCD uses an older lower emission factor but does not justify the use of this lower emission factor.

Response #2: Recordkeeping and reporting requirements must be sufficient to ensure rule enforceability. Rule 4402 requirements are sufficient for this purpose except for the deficiencies described in paragraph A.2.d above. Nothing in San Luis Obispo Rule 419 or elsewhere in the comment provides evidence of additional requirements necessary for this purpose. Additional emissions inventory information, such as for the clean produced water ponds, might clarify the importance of additional controls from affected sources for overall SIP planning purposes. However, such information is not needed to evaluate the submitted rules with respect to rule enforceability, SIP relaxation and RACT, the primary criteria at issue in this action.

Comment #3: Earthjustice stated that the District's inventory excludes sumps containing ''clean produced water'' and that the District allows a much higher VOC content in its clean water than other districts allow, therefore the district could be failing to capture a large source of emissions in its inventory.

Response #3: Additional emissions inventory information, such as for the clean produced water ponds, might clarify whether additional controls are needed for overall SIP planning purposes. However, such information is not needed to evaluate the submitted rules with respect to rule requirements, enforceability, SIP relaxation and RACT, the primary criteria at issue in this action. We believe that the issue of the higher VOC content allowed in Rule 4402 for ''clean produced water'' is adequately addressed by the deficiency described in paragraph I.A.1.d above.

Comment 4: Earthjustice supported EPA's request that SJVUAPCD should ensure that the tanks that replace the primary sumps have adequate VOC controls and requested that EPA keep this recommendation in mind as it evaluates its options on the District's RACT SIP.

Response #4: No response required.

Comment #5: Earthjustice asserted that the rules identified by EPA for comparison to the SJVUAPCD rules are quite old themselves and their requirements may no longer represent the lowest emissions these sources are capable of achieving with reasonable control technology. As a result, Earthjustice asserted that an analysis of the cost effectiveness of eliminating more open sumps should be prepared in order to demonstrate compliance with RACT.

Response #5: The rules used for comparison are older rules, however we are not aware of newer RACT controls likely to significantly reduce emissions from these sources, and no other new technologies were identified in the comment. In addition, paragraph I.A.1.d above directs SJVUAPCD to examine potential additional RACT controls for open sumps.

Comment #6: SJVUACPD agreed that Rule 4402 imposes some requirements that are similar to those found in other Districts, and that Rule 4625 imposes requirements similar to the relevant CTG, NSPS and MACT. SJVUAPCD further noted that rule language and test method requirements could be updated because these rules were last amended in 1992.

Response #6: No response required.

Comment #7: SJVUAPCD commented that their rule requirements do not need

to be changed simply because rules in other parts of California appear more stringent. The District asserted that analogous requirements in other agencies are not comparable to SJVUAPCD rules because the affected sources are different. SJVUAPCD provided the example of crude oil sumps, and stated that other California agencies have far fewer, if any, sumps subject to the rules used for comparison with SJVUAPCD Rule 4402.

Response #7: SJVUAPCD must demonstrate that these rules fulfill CAA RACT requirements. This demonstration should include comparison and consideration of rules and guidance adopted elsewhere for analogous sources. Our proposed action identified examples where SJVUAPCD did not explain why more stringent requirements adopted in South Coast, Santa Barbara, Ventura and San Luis Obispo were not also reasonably available in San Joaquin. While differences among affected sources may justify different rule requirements, the comment did not provide support for any specific differences among rule provisions. The comment stated that other districts have far fewer, if any, sumps subject to the rules used for comparison with SJVUAPCD Rule 4402. However, the comment did not provide evidence for this statement and we do not believe it is correct. For example, data provided by VCAPCD from their permits database shows about 50 sumps in their relatively small district.[1] Similarly, in informal discussions with CARB staff, they confirmed that South Coast and Santa Barbara also have significant numbers of sumps.[2]

Comment 8: SJVUAPCD commented that the 2009 RACT SIP demonstration showed that the cost effectiveness of additional emission controls far exceeds RACT. The district acknowledged that EPA believes this analysis is based on old cost estimates, but notes that even if true costs are half as large, the resulting cost effectiveness would still be $32,000 per ton of VOC emissions reduced, which exceeds RACT.

Response #8: The 2009 RACT SIP demonstration for Rule 4402 provided a cost analysis for a 5000 square foot (sf) second stage sump cover based on a 1986 cost estimate from a Santa Barbara County Air Pollution Control District staff report.[3] Our proposed action questioned SJVUAPCD's reliance on this cost estimate because it is over 20 years old, because it is the only cost estimate provided by SJVUAPCD, and because other agencies have adopted more stringent regulations.[4] Upon further review of this cost effectiveness analysis in response to the comment, we also note that it significantly underestimated potential emission reductions, thus overestimating cost effectiveness. Specifically, the analysis assumed 2 tons/year VOC emissions reduced from controlling a 5000 sf second stage heavy crude oil sump. However, SJVUAPCD currently estimates uncontrolled emissions from such sumps at 0.0412 lbs VOC/sf-day.[5] Assuming 90% emission reductions from a ridged floating cover (as required by Rule 4402 if not exempted in section 4.1.3), we recalculate the emission reduction at 34 tons/year at less than $4000/ton.[6] This is well within the range of control cost effectiveness that SJVUAPCD and other agencies routinely require in prohibitory rules.

Comment #9: SJVUAPCD commented that, in light of their large workload, they are hesitant to divert resources to conduct work that is not demonstrated to have significant potential for additional, cost-effective emissions reductions.

Response #9: We appreciate this comment and acknowledge that the District has limited resources and a substantial workload. We are trying to be sensitive to this issue in our various interactions with the District, including our actions on SIP rules such as these. We hope that the analysis and rule revisions called for by this action will not be unduly burdensome, though we believe they are needed to comply with the CAA.

III. EPA Action

No comments were submitted that change our assessment of the rule as described in our proposed action. Therefore, as authorized in sections 110(k)(3) and 301(a) of the Act, EPA is finalizing a limited approval of the submitted rule. This action incorporates the submitted rule into the California SIP, including those provisions identified as deficient. As authorized under section 110(k)(3), EPA is simultaneously finalizing a limited disapproval of the rule. As a result, sanctions will be imposed unless EPA approves subsequent SIP revisions that correct the rule deficiencies within 18 months of the effective date of this action. These sanctions will be imposed under section 179 of the Act according to 40 CFR 52.31. In addition, EPA must promulgate a Federal implementation plan (FIP) under section 110(c) unless we approve subsequent SIP revisions that correct the rule deficiencies within 24 months. Note that the submitted rule has been adopted by the SJVUAPCD, and EPA's final limited disapproval does not prevent the local agency from enforcing it. The limited disapproval also does not prevent any portion of the rule from being incorporated by reference into the federally enforceable SIP as discussed in a July 9, 1992 EPA memo found at: *http://www.epa.gov/ttn/caaa/t1/memoranda/siproc.pdf.*

IV. Statutory and Executive Order Reviews

A. Executive Order 12866, Regulatory Planning and Review

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

B. Paperwork Reduction Act

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

C. Regulatory Flexibility Act

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

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

[1] Sumps Data from the VCAPCD Permit Database, received by EPA from Stan Cowen via e-mail dated May 10, 2011, Ventura County Air Pollution Control District.

[2] Based on preliminary data collected for the ''CARB 2007 Oil and Gas Industry Survey Results'', Draft Report, March 2011.

[3] *2009 RACT SIP,* SJVUAPCD (April 16, 2009), Rule 4402, page 4–79.

[4] See Section I.A.1.d above or 76 FR 298 Section II.C.1.d for description of this deficiency.

[5] SJVUAPCD: *2007 Area Source Emissions Inventory Methodology, 310–Oil Production Fugitive Losses-Sumps and Pits,* dated February 6, 2009, Table 7—Uncontrolled emission factors for oil sumps.

[6] *5000 sf × 0.0412 lb/sfday × 365 day/yr × 2000 lb/ton × 90% = 33.8 ton/yr @$129,644 = $3836/ton*

impact on a substantial number of small entities.

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

D. Unfunded Mandates Reform Act

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

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

E. Executive Order 13132, Federalism

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

This rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, because it merely approves a State rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. Thus, the requirements of section 6 of the Executive Order do not apply to this rule.

F. Executive Order 13175, Coordination With Indian Tribal Governments

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

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

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

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

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

I. National Technology Transfer and Advancement Act

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

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

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

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

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

K. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other

required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register.** A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2). This rule will be effective on August 8, 2011.

L. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 6, 2011. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects in 40 CFR Part 52

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

Dated: June 9, 2011.

Jared Blumenfeld,

Regional Administrator, Region IX.

Part 52, Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

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

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

Subpart F—California

■ 2. Section 52.220 is amended by adding paragraphs (c)(351)(i)(C)(*5*) and (*6*) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(351) * * *

(i) * * *

(C) * * *

(*5*) Rule 4402, ''Crude Oil Production Sumps'', adopted on April 11, 1991 and amended December 17, 1992.

(*6*) Rule 4625, ''Wastewater Separators'', adopted on April 11, 1991 and amended December 17, 1992.

* * * * *

[FR Doc. 2011–16882 Filed 7–6–11; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 64

[Docket ID FEMA–2011–0002; Internal Agency Docket No. FEMA–8187]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

SUMMARY: This rule identifies communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are scheduled for suspension on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will not occur and a notice of this will be provided by publication in the **Federal Register** on a subsequent date.

DATES: *Effective Dates:* The effective date of each community's scheduled suspension is the third date (''Susp.'') listed in the third column of the following tables.

FOR FURTHER INFORMATION CONTACT: If you want to determine whether a particular community was suspended on the suspension date or for further information, contact David Stearrett, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–2953.

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase flood insurance which is generally not otherwise available. In return, communities agree to adopt and administer local floodplain management aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage as authorized under the NFIP, 42 U.S.C. 4001 *et seq.;* unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR part 59. Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. However, some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the **Federal Register**.

In addition, FEMA has identified the Special Flood Hazard Areas (SFHAs) in these communities by publishing a Flood Insurance Rate Map (FIRM). The date of the FIRM, if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may legally be provided for construction or acquisition of buildings in identified SFHAs for communities not participating in the NFIP and identified for more than a year, on FEMA's initial flood insurance map of the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column. The Administrator finds that notice and public comment under 5 U.S.C. 553(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives 6-month, 90-day, and 30-day notification letters addressed to the Chief Executive Officer stating that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications were made, this final rule may take effect within less than 30 days.

National Environmental Policy Act. This rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Considerations. No

environmental impact assessment has been prepared.

Regulatory Flexibility Act. The Administrator has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless remedial action takes place.

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

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

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

Paperwork Reduction Act. This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

Accordingly, 44 CFR part 64 is amended as follows:

PART 64—[AMENDED]

■ 1. The authority citation for part 64 continues to read as follows:

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

§ 64.6 [Amended]

■ 2. The tables published under the authority of § 64.6 are amended as follows:

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Region I				
Connecticut:				
Bozrah, Town of, New London County	090094	April 23, 1974, Emerg; September 30, 1981, Reg; July 18, 2011, Susp.	July 18, 2011	July 18, 2011.
Colchester, Town of, New London County.	090095	May 21, 1975, Emerg; June 15, 1982, Reg; July 18, 2011, Susp.	do	Do.
East Lyme, Town of, New London County.	090096	October 23, 1973, Emerg; June 15, 1981, Reg; July 18, 2011, Susp.	do	Do.
Franklin, Town of, New London County	090154	July 23, 1975, Emerg; December 1, 1981, Reg; July 18, 2011, Susp.	do	Do.
Griswold, Town of, New London County	090173	March 15, 1976, Emerg; January 3, 1985, Reg; July 18, 2011, Susp.	do	Do.
Groton, City of, New London County	090126	September 18, 1973, Emerg; May 15, 1980, Reg; July 18, 2011, Susp.	do	Do.
Groton Long Point Association, New London County.	090167	August 20, 1974, Emerg; March 18, 1980, Reg; July 18, 2011, Susp.	do	Do.
Groton, Town of, New London County	090097	February 18, 1972, Emerg; April 15, 1977, Reg; July 18, 2011, Susp.	do	Do.
Jewett City, Borough of, New London County.	090098	March 15, 1976, Emerg; April 3, 1985, Reg; July 18, 2011, Susp.	do	Do.
Lebanon, Town of, New London County	090155	May 27, 1976, Emerg; June 3, 1988, Reg; July 18, 2011, Susp.	do	Do.
Ledyard, Town of, New London County	090157	August 22, 1978, Emerg; April 1, 1981, Reg; July 18, 2011, Susp.	do	Do.
Lisbon, Town of, New London County	090172	January 12, 1976, Emerg; February 15, 1985, Reg; July 18, 2011, Susp.	do	Do.
Lyme, Town of, New London County	090127	August 16, 1973, Emerg; January 3, 1979, Reg; July 18, 2011, Susp.	do	Do.
Montville, Town of, New London County	090099	November 27, 1973, Emerg; July 2, 1980, Reg; July 18, 2011, Susp.	do	Do.
New London, City of, New London County.	090100	March 24, 1972, Emerg; May 2, 1977, Reg; July 18, 2011, Susp.	do	Do.
Noank Fire District, New London County.	090129	September 25, 1973, Emerg; September 17, 1980, Reg; July 18, 2011, Susp.	do	Do.
North Stonington, Town of, New London County.	090101	September 15, 1975, Emerg; April 3, 1985, Reg; July 18, 2011, Susp.	do	Do.
Norwich, City of, New London County	090102	April 12, 1973, Emerg; June 15, 1978, Reg; July 18, 2011, Susp.	do	Do.
Old Lyme, Town of, New London County.	090103	April 10, 1973, Emerg; July 16, 1980, Reg; July 18, 2011, Susp.	do	Do.
Preston, Town of, New London County	090139	August 21, 1975, Emerg; March 4, 1985, Reg; July 18, 2011, Susp.	do	Do.
Salem, Town of, New London County	090156	July 1, 1982, Emerg; July 16, 1982, Reg; July 18, 2011, Susp.	do	Do.
Sprague, Town of, New London County	090105	April 14, 1975, Emerg; January 3, 1985, Reg; July 18, 2011, Susp.	do	Do.
Stonington, Borough of, New London County.	090193	May 4, 1976, Emerg; November 1, 1979, Reg; July 18, 2011, Susp.	do	Do.

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Stonington, Town of, New London County.	090106	May 28, 1975, Emerg; September 30, 1980, Reg; July 18, 2011, Susp.	.....do	Do.
Voluntown, Town of, New London County.	090143	July 17, 1975, Emerg; June 3, 1988, Reg; July 18, 2011, Susp.	.....do	Do.
Waterford, Town of, New London County.	090107	August 23, 1974, Emerg; February 4, 1981, Reg; July 18, 2011, Susp.	.....do	Do.
Vermont:				
Bolton, Town of, Chittenden County	500308	March 8, 1976, Emerg; April 1, 1981, Reg; July 18, 2011, Susp.	.....do	Do.
Burlington, City of, Chittenden County ..	500032	April 5, 1973, Emerg; November 15, 1978, Reg; July 18, 2011, Susp.	.....do	Do.
Charlotte, Town of, Chittenden County	500309	July 24, 1975, Emerg; September 3, 1980, Reg; July 18, 2011, Susp.	.....do	Do.
Colchester, Town of, Chittenden County	500033	August 23, 1974, Emerg; March 1, 1982, Reg; July 18, 2011, Susp.	.....do	Do.
Essex, Town of, Chittenden County	500034	July 8, 1975, Emerg; January 16, 1981, Reg; July 18, 2011, Susp.	.....do	Do.
Hinesburg, Town of, Chittenden County	500322	March 5, 1976, Emerg; September 27, 1985, Reg; July 18, 2011, Susp.	.....do	Do.
Jericho, Town of, Chittenden County	500037	July 16, 1975, Emerg; June 1, 1981, Reg; July 18, 2011, Susp.	.....do	Do.
Milton, Town of, Chittenden County	500038	November 11, 1974, Emerg; January 6, 1982, Reg; July 18, 2011, Susp.	.....do	Do.
Shelburne, Town of, Chittenden County	500193	December 16, 1975, Emerg; December 16, 1980, Reg; July 18, 2011, Susp.	.....do	Do.
Underhill, Town of, Chittenden County	500042	June 10, 1975, Emerg; June 15, 1988, Reg; July 18, 2011, Susp.	.....do	Do.
Westford, Town of, Chittenden County	500203	August 4, 2003, Emerg; January 1, 2010, Reg; July 18, 2011, Susp.	.....do	Do.
Williston, Town of, Chittenden County ..	500043	July 17, 1975, Emerg; March 2, 1981, Reg; July 18, 2011, Susp.	.....do	Do.
Winooski, City of, Chittenden County ...	500044	March 27, 1974, Emerg; August 1, 1978, Reg; July 18, 2011, Susp.	.....do	Do.
Region III				
Pennsylvania:				
Abbott, Township of, Potter County	421971	April 21, 1975, Emerg; December 1, 1986, Reg; July 18, 2011, Susp.	.....do	Do.
Allegany, Township of, Potter County ...	421972	June 9, 1975, Emerg; December 1, 1986, Reg; July 18, 2011, Susp.	.....do	Do.
Austin, Borough of, Potter County	420760	July 9, 1975, Emerg; August 19, 1991, Reg; July 18, 2011, Susp.	.....do	Do.
Bingham, Township of, Potter County ..	421973	April 25, 1979, Emerg; June 1, 1987, Reg; July 18, 2011, Susp.	.....do	Do.
Clara, Township of, Potter County	421974	February 2, 1980, Emerg; June 1, 1987, Reg; July 18, 2011, Susp.	.....do	Do.
Coudersport, Borough of, Potter County	420761	July 13, 1973, Emerg; August 15, 1979, Reg; July 18, 2011, Susp.	.....do	Do.
Eulalia, Township of, Potter County	421976	August 7, 1974, Emerg; September 4, 1991, Reg; July 18, 2011, Susp.	.....do	Do.
Galeton, Borough of, Potter County	420762	July 2, 1975, Emerg; December 1, 1986, Reg; July 18, 2011, Susp.	.....do	Do.
Genesee, Township of, Potter County ..	421977	November 28, 1975, Emerg; June 1, 1987, Reg; July 18, 2011, Susp.	.....do	Do.
Harrison, Township of, Potter County ...	421978	December 31, 1975, Emerg; June 1, 1987, Reg; July 18, 2011, Susp.	.....do	Do.
Hebron, Township of, Potter County	421979	August 1, 1975, Emerg; December 1, 1986, Reg; July 18, 2011, Susp.	.....do	Do.
Hector, Township of, Potter County	421980	June 9, 1975, Emerg; December 1, 1986, Reg; July 18, 2011, Susp.	.....do	Do.
Homer, Township of, Potter County	422501	August 12, 1975, Emerg; September 24, 1984, Reg; July 18, 2011, Susp.	.....do	Do.
Keating, Township of, Potter County	421981	August 5, 1980, Emerg; June 1, 1987, Reg; July 18, 2011, Susp.	.....do	Do.
Oswayo, Borough of, Potter County	420763	December 26, 1975, Emerg; June 1, 1987, Reg; July 18, 2011, Susp.	.....do	Do.
Oswayo, Township of, Potter County	421982	April 29, 1975, Emerg; August 1, 1987, Reg; July 18, 2011, Susp.	.....do	Do.
Pike, Township of, Potter County	421983	July 11, 1975, Emerg; August 19, 1991, Reg; July 18, 2011, Susp.	.....do	Do.

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Pleasant Valley, Township of, Potter County.	421984	May 31, 1979, Emerg; January 1, 1987, Reg; July 18, 2011, Susp.	.....do	Do.
Portage, Township of, Potter County	421985	October 30, 1981, Emerg; December 1, 1986, Reg; July 18, 2011, Susp.	.....do	Do.
Roulette, Township of, Potter County ...	421986	September 1, 1976, Emerg; August 19, 1991, Reg; July 18, 2011, Susp.	.....do	Do.
Sharon, Township of, Potter County	421987	October 6, 1975, Emerg; August 19, 1991, Reg; July 18, 2011, Susp.	.....do	Do.
Shinglehouse, Borough of, Potter County.	420764	December 16, 1975, Emerg; August 5, 1991, Reg; July 18, 2011, Susp.	.....do	Do.
Stewardson, Township of, Potter County.	421988	August 25, 1975, Emerg; December 1, 1986, Reg; July 18, 2011, Susp.	.....do	Do.
Summit, Township of, Potter County	422502	December 15, 1975, Emerg; September 24, 1984, Reg; July 18, 2011, Susp.	.....do	Do.
Sweden, Township of, Potter County	421989	October 9, 1974, Emerg; August 19, 1991, Reg; July 18, 2011, Susp.	.....do	Do.
Sylvania, Township of, Potter County ...	421990	March 18, 1977, Emerg; January 1, 1987, Reg; July 18, 2011, Susp.	.....do	Do.
Ulysses, Borough of, Potter County	422503	June 6, 1975, Emerg; January 1, 1987, Reg; July 18, 2011, Susp.	.....do	Do.
Ulysses, Township of, Potter County	421991	January 13, 1975, Emerg; June 1, 1987, Reg; July 18, 2011, Susp.	.....do	Do.
West Branch, Township of, Potter County.	421992	July 17, 1974, Emerg; December 1, 1986, Reg; July 18, 2011, Susp.	.....do	Do.
Wharton, Township of, Potter County ...	421993	December 17, 1975, Emerg; December 1, 1986, Reg; July 18, 2011, Susp.	.....do	Do.
Virginia:				
Augusta County, Unincorporated Areas	510013	July 24, 1974, Emerg; May 17, 1990, Reg; July 18, 2011, Susp.	.....do	Do.
Waynesboro, City of, Independent City	515532	June 19, 1970, Emerg; July 2, 1971, Reg; July 18, 2011, Susp.	.....do	Do.
Region IV				
Alabama:				
Alexander City, City of, Tallapoosa County.	010210	December 17, 1975, Emerg; September 27, 1985, Reg; July 18, 2011, Susp.	.....do	Do.
Camp Hill, Town of, Tallapoosa County	010374	June 3, 2009, Emerg; N/A, Reg; July 18, 2011, Susp.	.....do	Do.
Coosada, Town of, Elmore County	015012	September 17, 1986, Emerg; September 17, 1986, Reg; July 18, 2011, Susp.	.....do	Do.
Dadeville, City of, Tallapoosa County ...	010211	May 13, 1975, Emerg; September 18, 1985, Reg; July 18, 2011, Susp.	.....do	Do.
Daviston, Town of, Tallapoosa County	010380	May 21, 2009, Emerg; N/A, Reg; July 18, 2011, Susp.	.....do	Do.
Elmore County, Unincorporated Areas	010406	January 16, 1980, Emerg; February 19, 1986, Reg; July 18, 2011, Susp.	.....do	Do.
Millbrook, City of, Elmore and Autauga Counties.	010370	October 18, 1979, Emerg; August 15, 1984, Reg; July 18, 2011, Susp.	.....do	Do.
New Site, Town of, Tallapoosa County	010395	January 30, 2008, Emerg; N/A, Reg; July 18, 2011, Susp.	.....do	Do.
Prattville, City of, Elmore and Autauga Counties.	010002	June 18, 1974, Emerg; August 15, 1978, Reg; July 18, 2011, Susp.	.....do	Do.
Tallapoosa County, Unincorporated Areas.	010326	N/A, Emerg; September 15, 2005, Reg; July 18, 2011, Susp.	.....do	Do.
Tallassee, City of, Elmore County	010069	September 5, 1975, Emerg; September 15, 1983, Reg; July 18, 2011, Susp.	.....do	Do.
Wetumpka, City of, Elmore County	010070	March 11, 1975, Emerg; January 3, 1986, Reg; July 18, 2011, Susp.	.....do	Do.
Florida: St. Johns County, Unincorporated Areas.	125147	September 25, 1970, Emerg; July 6, 1973, Reg; July 18, 2011, Susp.	.....do	Do.
Georgia: Augusta-Richmond, City of, Richmond County.	130158	November 23, 1973, Emerg; March 4, 1980, Reg; July 18, 2011, Susp.	.....do	Do.
Kentucky:				
Bonnieville, City of, Hart County	210108	October 9, 1974, Emerg; June 17, 1986, Reg; July 18, 2011, Susp.	.....do	Do.
Hart County, Unincorporated Areas	210257	April 21, 1989, Emerg; July 1, 1991, Reg; July 18, 2011, Susp.	.....do	Do.
Meade County, Unincorporated Areas ..	210169	N/A, Emerg; May 31, 1995, Reg; July 18, 2011, Susp.	.....do	Do.
Mississippi:				

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Booneville, City of, Prentiss County	280135	June 2, 1976, Emerg; July 3, 1986, Reg; July 18, 2011, Susp.	do	Do.
Columbia, City of, Marion County	280111	February 6, 1975, Emerg; September 28, 1979, Reg; July 18, 2011, Susp.	do	Do.
Marion County, Unincorporated Areas	280230	March 18, 1975, Emerg; September 28, 1979, Reg; July 18, 2011, Susp.	do	Do.
Prentiss County, Unincorporated Areas	280279	November 14, 2007, Emerg; N/A, Reg; July 18, 2011, Susp.	do	Do.
State Line, Town of, Wayne County	280059	April 23, 1976, Emerg; August 19, 1985, Reg; July 18, 2011, Susp.	do	Do.
Wayne County, Unincorporated Areas	280238	December 3, 1979, Emerg; August 16, 1988, Reg; July 18, 2011, Susp.	do	Do.
Region V				
Illinois:				
Ashmore, Village of, Coles County	171088	June 4, 2009, Emerg; N/A, Reg; July 18, 2011, Susp.	do	Do.
Bethany, Village of, Moultrie County	170521	May 16, 1975, Emerg; January 18, 1980, Reg; July 18, 2011, Susp.	do	Do.
Charleston, City of, Coles County	170052	July 7, 1975, Emerg; September 28, 1984, Reg; July 18, 2011, Susp.	do	Do.
Coles County, Unincorporated Areas	170986	N/A, Emerg; May 13, 2004, Reg; July 18, 2011, Susp.	do	Do.
Dalton City, Village of, Moultrie County	170522	May 27, 1975, Emerg; June 30, 1976, Reg; July 18, 2011, Susp.	do	Do.
Dalzell, Village of, LaSalle County	170851	February 20, 1976, Emerg; September 24, 1984, Reg; July 18, 2011, Susp.	do	Do.
Earlville, City of, LaSalle County	170950	N/A, Emerg; February 4, 2002, Reg; July 18, 2011, Susp.	do	Do.
LaSalle, City of, LaSalle County	170401	January 16, 1975, Emerg; March 18, 1985, Reg; July 18, 2011, Susp.	do	Do.
LaSalle County, Unincorporated Areas	170400	December 16, 1988, Emerg; September 7, 2001, Reg; July 18, 2011, Susp.	do	Do.
Lawrenceville, City of, Lawrence County.	170411	July 29, 1975, Emerg; July 16, 1984, Reg; July 18, 2011, Susp.	do	Do.
Lovington, Village of, Moultrie County	170523	December 23, 1974, Emerg; September 18, 1985, Reg; July 18, 2011, Susp.	do	Do.
Marseilles, City of, LaSalle County	170402	N/A, Emerg; April 8, 2008, Reg; July 18, 2011, Susp.	do	Do.
Mendota, City of, LaSalle County	170403	November 2, 1974, Emerg; December 4, 1979, Reg; July 18, 2011, Susp.	do	Do.
Millington, Village of, LaSalle County	170343	May 28, 1975, Emerg; June 1, 1982, Reg; July 18, 2011, Susp.	do	Do.
Moultrie County, Unincorporated Areas	170998	January 31, 1984, Emerg; August 5, 1985, Reg; July 18, 2011, Susp.	do	Do.
North Utica, Village of, LaSalle County	170822	December 2, 1976, Emerg; December 18, 1984, Reg; July 18, 2011, Susp.	do	Do.
Oakland, City of, Coles County	170861	April 5, 1976, Emerg; December 7, 1984, Reg; July 18, 2011, Susp.	do	Do.
Oglesby, City of, LaSalle County	170404	July 2, 1975, Emerg; September 4, 1985, Reg; July 18, 2011, Susp.	do	Do.
Ottawa, City of, LaSalle County	170405	April 23, 1975, Emerg; September 4, 1985, Reg; July 18, 2011, Susp.	do	Do.
Peru, City of, LaSalle County	170406	March 21, 1975, Emerg; August 19, 1985, Reg; July 18, 2011, Susp.	do	Do.
Seneca, Village of, LaSalle County	170407	May 9, 1975, Emerg; February 1, 1985, Reg; July 18, 2011, Susp.	do	Do.
Sheridan, Village of, LaSalle County	170802	November 28, 1975, Emerg; August 10, 1979, Reg; July 18, 2011, Susp.	do	Do.
Somonauk, Village of, LaSalle County	170190	N/A, Emerg; April 13, 2009, Reg; July 18, 2011, Susp.	do	Do.
Streator, City of, LaSalle County	170408	December 1, 1972, Emerg; September 18, 1986, Reg; July 18, 2011, Susp.	do	Do.
Sumner, City of, Lawrence County	170412	March 11, 1976, Emerg; July 16, 1984, Reg; July 18, 2011, Susp.	do	Do.
Sullivan, City of, Moultrie County	170524	June 20, 1975, Emerg; September 18, 1985, Reg; July 18, 2011, Susp.	do	Do.
Tonica, Village of, LaSalle County	171069	N/A, Emerg; April 2, 2008, Reg; July 18, 2011, Susp.	do	Do.
Wenona, City of, LaSalle County	170462	August 4, 1975, Emerg; December 2, 1988, Reg; July 18, 2011, Susp.	do	Do.

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Ohio:				
Darke County, Unincorporated Areas	390137	February 13, 1976, Emerg; September 29, 1989, Reg; July 18, 2011, Susp.	.....do	Do.
Greenville, City of, Darke County	390139	April 16, 1975, Emerg; July 18, 1985, Reg; July 18, 2011, Susp.	.....do	Do.
New Madison, Village of, Darke County	390140	June 9, 1975, Emerg; July 6, 1984, Reg; July 18, 2011, Susp.	.....do	Do.
Region VI				
Oklahoma:				
Bowlegs, Town of, Seminole County	400468	May 20, 1980, Emerg; August 19, 1985, Reg; July 18, 2011, Susp.	.....do	Do.
Sasakawa, Town of, Seminole County	400191	May 5, 1976, Emerg; March 1, 1987, Reg; July 18, 2011, Susp.	.....do	Do.
Seminole, City of, Seminole County	400192	May 20, 1974, Emerg; November 17, 1982, Reg; July 18, 2011, Susp.	.....do	Do.
Wewoka, City of, Seminole County	400193	March 6, 1975, Emerg; July 16, 1980, Reg; July 18, 2011, Susp.	.....do	Do.
Texas:				
Calvert, City of, Robertson County	480989	August 12, 1978, Emerg; July 6, 1982, Reg; July 18, 2011, Susp.	.....do	Do.
Franklin, Town of, Robertson County	480990	July 21, 1977, Emerg; July 6, 1982, Reg; July 18, 2011, Susp.	.....do	Do.
Graham, City of, Young County	480685	November 7, 1974, Emerg; November 4, 1981, Reg; July 18, 2011, Susp.	.....do	Do.
Hearne, City of, Robertson County	480542	June 12, 1974, Emerg; August 19, 1986, Reg; July 18, 2011, Susp.	.....do	Do.
Newcastle, City of, Young County	481058	N/A, Emerg; March 10, 2010, Reg; July 18, 2011, Susp.	.....do	Do.
Robertson County, Unincorporated Areas.	480988	March 27, 1997, Emerg; August 1, 2008, Reg; July 18, 2011, Susp.	.....do	Do.
Region VII				
Iowa:				
Atalissa, City of, Muscatine County	190211	October 22, 1975, Emerg; June 30, 1980, Reg; July 18, 2011, Susp.	.....do	Do.
Black Hawk County, Unincorporated Areas.	190535	October 20, 1975, Emerg; November 17, 1982, Reg; July 18, 2011, Susp.	.....do	Do.
Camanche, City of, Clinton County	190086	February 9, 1973, Emerg; December 18, 1984, Reg; July 18, 2011, Susp.	.....do	Do.
Cedar Falls, City of, Black Hawk County.	190017	July 23, 1971, Emerg; February 1, 1985, Reg; July 18, 2011, Susp.	.....do	Do.
Clinton County, Unincorporated Areas	190859	July 2, 1975, Emerg; September 1, 1990, Reg; July 18, 2011, Susp.	.....do	Do.
Columbus Junction, City of, Louisa County.	190307	July 29, 1976, Emerg; February 6, 1991, Reg; July 18, 2011, Susp.	.....do	Do.
DeWitt, City of, Clinton County	190568	N/A, Emerg; October 27, 1995, Reg; July 18, 2011, Susp.	.....do	Do.
Dunkerton, City of, Black Hawk County	190018	April 3, 1975, Emerg; January 16, 1980, Reg; July 18, 2011, Susp.	.....do	Do.
Elk Run Heights, City of, Black Hawk County.	190019	June 12, 1974, Emerg; August 1, 1983, Reg; July 18, 2011, Susp.	.....do	Do.
Evansdale, City of, Black Hawk County	190020	May 25, 1973, Emerg; November 2, 1977, Reg; July 18, 2011, Susp.	.....do	Do.
Fredonia, City of, Louisa County	190308	N/A, Emerg; June 4, 1993, Reg; July 18, 2011, Susp.	.....do	Do.
Fruitland, City of, Muscatine County	190212	June 6, 1975, Emerg; June 10, 1980, Reg; July 18, 2011, Susp.	.....do	Do.
Gilbertville, City of, Black Hawk County	190021	April 17, 1975, Emerg; August 1, 1978, Reg; July 18, 2011, Susp.	.....do	Do.
Hudson, City of, Black Hawk County	190022	August 1, 1975, Emerg; January 16, 1980, Reg; July 18, 2011, Susp.	.....do	Do.
La Porte City, City of, Black Hawk County.	190309	February 2, 1976, Emerg; January 2, 1981, Reg; July 18, 2011, Susp.	.....do	Do.
Letts, City of, Louisa County	190311	N/A, Emerg; September 2, 1993, Reg; July 18, 2011, Susp.	.....do	Do.
Louisa County, Unincorporated Areas	190193	October 16, 1974, Emerg; June 1, 1987, Reg; July 18, 2011, Susp.	.....do	Do.
Muscatine, City of, Muscatine County	190213	January 15, 1974, Emerg; January 5, 1978, Reg; July 18, 2011, Susp.	.....do	Do.

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Muscatine County, Unincorporated Areas.	190836	April 8, 1975, Emerg; October 17, 1986, Reg; July 18, 2011, Susp.	.....do	Do.
Nichols, City of, Muscatine County	190214	June 6, 1975, Emerg; October 17, 1986, Reg; July 18, 2011, Susp.	.....do	Do.
Oakville, City of, Louisa County	190313	August 5, 1975, Emerg; August 1, 1986, Reg; July 18, 2011, Susp.	.....do	Do.
Raymond, City of, Black Hawk County	190024	July 2, 1975, Emerg; July 11, 1978, Reg; July 18, 2011, Susp.	.....do	Do.
Wapello, City of, Louisa County	190194	June 4, 1976, Emerg; September 1, 1986, Reg; July 18, 2011, Susp.	.....do	Do.
Waterloo, City of, Black Hawk County ..	190025	May 7, 1971, Emerg; July 3, 1985, Reg; July 18, 2011, Susp.	.....do	Do.
Welton, City of, Clinton County	190089	October 25, 1977, Emerg; August 5, 1985, Reg; July 18, 2011, Susp.	.....do	Do.
West Liberty, City of, Muscatine County	190215	May 5, 1975, Emerg; October 17, 1986, Reg; July 18, 2011, Susp.	.....do	Do.
Wilton, City of, Muscatine County	190686	August 30, 1990, Emerg; July 1, 1991, Reg; July 18, 2011, Susp.	.....do	Do.
Missouri:				
Bland, City of, Gasconade County	290139	February 24, 1977, Emerg; August 24, 1984, Reg; July 18, 2011, Susp.	.....do	Do.
Gasconade, City of, Gasconade County	290140	June 27, 1975, Emerg; December 18, 1984, Reg; July 18, 2011, Susp.	.....do	Do.
Hermann, City of, Gasconade County ..	290141	August 13, 1971, Emerg; March 5, 1976, Reg; July 18, 2011, Susp.	.....do	Do.
Owensville, City of, Gasconade County	290143	August 1, 1975, Emerg; June 3, 1978, Reg; July 18, 2011, Susp.	.....do	Do.
Region VIII				
North Dakota:				
Velva, City of, McHenry County	380051	March 28, 1975, Emerg; August 15, 1977, Reg; July 18, 2011, Susp.	.....do	Do.
Velva, Township of, McHenry County ...	380310	March 31, 1976, Emerg; September 18, 1987, Reg; July 18, 2011, Susp.	.....do	Do.
Villard, Township of, McHenry County ..	380317	March 31, 1977, Emerg; September 18, 1987, Reg; July 18, 2011, Susp.	.....do	Do.

*Do = Ditto.
Code for reading third column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension.

Dated: June 27, 2011.

Sandra K. Knight,

Deputy Federal Insurance and Mitigation Administrator, Mitigation.

[FR Doc. 2011–17032 Filed 7–6–11; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

49 CFR Part 1002

[Docket No. EP 542 (Sub-No. 18)]

Regulations Governing Fees for Services

AGENCY: Surface Transportation Board.

ACTION: Final rule.

SUMMARY: The Board is amending the regulations governing user fees for services performed. The amendment sets the fee for certain formal complaints at $350.

DATES: *Effective Date:* This rule is effective on July 7, 2011.

ADDRESSES: Questions regarding this final rule should be in writing, addressed to: Chief, Section of Administration, Office of Proceedings, Surface Transportation Board, Attn: Docket No. EP 542 (Sub-No. 18), 395 E Street, SW., Washington, DC 20423–0001.

FOR FURTHER INFORMATION CONTACT: Valerie Quinn at 202–245–0382. Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: On February 15, 2011, the Board served a notice of proposed rulemaking (NPRM), in which it proposed amending the Board's regulations governing user fees for services performed, 49 CFR 1002.2(f), Part V, by lowering the fee for sub-item 56(iv) [all other formal complaints except competitive access] from $20,600 to $350. Under the proposal, the fee for sub-items 56(i) [full Stand-Alone Cost rate complaints] and 56(ii) [Simplified-SAC rate complaints] would be set at $350, and the fee for sub-item 56(iii) [Three Benchmark rate complaints], the most likely path to rate relief for small shippers, would remain at $150.

The Board sets user fees in accordance with the Independent Offices Appropriation Act of 1952 (IOAA). The IOAA directs agencies such as the Board to establish fees for specific services that it provides to identifiable recipients, so that the service provided may be ''self-sustaining to the extent possible.'' 31 U.S.C. 9701(a). The fees must be ''fair'' and be based on a variety of factors, including (but not limited to) the costs to the agency of each covered service, public policy or interest served, and the value of the service to the entity receiving it. 31 U.S.C. 9701(b). The Board's fees transfer some of the cost of funding the agency from the general

taxpayer to the entity receiving the benefit of a particular Board action.[1]

As stated in the NPRM, we believe three sound public policy considerations call for the Board to set relatively low fees for filing a complaint. Under the ICC Termination Act of 1995,[2] Congress eliminated authority previously held by the Interstate Commerce Commission to initiate investigations of alleged illegal or unreasonable rates or practices. As a result, the filing of a complaint by shippers or other entities is often the Board's only mechanism for investigating and addressing potential rate violations or other unlawful practices.

Second, it is possible that the relatively high fees for filing formal complaints under item 56(iv)—currently $20,600—may be having a chilling effect on shippers and other entities seeking to bring a complaint to the Board. For example, over the past 10 years, our Rail Consumer and Public Assistance unit has assessed hundreds of informal complaints related to service and demurrage, and although many have been successfully resolved, several that were unresolved did not become the subjects of formal complaints. While we presume that some of these cases were not brought before the Board for reasons unrelated to fees, the proposed fee amendment would minimize any chilling effect of high fees, and encourage outside parties to bring allegations of regulatory violations before the Board for adjudication.

Finally, the proposed amendment should result in better management of the Board's docket and use of Board resources. Maintaining comparatively low filing fees for petitions for declaratory orders, coupled with the high fee for complaints (other than rate or competitive access complaints) under fee item 56(iv), appears to have led parties to seek broad declarations by the Board rather than asking the Board to resolve individual complaints. In some cases, an individual complaint may have been preferable, and the Board's fee structure should not be the deciding factor in a party's decision of what type of case to bring.

Comments in support of the proposed rules were filed individually by the U.S. Department of Agriculture, National Grain and Feed Association, the Fertilizer Institute, the National Industrial Transportation League, Consumers United For Rail Equity (CURE), and jointly by Western Coal Traffic League, American Public Power Association, and National Rural Electric Cooperative Association (collectively, Coal Shippers). CURE and Coal Shippers[3] also filed replies in support of other parties' initial comments. No comments opposing any aspect of the proposed rules were filed. For the reasons set forth in this decision and in the NPRM, we will adopt the proposal in its entirety.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

List of Subjects in 49 CFR Part 1002

Administrative practice and procedure, Common carriers, Freedom of information.

Decided: July 1, 2011.

By the Board, Chairman Elliott, Vice Chairman Begeman, and Commissioner Mulvey.

Jeffrey Herzig,

Clearance Clerk.

Code of Federal Regulations

For reasons set forth in the preamble, the Surface Transportation Board amends title 49, chapter X, part 1002, of the Code of Federal Regulations as follows:

PART 1002—FEES

■ 1. The authority citation for part 1002 continues to read as follows:

Authority: 5 U.S.C. 552(a)(4)(A) and 553; 31 U.S.C. 9701 and 49 U.S.C. 721(a). Section 1002.1(g)(11) also issued under 5 U.S.C. 5514 and 31 U.S.C. 3717.

■ 2. Revise § 1002.2, paragraph (f)(56)(iv) to read as follows:

§ 1002.2 Filing fees.

* * * * *

(f) * * *

Type of proceeding	Fee
* * * * *	
PART V: FORMAL PROCEEDINGS	
* * * * *	
(56) * * *.	
(iv) All other formal complaints (except competitive access complaints)	$350
* * * * *	

[FR Doc. 2011–17020 Filed 7–6–11; 8:45 am]

BILLING CODE 4915–01–P

[1] The fees established by the Board for specific services offset the Board's appropriated funding, and do not directly add to it.

[2] Public Law 104–88, 109 Stat. 803 (1995).

[3] On reply, Coal Shippers included Edison Electric Institute.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 101126522–0640–02]

RIN 0648–XA546

Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish and Pelagic Shelf Rockfish for Trawl Catcher Vessels Participating in the Entry Level Rockfish Fishery in the Central Regulatory Area of the Gulf of Alaska

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS deems it appropriate to not open directed fishing for northern rockfish and pelagic shelf rockfish (PSR) for trawl catcher vessels participating in the entry level rockfish fishery in the Central Regulatory Area of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the 2011 allocation of northern rockfish and PSR to trawl catcher vessels participating in the entry level rockfish fishery in the Central Regulatory Area of the GOA.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), July 1, 2011, through 1200 hrs, A.l.t., September 1, 2011.

FOR FURTHER INFORMATION CONTACT: Steve Whitney, 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 2011 allocations of northern rockfish and PSR for vessels participating in the entry level trawl fishery in the Central Regulatory Area of the GOA are 0 metric tons as established by the final 2011 and 2012 harvest specifications for groundfish in the GOA (76 FR 11111, March 1, 2011).

Consequently, in accordance with § 679.83(a)(3), the Administrator, Alaska Region, NMFS, deems it appropriate for conservation and management purposes to not open directed fishing for northern rockfish and PSR for trawl catcher

vessels participating in the entry level rockfish fishery in the Central Regulatory Area of the GOA, because there is no available allocation for directed fishing.

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. Notice and comment is unnecessary because there is no available fish for an allocation and therefore the Regional Administrator has no discretion for any action other than to prohibit directed fishing.

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 § 679.83 and is exempt from review under Executive Order 12866.

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

Dated: July 1, 2011.

James P. Burgess,

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

[FR Doc. 2011–17047 Filed 7–1–11; 4:15 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 101126522–0640–02]

RIN 0648–XA536

Fisheries of the Economic Exclusive Zone Off Alaska; Deep-Water Species Fishery by Catcher Vessels 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 species that comprise the deep-water species fishery for catcher vessels subject to sideboard limits established under the Central Gulf of Alaska (GOA) Rockfish Program in the GOA. This action is necessary because the 2011 Pacific halibut prohibited species catch (PSC) sideboard limit specified for the deep-water species fishery for catcher vessels subject to sideboard limits established under the Central GOA Rockfish Program in the GOA is insufficient to support directed fishing for the deep-water species fisheries.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), July 1, 2011, through 1200 hrs, A.l.t., July 31, 2011.

FOR FURTHER INFORMATION CONTACT: Steve Whitney, 907–586–7269.

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 2011 Pacific halibut PSC sideboard limit specified for the deep-water species fishery for catcher vessels subject to sideboard limits established under the Central GOA Rockfish Program in the GOA is 22 metric tons, for the period 1200 hrs, A.l.t., July 1, 2011, through 1200 hrs, A.l.t., July 31, 2011, as established by § 679.82(d)(8)(i) and the final 2011 and 2012 harvest specifications for groundfish of the GOA (76 FR 11111, March 1, 2011).

In accordance with § 679.82(d)(9)(i)(B), the Administrator, Alaska Region, NMFS, has determined that the 2011 Pacific halibut PSC sideboard limit specified for the deep-water species fishery for catcher vessels subject to sideboard limits established under the Central GOA Rockfish Program in the GOA is insufficient to support directed fishing for the deep-water species fisheries. Consequently, in accordance with § 679.82(d)(9)(ii)(B), NMFS is prohibiting directed fishing for species that comprise the deep-water species fishery for catcher vessels subject to sideboard limits established under the Central GOA Rockfish Program in the GOA. The species and species groups that comprise the deep-water species fishery for the sideboard limit include deep-water flatfish, rex sole, and arrowtooth flounder.

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. Notice and comment is unnecessary because there is insufficient halibut PSC sideboard limit to support a directed fishery and therefore the Regional Administrator has no discretion for any action other than to prohibit directed fishing.

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 § 679.82 and is exempt from review under Executive Order 12866.

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

Dated: June 30, 2011.

Margo Schulze-Haugen,

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

[FR Doc. 2011–17041 Filed 7–1–11; 4:15 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 101126522–0640–02]

RIN 0648–XA543

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch for Catcher Vessels Participating in the Rockfish Entry Level Trawl Fishery in the Central Regulatory Area of 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 Pacific ocean perch by trawl catcher vessels participating in the rockfish entry level fishery in the Central Regulatory Area of the Gulf of Alaska (GOA). This action is necessary

to prevent exceeding the 2011 directed fishing allowance of Pacific ocean perch for trawl catcher vessels participating in the rockfish entry level fishery in the Central Regulatory Area of the GOA.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), July 3, 2011, through 1200 hrs, A.l.t., September 1, 2011.

FOR FURTHER INFORMATION CONTACT: Steve Whitney, 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 2011 directed fishing allowance of Pacific ocean perch allocated to trawl catcher vessels participating in the entry level rockfish fishery in the Central Regulatory Area is 375 metric tons as established by the final 2011 and 2012 harvest specifications for groundfish in the GOA (76 FR 11111, March 1, 2011).

The Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the 2011 directed fishing allowance of Pacific ocean perch for trawl catcher vessels participating in the entry level rockfish fishery in the Central Regulatory Area will soon be reached. Therefore, in accordance with § 679.20(d)(1)(iii), NMFS is prohibiting directed fishing for Pacific ocean perch by trawl catcher vessels participating in the entry level rockfish fishery in the Central Regulatory Area 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

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 Pacific ocean perch by trawl catcher vessels participating in the rockfish entry level fishery in the Central Regulatory Area 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 June 30, 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: July 1, 2011.

James P. Burgess,

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

[FR Doc. 2011–17044 Filed 7–1–11; 4:15 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 101126522–0640–02]

RIN 0648–XA542

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Regulatory Area of 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 Pacific ocean perch in the Western Regulatory Area of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the 2011 total allowable catch (TAC) of Pacific ocean perch in the Western Regulatory Area of the GOA.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), July 2, 2011, through 2400 hrs, A.l.t., December 31, 2011.

FOR FURTHER INFORMATION CONTACT: Steve Whitney, 907–586–7269.

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 2011 TAC of Pacific ocean perch in the Western Regulatory Area of the GOA is 2,798 metric tons (mt) as established by the final 2011 and 2012 harvest specifications for groundfish of the GOA (75 FR 11111, March 1, 2010).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the 2011 TAC of Pacific ocean perch in the Western Regulatory Area of the GOA will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 2,498 mt, and is setting aside the remaining 300 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 Pacific ocean perch in the Western Regulatory Area 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 Pacific ocean perch in the Western Regulatory Area 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 June 24, 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: July 1, 2011.

James P. Burgess,

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

[FR Doc. 2011–17045 Filed 7–1–11; 4:15 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 101126521–0640–02]

RIN 0648–XA547

Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish in the Bering Sea and Aleutian Islands Management Area

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

ACTION: Temporary rule; modification of closure.

SUMMARY: NMFS is opening directed fishing for northern rockfish in the Bering Sea and Aleutian Islands Management Area (BSAI). This action is necessary to fully use the 2011 total allowable catch (TAC) of northern rockfish in the BSAI.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), July 1, 2011, through 2400 hrs, A.l.t., December 31, 2011. Comments must be received at the following address no later than 4:30 p.m., A.l.t., July 22, 2011.

ADDRESSES: Send comments to Glenn Merrill, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, *Attn:* Ellen Sebastian. You may submit comments, identified by 0648–XA547, by any one of the following methods:

- *Electronic Submissions:* Submit all electronic public comments via the Federal eRulemaking Portal Web site at *http://www.regulations.gov.*
- *Mail:* P.O. Box 21668, Juneau, AK 99802.
- *Fax:* (907) 586–7557.
- *Hand delivery to the Federal Building:* 709 West 9th Street, Room 420A, Juneau, AK.

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 (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information.

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, Excel, WordPerfect, or Adobe portable document file (pdf) file formats only.

FOR FURTHER INFORMATION CONTACT: Steve Whitney, 907–586–7269.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (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.

Pursuant to the final 2011 and 2012 harvest specifications for groundfish in the BSAI (76 FR 11139, March 1, 2011), NMFS closed the directed fishery for northern rockfish under § 679.2(d)(1)(iii).

As of July 1, 2011, NMFS has determined that approximately 3,398 metric tons of northern rockfish remain unharvested in the BSAI. Therefore, in accordance with § 679.25(a)(1)(i), (a)(2)(i)(C) and (a)(2)(iii)(D), and to fully utilize the 2011 TAC of northern rockfish in the BSAI, NMFS is terminating the previous closure and is opening directed fishing for northern rockfish in the BSAI. This will enhance the socioeconomic well-being of harvesters in this area. The Administrator, Alaska Region (Regional Administrator) considered the following factors in reaching this decision: (1) The current catch of northern rockfish in the BSAI and, (2) the harvest capacity and stated intent on future harvesting patterns of vessels in participating in this fishery.

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) and 679.25(c)(1)(ii) 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 opening of northern rockfish in the BSAI. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of June 30, 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.

Without this inseason adjustment, NMFS could not allow the fishery for northern rockfish in the BSAI to be harvested in an expedient manner and in accordance with the regulatory schedule. Under § 679.25(c)(2), interested persons are invited to submit written comments on this action to the above address until July 22, 2011.

This action is required by § 679.20 and § 679.25 and is exempt from review under Executive Order 12866.

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

Dated: July 1, 2011.

James P. Burgess,

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

[FR Doc. 2011–17048 Filed 7–1–11; 4:15 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 101126522–0640–02]

RIN 0648–XA544

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch, Northern Rockfish, and Pelagic Shelf Rockfish in the Western Regulatory Area and the West Yakutat District of 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 Pacific ocean perch, northern rockfish, and pelagic shelf rockfish by catcher/processors participating in the limited access or opt-out fisheries that are subject to sideboard limits established under the Central Gulf of Alaska (GOA) Rockfish Program in the Western Regulatory Area and West Yakutat district of the GOA. This action is necessary to prevent exceeding the

2011 sideboard limits of Pacific ocean perch, northern rockfish, and pelagic shelf rockfish established for catcher/processors participating in the limited access or opt-out fisheries in the Western Regulatory Area and West Yakutat district of the GOA.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), July 1, 2011, through 1200 hrs, A.l.t., July 31, 2011.

FOR FURTHER INFORMATION CONTACT: Steve Whitney, 907–586–7269.

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 2011 pelagic shelf rockfish sideboard limit established for catcher/processors participating in the limited access or opt-out fisheries that are subject to sideboard limits in the Central GOA Rockfish Program in the Western Regulatory Area is 0.4 mt.

The 2011 pelagic shelf rockfish and Pacific ocean perch in the West Yakutat district, and Pacific ocean perch and northern rockfish in the Western Regulatory Area sideboard limits established for catcher/processors participating in the limited access or opt-out fisheries that are subject to sideboard limits in the Central GOA Rockfish Program is 0 mt. The sideboard limits are established by the final 2011 and 2012 harvest specifications for groundfish of the GOA (76 FR 11111, March 1, 2011) and as posted as the 2011 Rockfish Program Catcher/Processor Sideboards at *http://alaskafisheries.noaa.gov/sustainablefisheries/goarat/default.htm.*

In accordance with § 679.82(d)(7)(i)(A), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the 2011 pelagic shelf rockfish sideboard limit established for catcher/processors participating in the limited access or opt-out fisheries in the Western Regulatory Area will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 0 mt, and is setting aside the remaining 0.4 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.82(d)(7)(ii), the Regional Administrator finds that this directed fishing allowance will soon be reached. Consequently, NMFS is prohibiting directed fishing for the Pacific ocean perch, northern rockfish, and pelagic shelf rockfish sideboard limits established for catcher/processors participating in the limited access or opt-out fisheries in the Western Regulatory Area and West Yakutat district 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 pelagic shelf rockfish, northern rockfish, and Pacific ocean perch sideboard limits for catcher/processors participating in the limited access or opt-out fisheries in the Western Regulatory Area and the West Yakutat district 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 June 30, 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 § 679.82 and is exempt from review under Executive Order 12866.

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

Dated: July 1, 2011.

James P. Burgess,

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

[FR Doc. 2011–17046 Filed 7–1–11; 4:15 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 101126522–0640–02]

RIN 0648–XA538

Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish, Pacific Ocean Perch, and Pelagic Shelf Rockfish for Catcher Vessels Participating in the Limited Access Rockfish Fishery in the Central Regulatory Area of 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 northern rockfish, Pacific ocean perch, and pelagic shelf rockfish for catcher vessels participating in the limited access rockfish fishery in the Central Regulatory Area of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the 2011 total allowable catch (TAC) of northern rockfish, Pacific ocean perch, and pelagic shelf rockfish allocated to catcher vessels participating in the limited access rockfish fishery in the Central Regulatory Area of the GOA.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), July 1, 2011, through 2400 hrs, A.l.t., December 31, 2011.

FOR FURTHER INFORMATION CONTACT: Steve Whitney, 907–586–7269.

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 2011 rockfish TACs allocated as directed fishing allowances to catcher vessels participating in the limited access rockfish fishery in the Central Regulatory Area of the GOA are: 0 metric tons (mt) for Pacific ocean perch, 2 mt for northern rockfish, and 0 mt for pelagic shelf rockfish as established by the final 2011 and 2012 harvest specifications for groundfish of the GOA (76 FR 11111, March 1, 2011), and as posted as the 2011 Rockfish Program Allocations at *http://*

www.alaskafisheries.noaa.gov/sustainablefisheries/goarat/default.htm.

Consequently, in accordance with § 679.82(b)(6), the Administrator, Alaska Region, NMFS, deems it appropriate to not open directed fishing for northern rockfish, Pacific ocean perch, and pelagic shelf rockfish for catcher vessels participating in the limited access rockfish fishery in the Central Regulatory Area of the GOA because there are insufficient allocations to support directed fishing.

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. Notice and comment is unnecessary because there are insufficient allocations to support directed fishing and therefore the Regional Administrator has no discretion for any action other than to prohibit directed fishing.

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 § 679.82 and is exempt from review under Executive Order 12866.

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

Dated: June 30, 2011.

Margo Schulze-Haugen,

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

[FR Doc. 2011–17042 Filed 7–1–11; 4:15 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 101126522–0640–02]

RIN 0648–XA539

Fisheries of the Economic Exclusive Zone Off Alaska; Shallow-Water Species Fishery by Catcher/Processors 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 species that comprise the shallow-water species fishery for catcher/processors subject to sideboard limits established under the Central Gulf of Alaska (GOA) Rockfish Program in the GOA. This action is necessary because the 2011 Pacific halibut prohibited species catch (PSC) sideboard limit specified for the shallow-water species fishery for catcher/processors subject to sideboard limits established under the Central GOA Rockfish Program in the GOA is insufficient to support directed fishing for the shallow-water species fisheries.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), July 1, 2011, through 1200 hrs, A.l.t., July 31, 2011.

FOR FURTHER INFORMATION CONTACT: Steve Whitney, 907–586–7269.

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. processors in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2011 Pacific halibut PSC sideboard limit specified for the shallow-water species fishery for catcher/processors subject to sideboard limits established under the Central GOA Rockfish Program in the GOA is 11 metric tons, for the period 1200 hrs, A.l.t., July 1, 2011, through 1200 hrs, A.l.t., July 31, 2011, as established by § 679.82(d), the final 2011 and 2012 harvest specifications for groundfish of the GOA (75 FR 11111, March 1, 2011), and as posted as the Catcher/Processor Sideboards at *http://www.alaskafisheries.noaa.gov/sustainablefisheries/goarat/default.htm.*

In accordance with § 679.82(d)(9)(i)(B), the Administrator, Alaska Region, NMFS, has determined that the 2011 Pacific halibut PSC sideboard limit specified for the shallow-water species fishery for catcher/processors subject to sideboard limits established under the Central GOA Rockfish Program in the GOA is insufficient to support directed fishing for the shallow-water species fisheries. Consequently, in accordance with § 679.82(d)(9)(ii)(A), NMFS is prohibiting directed fishing for species that comprise the shallow-water species fishery for catcher/processors subject to sideboard limits established under the Central GOA Rockfish Program in the GOA. The species and species groups that comprise the shallow-water species fishery for the sideboard limit are shallow-water flatfish and flathead sole.

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. Notice and comment is unnecessary because there is insufficient halibut PSC sideboard limit to support a directed fishery and therefore the Regional Administrator has no discretion for any action other than to prohibit directed fishing.

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 § 679.82 and is exempt from review under Executive Order 12866.

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

Dated: June 30, 2011.

Margo Schulze-Haugen,

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

[FR Doc. 2011–17043 Filed 7–1–11; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 76, No. 130
Thursday, July 7, 2011

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 33

[Docket No. NE133; Notice No. 33–11–02–SC]

Special Conditions: Pratt and Whitney Canada Model PT6C–67E Turboshaft Engine

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed special conditions.

SUMMARY: This action proposes special conditions for Pratt and Whitney Canada (PWC) model PT6C–67E engines. The engine model will have a novel or unusual design feature which is a 30-Minute All Engines Operating (AEO) power rating. This rating is primarily intended for high power hovering operations during search and rescue missions. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These proposed special conditions contain the added safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: We must receive your comments by August 8, 2011.

ADDRESSES: You may mail two copies of your comments to: Federal Aviation Administration, Engine and Propeller Directorate, *Attn:* Marc Bouthillier, Rules Docket (ANE111), Docket No. NE133, 12 New England Executive Park, Burlington, Massachusetts 01803–5299. You may deliver two copies to the Engine and Propeller Directorate at the above address. You may send comments via e-mail to *marc.bouthillier@faa.gov.* You must mark your comments: Docket No. NE133. You can inspect comments in the Rules Docket weekdays, except Federal holidays, between 7:30 a.m. and 4 p.m.

FOR FURTHER INFORMATION CONTACT: For technical questions concerning this proposed rule, contact Marc Bouthillier, ANE–111, Engine and Propeller Directorate, Aircraft Certification Service, 12 New England Executive Park, Burlington, Massachusetts 01803–5299; telephone (781) 238–7120; facsimile (781) 238–7199; e-mail *marc.bouthillier@faa.gov.* For legal questions concerning this proposed rule, contact Vincent Bennett, ANE–7, Engine and Propeller Directorate, Aircraft Certification Service, 12 New England Executive Park, Burlington, Massachusetts 01803–5299; telephone (781) 238–7044; facsimile (781) 238–7055; e-mail *vincent.bennett@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

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

We will file in the docket all comments we receive, as well as a report summarizing each substantive public contact with FAA personnel about these special conditions. You can inspect the docket before and after the comment closing date. If you wish to review the docket in person, go to the address in the **ADDRESSES** section of this preamble between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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

If you want us to let you know we received your comments on this proposal, send us a pre-addressed, stamped postcard on which the docket number appears. We will stamp the date on the postcard and mail it back to you.

Background

On July 10, 2008, PWC applied for type certification for the model PT6C–67E turboshaft engine. The PT6C–67E engine is a derivative of the PT6C–67C engine which has been type certificated by the FAA. This engine incorporates a four-stage axial compressor and a centrifugal compressor driven by a single stage high pressure turbine (HPT) and a two-stage power turbine (PT) driving a helicopter rotor system via a direct drive to the engine output shaft. The control system includes a dual channel full authority digital electronic control.

The engine will incorporate a novel or unusual design feature which is a 30-minute AEO power rating. This rating was requested by the applicant to support rotorcraft search and rescue missions that require extensive hover operations at high power. The use of 30-minute AEO power is limited to a cumulative total of 50 minutes for any given flight. However, the number of times the rating can be accessed on any given flight is not limited, as long as 50 minutes total time per flight is not exceeded.

The applicable airworthiness standards do not contain adequate or appropriate airworthiness standards to address this design feature. Therefore a special condition is necessary to apply additional requirements for rating definition, instructions for continued airworthiness (ICA), and endurance testing. The ICA requirement is intended to address the unknown nature of actual rating usage and associated engine deterioration. The applicant is expected to make an assessment of the expected usage and publish ICA's and Airworthiness Limitations section limits in accordance with those assumptions, such that engine deterioration is not excessive.

The endurance test requirement of 25 hours operation at 30 minutes AEO is similar to several special conditions issued over the past 20 years. Because the PT6C–67E model has a Continuous One-Engine-Inoperative (OEI) rating and limits equal to or higher than the 30-minute AEO rating, the test time performed at the Continuous OEI rating may be credited toward the 25-hour requirement. However, test time spent at other rating elements of the test, such as takeoff or other OEI ratings (that may be equal to or higher values), may not be counted toward the 25 hours of required running.

These special conditions contain the additional airworthiness standards necessary to establish a level of safety equivalent to the level that would result

from compliance with the applicable standards of airworthiness in effect on the date of application.

Type Certification Basis

Under the provisions of 14 CFR 21.17 and 21.101(a), PWC must show that the model PT6C–67E turboshaft engine meets the provisions of the applicable regulations in effect on the date of application, unless otherwise specified by the FAA. The current certification basis for this model series is 14 CFR part 33 Amendment 20; however, PWC proposes to demonstrate compliance to later amendments of part 33 for this model. In accordance with 14 CFR 21.101(b), the FAA concurs with the PWC proposal. Therefore, the certification basis for the PT6C–67E model turboshaft engine will be part 33, effective February 1, 1965, as amended by Amendments 33–1 through 33–30.

If the Administrator finds that the applicable airworthiness regulations in part 33, as amended, do not contain adequate or appropriate safety standards for the PWC model PT6C–67E turboshaft engine, because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

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

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include another related model that incorporates the same or similar novel or unusual design feature, or should any other model already included on the same type certificate be modified to incorporate the same or similar novel or unusual design feature, the special conditions would also apply to the other model.

Novel or Unusual Design Features

The PWC model PT6C–67E turboshaft engine will incorporate a novel or unusual design feature which is a 30-Minute All Engine Operating (AEO) power rating, for use up to 30 minutes at any time between take-off and landing. Special conditions for a 30-Minute AEO rating are proposed to address this novel and unusual design feature. The special conditions are discussed below.

Discussion

The PWC model PT6C–67E turboshaft engine is a free turbine turboshaft designed for a transport category twin-engine helicopter. The helicopter manufacturer anticipates that for search and rescue extended hovering maneuvers may require more than maximum continuous power for up to 30 minutes. PWC has requested a 30-Minute All Engine Operating (AEO) rating for use up to 30 minutes at any time between the take-off and landing phases of a flight. PWC has indicated that the number of times this rating can be accessed in one flight is not limited; but total time is limited to a cumulative total of 50 minutes for any one flight.

Applicability

As discussed above, these special conditions are applicable to PWC model PT6C–67E turboshaft engines. If Pratt and Whitney Canada applies later for a change to the type certificate to include another closely related model incorporating the same novel or unusual design feature, these special conditions would apply to that model as well.

Conclusion

This action affects only certain novel or unusual design features on the Pratt and Whitney Canada Model PT6C–67E Turboshaft Engine. It is not a rule of general applicability, and it affects only Pratt and Whitney Canada who applied to the FAA for approval of these features on the engine.

List of Subjects in 14 CFR Part 33

Air transportation, Aircraft, Aviation safety, Safety.

The authority citation for these special conditions continues to read as follows:

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

The Proposed Special Conditions

Accordingly, the FAA proposes the following special conditions as part of the type certification basis for PWC model PT6C–67E turboshaft engines.

1. PART 1—DEFINITIONS

Unless otherwise approved by the Administrator and documented in the appropriate manuals and certification documents, the following definition applies to this special condition: ''Rated 30 Minute AEO Power'' means the approved shaft horsepower developed under static conditions at the specified altitude and temperature, and within the operating limitations established under part 33, and limited in use to periods not exceeding 30 minutes, and limited to a cumulative total of 50 minutes use for any given flight.

2. PART 33—REQUIREMENTS

(a) Sections 33.1 Applicability and 33.3 General: As applicable, all documentation, testing and analysis required to comply with the part 33 certification basis must account for the 30 minute AEO rating, limits and usage.

(b) Section 33.4, Instructions for Continued Airworthiness (ICA). In addition to the requirements of § 33.4, the ICA must:

(1) Include instructions to ensure that in-service engine deterioration due to rated 30 minute AEO power usage will not be excessive, meaning that all other approved ratings, including One Engine Inoperative (OEI), are available (within associated limits and assumed usage) for each flight; and that deterioration will not exceed that assumed for declaring a Time Between Overhaul period.

(i) The applicant must validate the adequacy of the maintenance actions required under paragraph (b)(1) above.

(2) Include in the Airworthiness Limitations section, any mandatory inspections and serviceability limits related to the use of the 30-minute AEO rating.

(c) Section 33.87, Endurance Test. In addition to the requirements of §§ 33.87(a) and 33.87(d), the overall test run must include a minimum of 25 hours of operation at 30 minute AEO power and limits, divided into periods of 30 minutes AEO power with alternate periods at maximum continuous power or less.

(1) Each § 33.87(d) continuous OEI rating test period of 30 minutes or longer, run at power and limits equal to or higher than the 30 minute AEO rating, may be credited toward this requirement.

Issued in Burlington, Massachusetts, on June 23, 2011.

Peter A. White,

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

[FR Doc. 2011–16814 Filed 7–6–11; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

37 CFR Chapter I

[Docket No. PTO–C–2011–0026]

Preliminary Plan for Retrospective Analysis of Existing Rules

AGENCY: United States Patent and Trademark Office, Commerce.

ACTION: Request for comments.

SUMMARY: The United States Patent and Trademark Office (''USPTO'' or ''Office'') has prepared a preliminary

plan to review its existing significant regulations in response to the President's Executive Order 13563 on Improving Regulation and Regulatory Review. The Office's plan is part of the Department of Commerce's (''DOC'') ''Preliminary Plan for Retrospective Analysis of Existing Rules,'' which recently has been made public. The Office is implementing the parts of DOC's plan that relate to review of the Office's existing significant regulations. Those parts of the plan set forth a process for reviewing the Office's regulations and determining whether any of these regulations should be modified, streamlined, expanded, or repealed in order to make the Office's regulatory program more effective and less burdensome. Now that the preliminary plan has been completed and published, the Office is asking the public to provide comments on the plan prior to it being finalized.

DATES: You must submit any comments on or before September 6, 2011.

ADDRESSES: Submit comments electronically by e-mailing them directly to the Office at *regulatory_review_comments@uspto.gov.* Comments may also be submitted by mail addressed to: Office of the General Counsel, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450, marked to the attention of Nicolas Oettinger. Although comments may be submitted by mail, the Office prefers to receive comments via the Internet. Comments may also be submitted through the Federal eRulemaking Portal Web site at *http://www.regulations.gov.* Additional instructions on providing comments through the Federal eRulemaking Portal are available at *http://www.regulations.gov.* All comments submitted directly to the Office or provided on the Federal eRulemaking Portal should include the docket number (PTO–C–2011–0026).

All comments will be available for public inspection upon request at the Office of the Commissioner for Patents, located in Madison East, Tenth Floor, 600 Dulany Street, Alexandria, Virginia, and will be available on the USPTO Web site at *http://www.uspto.gov.* All comments submitted through the Federal eRulemaking Portal will be made available publicly on that Web site. Because comments will be made available for public inspection, information that the submitter does not desire to make public, such as an address or phone number, should not be included in the comments.

FOR FURTHER INFORMATION CONTACT: Nicolas Oettinger, Office of the General Counsel, by telephone at 571–272–7832, by e-mail at *nicolas.oettinger@uspto.gov,* or by mail addressed to Mail Stop Comments—Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313–1450, marked to the attention of Nicolas Oettinger.

SUPPLEMENTARY INFORMATION: On January 18, 2011, President Obama issued Executive Order 13563, Improving Regulation and Regulatory Review. E.O. 13563, 76 FR 3281. The Executive Order directed agencies to develop and submit, within 120 days, preliminary plans for reviewing their existing ''significant regulations'' (as that term is defined in Executive Order 12866) and determining whether and how such regulations could be made more effective and less burdensome. Additional information about Executive Order 13563, and the work that agencies have done to comply with the Order, can be found at *http://www.whitehouse.gov/21stcenturygov/actions/21st-century-regulatory-system.*

The Office, in its capacity as an agency within DOC, has developed a preliminary plan for the review of its existing significant regulations, which is part of DOC's more general preliminary plan that was prepared in accordance with Executive Order 13563. DOC's preliminary plan, which includes the process by which the Office will engage in a retrospective analysis of its existing significant regulations and a list of candidate regulations for review over the next two years, was submitted to the Office of Management and Budget (OMB) on May 18, 2011 in accordance with Executive Order 13563. The plan has been made available to the public on DOC's Web site at *http://www.commerce.gov* and on the White House Web site at *http://www.whitehouse.gov/21stcenturygov/actions/21st-century-regulatory-system.*

The Office is now working on finalizing the portions of this preliminary plan that relate to the Office. When the Office was preparing its preliminary plan, it solicited public comments with its March 22, 2011 **Federal Register** notice, and those comments were valuable in developing the plan. Now that the Office is working on finalizing the plan, the Office seeks further comment from the public on the portions of DOC's preliminary plan that relate to the Office.

The Office welcomes any comments the public believes might be helpful as it works on finalizing the plan. In particular, comments on ways in which the plan can be improved or best implemented are encouraged, as are comments on the list of candidate regulations for review that is set forth in the plan and any suggestions for additional regulations that should be considered for review.

In order to comply with OMB guidance that directs plans to be finalized within 80 days of their publication, the Office asks that comments on the plan be submitted by September 6, 2011. The Office will continue to receive and consider comments submitted after that date. The Office plans to continue receiving comments on the plan, and considering such comments as it implements and refines the plan, on a going-forward basis. The Office will maintain a Web page (located at *http://www.uspto.gov/ip/rules/lookback.jsp*) that will provide information about the plan, the Office's progress in implementing the plan and reviewing regulations, and the comments the Office has received on the plan. Comments can be submitted to the Office at any time through that web page, even after the expiration of the comment period set forth in this notice.

While the Office welcomes and values all comments from the public in response to this request, these comments do not bind the Office to any further actions related to the comments, and the Office may not respond to every comment that is submitted.

Dated: June 29, 2011.

David J. Kappos,

Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

[FR Doc. 2011–16965 Filed 7–6–11; 8:45 am]

BILLING CODE 3510–16–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R01–OAR–2008–0639; A–1–FRL–9431–3]

Approval and Promulgation of Implementation Plans; Connecticut; Infrastructure SIP for the 1997 8-Hour Ozone National Ambient Air Quality Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to conditionally approve one element of Connecticut's December 28, 2007 submittal to meet the Clean Air Act infrastructure requirements for the 1997 ozone National Ambient Air Quality Standard (NAAQS). The Clean Air Act

requires that each state adopt and submit a SIP for the implementation, maintenance and enforcement of each NAAQS promulgated by the EPA. This SIP is commonly referred to as an infrastructure SIP. The one element of the submittal that EPA is proposing to conditionally approve addresses requirements under Clean Air Act section 110(a)(2)(D)(ii). This action is being taken under the Clean Air Act.

DATES: Written comments must be received on or before August 8, 2011.

ADDRESSES: Submit your comments, if any, on EPA's direct final conditional approval for Connecticut, identified by Docket ID Number EPA–R01–OAR–2008–0639 by one of the following methods:

1. *http://www.regulations.gov:* Follow the on-line instructions for submitting comments.

2. *E-mail: arnold.anne@epa.gov.* Fax: (617) 918–0047. Mail: ''Docket Identification Number EPA–R01–OAR–2008–0639'', Anne Arnold, U.S. Environmental Protection Agency, EPA New England Regional Office, Office of Ecosystem Protection, Air Quality Planning Unit, 5 Post Office Square—Suite 100, (Mail code OEP05–2), Boston, MA 02109–3912.

3. *Hand Delivery or Courier:* Deliver your comments to: Anne Arnold, Manager, Air Quality Planning Unit, Office of Ecosystem Protection, U.S. Environmental Protection Agency, EPA New England Regional Office, Office of Ecosystem Protection, Air Quality Planning Unit, 5 Post Office Square—Suite 100, (Mail code OEP05–2), Boston, MA 02109–3912. 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 legal holidays.

Instructions: Direct your comments for Connecticut to Docket ID No. EPA–R01–OAR–2008–0639. 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 through *http://www.regulations.gov*, or e-mail, information that you consider to be CBI or otherwise protected. The *http://www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through *http://www.regulations.gov* your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the electronic docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, *i.e.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy at Office of Ecosystem Protection, U.S. Environmental Protection Agency, EPA New England Regional Office, 5 Post Office Square, Suite 100, Boston, MA. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: Richard P. Burkhart, Air Quality Planning Unit, U.S. Environmental Protection Agency, EPA New England Regional Office, 5 Post Office Square, Suite 100, Boston, MA 02109–3912, telephone number (617) 918–1664, fax number (617) 918–0664, e-mail *Burkhart.Richard@epa.gov.*

SUPPLEMENTARY INFORMATION: In the Final Rules Section of this **Federal Register**, EPA is conditionally approving one element of Connecticut's December 28, 2007 submittal to meet the Clean Air Act infrastructure requirements for the 1997 ozone NAAQS as a direct final rule without prior proposal because the Agency views this one element as noncontroversial and anticipates no adverse comments. A detailed rationale for the conditional approval of this one element is set forth in the direct final rule. In brief, Connecticut has committed to revise its SIP within a year to meet the requirement in section 110(a)(2)(D)(ii) of the Act that the state's SIP provide for notice to other states that might be affected by sources proposed to be permitted under the state's Prevention of Significant Deterioration program. In addition, the state has committed in the meantime to continue its practice of providing such notice to affected states. If no adverse comments are received in response to this action, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on the conditional approval of the section 110(a)(2)(D)(ii) element should do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

For additional information, see the direct final rule which is located in the Rules Section of this **Federal Register.**

Dated: June 28, 2011.

Ira W. Leighton,

Acting, Regional Administrator, EPA New England.

[FR Doc. 2011–17025 Filed 7–6–11; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[EPA–HQ–OAR–2011–0572; FRL–9430–4]

EPA Responses to State and Tribal 2010 NO_2 Designation Recommendations: Notice of Availability and Public Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability and public comment period.

SUMMARY: Notice is hereby given that the EPA has posted its responses to state and tribal designation recommendations for the 2010 Primary Nitrogen Dioxide (NO_2) National Ambient Air Quality Standard (NAAQS) on its Internet website. The EPA invites public comments on its responses during the 30-day comment period specified in the

DATES section. The EPA sent responses directly to the states and tribes on June 29, 2011, and plans to make final designations determinations for the 2010 Primary NO_2 NAAQS by October 31, 2011.

DATES: Comments must be received on or before August 8, 2011. Please refer to **SUPPLEMENTARY INFORMATION** for additional information on the comment period.

ADDRESSES: Submit your comments, identified by Docket ID No. OAR–2011–0572 by one of the following methods:

- *http://www.regulations.gov*. Follow the on-line instructions for submitting comments.
- *E-mail: a-and-r-docket@epa.gov. Attention Docket ID No. EPA–HQ–OAR–2011–0572.*
- *Fax:* 202–566–9744. *Attention Docket ID No. EPA–HQ–OAR–2011–0572.*
- *Mail:* Air Docket, *Attention Docket ID No. EPA–HQ–OAR–2011–0572,* Environmental Protection Agency, *Mail Code:* 6102T, 1200 Pennsylvania Ave., NW., Washington, DC 20460.
- *Hand Delivery:* EPA Docket Center, 1301 Constitution Avenue, NW., Room 3334, Washington, DC. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–HQ–OAR–2011–0572. The 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 *regulations.gov* or e-mail. The *http://www.regulations.gov* Web site is an ''anonymous access'' system, which means the EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to the 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, the 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 the EPA is unable to read your comment and cannot contact you for clarification due to technical difficulties, the EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about the EPA's public docket, visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm*. For additional instructions on submitting comments, go to Section II of the **SUPPLEMENTARY INFORMATION** section of this document.

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, *i.e.*, CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy at the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Avenue, NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the Air Docket is (202) 566–1742.

FOR FURTHER INFORMATION CONTACT: For general questions concerning this action, please contact Doug Solomon, U.S. EPA, Office of Air Quality Planning and Standards, Air Quality Planning Division, C539–04, Research Triangle Park, NC 27711, telephone (919) 541–4132, e-mail at *solomon.douglas@epa.gov.* For questions regarding the EPA Region 1, please contact Donald Dahl, U.S. EPA, telephone (617) 918–1657, e-mail at *dahl.donald@epa.gov.* For questions regarding the EPA Region 2, please contact Raymond Werner, U.S. EPA, telephone (212) 637–3706, e-mail at *werner.raymond@epa.gov.* For questions regarding the EPA Region 3, please contact Gregory Becoat, U.S. EPA, telephone (215) 814–2036, e-mail at *becoat.gregory@epa.gov.* For questions regarding the EPA Region 4, please contact Steve Scofield, U.S. EPA, telephone (404) 562–9034, e-mail at *scofield.steve@epa.gov*. For questions regarding the EPA Region 5, please contact Gilberto Alvarez, U.S. EPA, telephone (312) 886–6143, e-mail at *alvarez.gilberto@epa.gov.* For questions regarding the EPA Region 6, please contact Alan Shar, U.S. EPA, telephone (214) 665–6691, e-mail at *shar.alan@epa.gov*. For questions regarding the EPA Region 7, please contact Elizabeth Kramer, U.S. EPA, telephone (913) 551–7186, email at *kramer.elizabeth@epa.gov*. For questions regarding the EPA Region 8, please contact Crystal Freeman, U.S. EPA, telephone (303) 312–6602, e-mail at *freeman.crystal@epa.gov.* For questions regarding the EPA Region 9, please contact Frances Wicher, U.S. EPA, telephone (415) 972–3957, e-mail at *wicher.frances@epa.gov*. For questions regarding the EPA Region 10, please contact Claudia Vaupel, U.S. EPA, telephone (206) 553–6121, e-mail at *vaupel.claudia@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Purpose

The purpose of this notice is to solicit public comments from interested parties other than states and tribes on the EPA's recent responses to the state and tribal designation recommendations for the 2010 Primary NO_2 NAAQS. The Clean Air Act (CAA) section 107(d) provides a process for designations that involves recommendations by states and tribes to the EPA and responses from the EPA to those parties, prior to the EPA promulgating final designations and boundaries. The EPA is not required under CAA section 107(d) to seek public comment during the designation process, but is electing to do so for the 2010 Primary NO_2 NAAQS in order to gather additional information for EPA to consider before making final designations. The EPA invites public comment on its responses to states and tribes during the 30-day comment period provided in this notice. Due to the statutory timeframe for promulgating designations set out in CAA section 107(d), the EPA will not be able to consider any comments submitted after August 8, 2011, notwithstanding what may have appeared in any state-specific announcements. This notice and opportunity for public comment does not affect any rights or obligations of any state, tribe or the EPA which might otherwise exist pursuant to CAA section 107(d).

Please refer to the **ADDRESSES** section in this document for specific instructions on submitting comments and locating relevant public documents.

- In providing comments to the EPA please consider the agency's charge under CAA section 107(d). Under this section, the EPA is obligated to identify every area as attainment, nonattainment,

or unclassifiable. Further, in establishing nonattainment area boundaries, the agency is required to identify the area that does not meet the 2010 Primary NO_2 standard and any nearby area that is contributing to the area that does not meet that standard. If you believe that a specific geographic area that the EPA is proposing to identify as a nonattainment area should not be categorized by the section 107(d) criteria as nonattainment, or if you believe that a specific area not proposed by the EPA to be identified as a nonattainment area should in fact be categorized as nonattainment using the section 107(d) criteria, please be as specific as possible in supporting your belief.

- Describe any assumptions and provide any technical information and/or data that you used.
- If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.
- Provide specific examples to illustrate your concerns, and suggest alternatives.
- Explain your views as clearly as possible, avoiding the use of profanity or personal threats.
- Make sure to submit your comments by the comment period deadline identified.

II. Instructions for Submitting Public Comments

A. What should I consider as I prepare my comments for the EPA?

1. *Submitting CBI.* Do not submit this information to the EPA through *http://www.regulations.gov* or e-mail. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to the EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. Send or deliver information identified as CBI only to the following address: Roberto Morales, U.S. EPA, Office of Air Quality Planning and Standards, Mail Code C404–02, Research Triangle Park, NC 27711, telephone (919) 541–0880, e-mail at *morales.roberto@epa.gov,* Attention Docket ID No. OAR–2011–0572.

2. *Tips for Preparing Your Comments.* When submitting comments, remember to:

- Identify the rulemaking by docket number and other identifying information (subject heading, **Federal Register** date and page number).
- Follow directions. The agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.
- Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

III. Background

The process for designating areas following promulgation of a new or revised NAAQS is contained in CAA section 107(d) (42 U.S.C. 7407). Following the promulgation of a new or revised standard, each Governor or Tribal Leader has an opportunity to recommend air quality designations, including the appropriate boundaries for nonattainment areas, to the EPA. The EPA considers these recommendations as part of its duty to promulgate the formal area designations and boundaries for the new or revised standards. By no later than 120 days prior to promulgating designations, the EPA is required to notify states or tribes of any intended modification to an area designation or boundary recommendation that the EPA deems necessary. On or around June 29, 2011, the EPA notified states and tribes of its intended area designations for the 2010 Primary NO_2 NAAQS. States and tribes now have an opportunity to demonstrate why they believe a modification proposed by the EPA may be inappropriate. In these responses, the EPA encourages states and tribes to provide comments and additional information for consideration by the EPA in finalizing designations. The EPA plans to make final designation determinations for the 2010 Primary NO_2 NAAQS by October 31, 2011.

IV. Internet Web Site for Rulemaking Information

The EPA has also established a Web site for this rulemaking at *http://www.epa.gov/no2designations.* The Web site includes the EPA's state and tribal designation recommendations, as well as the rulemaking actions and other related information that the public may find useful.

Dated: June 29, 2011.

Mary E. Henigin,

Acting Director, Office of Air Quality Planning and Standards.

[FR Doc. 2011–17060 Filed 7–6–11; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket ID FEMA–2011–0002; Internal Agency Docket No. FEMA–B–1202]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Proposed rule.

SUMMARY: Comments are requested on the proposed Base (1% annual-chance) Flood Elevations (BFEs) and proposed BFE modifications for the communities listed in the table below. The purpose of this proposed rule is to seek general information and comment regarding the proposed regulatory flood elevations for the reach described by the downstream and upstream locations in the table below. The BFEs and modified BFEs are a part of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, these elevations, once finalized, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents in those buildings.

DATES: Comments are to be submitted on or before October 5, 2011.

ADDRESSES: The corresponding preliminary Flood Insurance Rate Map (FIRM) for the proposed BFEs for each community is available for inspection at the community's map repository. The respective addresses are listed in the table below.

You may submit comments, identified by Docket No. FEMA–B–1202, to Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–4064, or (e-mail) *luis.rodriguez1@dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering

Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–4064, or (e-mail) *luis.rodriguez1@dhs.gov.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) proposes to make determinations of BFEs and modified BFEs for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed BFEs and modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in those buildings.

Comments on any aspect of the Flood Insurance Study and FIRM, other than the proposed BFEs, will be considered. A letter acknowledging receipt of any comments will not be sent.

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

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

Executive Order 12866, Regulatory Planning and Review. This proposed rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866, as amended.

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

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

List of Subjects in 44 CFR Part 67

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

Accordingly, 44 CFR part 67 is proposed to be amended as follows:

PART 67—[AMENDED]

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

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

§ 67.4 [Amended]

2. The tables published under the authority of § 67.4 are amended as follows:

Flooding source(s)	Location of referenced elevation **	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
Clear Creek County, Colorado, and Incorporated Areas				
Bear Creek	Approximately 0.42 mile downstream of Golden Willow Road.	None	+7409	Unincorporated Areas of Clear Creek County.
	At the downstream side of the Corral Creek confluence.	None	+7549	
Clear Creek	At the upstream side of the Georgetown Lake footbridge.	+8450	+8452	Town of Georgetown, Unincorporated Areas of Clear Creek County.
	Approximately 1,980 feet upstream of 6th Street	None	+8636	
South Clear Creek	Approximately 80 feet upstream of Rose Street	+8497	+8498	Town of Georgetown, Unincorporated Areas of Clear Creek County.
	Approximately 1,670 feet upstream of Main Street	None	+8697	
South Clear Creek—Weir 1248 Overflow.	Approximately 100 feet upstream of the South Clear Creek confluence.	None	+8498	Town of Georgetown.
	At the downstream side of the South Clear Creek divergence.	None	+8517	
South Clear Creek—Weir 835 Overflow.	Approximately 170 feet upstream of the Clear Creek confluence.	None	+8487	Town of Georgetown.
	At the downstream side of the South Clear Creek divergence.	None	+8507	
Virginia Canyon	At the upstream side of Riverside Drive	+7522	+7521	City of Idaho Springs, Unincorporated Areas of Clear Creek County.
	Approximately 800 feet upstream of Virginia Street	None	+7655	

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

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

** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

City of Idaho Springs

Maps are available for inspection at City Hall, 1711 Miner Street, Idaho Springs, CO 80452.

Town of Georgetown

Maps are available for inspection at the Town Hall, 404 6th Street, Georgetown, CO 80444.

Unincorporated Areas of Clear Creek County

Maps are available for inspection at the Clear Creek County Courthouse, 405 Argentine Street, Georgetown, CO 80444.

Edgecombe County, North Carolina, and Incorporated Areas

Bynum Mill Creek	At the Town Creek confluence	+49	+48	Town of Macclesfield, Town of Pinetops, Unincorporated Areas of Edgecombe County.
	At the downstream side of North Carolina Highway 124.	+84	+83	
Bynum Mill Run	At the Bynum Mill Creek confluence	+68	+66	Town of Macclesfield, Unincorporated Areas of Edgecombe County.
	Approximately 0.5 mile upstream of South 4th Street Extension (State Route 1112).	None	+95	
Cokey Swamp	At the Town Creek confluence	+57	+54	Town of Sharpsburg, Unincorporated Areas of Edgecombe County.
	Approximately 70 feet downstream of the railroad	+119	+118	
Cokey Swamp Tributary	At the Cokey Swamp confluence	+89	+88	Unincorporated Areas of Edgecombe County.
	Approximately 450 feet upstream of Floods Store Road (State Route 1146).	None	+106	
Deep Creek	Approximately 1.0 mile downstream of Dickens Road (State Route 1505).	+49	+48	Town of Speed, Unincorporated Areas of Edgecombe County.
	At the Deep Creek Tributary confluence	+57	+56	
East Tarboro Canal	Approximately 1,500 feet upstream of the Tar River confluence.	+46	+45	Town of Tarboro, Unincorporated Areas of Edgecombe County.
	Approximately 590 feet upstream of the railroad	None	+57	
Fishing Creek	Approximately 500 feet upstream of the Maple Swamp confluence.	+50	+49	Town of Leggett, Unincorporated Areas of Edgecombe County.
	Approximately 1,000 feet downstream of the railroad	+96	+95	
Indian Branch	Approximately 175 feet downstream of Gay Road (State Route 1268).	+71	+70	Unincorporated Areas of Edgecombe County.
Leggett Canal	At the Swift Creek confluence	+56	+58	Town of Leggett, Unincorporated Areas of Edgecombe County.
	Approximately 0.7 mile upstream of the Swift Creek confluence.	+57	+58	
Little Cokey Swamp	At the Cokey Swamp confluence	+82	+80	Unincorporated Areas of Edgecombe County.
	Approximately 250 feet downstream of Greenpasture Road (State Route 1141).	+92	+93	
Longs Branch	At the upstream side of the railroad	+55	+54	Town of Speed, Unincorporated Areas of Edgecombe County.
	Approximately 0.9 mile upstream of North Carolina Highway 122.	None	+63	
Maple Swamp	At the Fishing Creek confluence	+50	+49	Unincorporated Areas of Edgecombe County.

Flooding source(s)	Location of referenced elevation **	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
	Approximately 0.6 mile downstream of Bethlehem Church Road (State Route 1431).	+60	+59	
Moccasin Swamp	At the Swift Creek confluence	+74	+73	Unincorporated Areas of Edgecombe County.
	Approximately 1.0 mile upstream of the Swift Creek confluence.	+75	+74	
Moore Swamp	At the Maple Swamp confluence	+58	+56	Unincorporated Areas of Edgecombe County.
	Approximately 1.1 miles upstream of the Maple Swamp confluence.	+59	+58	
Savage Mill Run	Approximately 250 feet downstream of North Carolina Highway 122.	+55	+56	Town of Speed, Unincorporated Areas of Edgecombe County.
	Approximately 1.2 miles upstream of North Carolina Highway 122.	+61	+62	
Swift Creek	Approximately 300 feet upstream of West Logsboro Road.	+52	+51	Town of Leggett, Unincorporated Areas of Edgecombe County.
	Approximately 400 feet downstream of the railroad	+91	+90	
Town Creek	Approximately 2.0 miles upstream of Colonial Road (State Route 1601).	+41	+40	Town of Pinetops, Unincorporated Areas of Edgecombe County.
	Approximately 140 feet upstream of North Carolina Highway 43.	+59	+57	
White Oak Swamp	Approximately 1,500 feet downstream of White Oak Swamp Road (State Route 1428).	+61	+62	Town of Whitakers, Unincorporated Areas of Edgecombe County.
	Approximately 630 feet upstream of South Cutchin Street (State Route 1410).	#2	+124	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.
** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

Town of Leggett
Maps are available for inspection at the Leggett Town Hall, 63 Draughn Road, Tarboro, NC 27886.

Town of Macclesfield
Maps are available for inspection at the Edgecombe County Planning Department, 201 Saint Andrews Street, Room 205, Tarboro, NC 27886.

Town of Pinetops
Maps are available for inspection at the Town Hall, 101 East Hamlet Street, Pinetops, NC 27864.

Town of Sharpsburg
Maps are available for inspection at the Town Hall, 110 Railroad Street, Sharpsburg, NC 27878.

Town of Speed
Maps are available for inspection at the Town Hall, 200 Railroad Street, Speed, NC 27881.

Town of Tarboro
Maps are available for inspection at the Town Hall, 500 Main Street, Tarboro, NC 27886.

Town of Whitakers
Maps are available for inspection at the Town Hall, 302 Northwest Railroad Street, Whitakers, NC 27891.

Unincorporated Areas of Edgecombe County
Maps are available for inspection at the Edgecombe County Administration Building, 201 Saint Andrews Street, Tarboro, NC 27886.

Benton County, Tennessee, and Incorporated Areas

Big Sandy River Drainage Canal.	Approximately 1.7 miles upstream of State Route 69A	None	+375	Unincorporated Areas of Benton County.
	Approximately 0.5 mile upstream of U.S. Route 641	None	+375	

Flooding source(s)	Location of referenced elevation **	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
Burnside Creek	Approximately 150 feet downstream of Eva Road	+375	+376	City of Camden, Unincorporated Areas of Benton County.
	Approximately 0.4 mile upstream of Flatwoods Road	None	+441	
Cane Creek	At the Cypress Creek confluence	+375	+376	City of Camden, Unincorporated Areas of Benton County.
	Approximately 0.6 mile upstream of Post Oak Road	None	+435	
Charlie Creek	At the Cane Creek confluence	+378	+377	City of Camden, Unincorporated Areas of Benton County.
	Approximately 1,000 feet upstream of State Route 69A.	None	+448	
Cypress Creek	At the Cane Creek confluence	+375	+376	City of Camden, Unincorporated Areas of Benton County.
	Approximately 0.5 mile upstream of Old State Route 69.	None	+409	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.
** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

City of Camden

Maps are available for inspection at City Hall, 110 U.S. Route 641 South, Camden, TN 38320.

Unincorporated Areas of Benton County

Maps are available for inspection at the Benton County Courthouse, 1 East Court Square, Room 104, Camden, TN 38320.

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

Dated: June 23, 2011.

Sandra K. Knight,

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

[FR Doc. 2011–17035 Filed 7–6–11; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS–R9–IA–2010–0056; 96300–1671–0000–R4]

RIN 1018–AX29

Endangered and Threatened Wildlife and Plants; Removal of the Regulation That Excludes U.S. Captive-Bred Scimitar-Horned Oryx, Addax, and Dama Gazelle From Certain Prohibitions

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), propose to revise the regulations that implement the Endangered Species Act (Act). This action would eliminate the exclusion of U.S. captive-bred live wildlife and sport-hunted trophies of three endangered antelopes—scimitar-horned oryx (*Oryx dammah*), addax (*Addax nasomaculatus*), and dama gazelle (*Gazella dama*)—from certain prohibited activities, such as take and export, under the Act. This proposed change to the regulations is in response to a court order that found that the rule for these three species violated section 10(c) of the Act. These three antelope species remain listed as endangered under the Act, and a person would need to qualify for an exemption or obtain an authorization under the current statutory and regulatory requirements to conduct any prohibited activities.

DATES: We will consider comments received or postmarked on or before August 8, 2011.

ADDRESSES: You may submit comments by one of the following methods:

• *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments on Docket No. FWS–R9–IA–2010–0056.

• *U.S. mail or hand-delivery:* Public Comments Processing, *Attn:* FWS–R9–IA–2010–0056; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, Suite 222; Arlington, VA 22203.

We will not accept e-mails or faxes. We will post all comments on *http://www.regulations.gov.* This generally means that we will post any personal information you provide us (see the Public Comments section at the end of **SUPPLEMENTARY INFORMATION** for further information about submitting comments).

FOR FURTHER INFORMATION CONTACT: Robert R. Gabel, Chief, Division of Management Authority, U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, Suite 212, Arlington, VA 22203; telephone 703–358–2093; fax 703–358–2280. If you use a telecommunications device for the deaf (TDD), call the Federal Information Relay Service (FIRS) at 800–877–8339.

SUPPLEMENTARY INFORMATION:

Background

On September 2, 2005 (70 FR 52319), the Service determined that the scimitar-horned oryx (*Oryx dammah*), addax (*Addax nasomaculatus*), and dama gazelle (*Gazella dama*) were endangered throughout their ranges under the Act (16 U.S.C. 1531 *et seq.*). The numbers of these species of antelopes in the wild have declined drastically in the deserts of North Africa over the past 50 years. The causes of decline are habitat loss (desertification, permanent human settlement, and competition with domestic livestock), regional military activity, and uncontrolled killing. No sightings of the scimitar-horned oryx had been reported since the late 1980s, and the species may now be extinct in the wild. Remnant populations of the addax may still exist in remote desert areas, but probably fewer than 600 occur in the wild. Only small numbers of dama gazelle are estimated to occur in its historical range, with recent estimates of fewer than 700 in the wild. Captive-breeding programs operated by zoos and private ranches have increased the number of these antelopes, while genetically managing their herds and providing founder stock necessary for reintroduction. The Sahelo-Saharan Interest Group (SSIG) of the United Nations Environment Program estimated that there are 4,000–5,000 scimitar-horned oryx, 1,500 addax, and 750 dama gazelle in captivity worldwide, many of which are held in the United States.

Thus, on September 2, 2005 (the same date that we listed the three antelopes as endangered), the Service added a new regulation (70 FR 52310) at 50 CFR 17.21(h) to govern certain activities with U.S. captive-bred animals of these three species. For live antelopes, including embryos and gametes, and sport-hunted trophies of these three species, the regulation authorized certain otherwise prohibited activities that enhance the propagation or survival of the species. These activities include take; export or re-import; delivery, receipt, carrying, transport or shipment in interstate or foreign commerce in the course of a commercial activity; and sale or offer for sale in interstate or foreign commerce.

Captive-breeding programs have played a role in the conservation of the scimitar-horned oryx, addax, and dama gazelle, and we found that activities associated with captive breeding within the United States enhance the propagation or survival of the species by managing the species to ensure genetic integrity and diversity, serving as repositories for surplus animals, and facilitating the movement of specimens between breeding facilities. Some U.S. captive-breeding facilities allow sport hunting of surplus captive-bred animals, which generates revenue to support the operations and may relieve hunting pressure on wild populations.

In the September 2, 2005, rule at 70 FR 52310, we published the final rule that found that the regulatory framework we were establishing at 50 CFR 17.21(h) met the standards for both enhancing the propagation and enhancing the survival of U.S captive-bred scimitar-horned oryx, addax, and dama gazelle as shown by the findings for each of the criteria found at 50 CFR 17.22(a)(2) for endangered species permits. We found that 50 CFR 17.21(h) protects populations in the wild, ensures appropriate management of U.S. captive-bred specimens, and encourages continued captive breeding and management of these species. In addition, we made the required findings under section 10(d) of the Act. We also determined that the rulemaking process that amended 50 CFR 17.21 by adding a new paragraph (h) satisfied the requirements for notification and opportunity for public comment under section 10(c). Therefore, persons who wished to engage in specified otherwise prohibited activities with U.S. captive-bred scimitar-horned oryx, addax, and dama gazelle, when such activities meet the criteria of 50 CFR 17.21(h), could do so without obtaining an individual endangered species permit.

Proposed Removal of 50 CFR 17.21(h)

The promulgation of the regulation at 50 CFR 17.21(h) was challenged as violating section 10 of the Act and the National Environmental Policy Act in the United States District Court for the District of Columbia (see *Friends of Animals, et al.,* v. *Ken Salazar, Secretary of the Interior* and *Rebecca Ann Cary, et al.,* v. *Rowan Gould, Acting Director, Fish and Wildlife Service, et al., 626 F. supp. 2d 102* (D.D.C. 2009)). The Court found that the rule for the three antelope species violated section 10(c) of the Act. On June 22, 2009, the Court remanded the rule to the Service for action consistent with its opinion.

To comply with the Court's order, the Service proposes to remove the regulation at 50 CFR 17.21(h) and eliminate the exemption for U.S. captive-bred scimitar-horned oryx, addax, and dama gazelle from certain prohibitions under the Act. Any person who wishes to conduct an otherwise prohibited activity with U.S. captive-bred scimitar-horned oryx, addax, or dama gazelle would need to qualify for an exemption or obtain authorization for such activity under the current statutes or regulations.

Required Determinations

Regulatory Planning and Review—Executive Order 12866: The Office of Management and Budget (OMB) has determined that this rule is not significant under Executive Order 12866 (E.O. 12866). OMB bases its determination upon the following four criteria.

(a) Whether the rule will have an annual effect of $100 million or more on the economy or adversely affect an economic sector, productivity, jobs, the environment, or other units of government.

(b) Whether the rule will create inconsistencies with other Federal agencies' actions.

(c) Whether the rule will materially affect entitlements, grants, user fees, loan programs, or the rights and obligations of their recipients.

(d) Whether the rule raises novel legal or policy issues.

Regulatory Flexibility Act: Under the Regulatory Flexibility Act (as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996), whenever a Federal agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effect of the rule on small entities (i.e., small businesses, small organizations,

and small government jurisdictions) (5 U.S.C. 601 *et seq.*). However, no regulatory flexibility analysis is required if the head of an agency certifies that the rule would not have a significant economic impact on a substantial number of small entities. Thus, for a regulatory flexibility analysis to be required, impacts must exceed a threshold for ''significant impact'' and a threshold for a ''substantial number of small entities.'' See 5 U.S.C. 605(b). SBREFA amended the Regulatory Flexibility Act to require Federal agencies to provide a statement of the factual basis for certifying that a rule would not have a significant economic impact on a substantial number of small entities.

The U.S. Small Business Administration (SBA) defines a small business as one with annual revenue or employment that meets or is below an established size standard. We expect that the majority of the entities involved in taking, exporting, re-importing, and selling in interstate or foreign commerce of these three endangered antelopes would be considered small as defined by the SBA.

This proposed rule would require individuals and captive-breeding operations of the three endangered antelopes to apply for authorization and pay an application fee of $100–$200 and apply for a permit when conducting certain otherwise prohibited activities. The regulatory change is not major in scope and would create only a modest financial or paperwork burden on the affected members of the general public.

We, therefore, certify that this rule would not have a significant economic effect on a substantial number of small entities as defined under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). A Regulatory Flexibility Analysis is not required. Accordingly, a Small Entity Compliance Guide is not required.

Small Business Regulatory Enforcement Fairness Act: This proposed rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This proposed rule:

a. Would not have an annual effect on the economy of $100 million or more. This rule proposes to remove the regulation that excludes U.S. captive-bred scimitar-horned oryx, addax, and dama gazelle from certain prohibitions of the Act. If finalized, individuals and captive-breeding operations would need to qualify for an exemption or obtain endangered species permits or other authorization to engage in certain otherwise prohibited activities. This proposed rule would not have a negative effect on this part of the economy. It will affect all businesses, whether large or small, the same. There is not a disproportionate share of benefits for small or large businesses.

b. Would not cause a major increase in costs or prices for consumers; individual industries; Federal, State, tribal, or local government agencies; or geographic regions. This rule would result in a small increase in the number of applications for permits or other authorizations to conduct otherwise prohibited activities with these three endangered antelope species.

c. Would not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

Unfunded Mandates Reform Act: Under the Unfunded Mandates Reform Act (2 U.S.C. 1501, *et seq.*):

a. This proposed rule would not significantly or uniquely affect small governments. A Small Government Agency Plan is not required.

b. This proposed rule would not produce a Federal requirement of $100 million or greater in any year and is not a ''significant regulatory action'' under the Unfunded Mandates Reform Act.

Takings: Under Executive Order 12630, this rule would not have significant takings implications. A takings implication assessment is not required. This proposed rule is not considered to have takings implications because it allows individuals to obtain authorization for otherwise prohibited activities with these three endangered antelopes when issuance criteria are met.

Federalism: This proposed revision to part 17 does not contain significant Federalism implications. A Federalism Assessment under Executive Order 13132 is not required.

Civil Justice Reform: Under Executive Order 12988, the Office of the Solicitor has determined that this proposed rule does not unduly burden the judicial system and meets the requirements of subsections 3(a) and 3(b)(2) of the Order.

Paperwork Reduction Act: The Office of Management and Budget approved the information collection in part 17 and assigned OMB Control Numbers 1018–0093 and 1018–0094. This proposed rule does not contain any new information collections or recordkeeping requirements for which OMB approval is required under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). We 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.

National Environmental Policy Act (NEPA): The Service has determined that this proposed rule is a regulatory change that is administrative and legal in nature. As such, the proposed rule is categorically excluded from further NEPA review as provided by 43 CFR 46.210(i), of the Department of the Interior Implementation of the National Environmental Policy Act (73 FR 6129269 (October 15, 2008)). No further documentation will be made.

Government-to-Government Relationship with Tribes: Under the President's memorandum of April 29, 1994, ''Government-to-Government Relations with Native American Tribal Governments'' (59 FR 22951) and 512 DM 2, we have evaluated possible effects on federally recognized Indian Tribes and have determined that there are no effects.

Energy Supply, Distribution or Use: On May 18, 2001, the President issued Executive Order 13211 on regulations that significantly affect energy supply, distribution, and use. This proposed rule would not significantly affect energy supplies, distribution, and use. Therefore, this action is a not a significant energy action and no Statement of Energy Effects is required.

Clarity of this Regulation: We are required by Executive Orders 12866 and 12988 and by the Presidential Memorandum of June 1, 1998, to write all rules in plain language. This means that each rule we publish must:

(a) Be logically organized;

(b) Use the active voice to address readers directly;

(c) Use clear language rather than jargon;

(d) Be divided into short sections and sentences; and

(e) Use lists and tables wherever possible.

If you feel that we have not met these requirements, send us comments by one of the methods listed in the **ADDRESSES** section. To better help us revise the rule, your comments should be as specific as possible. For example, you should tell us the numbers of the sections or paragraphs that are unclearly written, which sections or sentences are too long, the sections where you feel lists or tables would be useful, etc.

Public Comments

You may submit your comments and materials concerning this rule by one of the methods listed in the **ADDRESSES** section. We will not accept comments sent by e-mail or fax or to an address not listed in the **ADDRESSES** section.

We will post your entire comment—including your personal identifying information—on *http://*

www.regulations.gov. If you provide personal identifying information in your written comments, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so.

Comments and materials we receive, as well as supporting documentation we used in preparing this proposed rule, will be available for public inspection on *http://www.regulations.gov,* or by appointment, during normal business hours, at the U.S. Fish and Wildlife Service; Division of Management Authority; 4401 N. Fairfax Drive, Suite 212; Arlington, VA 22203; telephone, (703) 358–2093.

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Proposed Regulation Promulgation

For the reasons given in the preamble, we propose to amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as follows:

PART 17—[AMENDED]

1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500; unless otherwise noted.

§ 17.21 [Amended]

2. Amend § 17.21 by removing paragraph (h).

Dated: January 25, 2011.

Eileen Sobeck,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 2011–16982 Filed 7–6–11; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS–R1–ES–2010–0071; MO 92210–0–0009]

RIN 1018–AX16

Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for *Lepidium papilliferum* (Slickspot Peppergrass)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; extension of comment period.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce the extension of the comment period on the proposed designation of critical habitat for *Lepidium papilliferum* (slickspot peppergrass). In total, we are proposing to designate 23,374 hectares (57,756 acres) as critical habitat for *L. papilliferum* in Ada, Elmore, Payette, and Owyhee Counties in Idaho. We are extending the public comment period an additional 60 days beyond the current scheduled closing date of July 11, 2011. If you have previously submitted comments, you do not need to resubmit them since we have incorporated them into the public record and will fully consider them in preparation of the final rule.

DATES: *Written Comments:* We will accept comments received or postmarked on or before September 9, 2011. Please note that if you are using the Federal eRulemaking Portal (see **ADDRESSES** section, below) the deadline for submitting an electronic comment is 11:59 p.m. Eastern Standard Time on this date. Any comments that we receive after the closing date may not be fully considered in the final decision on this action.

ADDRESSES: You may submit comments by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* In the box that reads ''Enter Keyword or ID,'' enter the docket number for this proposed rule, which is FWS–R1–ES–2010–0071 and then click the Search button. You should then see an icon that reads ''Submit a Comment.'' Please ensure that you have found the correct rulemaking before submitting your comment.
- *U.S. mail or hand-delivery:* Public Comments Processing, Attn: FWS–R1–ES–2010–0071; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, MS 2042–PDM; Arlington, VA 22203.

We will post all comments on *http://www.regulations.gov.* This generally means that we will post any personal information you provide us (see the Public Comments section below for more information). Information regarding this notice is available in alternative formats upon request.

FOR FURTHER INFORMATION CONTACT: Brian T. Kelly, State Supervisor, U.S. Fish and Wildlife Service, Idaho Fish and Wildlife Office, 1387 South Vinnell Way, Room 368, Boise, ID 83709; telephone 208–378–5243; facsimile 208–378–5262. If you use a telecommunications device for the deaf (TDD), call the Federal Information Relay Service (FIRS) at 800–877–8339.

SUPPLEMENTARY INFORMATION:

Background

Under the Endangered Species Act of 1973 (Act) (16 U.S.C. 1531 *et seq.*), as amended, we listed *Lepidium papilliferum* as a threatened species on October 8, 2009 (74 FR 52014). On May 10, 2011, we published the proposed designation of critical habitat for *L. papilliferum* (76 FR 27184). All details of the proposed critical habitat designation are provided in our May 10, 2011, proposed rule, available online at *http://www.regulations.gov,* or by contacting the Idaho Fish and Wildlife Office (see **FOR FURTHER INFORMATION CONTACT**). We are seeking data and comments from the public on all aspects of the proposed critical habitat designation for *L. papilliferum.*

On June 1, 2011, we received a request from the Governor of Idaho seeking a 60-day extension of the comment period so that the State of Idaho may coordinate comments between the State agencies that may be affected by critical habitat, and to allow adequate time for citizens to provide input on the proposed critical habitat designation. This notice announces the 60-day extension as requested.

Public Comments

We intend that any final action resulting from this proposed rule will be based on the best scientific and commercial data available and be as accurate and as effective as possible. Therefore, we request comments or information from the public, other concerned government agencies, the scientific community, industry, or other interested parties concerning this proposed rule. We will consider information and recommendations from all interested parties. We particularly seek comments concerning:

(1) The reasons why we should or should not designate habitat as ''critical habitat'' under section 4 of the Act, including whether there are threats to *Lepidium papilliferum* from human activity, the degree to which threats from human activity can be expected to increase due to the designation, and whether that increase in threats outweighs the benefit of designation such that the designation of critical habitat may not be prudent.

(2) Specific information on:

- The amount and distribution of *Lepidium papilliferum* habitat;
- What areas occupied at the time of listing and that contain features essential to the conservation of *Lepidium papilliferum* should be included in the designation and why;

• The habitat components (primary constituent elements) essential to the conservation of the species, such as specific soil characteristics, plant associations, or pollinators, and the quantity and spatial arrangement of these features on the landscape needed to provide for the conservation of the species;

• What areas not occupied at the time of listing are essential for the conservation of the species, if any, and why; and

• Special management considerations or protections that the features essential to the conservation of *Lepidium papilliferum* may require, including managing for the potential effects of climate change.

(3) Land use designations and current or planned activities in the subject areas and their possible impacts on proposed critical habitat.

(4) Any probable economic, national security, or other relevant impacts of designating any area that may be included in the final designation. We are particularly interested in any impacts on small entities, and the benefits of including or excluding areas that are subject to these impacts.

(5) Whether the benefits of excluding any particular area from critical habitat outweigh the benefits of including that area in critical habitat under section 4(b)(2) of the Act, after considering both the potential impacts and benefits of the proposed critical habitat designation. Under section 4(b)(2) of the Act, we may exclude an area from critical habitat if we determine that the benefits of such exclusion outweigh the benefits of including that particular area as critical habitat, unless failure to designate that specific area as critical habitat will result in the extinction of the species. We are considering the possible exclusion of areas under private ownership, in particular, as we anticipate the benefits of exclusion may outweigh the benefits of inclusion in those areas. We, therefore, request specific information on:

• The benefits of including any specific areas in the final designation and supporting rationale;

• The benefits of excluding any specific areas from the final designation and supporting rationale; and

• Whether any specific exclusions may result in the extinction of the species and why.

(6) The use of Public Land Survey System quarter-quarter sections to delineate the proposed critical habitat designation; we used quarter-quarter sections in this proposed rule because they are the most commonly used minimum size and method for delineating land ownership boundaries within the range of *Lepidium papilliferum.*

(7) Information on the projected and reasonably likely impacts of climate change on *Lepidium papilliferum* and on the critical habitat areas we are proposing.

(8) Whether we could improve or modify our approach to designating critical habitat in any way to provide for greater public participation and understanding, or to better accommodate public concerns and comment.

Our final determination concerning critical habitat for *Lepidium papilliferum* will take into consideration all written comments we receive during the comment period, including comments from peer reviewers, comments we receive during any public hearing should one be requested, and any additional information we receive during the extended comment period. All comments will be included in the public record for this rulemaking. On the basis of peer reviewer and public comments, we may, during the development of our final determination, find that areas within the proposed designation do not meet the definition of critical habitat, that some modifications to the described boundaries are appropriate, or that areas may or may not be appropriate for exclusion under section 4(b)(2) of the Act.

You may submit your comments and materials concerning our proposed rule by one of the methods listed in the **ADDRESSES** section. We request that you send comments only by the methods described in the **ADDRESSES** section.

If you submit a comment via *http://www.regulations.gov,* your entire submission—including any personal identifying information—will be posted on the Web site. If your submission is made via a hardcopy that includes personal identifying information, you may request at the top of your document that we withhold this personal identifying information from public review. However, we cannot guarantee that we will be able to do so. We will post all hardcopy submissions on *http://www.regulations.gov.* Please include sufficient information with your comments to allow us to verify any scientific or commercial information you include.

Comments and materials we receive, as well as supporting documentation we used in preparing the proposed rule, will be available for public inspection on *http://www.regulations.gov,* or by appointment, during normal business hours, at the U.S. Fish and Wildlife Service, Idaho Fish and Wildlife Office (see **FOR FURTHER INFORMATION CONTACT**).

We will take into consideration all comments and any additional information we received during this extended comment period on the proposed rule during the preparation of a final rulemaking. Accordingly, the final decision may differ from the proposal.

Authors

The primary authors of this notice are the staff members of the Idaho Fish and Wildlife Office (see **FOR FURTHER INFORMATION CONTACT** section).

Authority: The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: June 24, 2011.

Rachel Jacobson,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 2011–16748 Filed 7–6–11; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 300

Docket No. 110620342–1340–02]

RIN 0648–BA66

International Fisheries; Pacific Tuna Fisheries; Recommendations Adopted by the Inter-American Tropical Tuna Commission

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

ACTION: Advanced Notice of Proposed Rulemaking; request for comments.

SUMMARY: NMFS is requesting public comment on certain amendments under consideration for the regulations governing the longline and purse seine fisheries targeting tuna and tuna-like species in the eastern Pacific Ocean (EPO) to conform to recommendations adopted by the Inter-American Tropical Tuna Commission (IATTC). This rulemaking would be issued under authority of the Tuna Conventions Act of 1950. At its Eighty-first Meeting, held in September 2010, members of the IATTC adopted three recommendations. This ANPR discusses two of these decisions, the Recommendation on Tuna Conservation 2011–2013 (C–10–01) and the Recommendation Prohibiting Fishing on Data Buoys (C–

10–03), which would require rulemaking to implement domestically.

DATES: Comments must be submitted in writing by July 27, 2011.

ADDRESSES: You may submit comments, identified by 0648–BA66, by any one of the following methods:

- *Electronic Submissions:* Submit all electronic public comments via the Federal eRulemaking Portal: *http://www.regulations.gov.*
- *Fax:* 562–980–4047, *Attn:* Heidi Hermsmeyer.
- *Mail:* Rodney R. McInnis, Regional Administrator, NMFS Southwest Regional Office (SWR), 501 W. Ocean Blvd., Suite 4200, Long Beach, CA 90802. Include the identifier ''0648–BA66'' in the comments.

Instructions: 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 (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information.

NMFS will accept anonymous comments (enter N/A in the required fields, if you wish to remain anonymous). You may submit attachments to electronic comments in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.

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

SUPPLEMENTARY INFORMATION: At its Eighty-first Meeting, held in September 2010, members of the IATTC adopted the following three recommendations: (1) Recommendation on Tuna Conservation 2011–2013 (C–10–01); (2) Recommendation on Seabirds (C–10–02); and (3) Recommendation Prohibiting Fishing on Data Buoys (C–10–03). Recommendation C–10–02 established measures to mitigate the impact of the longline fishery on seabirds, which are similar to those in place in the Western and Central Pacific Fisheries Commission (WCPFC) Convention Area. The United States has domestic seabird conservation measures in place for U.S. longline fisheries that operate in the EPO that satisfy the recommendations adopted in Recommendation C–10–02, thus no additional regulatory action is required to implement this recommendation. The United States is considering amending regulations to implement IATTC Recommendations C–10–01 and C–10–03. While this is the preferred course of action at this time, the United States is also considering not amending the regulations currently in effect, which implement IATTC Resolution C–09–01, or removing those regulations. The United States is considering these alternatives because there has been some uncertainty regarding whether Resolution C–09–01 required ratification by the IATTC in 2010 to remain effective in 2011, and whether Recommendation C–10–01 replaced Resolution C–09–01 for all intents and purposes. All active resolutions and recommendations are available on the following IATTC Web site: *http://www.iattc.org/ResolutionsActiveENG.htm.*

Potential Changes to Tuna Conservation Measures for 2011–2013

The Recommendation on Tuna Conservation for 2011–2013 is very similar to the Resolution on a Multiannual Program for the Conservation of Tuna in the Eastern Pacific Ocean in 2009–2011 (IATTC Resolution C–09–01), which was adopted in 2009 by the IATTC. The United States implemented IATTC Resolution C–09–01 in November 2010 (74 FR 61046, November 23, 2009). Similar to Resolution C–09–01, the main objectives of Recommendation C–10–01 are to limit the fishing mortality of yellowfin tuna (*Thunnus albacares*) and to reduce the fishing mortality of bigeye tuna (*Thunnus obesus*) in the EPO. The measures are based in part on the recommendations and analysis of IATTC scientific staff and the 2010 stock assessments of bigeye and yellowfin tuna completed by IATTC staff. The differences between Recommendation C–10–01 and Resolution C–09–01 that are being considered for rulemaking are: (1) A change in the length of the closure period of the IATTC Convention Area for tuna purse seine vessels class sizes 4–6 (182 metric tons carrying capacity or greater) in 2011 from 73 days to 62 days and continuation of that closure period in 2012 and 2013; (2) continuation of the annual 500 metric ton bigeye tuna quota in the longline fishery for vessels over 24 meters in length from 2011–2013; and (3) renewal of the tuna retention program for 2011 that requires all bigeye, skipjack, and yellowfin tuna caught by a U.S. purse seine vessel of class sizes 4–6 (i.e., larger than 182 cubic meters carrying capacity) be retained on board and landed, except fish deemed unfit for human consumption for reasons other than size. The single exemption for this would be the final set of a trip, when there may be insufficient well space remaining to accommodate all the tuna caught in that set. Additionally, NMFS is considering giving vessel owners the option of choosing between the two possible purse seine closure periods that were established under IATTC Recommendation C–10–01 for each applicable year, rather than requiring the entire U.S. fleet to adhere to the later closure period as was done in 2009 and 2010. It appears that most, if not all, other members of the IATTC are implementing the closure period on a vessel-by-vessel basis since it provides fleets with greater flexibility. The two options would be July 29 to September 28, or November 18 to January 18 of the following year for 2011, 2012, and 2013.

Potential Prohibition on Fishing Around Data Buoys

The main objective of the Recommendation Prohibiting Fishing on Data Buoys is to stop vandalism and damage to data buoys from fishing vessels that often leads to loss of data critical to weather forecasting, tsunami warnings, search and rescue efforts, and research of the marine environment and that IATTC members expend time and resources to locate, replace, and repair data buoys damaged or lost by fishing methods or vandalism. Recommendation C–10–03 defines data buoys as floating devices, either drifting or anchored, that are deployed by governmental or recognized scientific organizations or entities for the purpose of electronically collecting environmental data, and not in support of fishing activities.

Recommendation C–10–03 urges members to prohibit fishing vessels from fishing within one nautical mile of, or interacting with, a data buoy in the EPO. A possible rulemaking action would: (1) Prohibit encircling a data buoy with fishing gear, tying up to or attaching the vessel, or any fishing gear, part or portion of the vessel, to a data buoy, and, if the buoy is anchored, cutting its anchor line; (2) prohibit fishing vessels from taking on board a data buoy, unless specifically authorized or requested to do so by a member or cooperating non-member of the IATTC or owner responsible for that buoy; (3) encourage fishing vessels operating in the EPO to keep watch for data buoys at sea and to take all reasonable measures to avoid fishing gear entanglement or directly interacting in any way with those data buoys; and (4) require fishing vessels that become entangled with a data buoy to remove the entangled fishing gear with as little damage to the data buoy as possible. However, any scientific research program would be allowed to operate

fishing vessels within one nautical mile of a data buoy, provided the IATTC Secretariat is notified in advance about the operation and the fishing gear/vessel does not interact with a data buoy.

Executive Order 12866: This action has been determined to be not significant under EO 12866.

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

Dated: June 30, 2011.

John Oliver,

Deputy Assistant Administrator for Operations, National Marine Fisheries Service.

[FR Doc. 2011–17079 Filed 7–6–11; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register

Vol. 76, No. 130

Thursday, July 7, 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

Animal and Plant Health Inspection Service

[Docket No. APHIS–2011–0081]

International Center for Technology Assessment and the Center for Food Safety; Noxious Weed Status of Kentucky Bluegrass Genetically Engineered for Herbicide Tolerance

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public of our decision that Kentucky bluegrass that has been genetically engineered for tolerance to the herbicide glyphosate should not be listed as a Federal noxious weed and therefore will not be regulated under the Animal and Plant Health Inspection Service's regulations for noxious weeds. Our decision is based on our analysis of available scientific data, our weed risk assessment, and other available information.

ADDRESSES: The assessment and other related documents cited in this notice may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS–2011–0081* or in our reading room, which is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 6902817 before coming.

You may view APHIS' 2011 response to the petition, as well as our weed risk assessment and other related documents, on the APHIS Web site at *http://www.aphis.usda.gov/plant_health/plant_pest_info/weeds/newregs.shtml.*

FOR FURTHER INFORMATION CONTACT: Dr. Alan Tasker, National Program Manager (Noxious Weeds), Emergency and Domestic Programs, Plant Protection and Quarantine, APHIS, 4700 River Road Unit 26, Riverdale, MD 20737–1236; (301) 734–5708, *e-mail: alan.v.tasker@aphis.usda.gov.* Dr. Tasker may also be contacted to obtain copies of the weed risk assessment and APHIS' response to the petition.

SUPPLEMENTARY INFORMATION:

Background

The Plant Protection Act (PPA, 7 U.S.C. 7701 *et seq.*), authorizes the Secretary of Agriculture to prohibit or restrict the importation, entry, exportation, or movement in interstate commerce of any plant, plant product, biological control organism, noxious weed, article, or means of conveyance if the Secretary determines that the prohibition or restriction is necessary to prevent the introduction of a plant pest or noxious weed into the United States or dissemination of a plant pest or noxious weed within the United States.

The PPA defines ''noxious weed'' as ''any plant or plant product that can directly or indirectly injure or cause damage to crops (including nursery stock or plant products), livestock, poultry, or other interests of agriculture, irrigation, navigation, and the natural resources of the United States, the public health, or the environment.''

Under the authority of the PPA, the Animal and Plant Health Inspection Service (APHIS) administers the regulations in 7 CFR part 360, ''Noxious Weed Regulations,'' which prohibit or restrict the importation and interstate movement of those plants that we have designated as noxious weeds in § 360.200 (the Federal noxious weed list). Noxious weeds are likely to be aggressively invasive, have significant negative impacts, and are extremely difficult to manage or control once established. If APHIS determines that a plant poses a level of harm that would warrant its designation as a Federal noxious weed, APHIS may place the plant on the Federal noxious weed list and regulate it under 7 CFR part 360.

In a petition dated July 18, 2002, the International Center for Technology Assessment and the Center for Food Safety (the petitioners) requested that APHIS list two turf grasses, including Kentucky bluegrass that has been genetically engineered for tolerance to the herbicide glyphosate, as Federal noxious weeds. On May 13, 2003, APHIS responded to the petition and declined the request to list the turf grasses as Federal noxious weeds based on scientific weed risk assessments prepared by the Agency. Subsequently, the petitioners challenged APHIS' decision in Federal court. On February 5, 2007, the United States District Court for the District of Columbia vacated APHIS' denial of the petition and remanded the matter back to APHIS.

APHIS has prepared a new weed risk assessment (WRA) for Kentucky bluegrass, which encompasses Kentucky bluegrass that has been genetically engineered for tolerance to the herbicide glyphosate as well as non-herbicide-tolerant Kentucky bluegrass.

Based on its analysis, APHIS has determined that Kentucky bluegrass does not pose a level of harm that would warrant its listing as a noxious weed. For that reason, APHIS is denying the petitioners' request to list Kentucky bluegrass that has been genetically engineered for tolerance to the herbicide glyphosate as a Federal noxious weed under 7 CFR part 360. APHIS is furnishing a response to the petitioner denying the petition.

The WRA and other related documents are available for public review and copies are available as indicated under **ADDRESSES** and **FOR FURTHER INFORMATION CONTACT** above. In addition to noxious weeds, APHIS regulates plant pests under authority of the PPA. In a separate notice published in today's **Federal Register**, we are advising the public of our decision that Kentucky bluegrass genetically engineered by the Scotts Miracle-Gro Company (Scotts) for tolerance to the herbicide glyphosate without the use of plant pest components does not meet the definition of a regulated article under APHIS regulations for genetically engineered organisms in 7 CFR part 340.

Authority: 7 U.S.C. 7701–7772 and 7781–7786; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 1st day of July 2011.

Gregory L. Parham,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2011–17118 Filed 7–6–11; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2011–0080]

Scotts Miracle-Gro Co.; Regulatory Status of Kentucky Bluegrass Genetically Engineered for Herbicide Tolerance

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that the Animal and Plant Health Inspection Service (APHIS) has received a letter from the Scotts Miracle-Gro Company seeking confirmation that their Kentucky bluegrass, which has been genetically engineered for herbicide tolerance without the use of plant pest components, does not meet the definition of a regulated article under APHIS regulations for genetically engineered organisms. Based on the information provided in the letter, we agree that the Kentucky bluegrass does not meet the definition of a regulated article under APHIS regulations for genetically engineered organisms.

ADDRESSES: You may view the letter from Scotts and APHIS' response letter on the Internet at *http://www.aphis.usda.gov/biotechnology/news.shtml.*

FOR FURTHER INFORMATION CONTACT: Dr. Andrea Huberty, Branch Chief, Regulatory and Environmental Analysis Branch, Biotechnology Regulatory Services, APHIS, 4700 River Road, Unit 147, Riverdale, MD 20737–1236; (301) 734–0485, *e-mail: andrea.f.huberty@aphis.usda.gov.* To obtain copies of the letters, contact Ms. Cindy Eck at (301) 734–0667, *e-mail: cynthia.a.eck@aphis.usda.gov.*

SUPPLEMENTARY INFORMATION:

Background

The Plant Protection Act (PPA, 7 U.S.C. 7701 *et seq.*), authorizes the Secretary of Agriculture to prohibit or restrict the importation, entry, exportation, or movement in interstate commerce of any plant, plant product, biological control organism, noxious weed, article, or means of conveyance if the Secretary determines that the prohibition or restriction is necessary to prevent the introduction of a plant pest or noxious weed into the United States or dissemination of a plant pest or noxious weed within the United States.

In section 403 of the PPA, ''plant pest'' is defined as any living stage of any of the following that can directly or indirectly injure, cause damage to, or cause disease in any plant or plant product: A protozoan, a nonhuman animal, a parasitic plant, a bacterium, a fungus, a virus or viroid, an infectious agent or other pathogen, or any article similar to or allied with any of the foregoing.

Under the plant pest authority of the PPA, the Animal and Plant Health Inspection Service (APHIS) administers the regulations in 7 CFR part 340, ''Introduction of Organisms and Products Altered or Produced Through Genetic Engineering Which Are Plant Pests or Which There Is Reason to Believe Are Plant Pests,'' which regulate, among other things, the introduction (importation, interstate movement, or release into the environment) of organisms and products altered or produced through genetic engineering that are plant pests or that there is reason to believe are plant pests. Such genetically engineered (GE) organisms and products are considered ''regulated articles.''

In the past, APHIS has received letters from developers seeking clarification on the regulatory status of GE organisms that the developers believed did not meet the definition of a regulated article. These developers sought confirmation from APHIS that APHIS did not consider the organisms to be regulated under 7 CFR part 340. When APHIS receives such a request, we review the information provided. If APHIS agrees with the developer that the GE organism does not meet the definition of a regulated article, then the organism is not subject to regulation under 7 CFR part 340. If APHIS disagrees, the organism is subject to all of the requirements of 7 CFR part 340.

On September 13, 2010, APHIS received a letter from the Scotts Miracle-Gro Company (Scotts) of Marysville, OH, seeking confirmation that their Kentucky bluegrass (*Poa pratensis* L.), which has been genetically engineered for herbicide tolerance, does not meet the definition of a regulated article under APHIS regulations. Scotts stated that the Kentucky bluegrass was genetically engineered without plant pest components and, therefore, should not be subject to APHIS' regulations in 7 CFR part 340, as it does not meet the definition of a regulated article in those regulations. No permits have been issued or notifications acknowledged by APHIS for the interstate movement or for field releases of Scotts' GE Kentucky bluegrass.

As described in the letter, Scotts' GE Kentucky bluegrass has been genetically engineered to express an enzyme, 5-enolpyruvylshikimate-3-phosphate synthase, from thale cress (*Arabidopsis thaliana*), which imparts tolerance to the herbicide glyphosate. Scotts' GE Kentucky bluegrass was also genetically engineered using genetic material from rice (*Oryza sativa*) and corn (*Zea mays*).

We agree that, according to the description provided by Scotts, their GE Kentucky bluegrass does not meet the definition of a ''regulated article'' and is not subject to the regulations in 7 CFR part 340. Kentucky bluegrass itself is not a plant pest, no organisms used as sources of the genetic material used to create Scotts' GE Kentucky bluegrass are plant pests, and the method used to genetically engineer Scotts' GE Kentucky bluegrass did not involve plant pests. Because no plant pests, unclassified organisms, or organisms whose classification is unknown were used to genetically engineer Scotts' GE Kentucky bluegrass, APHIS has no reason to believe it is a plant pest and therefore does not consider the Kentucky bluegrass described in the Scotts letter to be regulated under 7 CFR part 340.

In addition to plant pests, APHIS regulates noxious weeds under the authority of the PPA. In a separate notice published in today's **Federal Register**, we are advising the public of our decision that Kentucky bluegrass that has been genetically engineered for tolerance to the herbicide glyphosate will not be regulated under APHIS regulations governing noxious weeds in 7 CFR part 360.

Authority: 7 U.S.C. 7701–7772 and 7781–7786; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 1st day of July 2011.

Gregory L. Parham,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2011–17117 Filed 7–6–11; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Forest Service

Modoc County Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Modoc County Resource Advisory Committee will meet in Alturas, CA. 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 review Resource Advisory Committee Project Applications.

DATES: The meeting will be held July 11, 2011, 6 p.m.

ADDRESSES: The meeting will be held at Modoc National Forest Office, Conference Room, 800 West 12th St., Alturas.

FOR FURTHER INFORMATION CONTACT: Kimberly Anderson, Forest Supervisor and Designated Federal Officer, at (530) 233–8700; or Resource Advisory Coordinator, Stephen Riley at (530) 233–8705.

SUPPLEMENTARY INFORMATION: The business meeting on July 11, 2011 will begin at 6 p.m., at the Modoc National Forest Office, Conference Room, 800 West 12th St., Alturas, California 96101. Agenda topics will include voting and discussion of project proposals that meet the intent of Public Law 110–343. Time will also be set aside for public comments at the beginning of the meeting.

Dated: June 23, 2011.

Kimberly H. Anderson,

Forest Supervisor.

[FR Doc. 2011–17022 Filed 7–6–11; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Forest Service

Hiawatha East Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Hiawatha East Resource Advisory Committee will meet in Kincheloe, 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 is to review project proposal scoring sheets and possibly vote.

DATES: The meeting will be held on July 21, 2011, and will begin at 6 p.m.

ADDRESSES: The meeting will be held at the Chippewa County 911 Center, 4657 Industrial Park Drive, Kincheloe, MI. Written comments should be sent to Janel Crooks, Hiawatha National Forest, 2727 North Lincoln Road, Escanaba, MI 49829. Comments may also be sent via e-mail to *HiawathaNF@fs.fed.us,* or via facsimile to 906–789–3311.

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 Hiawatha National Forest, 2727 North Lincoln Road, Escanaba, MI. Visitors are encouraged to call ahead to 906–786–4062 to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Janel Crooks, RAC coordinator, USDA, Hiawatha National Forest, 2727 North Lincoln Road, Escanaba, Michigan 49862; (906) 786–4062; E-mail *HiawathaNF@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., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The meeting is open to the public. The following business will be conducted: (1) Review of Project Proposal Scoring Sheets (2) Public Comment and (3) Vote, if appropriate. 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.

June 28, 2011.

Stevan J. Christiansen,

Designated Federal Officer.

[FR Doc. 2011–16849 Filed 7–6–11; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Rural Housing Service

Notice of Funding Availability of Applications (NOFA) for Section 514 Farm Labor Housing Loans and Section 516 Farm Labor Housing Grants for Off-Farm Housing for Fiscal Year (FY) 2011

AGENCY: Rural Housing Service, USDA.

ACTION: Notice.

SUMMARY: This notice announces the timeframe to submit pre-applications for section 514 Farm Labor Housing (FLH) loans and section 516 FLH grants for the construction of new off-farm FLH units and related facilities for domestic farm laborers and for the purchase and substantial rehabilitation of an existing non-farm labor housing (FLH) property. The intended purpose of these loans and grants is to increase the number of available housing units for domestic farm laborers. This notice describes the method used to distribute funds, the application process, and submission requirements.

DATES: The deadline for receipt of all applications in response to this is 5 p.m., local time to the appropriate Rural Development State Office on August 22, 2011. The application closing deadline is firm as to date and hour. Rural Development will not consider any application that is received after the closing deadline unless date and time is extended by another Notice published in the **Federal Register**. Applicants intending to mail applications must provide sufficient time to permit delivery on or before the closing deadline. Acceptance by a post office or private mailer does not constitute delivery. Facsimile (FAX) and postage due applications will not be accepted.

Applicants wishing to apply for assistance must contact the Rural Development State Office serving the State of the proposed off-farm labor housing project in order to receive further information and copies of the application package. Rural Development will date and time stamp incoming applications to evidence timely receipt and, upon request, will provide the applicant with a written acknowledgment of receipt. A listing of Rural Development State Offices, their addresses, telephone numbers, and person to contact is under section VII of this Notice.

FOR FURTHER INFORMATION CONTACT: Mirna Reyes-Bible, Finance and Loan Analyst, Multi-Family Housing Preservation and Direct Loan Division, STOP 0781 (Room 1263–S), USDA Rural Development, 1400 Independence Ave., SW., Washington, DC 20250–0781, *telephone:* (202) 720–1753 (this is not a toll free number.), or via *e-mail: Mirna.ReyesBible@wdc.usda.gov.* If you have questions regarding Net Zero Energy Consumption and Energy Generation please contact Carlton Jarratt, Finance and Loan Analyst, Multi-Family Housing Preservation and Direct Loan Division at (804) 287–1524 or via *e-mail: carlton.jarrat@wdc.usda.gov.*

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

The reporting requirements contained in this notice have been approved by the Office of Management and Budget under Control Number 0575–0189.

Overview Information

Federal Agency Name: Rural Development.

Funding Opportunity Title: Notice of Funds Availability (NOFA) for Section 514 Farm Labor Housing Loans and Section 516 Farm Labor Housing Grants for Off-Farm Housing for Fiscal Year 2011.

Announcement Type: Initial Notice inviting applications from qualified applicants for Fiscal Year 2011.

Catalog of Federal Domestic Assistance Numbers (CFDA): 10.405 and 10.427.

Dates: The deadline for receipt of all applications in response to this is 5 p.m., local time to the appropriate Rural Development State Office on August 22, 2011. The application closing deadline is firm as to date and hour. Rural Development will not consider any application that is received after the closing deadline unless date and time is extended by another Notice published in the **Federal Register**. Applicants intending to mail applications must provide sufficient time to permit delivery on or before the closing deadline. Acceptance by a post office or private mailer does not constitute delivery. Facsimile (FAX) and postage due applications will not be accepted.

I. Funding Opportunities Description

For FY 2011 funds will be available up to $25,672,886.92 for Section 514 loans, up to $9,853,254.00 for Section 516 grants, and $2,994,000 for FLH Rental Assistance.

II. Award Information

Applications for FY 2011 will only be accepted through the date and time listed in this Notice. Final loan and grant levels may fluctuate from the initial amount considered with the pre-application, and are subject to availability of funding. Individual requests may not exceed $3 million (total loan and grant). No State may receive more than 30 percent of available FLH funding distributed in FY 2011. If there are insufficient applications from around the country to exhaust Sections 514 and 516 funds available, the Agency may then exceed the 30 percent cap per State. Section 516 off-farm FLH grants may not exceed 90 percent of the total development cost (TDC) of the housing as defined in 7 CFR part 3560.11. Applications that will use leveraged funding must provide written commitments from the funding source at pre-application. If leveraged funds are in the form of tax credits, the applicant must document that it has received tax credits or has applied and been approved to receive tax credits.

Rental Assistance and operating assistance will be available for new construction in FY 2011. Operating assistance is explained at 7 CFR part 3560.574 and may be used in lieu of tenant-specific rental assistance (RA) in off-farm labor housing projects that serve migrant farm workers as defined in 7 CFR part 3560.11 that are financed under section 514 or section 516(h) of the Housing Act of 1949, as amended (42 U.S.C. 1484 and 1486(h)) respectively, and otherwise meet the requirements of 7 CFR part 3560.574. Owners of eligible projects may choose tenant-specific RA or operating assistance, or a combination of both; however, any tenant or unit assisted with operating assistance may not also receive RA.

III. Eligibility Information

A. Housing Eligibility

Housing that is constructed with FLH loans and/or grants must meet Rural Development's design and construction standards contained in 7 CFR part 1924, subparts A and C. Once constructed, off-farm FLH must be managed in accordance with the program's management regulation, 7 CFR part 3560. In addition, off-farm FLH must be operated on a non-profit basis and tenancy must be open to all qualified domestic farm laborers, regardless at which farm they work. Section 514(f)(3) of the Housing Act of 1949, as amended (42 U.S.C. 1484(f)(3)) defines domestic farm laborers to include any person regardless of the person's source of employment, who receives a substantial portion of his or her income from the primary production of agricultural or aquacultural commodities in the unprocessed or processed stage, and also includes the person's family.

B. Tenant Eligibility

Tenant eligibility is limited to persons who meet the definition of a ''disabled domestic farm laborer,'' or ''a domestic farm laborer,'' or ''retired domestic farm laborer,'' as defined in 7 CFR section 3560.11. Farm workers who are admitted to this country on a temporary basis under the Temporary Agricultural Workers (H–2A Visa) program are not eligible to occupy section 514/516 off-farm FLH.

C. Applicant Eligibility

1. To be eligible to receive a section 516 grant for off-farm FLH, the applicant must be a broad-based nonprofit organization, including community and faith-based organizations, a nonprofit organization of farm workers, a federally recognized Indian tribe, an agency or political subdivision of a State or local government, or a public agency (such as a housing authority). The applicant must be able to contribute at least one-tenth of the TDC non-Rural Development resources which can include leveraged funds.

2. To be eligible to receive a section 514 loan for off-farm FLH, the applicant must be a broad-based nonprofit organization, including community and faith-based organizations, a nonprofit organization of farm workers, a federally recognized Indian tribe, an agency or political subdivision of a State or local government, a public agency (such as a housing authority), or a limited partnership which has a nonprofit entity as its general partner, and

i. Be unable to provide the necessary housing from its own resources; and

ii. Except for State or local public agencies and Indian tribes, be unable to obtain similar credit elsewhere at rates that would allow for rents within the payment ability of eligible residents.

iii. Broad-based nonprofit organizations must have a membership that reflects a variety of interests in the area where the housing will be located.

IV. Administrative Requirements

A. Cost Sharing or Matching

Section 516 grants for off-farm FLH may not exceed the lesser of 90 percent of the TDC as provided in 7 CFR 3560.562(c)(1).

B. Other Requirements

The following requirements apply to loans and grants made in response to this notice:

1. 7 CFR part 1901, subpart E, regarding equal opportunity requirements;

2. For grants only, 7 CFR part 3015, 3016 or 3019 (as applicable), which establishes the uniform administrative requirements for grants and cooperative agreements to State and local governments and to nonprofit organizations;

3. 7 CFR part 1901, subpart F, regarding historical and archaeological properties;

4. 7 CFR part 1940, subpart G, regarding environmental assessments;

5. 7 CFR part 3560, subpart L, regarding the loan and grant authorities of the off-farm FLH program;

6. 7 CFR part 1924, subpart A, regarding planning and performing construction and other development;

7. 7 CFR part 1924, subpart C, regarding the planning and performing of site development work;

8. For construction financed with a Section 516 grant, the provisions of the Davis-Bacon Act (40 U.S.C. 276(a)–276(a)–5) and implementing regulations published at 29 CFR parts 1, 3, and 5;

9. All other requirements contained in 7 CFR part 3560, regarding the section 514/516 off-farm FLH program; and

10. Please note that grant applicants must obtain a Dun and Bradstreet Data Universal Numbering System (DUNS)

number and maintain registration in the Central Contractor Registration (CCR) prior to submitting a pre-application pursuant to 2 CFR part 25.200(b). In addition, an entity applicant must maintain registration in the CCR database at all times during which it has an active Federal award or an application or plan under construction by the Agency. Similarly, all recipients of Federal financial assistance are required to report information about first-tier sub-awards and executive compensation in accordance with 2 CFR part 170. So long as an entity applicant does not have an exception under 2 CFR part 170.110(b), the applicant must have the necessary processes and systems in place to comply with the reporting requirements should the applicant receive funding. See 2 CFR part 170.200(b).

V. Application and Submission Information

The application process will be in two phases: the initial pre-application (or proposal) and the submission of a final application. Only those proposals that are selected for further processing will be invited to submit final applications. In the event that a proposal is selected for further processing and the applicant declines, the next highest ranked unfunded pre-application may be selected. All pre-applications for sections 514 and 516 funds must be filed with the appropriate Rural Development State Office and must meet the requirements of this notice. Incomplete pre-applications will not be reviewed and will be returned to the applicant. No pre-application will be accepted after 5 p.m., local to the appropriate Rural Development State Office on August 22, 2011 unless date and time are extended by another Notice published in the **Federal Register**.

Pre-applications can be submitted either electronically using the FLH Pre-application found at: *http://www.rurdev.usda.gov/rhs/mfh/MPR/MPRHome.htm* or in hard copy obtained from and submitted to the appropriate Rural Development Office where the project will be located. Applicants are strongly encouraged, but not required, to submit the pre-application electronically. The State Office will record pre-applications received electronically by the actual date and time when all attachments are received at the State Office. Hard copy pre-applications received on or before the deadline date will receive the close of business time of the day received as the receipt time. Hard copy pre-applications must be received by the submission deadline and no later than 5 p.m., local Time, August 22, 2011. Assistance for filing electronic and hard copy pre-applications can be obtained from any Rural Development State Office.

Applicants are strongly encouraged to provide an electronic copy of all hard copy forms and documents submitted in the pre-application/application package as requested by this Notice. The forms and documents must be submitted to the appropriate Rural Development State Office as read-only PDF Adobe Acrobat files on an electronic media such as CDs, DVDs or USB drives. For each electronic device submitted, the applicant should include a Table of Contents of all documents and forms on that device. The electronic medium should be submitted to the local State Office.

Note: For electronic submissions, there is a time delay between the time it is sent and the time it is received depending on network traffic. As a result, last-minute submissions sent before the deadline date and time could well be received after the deadline date and time because of the increased network traffic. Applicants are reminded that all submissions received after the deadline date and time will be rejected, regardless of when they were sent.

Note: If you receive a loan or grant award under this NOFA, USDA reserves the right to post all information not protected under the Privacy Act and submitted as part of the pre-application/application package on a public Web site with free and open access to any member of the public.

If a pre-application is accepted for further processing, the applicant must submit a complete, final application, acceptable to Rural Development prior to the obligation of Rural Development funds. If the pre-application is not accepted for further processing the applicant will be notified of appeal rights under 7 CFR part 11.

A. Pre-Application Requirements

1. The pre-application must contain the following:

i. A summary page listing the following items. This information should be double-spaced between items and not be in narrative form.

(a) Applicant's name.

(b) Applicant's Taxpayer Identification Number.

(c) Applicant's address.

(d) Applicant's telephone number.

(e) Name of applicant's contact person, telephone number, and address.

(f) Amount of loan and grant requested.

(g) For grants of Federal financial assistance (including loans and grants, cooperative agreements, etc.), the applicant's Dun and Bradstreet Data Universal Numbering System (DUNS) number and registration in the Central Contractor Registration (CCR) database in accordance with 2 CFR part 25. As required by the Office of Management and Budget (OMB), all grant applicants must provide a DUNS number when applying for Federal grants, on or after October 1, 2003. Organizations can receive a DUNS number at no cost by calling the dedicated toll-free number at 1–866–705–5711 or via Internet at *http:www.dnb.com/us/.* Additional information concerning this requirement can be obtained on the Grants.gov Web Site at *http://www.grants.gov.* Similarly, applicants may register for the CCR at *https://uscontractingregistration.com* or by calling 1–877–252–2700.

ii. A narrative verifying the applicant's ability to meet the eligibility requirements stated earlier in this notice. If an applicant is selected for further processing Rural Development will require additional documentation as set forth in a Conditional Commitment in order to verify the entity has the legal and financial capability to carry out the obligation of the loan.

iii. Standard Form 424, ''Application for Federal Assistance,'' can be obtained at *http://www.grants.gov* or from any Rural Development State Office listed in Section VII of this Notice.

iv. For loan pre-applications, current (within *6 months*) financial statements with the following paragraph certified by the applicant's designated and legally authorized signer:

''I/we certify the above is a true and accurate reflection of our financial condition as of the date stated herein. This statement is given for the purpose of inducing the United States of America to make a loan or to enable the United States of America to make a determination of continued eligibility of the applicant for a loan as requested in the loan application of which this statement is a part.''

v. For loan pre-applications, a check for $40 from applicants made out to United States Department of Agriculture. This will be used to pay for credit reports obtained by Rural Development.

vi. Evidence that the applicant is unable to obtain credit from other sources. Letters from credit institutions which normally provide real estate loans in the area should be obtained and these letters should indicate the rates and terms upon which a loan might be provided. (**Note:** Not required from State or local public agencies or Indian tribes.)

vii. If a FLH grant is desired, a statement concerning the need for a FLH grant. The statement should include

preliminary estimates of the rents required with and without a grant.

viii. A statement of the applicant's experience in operating labor housing or other rental housing. If the applicant's experience is limited, additional information should be provided to indicate how the applicant plans to compensate for this limited experience (i.e., obtaining assistance and advice of a management firm, non-profit group, public agency, or other organization which is experienced in rental management and will be available on a continuous basis).

ix. A brief statement explaining the applicant's proposed method of operation and management (*i.e.,* on-site manager, contract for management services, *etc.*). As stated earlier in this notice, the housing must be managed in accordance with the program's management regulation, 7 CFR part 3560 and tenancy is limited to ''disabled domestic farm laborers,'' ''domestic farm laborers,'' and ''retired domestic farm laborers,'' as defined in 7 CFR part 3560.11.

x. Applicants must also provide:

(a) A copy of, or an accurate citation to, the special provisions of State law under which they are organized, a copy of the applicant's charter, Articles of Incorporation, and By-laws;

(b) The names, occupations, and addresses of the applicant's members, directors, and officers; and

(c) If a member or subsidiary of another organization, the organization's name, address, and nature of business.

xi. A preliminary market survey or market study to identify the supply and demand for labor housing in the market area. The market area must be clearly identified and may include only the area from which tenants can reasonably be drawn for the proposed project. Documentation must be provided to justify a need within the intended market area for the housing of ''domestic farm laborers,'' as defined in 7 CFR section 3560.11. The documentation must take into account disabled and retired farm workers. The preliminary survey should address or include the following items:

(a) The annual income level of farmworker families in the area and the probable income of the farm workers who will likely occupy the proposed housing;

(b) A realistic estimate of the number of farm workers who remain in the area where they harvest and the number of farm workers who normally migrate into the area. Information on migratory workers should indicate the average number of months the migrants reside in the area and an indication of what type of family groups are represented by the migrants (*i.e.,* single individuals as opposed to families);

(c) General information concerning the type of labor intensive crops grown in the area and prospects for continued demand for farm laborers;

(d) The overall occupancy rate for comparable rental units in the area and the rents charged and customary rental practices for these units (*i.e.,* will they rent to large families, do they require annual leases, *etc.*);

(e) The number, condition, adequacy, rental rates and ownership of units currently used or available to farm workers;

(f) A description of the units proposed, including the number, type, size, rental rates, amenities such as carpets and drapes, related facilities such as a laundry room or community room and other facilities providing supportive services in connection with the housing and the needs of the prospective tenants such as a health clinic or day care facility, estimated development timeline, estimated total development cost, and applicant contribution; and

(g) The applicant must also identify all other sources of funds, including the dollar amount, source, and commitment status. (**Note:** A section 516 grant may not exceed 90 percent of the total development cost of the housing.)

xii. The following forms are required:

(a) A completed Form RD 1940–20, ''Request for Environmental Information,'' and a description of anticipated environmental issues or concerns. The form can be found at *http://www.rurdev.usda.gov/regs/forms/1940-20.pdf.*

(b) A prepared HUD Form 935.2A, ''Affirmative Fair Housing Marketing Plan (AFHM) Multi-family Housing,'' in accordance with 7 CFR 1901.203(c). The plan will reflect that occupancy is open to all qualified ''domestic farm laborers,'' regardless of which farming operation they work and that they will not discriminate on the basis of race, color, sex, age, disability, marital or familial status or National origin in regard to the occupancy or use of the units. The form can be found at *http://www.hud.gov/offices/adm/hudclips/forms/files/935-2a.pdf.*

(c) A proposed operating budget utilizing Form RD 3560–7, ''Multiple Family Housing Project Budget/Utility Allowance,'' can be found at *http://www.rurdev.gov/regs/forms/3560-07.pdf.*

(d) An estimate of development cost utilizing Form RD 1924–13, ''Estimate and Certificate of Actual Cost,'' can be found at *http://forms.sc.egov.usda.gov/efcommon/eFileServices/eForms/RD1924-13.PDF.*

(e) Form RD 3560–30, ''Certification of no Identity of Interest (IOI),'' can be found at *http://forms.sc.egov.usda.gov/efcommon/eFileServices/eForms/RD3560-30.PDF* and Form RD 3560–31, ''Identity of Interest Disclosure/Qualification Certification,'' can be found at *http://forms.sc.egov.usda.gov/efcommon/eFileServices/eForms/RD3560-31.PDF.*

(f) Form HUD 2530, ''Previous Participation Certification,'' can be found at *http://www.hud.gov/offices/adm/hudclips/forms/files/2530.pdf.*

(g) If requesting RA or Operating Assistance, Form RD 3560–25, ''Initial Request for Rental Assistance or Operating Assistance.'' can be found at *http://forms.sc.egov.usda.gov/efcommon/eFileServices/eForms/RD3560-25.PDF.*

(h) Form RD 400–4, ''Assurance Agreement,'' can be found at: *http://forms.sc.egov.usda.gov/efcommon/eFileServices/eForms/RD400-4.PDF.* Applicants for revitalization, repair, and rehabilitation funding are to apply through the Multi-Family Housing Revitalization Demonstration Program (MPR).

(i) Evidence of compliance with Executive Order 12372. The applicant must send a copy of Form SF–424 to the applicant's state clearinghouse for intergovernmental review. If the applicant is located in a state that does not have a clearinghouse, the applicant is not required to submit the form.

xiii. Evidence of site control, such as an option contract or sales contract. In addition, a map and description of the proposed site, including the availability of water, sewer, and utilities and the proximity to community facilities and services such as shopping, schools, transportation, doctors, dentists, and hospitals.

xiv. Preliminary plans and specifications, including plot plans, building layouts, and type of construction and materials. The housing must meet Rural Development's design and construction standards contained in 7 CFR part 1924, subparts A and C and must also meet all applicable Federal, State, and local accessibility standards.

xv. A supportive services plan, which describes services that will be provided on-site or made available to tenants through cooperative agreements with service providers in the community, such as a health clinic or day care facility. Off-site services must be accessible and affordable to farm workers and their families. Letters of intent from service providers are

acceptable documentation at the pre-application stage.

xvi. A sources and uses statement which shows all sources of funding included in the proposed project. The terms and schedules of all sources included in the project should be included in the sources and uses statement.

xvii. A separate one-page information sheet listing each of the ''Pre-Application Scoring Criteria,'' contained in this notice, followed by a reference to the page numbers of all relevant material and documentation that is contained in the proposal that supports the criteria.

xviii. Applicants are encouraged, but not required, to include a checklist of all of the pre-application requirements and to have their pre-application indexed and tabbed to facilitate the review process;

xix. Evidence of compliance with the requirements of the applicable State Housing Preservation Office (SHPO). A letter from the SHPO where the off-farm labor housing project is located, signed by their designee will serve as evidence of compliance.

VI. Pre-Application Review Information

All applications for sections 514 and 516 funds must be filed electronically or with the appropriate Rural Development State Office and meet the requirements of this Notice. The National Office will base its determination of completeness of the application and the eligibility of each applicant on the information provided in the pre-application.

A. *Selection Criteria.* Section 514 loan funds and section 516 grant funds will be distributed to States based on a national competition, as follows:

1. National Office will accept, review, and score pre-applications in accordance with this Notice. The scoring factors are:

i. The presence of construction cost savings, including donated land and construction leverage assistance, for the units that will serve program-eligible tenants. The savings will be calculated as a percentage of the Rural Development TDC. The percentage calculation excludes any costs prohibited by Rural Development as loan expenses, such as a developer's fee. Construction cost savings includes, but is not limited to, funds for hard construction costs, and State or Federal funds which are applicable to construction costs. A minimum of ten percent cost savings is required to earn points; however, if the total percentage of cost savings is less than ten percent and the proposal includes donated land, two points will be awarded for the donated land. To count as cost savings for purposes of the selection criteria, a written commitment from the funding source must be submitted with the pre-application. Points will be awarded in accordance with the following table using rounding to the nearest whole number.

Percentage	Points
75 or more	20
60–74	18
50–59	16
40–49	12
30–39	10
20–29	8
10–19	5
0–	0

ii. The presence of operational cost savings, such as tax abatements, non-Rural Development tenant subsidies or donated services are calculated on a per-unit cost savings for the sum of the savings. Savings must be available for at least 5 years and documentation must be provided with the application demonstrating the availability of savings for 5 years. To calculate the savings, take the total amount of savings and divide it by the number of units in the project that will benefit from the savings to obtain the per unit cost savings. For non-Rural Development tenant subsidy, if the value changes during the five year calculation, the applicant must use the lower of the non-rural development tenant subsidy to calculate per unit cost savings. For example, a 10 unit property with 100 percent designated farm labor housing units receiving $20,000 per year non-rural development subsidy yields a cost savings of $100,000 ($20,000*5 years); resulting to a $10,000 per-unit cost savings ($100,000/10 units).

To determine cost savings in a mixed income complex that will serve other income levels than farm labor housing income-eligible tenants, use only the number of units that will serve farm labor housing income-eligible tenants. Round percentages to the nearest whole number, rounding up at 0.50 and above and down at 0.49 and below.

Use the following table to apply points.

Per-unit cost savings	Points
Above $15,000	20
$10,001–$15,000	18
$7,501–$10,000	16
$5,001–7,500	12
$3501–$5,000	10
$2,001–$3,500	8
$1,000–$2,000	5

iii. Percent of units for seasonal, temporary, migrant housing. (five points for up to and including 50 percent of the units; 10 points for 51 percent or more units used for seasonal, temporary, or migrant housing.)

iv. Presence of tenant services.

(a) Up to 10 points will be awarded based on the presence of and extent to which a tenant services plan exists that clearly outlines services that will be provided to the residents of the proposed project. These services may include, but are not limited to, transportation related services, on-site English as a Second Language (ESL) classes, move-in funds, emergency assistance funds, homeownership counseling, food pantries, after school tutoring, and computer learning centers.

(b) Two points will be awarded for each resident service included in the tenant services plan up to a maximum of 10 points. Plans must detail how the services are to be administered, who will administer them, and where they will be administered. All tenant service plans must include letters of intent that clearly state the service that will be provided at the project for the benefit of the residents from any party administering each service, including the applicant.

v. Properties may receive points for Energy Conservation, Energy Generation and Green Property Management as follows:

(a) *New Construction Energy Conservation* (maximum 32 points). New construction projects may be eligible for up to 32 points when the pre-application includes a written certification by the applicant to participate in the following energy efficiency programs. The points will be allocated as follows:

(*1*) Participation in the Department of Energy's Energy Star for Homes program (5 points). *http://www.energystar.gov/index.cfm?c=bldrs_lenders_raters.nh_multifamily_units.*

(*2*) Participation in the Green Communities program by the Enterprise Community Partners. (5 points) *http://www.greencommunitiesonline.org/tools/criteria/*.

(*3*) Participation in one of the following two programs will be awarded points for certification. Note: each program has four levels of certification. State the level of certification that the applicant plans to achieve in their certification:

- LEED for Homes program by the United States Green Building Council (USGBC): *http://www.usgbc.org/homes*
  - Certified Level (4 points), OR
  - Silver Level (6 points), OR
  - Gold Level (8 points), OR
  - Platinum Level (10 points), OR

• The National Association of Home Builders (NAHB) ICC 700–2008 National Green Building Standard TM: *http://www.nahb.org*

○ Bronze Level (4 points), OR
○ Silver Level (6 points), OR
○ Gold Level (8 points), OR
○ Emerald Level (10 points).

(*4*) Participation in local green/energy efficient building standards; Applicants, who participate in a city, county or municipality program, will receive an additional 1 point. The applicant should be aware and look for requirements that are sometimes embedded in the third-party program's rating and verification systems. (1 point).

(b) *Energy Conservation for Purchase and Substantial Rehabilitation of an existing non-Farm labor Housing (FLH) property (maximum of 16 points).* Pre-applications for the purchase and substantial rehabilitation of non-program MFH and related facilities in rural areas may be eligible to receive a maximum of 16 points for the following initiatives.

Note: If you are participating in (*1*) the Green Communities program, you may not receive additional points for items listed under (*2*). In other words, you may participate in (*1*) and (*3*) below or (*2*) and (*3*):

(*1*) Participation in the Green Communities program by the Enterprise Community Partners (*http://www.enterprisecommunity.org*) will be awarded 15 points for any project that qualifies for the program. (15 points) At least 30 percent of the points needed to qualify for the Green Communities program must be earned under the Energy Efficiency section of the Green Communities qualification program OR,

(*2*) Energy conservation points can be awarded for the following energy conservation measures only when the applicant is not enrolled in Green Communities (maximum 10 points) and are listed in the preliminary plans for rehabilitation.

• Replacement of heating, ventilation and air conditioning (HVAC) equipment with Energy Star qualified HVAC equipment and 100 percent of water heaters to be installed are Energy Star quality. (2 points)

• Replacement of windows and doors with Energy Star qualified windows and doors. (1 point)

• Additional insulation is added to the property to exceed the required R–Value of those building elements in that area of the country per the International Energy Conservation Code 2009. One point will be awarded if all exterior walls exceed insulation code and 1 point will be awarded if attic insulation exceeds code for a maximum of 2 points. (2 points total)

• Reduction in building shell air leakage by at least 15 percent as determined by pre- and post-rehab blower door testing on a sample of units. Building shell air leakage may be reduced through materials such as caulk, spray foam, gaskets, and house-wrap. Sealing of duct work with mastic, foil-backed tape, or aerosolized duct sealants can also help reduce air leakage. (2 points)

• 100 percent of installed appliances and exhaust fans are Energy Star qualified. (1 point)

• 100 percent of showerheads and faucets replaced with new showerheads and faucets with EPA Water Sense label and 100 percent of toilets with flush capacity of more than 1.6 gallon flush capacity are replaced with new toilets with 1.6 gallon flush capacity or less, with EPA Water Sense label. (1 point)

• 100 percent Energy-efficient lighting including Energy Star qualified fixtures, compact fluorescent replacement bulbs in standard incandescent fixtures, and Energy Star Ceiling Fans (1 point) AND

(*3*) Participation in local green/energy efficient building standards; Applicants, who participate in a city, county or municipality program, will receive an additional 1 point. The applicant should be aware and look for requirements that are sometimes embedded in the third-party program's rating and verification systems. (1 point)

(c) *Energy Generation* (maximum 5 points). Pre-applications for new construction or purchase and substantial rehabilitation of non-program multi-family projects which participate in the Green Communities program by the Enterprise Community Partners or receive at least 8 points for Energy Conservation measures are eligible to earn additional points for installation of on-site renewable energy sources. Renewable, on-site energy generation will complement a weather tight, well insulated building envelope with highly efficient mechanical systems. Possible renewable energy generation technologies include but are not limited to: wind turbines and micro-turbines, micro-hydro power, photovoltaics (capable of producing a voltage when exposed to radiant energy, especially light), solar hot water systems and biomass/biofuel systems that do not use fossil fuels in production. Geo-exchange systems are highly encouraged as they lessen the total demand for energy and, if supplemented with other renewable energy sources, can achieve zero energy consumption more easily. Points under this section will be awarded as follows:

(*1*) Projects who's preliminary or rehabilitation building plans project it will provide on-site energy generation as described above which will provide at least 10 percent of estimated energy consumption needs for the project. (1 point), OR

(*2*) Projects whose preliminary building plans and energy analysis project they will have a 30 percent to 100 percent energy generation commitment (where generation is considered to be the total amount of energy needed to be generated on-site to make the building a net-zero consumer of energy) may be awarded points as follows: 0 to 9 percent commitment to energy generation = 0 points; 10 to 29 percent commitment to energy generation = 1 point; 30 to 49 percent commitment to energy generation = 2 points; 50 to 69 percent commitment to energy generation = 3 points; 70 to 89 percent commitment to energy generation = 4 points; and 90 percent or more commitment to energy generation = 5 points. In order to receive more than 2 points for this section (Energy Generation) accurate energy analysis prepared by an engineer will need to be submitted with the pre-application. Energy analysis of preliminary building plans using industry-recognized simulation software must document the projected total energy consumption of the building, the portion of building consumption which will be satisfied through on-site generation, and the building's Home Energy Rating System (HERS) score.

(d) *Green Property Management Credentials* (5 points). Pre-applications for new construction or purchase and substantial rehabilitation of non-program multi-family projects may be awarded an additional 5 points if the designated property management company or individuals that will assume maintenance and operations responsibilities upon completion of construction work have a Credential for Green Property Management. Credentialing can be obtained from the National Apartment Association (NAA), National Affordable Housing Management Association, the Institute for Real Estate Management, U.S. Green Building Council's Leadership in Energy and Environmental Design for Operations and Maintenance (LEED OM), or another source with a certifiable credentialing program. Credentialing must be illustrated in the resume(s) of the property management team and included with the pre-application. (5 points)

The National Office will rank all pre-applications nationwide and distribute funds to States in rank order, within funding and RA limits. A lottery in accordance with 7 CFR part 3560.56(c) (2) will be used for applications with tied point scores when they all cannot be funded. If insufficient funds or RA remain for the next ranked proposal, that applicant will be given a chance to modify their pre-application to bring it within remaining funding levels. This will be repeated for each next ranked eligible proposal until an award can be made or the list is exhausted. Rural Development will notify all applicants whether their applications have been accepted or rejected and provide appeal rights under 7 CFR part 11, as appropriate.

VIII. Award Administration Information

A. Award Notices

Loan applicants must submit their initial applications by the due date specified in this Notice. Once the applications have been scored and ranked by the National Office the National Office will advise States Offices of the proposals selected for further processing, State Offices will respond to applicants by letter.

If the application is not accepted for further processing, the applicant will be notified of appeal rights under 7 CFR part 11.

B. Administrative and National Policy

All Farm Labor Housing loans and grants are subject to the restrictive-use

provisions contained in 7 CFR part 3560.72(a)(2).

C. Reporting

Borrowers must maintain separate financial records for the operation and maintenance of the project and for tenant services. Tenant services will not be funded by Rural Development. Funds allocated to the operation and maintenance of the project may not be used to supplement the cost of tenant services, nor may tenant service funds be used to supplement the project operation and maintenance. Detailed financial reports regarding tenant services will not be required unless specifically requested by Rural Development, and then only to the extent necessary for Rural Development and the borrower to discuss the affordability (and competitiveness) of the service provided to the tenant. The project audit, or verification of accounts on Form RD 3560–10, ''Borrower Balance Sheet,'' together with an accompanying Form RD 3560–7, ''Multiple Family Housing Project Budget Utility Allowance,'' showing actuals, must allocate revenue and expense between project operations and the service component.

IX. Agency Contacts

Note: Telephone numbers listed are not toll-free.

Alabama State Office, Suite 601, Sterling Centre, 4121 Carmichael Road, Montgomery, AL 36106–3683, (334) 279–3618, TDD (334) 279–3495, Vann McCloud.

Alaska State Office, 800 West Evergreen, Suite 201, Palmer, AK 99645, (907) 761–7723, TDD (907) 761–8905, Cindy Jackson.

Arizona State Office, Phoenix Courthouse and Federal Building, 230 North First Ave., Suite 206. Phoenix, AZ 85003–1706, (602) 280–8768, TDD (602) 280–8706, Carol Torres.

Arkansas State Office, 700 W. Capitol Ave., Room 3416, Little Rock, AR 72201–3225, (501) 301–3250, TDD (501) 301–3063, Greg Kemper.

California State Office, 430 G Street, #4169, Davis, CA 95616–4169, (530) 792–5821, TDD (530) 792–5848, Debra Moretton.

Colorado State Office, USDA Rural Development, Denver Federal Center, Building 56, Room 2300, P.O. Box 25426, Denver, CO 80225–0426, (720) 544–2923, TDD (800) 659–2656, Mary Summerfield.

Connecticut, Served by Massachusetts State Office.

Delaware and Maryland State Office, 1221 College Park Drive, Suite 200, Dover, DE 19904, (302) 857–3615, TDD (302) 857–3585, Debra Eason.

Florida & Virgin Islands State Office, 4440 NW. 25th Place, Gainesville, FL 32606–6563, (352) 338–3465, TDD (352) 338–3499, Tresca Clemmons.

Georgia State Office, Stephens Federal Building, 355 E. Hancock Avenue, Athens, GA 30601–2768, (706) 546–2164, TDD (706) 546–2034, Wayne Rogers.

Hawaii State Office, (Services all Hawaii, American Samoa, Guam, and Western Pacific), Room 311, Federal Building, 154 Waianuenue Avenue, Hilo, HI 96720 (808) 933–8305, TDD (808) 933–8321, Nate Reidel.

Idaho State Office, Suite A1, 9173 West Barnes Dr., Boise, ID 83709, (208) 378–5630, TDD (208) 378–5644, Roni Atkins.

Illinois State Office, 2118 West Park Court, Suite A, Champaign, IL 61821–2986, (217) 403–6222, TDD (217) 403–6240, Barry L. Ramsey.

Indiana State Office, 5975 Lakeside Boulevard, Indianapolis, IN 46278, (317) 290–3100 (ext. 423), TDD (317) 290–3343, Paul Neumann.

Iowa State Office, 210 Walnut Street Room 873, Des Moines, IA 50309, (515) 284–4493, TDD (515) 284–4858, Heather Honkomp.

Kansas State Office, 1303 SW First American Place, Suite 100, Topeka, KS 66604–4040, (785) 271–2721, TDD (785) 271–2767, Mike Resnik.

Kentucky State Office, 771 Corporate Drive, Suite 200, Lexington, KY 40503, (859) 224–7325, TDD (859) 224–7422, Paul Higgins.

Louisiana State Office, 3727 Government Street, Alexandria, LA 71302, (318) 473–7962, TDD (318) 473–7655, Yvonne R. Emerson.

Maine State Office, 967 Illinois Ave., Suite 4, PO Box 405, Bangor, ME 04402–0405, (207) 990–9110, TDD (207) 942–7331, Bob Nadeau.

Maryland, Served by Delaware State Office.

Massachusetts, Connecticut, & Rhode Island State Office, 451 West Street, Amherst, MA 01002, (413) 253–4310, TDD (413) 253–4328, Richard Lavoie.

Michigan State Office, 3001 Coolidge Road, Suite 200, East Lansing, MI 48823, (517) 324–5192, TDD (517) 337–6795, Julie Putnam.

Minnesota State Office, 375 Jackson Street Building, Suite 410, St. Paul, MN 55101–1853, (651) 602–7812, TDD (651) 602–7830, Tom Osborne.

Mississippi State Office, Federal Building, Suite 831, 100 W. Capitol Street, Jackson, MS 39269, (601) 965–4325, TDD (601) 965–5850, Darnella Smith-Murray.

Missouri State Office, 601 Business Loop 70 West, Parkade Center, Suite 235, Columbia, MO 65203, (573) 876–0987, TDD (573) 876–9480, Rachelle Long.

Montana State Office, 2229 Boot Hill Court, Bozeman, MT 59715, (406) 585–2515, TDD (406) 585–2562, Deborah Chorlton.

Nebraska State Office, Federal Building, Room 152, 100 Centennial Mall N, Lincoln, NE 68508, (402) 437–5734, TDD (402) 437–5093, Linda Anders.

Nevada State Office, 1390 South Curry Street, Carson City, NV 89703–5146, (775) 887–1222 (ext. 25), TDD (775) 885–0633, William Brewer.

New Hampshire State Office, Concord Center, Suite 218, Box 317, 10 Ferry Street, Concord, NH 03301–5004, (603) 223–6050, TDD (603) 229–0536, Robert McCarthy.

New Jersey State Office, 5th Floor North Suite 500, 8000 Midlantic Dr., Mt. Laurel, NJ 08054, (856) 787–7740, TDD (856) 787–7784, George Hyatt, Jr.

New Mexico State Office, 6200 Jefferson St., NE., Room 255, Albuquerque, NM 87109, (505) 761–4944, TDD (505) 761–4938, Susan Gauna.

New York State Office, The Galleries of Syracuse, 441 S. Salina Street, Suite 357 5th Floor, Syracuse, NY 13202, (315) 477–6421, TDD (315) 477–6421, Michael Bosak.

North Carolina State Office, 4405 Bland Road, Suite 260, Raleigh, NC 27609, (919) 873–2066, TDD (919) 873–2003, Beverly Casey.

North Dakota State Office, Federal Building, Room 208, 220 East Rosser, PO Box 1737, Bismarck, ND 58502, (701) 530–2049, TDD (701) 530–2113, Kathy Lake.

Ohio State Office, Federal Building, Room 507, 200 North High Street, Columbus, OH 43215–2477, (614) 255–2409, TDD (614) 255–2554, Cathy Simmons.

Oklahoma State Office, 100 USDA, Suite 108, Stillwater, OK 74074–2654, (405) 742–1070, TDD (405) 742–1007, Tim Henderson.

Oregon State Office, 1201 NE Lloyd Blvd., Suite 801, Portland, OR 97232, (503) 414–3353, TDD (503) 414–3387, Rod Hansen.

Pennsylvania State Office, One Credit Union Place, Suite 330, Harrisburg, PA 17110–2996, (717) 237–2281, TDD (717) 237–2261, Martha Hanson.

Puerto Rico State Office, 654 Munoz Rivera Avenue, IBM Plaza, Suite 601, Hato Rey, PR 00918, (787) 766–5095 (ext. 249), TDD (787) 766–5332, Lourdes Colon.

Rhode Island, Served by Massachusetts State Office.

South Carolina State Office, Strom Thurmond Federal Building, 1835 Assembly Street, Room 1007,

Columbia, SC 29201, (803) 253–3432, TDD (803) 765–5697, Larry D. Floyd.

South Dakota State Office, Federal Building, Room 210, 200 Fourth Street, SW., Huron, SD 57350, (605) 352–1132, TDD (605) 352–1147, Roger Hazuka or Pam Reilly.

Tennessee State Office, Suite 300, 3322 West End Avenue, Nashville, TN 37203–1084, (615) 783–1375, TDD (615) 783–1397, Don Harris.

Texas State Office, Federal Building, Suite 102, 101 South Main, Temple, TX 76501, (254) 742–9765, TDD (254) 742–9712, Scooter Brockette.

Utah State Office, Wallace F. Bennett Federal Building, 125 S. State Street, Room 4311, Salt Lake City, UT 84147–0350, (801) 524–4325, TDD (801) 524–3309, Janice Kocher.

Vermont State Office, City Center, 3rd Floor, 89 Main Street, Montpelier, VT 05602, (802) 828–6021, TDD (802) 223–6365, Heidi Setien.

Virgin Islands, Served by Florida State Office.

Virginia State Office, Culpeper Building, Suite 238, 1606 Santa Rosa Road, Richmond, VA 23229, (804) 287–1596, TDD (804) 287–1753, CJ Michels.

Washington State Office, 1835 Black Lake Blvd., Suite B, Olympia, WA 98512, (360) 704–7706, TDD (360) 704–7760, Bill Kirkwood.

Western Pacific Territories, Served by Hawaii State Office.

West Virginia State Office, Federal Building, 75 High Street, Room 320, Morgantown, WV 26505–7500, (304) 284–4872, TDD (304) 284–4836, David Cain.

Wisconsin State Office, 4949 Kirschling Court, Stevens Point, WI 54481, (715) 345–7676, TDD (715) 345–7614, Cheryl Halverson.

Wyoming State Office, PO Box 11005, Casper, WY 82602, (307) 233–6716, TDD (307) 233–6733, Timothy Brooks.

VIII. Non-Discrimination Statement

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720–2600 (voice and TDD).

To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW., Washington, DC 20250–9410, or call (800) 795–3272 (voice) or (202) 720–6382 (TDD). USDA is an equal opportunity provider and employer.

Dated: June 30, 2011.

Tammye Treviño,

Administrator, Rural Housing Service.

[FR Doc. 2011–17110 Filed 7–6–11; 8:45 am]

BILLING CODE 3410–XV–P

DEPARTMENT OF AGRICULTURE

Rural Housing Service

Notice of Funding Availability: Sections 514, 515 and 516 Multi-Family Housing Revitalization Demonstration Program for Fiscal Year 2011

AGENCY: Rural Housing Service, USDA.

ACTION: Notice.

SUMMARY: United States Department of Agriculture (USDA) Rural Development (Agency), which administers the programs of the Rural Housing Service (RHS), announces the timeframe to submit applications to participate in a demonstration program to preserve and revitalize existing Multi-Family Housing (MFH) projects financed by Rural Development under Section 515, Section 514 and Section 516 of the Housing Act of 1949, as amended. The intended effect is to restructure selected existing Section 515 Rural Rental Housing (RRH) loans and Section 514/516 Off-Farm Labor Housing loans (FLH) and to provide grants for the purpose of ensuring that sufficient resources are available to preserve the rental projects for the purpose of providing safe and affordable housing for very low-, low-, or moderate-income residents. Expectations are that properties participating in this program will be revitalized and the affordable use will be extended without displacing tenants because of increased rents. No additional Agency Rental Assistance (RA) units will be made available under this program.

DATES: The deadline for receipt of all pre-applications in response to this Notice is 5 p.m., Eastern Time, August 22, 2011. The pre-application closing deadline is firm as to date and hour. The Agency will not consider any pre-applications that are received after the closing deadline. Applicants intending to mail pre-applications must allow sufficient time to permit delivery on or before the closing deadline. Acceptance by a post office or private mailer does not constitute delivery. Facsimile (FAX) and postage-due pre-applications will not be accepted.

FOR FURTHER INFORMATION CONTACT: Cynthia L. Johnson, *cynthial.johnson@wdc.usda.gov,* (202) 720–1940, Finance and Loan Analyst, Multi-Family Housing Preservation and Direct Loan Division, STOP 0782, (Room 1263–S), U.S. Department of Agriculture, Rural Housing Service, 1400 Independence Avenue, SW., Washington, DC 20250–0782. All hard copy pre-applications and required documents (attachments) must be submitted to this address. (Please note this telephone number is not a toll-free number.)

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

The information collection requirements contained in this Notice have received approval from the Office of Management and Budget (OMB) under Control Number 0570–0190.

Overview

Announcement Type: Inviting applications from eligible applicants for 2011 funding.

Catalog of Federal Domestic Assistance Number (CFDA): 10.447.

The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2011 (Pub. L. 111–80) October 16, 2009, authorized the Agency to conduct a demonstration program for the preservation and revitalization of the Section 515 RRH portfolio and Section 514/516 FLH portfolio. The Department of Defense and Full Year Continuing Appropriations Act, 2011 (Pub. L. 112–10) April 15, 2011, continues the Agency's authority and provides funding for this demonstration program until expended. Sections 514, 515 and 516 MFH programs are authorized by the Housing Act of 1949, as amended (42 U.S.C. Sections 1484, 1485, 1486) and provide Rural Development with the authority to make loans for low-income MFH and FLH and related facilities. All funding for MPR are subject to the availability of funds for this purpose.

I. Funding Opportunities Description

This Notice solicits pre-applications from eligible borrowers/applicants to restructure existing MFH properties within the Agency's Section 515 MFH portfolio and Section 514/516 FLH portfolio for the purpose of revitalization and preservation. The demonstration program shall be referred to in this Notice as the Multi-Family Housing Revitalization Demonstration

program (MPR). Agency regulations for the Section 515 MFH program and for Section 514/516 FLH program are published at 7 CFR Part 3560.

Applications which were selected for further processing under previous Notices (Fiscal Years 2007–2009), must be submitted to the Multi-Family Housing Preservation and Direct Loan Division (MPDL) for approval by the Loan Review Committee (LRC), prior to August 31, 2011. Previous applications which are submitted prior to August 31, 2011, to MPDL will be funded on a first-come-first-served basis based on the date submitted to MPDL and do not have to be rescored under this Notice. The Agency will not maintain nor fund applications for FY 2007–2009 that have not been submitted to MPDL prior to August 31, 2011, but applicants may reapply under future Notices. After August 31, 2011, applicants will then be selected for funding from the FY 2011 NOFA pursuant to this Notice. All funding for MPR transactions are subject to the availability of funds for this purpose.

The MPR's intent is to ensure that existing rental projects will continue to deliver decent, safe and sanitary affordable rental housing for 20 years or the remaining term of any Agency loan whichever ends later. Once an applicant has been confirmed eligible and the project has been selected by the Agency in the process described in this Notice and the applicant agrees to participate in the MPR demonstration program by written notification to the Agency, an independent third-party Capital Needs Assessment (CNA) will be conducted to provide a fair and objective review of projected capital needs. The Agency shall implement this Notice through an MPR Conditional Commitment (MPRCC) Letter of Conditions with the eligible borrower, which will include all the terms and conditions under this Notice.

The primary restructuring tool to be used in this program is debt deferral for up to 20 years of the existing Section 514 and 515 loans obligated prior to October 1, 1991. The cash flow from the deferred payment will be deposited, as directed by the Agency, to the reserve account to help meet the future physical needs of the property or to reduce rents. Debt deferral is described as follows:

Debt Deferral: A deferral of the existing Agency debt for the lesser of the remaining term of the loan or 20 years. All terms and conditions of the deferral will be described in the MPR Debt Deferral Agreement. A balloon payment of principal and accrued interest will be due at the end of the deferral period. Interest will accrue at the promissory note rate and subsidy will be applied as set out in the Agency's Interest Credit Agreement. Interest will not be charged on the deferred interest.

If the resulting cash flow is not adequate to address the long-term needs of the project, the Agency may use the following sources of funds:

(1) Other Agency restructuring tools as follows:

(i) *MPR Revitalization Grant:* A revitalization grant (for non-profit applicants/borrowers only) is limited to the cost of correcting health and safety violations as identified by the CNA. The grant administration will be in accordance with applicable provisions of 7 CFR Parts 3015 or 3019, as applicable.

(ii) *MPR Revitalization Zero Percent Loan:* A revitalization loan at zero percent interest that will have a term of 30 years and be amortized over 50 years.

(iii) *MPR Soft-Second Loan:* A loan with a 1 percent interest rate that will have its accrued interest and principal deferred, to a balloon payment, due at the time the latest maturing Section 514 or Section 515 loan already in place at the time of closing becomes due. The term of the soft-second loan will not be timed to match the term of any new Section 515 loan added during the transaction. New Section 515 loans can be made; however, the applicant will have to go through the regular Section 515 application process.

(iv) *Increased Return to Owner (RTO) for Stay-in-Owners:* Stay-in-owners, namely existing borrowers who will retain their property and contribute cash to fund any hard costs of construction to meet immediate needs identified by the CNA, may receive a Return on Investment (ROI) on those funds provided the Agency determines an increased ROI is financially feasible, and the Agency approves such a return in the revitalization plan. The Agency also may offer that the RTO be included in a ''cash flow split'' agreement as outlined in a MPRCC/Letter of Conditions. The cash flow split will allow up to 50 percent of excess cash, generated by the owner's fiscal year end, to be split equally between paying down any outstanding deferred Agency loan balances, and 50 percent to be returned to the borrower as an increased RTO, subject to the provisions of 7 CFR 3560.68.

MPR funds cannot be used to add new units, community rooms, playgrounds, and/or laundry rooms; however, other funding sources as outlined below in (2) through (6) can be used either for revitalization or for improvements listed above to the projects.

(2) Rural Development Section 515 Rehabilitation loan funds;

(3) Rural Development Section 514/516 off-farm rehabilitation loan and grant funds;

(4) Rural Development Section 538 Guaranteed Rural Rental Housing Program financing;

(5) Rural Development Multi-Family Housing Re-lending Demonstration Program Funds;

(6) Third-party loans with below market rates (below the Applicable Federal Rate (AFR)), grants, tax credits, and tax-exempt financing; and

(7) Owner-provided capital contributions in the form of a cash infusion. A cash infusion is not a loan.

Transfers, subordinations, and consolidations may be approved as part of a MPR transaction in accordance with 7 CFR Part 3560. If a transfer is part of the MPR transaction, the transfer must meet the requirements of 7 CFR 3560.406 before the MPR transaction is processed.

For the purposes of the MPR, the restructuring transactions will be identified in three categories: (Applicants may only apply under one category.)

(1) Simple transactions that involve no change in ownership.

(2) Complex transactions which consist of a property transfer to new ownership processed in accordance with 7 CFR 3560.406 or transactions requiring a subordination agreement as a result of third-party funds.

(3) Portfolio transactions that are defined as multiple project sale transactions with a common purchaser or multiple MPR transactions with one stay-in owner all within one State closed on or after September 30, 2010. The common purchaser or stay-in owner must have at least one general partner in common. If the owner chooses to remove one or more properties, at least two properties must remain in order to be deemed a portfolio transaction.

Each transactional category may utilize any or all restructuring tools. MPR Restructuring tools that may be available to address capital needs are based on the CNA process and the underwriting feasibility determination.

While all non-deferred Agency debt, either in first lien position or a subordinated lien position must be secured within market value, deferred debt may exceed the market value of the security. Payment of such deferred debt will not be required from normal project operation income, but from excess cash from project operations and the value of the property after all other secured debts are satisfied.

The following lays out the general steps of the MPR application process:

(1) *Pre-application:* Applicants must submit a pre-application described in Section VI. This pre-application process is designed to lessen the cost burden on all applicants including those who may not meet eligibility requirements or whose proposals may not be feasible. Applicants are encouraged, but not required, to provide an electronic copy of all hard copy forms and documents submitted in the pre-application/application package as requested by this Notice. The forms and documents must be submitted as read-only PDF Adobe Acrobat files on an electronic media such as CDs, DVDs or USB drives. For each electronic device that you submit, you must include a Table of Contents of all documents and forms on that device. The electronic medium must be submitted to the local State Office.

Note: If you receive a loan or grant award under this Notice, USDA reserves the right to post all information submitted as part of the pre-application/application package which is not protected under the Privacy Act on a public Web site with free and open access to any member of the public.

(2) *Eligible Properties:* Using criteria described below in Section III, USDA will conduct an initial screening for eligibility. As described in Section VIII, USDA will conduct additional eligibility screening later in the selection process.

(3) *Scoring and Ranking:* All eligible, complete and timely-filed pre-applications submitted this fiscal year will be scored, ranked and put in funding categories as discussed in Sections VI and VII.

(4) *Formal Applications:* Top ranked pre-applicants will receive a letter from the Agency and will be invited to submit a formal application. As discussed in Section VIII paragraph (2) of this Notice, USDA will require the owner to provide a CNA in order to determine the proper combination of tools to be offered to the applicant, to perform additional eligibility review, and to underwrite the proposal to determine financial feasibility. Where proposals are found to be ineligible or financially infeasible, owners will be informed and lower scoring applicants will be considered as set-forth in Section VIII.

(5) *Financial Feasibility:* Using the results of the CNA to help identify the need for resources and applicant-provided information regarding anticipated or available third-party financing, the Agency will determine the financial feasibility of each potential transaction, using restructuring tools available either through existing regulatory authorities or specifically authorized through this demonstration program. A project is financially feasible when a property can provide affordable, safe, decent, and sanitary housing for 20 years or the remaining term of any Agency loan whichever ends later. By using the authorities of this program while minimizing the cost to the Agency, and without increasing rents for tenants and farm laborers, except when necessary to meet normal and necessary operating expenses. If the transaction is determined financially feasible by the Agency, the borrower will be offered a restructuring proposal, which will include the requirement that the borrower will execute, for recordation, a Restrictive-Use Covenant (RUC) for a period of 20 years, the remaining term of any existing loans, or the remaining term of any existing Restrictive-Use Provisions (RUP), whichever ends later. The restructuring proposal will be established in the form of the MPRCC.

(6) *MPR Agreements:* If the offer is accepted by the applicant, the Agency and applicant will enter into a MPRCC. The applicant must also agree to restrict the property use when the MPR transaction is closed. Any third-party lender will be required to subordinate to the Agency's RUC unless the Agency determines on a case-by-case basis that the lender refuses to subordinate and such refusal will not compromise the purpose of the MPR. The Agency may also request that the applicant sign an agreement that would require the owner to escrow reserve, tax, and insurance payments in accordance with all pertinent current and future Agency regulations. In addition, the Agency may also request that the applicant agree to accept future rent increases based on an Annual Adjustment Factor (AAF). The AAF allows rents to be adjusted by the annual inflation factor as determined by the United States Office of Management and Budget (OMB). The exact AAF will be established in the MPR Agreement.

(7) *General Requirements:* The MPR transactions may be conducted with a stay-in owner (simple or portfolio) or may involve a change in ownership (complex or portfolio). Any housing or related facilities that are constructed or repaired must meet the Agency design and construction standards and the development standards contained in 7 CFR Part 1924, subparts A and C, respectively. Once constructed, Section 515 MFH and Section 514/516 FLH must be managed in accordance with 7 CFR Part 3560. Tenant eligibility will be limited to persons who qualify as an eligible household under Agency regulations or who are eligible under the requirements established to qualify for housing benefits provided by sources other than the Agency, such as the U.S. Department of Housing and Urban Development (HUD) Section 8 assistance or Low Income Housing Tax Credits (LIHTC) assistance. Additional tenant eligibility requirements are contained in 7 CFR 3560.152.

(8) *Voluntary ''community market rent'' Demonstration* (available for Section 515 properties only): In conjunction with this demonstration, Rural Development announces the opportunity for all successful Section 515 applicants to participate on a voluntary basis in a viability test of a 30 percent limitation on tenant rents, for post-restructured properties. Owners of properties in the Section 515 restructuring program may elect to participate in the ''community market rent'' demonstration which will allow an owner to set a rent above the approved basic rent for any unit not currently occupied by a tenant receiving Agency RA.

Eligible tenants for these units must have adjusted annual incomes sufficient to allow them to pay the ''community market rent'' using less than 30 percent of their adjusted income. Tenants would be allowed to occupy without paying overage, additional sums that would otherwise be required to bring their rent payment up to 30 percent of income. With the Agency's consent, up to 50 percent of the difference between the basic rent and the new ''community market rent'' could be retained by the owner as an increased return.

For example, if the basic rent is $350, the owner could create a ''community market rent'' at $410, and market the unit to tenants who could pay that rent at less than 30 percent of adjusted income. A percentage of the difference, $60 could be retained by the owner, as negotiated with Rural Development, up to $30.

Prior to implementation of the ''community market rent'' demonstrations, the Agency will issue guidance to successful applicants who have indicated an interest in participating in the demonstration providing further details with respect to the program.

II. Award Information

The Department of Defense and Full Year Continuing Appropriations Act, 2011 (Pub. L. 112–20), April 15, 2011, appropriated $14,970,000 in new budget authority, to the Agency for the MPR Demonstration Program. For FY 2011, up to $51,335,131.69 in Section 515

loan funds may be made available thru this NOFA.

All funding must be obligated, by the Agency, not later than September 30, 2011.

III. Eligibility Information

Applicants (and the principals associated with each applicant) must meet the following requirements:

(1) Eligibility under 7 CFR 3560.55; however, the requirements described in 7 CFR 3560.55(a)(5) pertaining to required borrower contributions and 7 CFR 3560.55(a)(6) pertaining to required contributions of initial operating capital are waived for all MPR proposals.

(2) For Section 515 MFH projects where the average physical vacancy rate over the 12 months preceding the filing of the pre-application will be no more than 10 percent for projects of 16 units or more and no more than 15 percent for projects under 16 units unless an exception applies under Section VI paragraph (2) (ii) of this Notice. If a project consolidation is involved, the consolidation will remain eligible so long as the average vacancy rate for all the projects involved meets the occupancy standard of this paragraph. Property(s) that do not meet the consolidation threshold may be withdrawn by the owner from the application process without jeopardizing the entire deal.

(3) For Sections 514 and 516 FLH projects, the property must have positive cash flow for the previous full three years of operation unless an exception applies under Section VI paragraph (2) (ii) of this Notice.

(4) Ownership of, and ability to operate, the facility after the transaction is completed. In the event of a transfer, the proposed transferee with an executed purchase agreement or other evidence of site control will be the applicant. Purchase agreements that have not been executed *Will Not* be accepted.

(5) A CNA and Agency financial evaluation must be conducted to ensure that utilization of the restructuring tools of the MPR program is financially feasible and necessary for the revitalization and preservation of the property as affordable housing. Initial eligibility for processing will be determined as of the date of the pre-application filing deadline. The Agency reserves the right to discontinue processing any application due to material changes in the applicant's status occurring at any time after the initial eligibility determination.

(6) Please note that all grant applicants must obtain a Dun and Bradstreet Data Universal Numbering System (DUNS) number and register in the Central Contractor Registration (CCR) prior to submitting a pre-application pursuant to 2 CFR 25.200(b). In addition, an entity applicant must maintain registration in the CCR database at all times during which it has an active Federal award or an application or plan under construction by the Agency. Similarly, all recipients of Federal Financial Assistance are required to report information about first-tier sub-awards and executive compensation, in accordance with 2 CFR Part 17 a. So long as an entity applicant does not have an exception under 2 CFR 170.110(b), the applicant must have the necessary processes and systems in place to comply with the reporting requirements should the applicant receive funding. *See* 2 CFR 170.200(b).

IV. Equal Opportunity and Nondiscrimination Requirements

USDA is an equal opportunity provider, employer, and lender.

(1) Borrowers and applicants will comply with the provisions of 7 CFR 3560.2.

(2) All housing must meet the accessibility requirements found at 7 CFR 3560.60 (d).

(3) All MPR participants must submit or have on file a valid Form RD 400–1, ''*Equal Opportunity Agreement*'' and Form RD 400–4, ''*Assurance Agreement.*''

USDA prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, sex, marital status, familial status, religion, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720–2600 (Voice and TDD). To file a complaint of discrimination, write to USDA, Director, Office of Adjudication and Compliance, 1400 Independence Avenue, SW., Washington, DC 20250–9410, or call (800) 795–3272 (Voice) or (202) 720–6382 (TDD).

The policies and regulations contained in 7 CFR Part 1901, subpart E, apply to this program.

This **Federal Register** Notice pertains to announcing the availability of funds and the timeframe for submitting applications to participate in a demonstration program to preserve and revitalize existing rural rental housing projects financed by Rural Development under Section 515, Section 514, and Section 516 of the Housing Act of 1949, as amended. This Notice does not have an adverse impact on minority/low-income populations.

V. Authorities Available for MPR

MPR tools will be used in accordance with 7 CFR Part 3560 and its associated handbooks (available in any Rural Development office or at *http://www.rurdev.usda.gov/handbooks.html*). The program will be administered within the resources available to the Agency through Public Law 112–10 for the preservation and revitalization of Section 514/516 off-farm and Section 515 financed properties. In the event that any provisions of 7 CFR Part 3560 conflict with this demonstration program, the provisions of the MPR will take precedence.

VI. Application and Submission Information

Application Submission Information. Pre-applications can be submitted either electronically or in hard copy using the MPR pre-application form. The form to be used for the pre-application is attached at the end of this Notice and available at any State Office. A link to the electronic version of this form may be found on the Internet at the MPR homepage *http://www.rurdev.usda.gov/rhs/mfh/MPR/MPRHome.htm.* Applicants are strongly encouraged, but not required, to submit the pre-application electronically. The Agency will record pre-applications received electronically by the actual date and time received in the MPR Web site mail box. Hard copy pre-applications received on or before the deadline date will receive the close of business time of the day received as the receipt time. Hard copy pre-applications must be mailed in time to meet the submission deadline of 5 p.m., Eastern Time, August 22, 2011. Assistance for filing electronic and hard copy pre-applications can be obtained from any Rural Development State Office. For assistance in attaching files to e-mails for electronic submission, please contact Cynthia L. Johnson at (202) 720–1940 or e-mail at *cynthial.johnson@wdc.usda.gov* or Anita Kapoor at (202) 690–1337 or e-mail at *anita.kapoor@wdc.usda.gov.* Sufficient time must be allowed to ensure the MPR pre-application arrives either electronically or by mail *Before* the submission deadline.

Note: For electronic submissions, there is a time delay between the time the pre-application is sent and the time it is received by the Agency, depending on network traffic. As a result, last-minute submissions sent before the deadline date and time could well

be received after the deadline date and time because of the increased network traffic. Applicants are reminded that all submissions received after the deadline date and time will be rejected, regardless of when they were sent. An auto-reply acknowledgement will be sent when the application is received electronically via e-mail; unless you have software blocking the receipt of the auto-reply e-mail.

Hard copy pre-applications and additional materials should be mailed to the attention of Cynthia L. Johnson, Finance and Loan Analyst, Multi-Family Housing Preservation and Direct Loan Division, STOP 0782 (Room 1263–S), U. S. Department of Agriculture, Rural Housing Service, 1400 Independence Avenue, SW., Washington, DC 20250–0782.

The electronic pre-application is stored as an Adobe Acrobat fillable form. The form contains a button labeled ''Send Form.'' Clicking on the button will result in an e-mail with an attachment that includes the electronic pre-application form. The form will be sent via e-mail to the Multi-Family Housing Preservation and Direct Loan Division in Washington, DC for consideration. Please click this button only once, as multiple clicks result in multiple filings.

Note: If a purchase agreement or market survey is required, these additional documents are to be attached to the resulting e-mail prior to submission. This means all material must come to the National Office. A purchase agreement submitted to the State or Area Office and the pre-application sent electronically or via mail to the MPDL would not constitute a complete pre-application. The pre-application, purchase agreement, market survey and all associated documents required for submission under this Notice, must be received electronically or by mail, as one package, by MPDL to be considered.

Note: There is a limitation on the size of attachments that can be sent electronically. If you are not successful in submitting your attachments electronically, please submit the complete package to the National Office on an electronic device or in hardcopy form by the closing deadline of this Notice.

(2) The application submission and scoring process will be completed in two phases in order to avoid unnecessary effort and expense on the part of interested borrowers/applicants and to allow additional points for applicants that propose a transfer of a troubled project to an eligible owner.

Phase I—Pre-application Completeness. Phase I is the pre-application process. The applicant must submit a complete pre-application by the deadline date under the **DATES** section of this Notice. The applicant's submission will be classified as ''complete'' when a pre-application is received in the format and place as described in this Notice by the MPDL for each MPR proposal the applicant wishes to be considered for the demonstration. In the event the MPR proposal involves a project consolidation, the actual consolidation will be completed in accordance with 7 CFR 3560.410. One pre-application for the proposed consolidated project is required and must clearly identify each project included in the consolidation. If the MPR proposal involves a portfolio, one pre-application for each project in the portfolio is required and each pre-application must identify all projects to be purchased as part of the portfolio.

In order for the pre-application to be considered complete, all applicable information requested on the MPR Pre-application form must be included with the pre-application.

Additional information that must be provided with the pre-application, when applicable, includes:

(i) A copy of an *executed* purchase agreement if a transfer or sale is being considered must be attached and submitted to MPDL.

(ii) A current market survey (completed within the previous 12 months of the filing of an MPR application) if the project's occupancy standards cited in Section II or if the FLH project does not have a positive cash flow as cited in Section III and there is an overwhelming market demand evidenced by waiting lists and a housing shortage confirmed by local housing agencies and real estate professionals. The market survey must show a clear need and demand for the project once a restructuring transaction is completed. The results of the survey of existing and any other proposed rental or labor housing, including complex name, location, number of units, bedroom mix, family or elderly type, year built, rent charges must be provided as well as the existing vacancy rates of all available rental units in the community, their waiting lists and amenities, and the availability of RA or other subsidies. For proposals where the applicant is requesting LIHTC, the number of LIHTC units and the maximum LIHTC incomes and rents by unit size must be provided. The Rural Development State Director will determine whether or not the proposal has market feasibility based on the data provided by the applicant. Any costs associated with the completion of the market survey will *Not* be considered a project expense.

iii. Market Survey for section 515 projects that do not meet the occupancy standards of Section III, paragraph (2) & (3) of this Notice or if applicable, the requirements for the exception in Section VI, paragraph (1)(ii) of this Notice.

iv. Executed Purchase Agreement for transfer and sales to nonprofit/public housing authorities proposals.

v. Certification by the applicant to achieve participation in the Greens Community Program.

vi. Certification by the applicant to achieve participation in Local Green Energy-Efficient Building Standards.

vii. Energy Analysis of preliminary or rehabilitation building plans using industry recognized simulation software to document projected energy consumption of the building, the portion of building consumption that will be satisfied through on-site generation, and the Buildings Home Energy Rating System (HERS) score.

viii. Resumes of the designated property management companies or individuals responsible for maintenance operations that have credentials for Green Property Management.

ix. Documentation substantiating Green Energy requirements.

x. Documentation on tenant services provided.

xi. Evidence of commitment and sources of funds.

xii. Evidence of owner contribution of funds for transaction costs.

xiii. Evidence of owner contribution of funds for hard costs of construction.

Unless an exception under this section applies, the requirements stated in Section III, paragraph (2) and (3) of this Notice must be met.

Phase II—Eligibility Review. This phase of the application process will be completed by the Agency based on Agency records and the pre-application information.

All eligible, complete, and timely-filed pre-applications will then be scored and ranked based on points received during this process as part of the selection process outlined in Section VII.

Further, the Agency will categorize each MPR proposal as being potentially Simple, Complex, or Portfolio based on the information submitted on the pre-application and in accordance with the category description provided in Section I.

VII. Selection Process

Application scoring points will be based on information provided during the submission process and in Agency records. Points will be awarded as follows:

(1) *Contribution of funds from other sources.* Other funds are those discussed in items (2) through (7) of Section I ''Funding Opportunities Description.''

Points awarded are to be based on documented written evidence that the funds are committed. The maximum points awarded for this criterion is 25 points. These points will be awarded in the following manner:

(i) Evidence of a commitment of at least $3,000 to $5,000 per unit per property from other sources. 15 points.

(ii) Evidence of a commitment greater than $5,000 per unit per property from other sources. 20 points.

(iii) Evidence of a commitment greater than $5,000 per unit per property from other sources and a binding written commitment by a third party to contribute 25 percent or more of any allowable developer fee to the hard costs of construction. 25 points.

(2) *Owner contribution.* The maximum points awarded for this criterion is 15 points. These points will be awarded in the following manner:

(i) *Owner contribution sufficient to pay transaction costs.* (These funds cannot be from the project reserve account or project general operating account or in the form of a loan.) Transaction costs are defined as those costs required for completing the transaction and include, but are not limited to, the CNA, legal and closing costs, appraisal costs and filing/recording fees. The minimum contribution required to receive these points is $5,000 per project and will be required to be deposited in the property reserve account prior to closing. 5 points.

(ii) *Owner contribution for the hard costs of construction.* (These funds cannot be from the project reserve account or project general operating account or in the form of a loan.) Hard costs of construction are defined as materials, inventory, equipment, property or machinery. Hard costs are itemized on Form RD 1924-13 ''*Estimate and Certificate of Actual Cost.''* Form RD 1924-13 can be found at *http://www.rurdev.usda.gov/regs/Forms/1924–13.pdf.* The minimum contribution required to receive these points is $1,000 per unit per project which will be required to be deposited in the property reserve account prior to closing. An increased RTO may be budgeted and allowed for funds committed in accordance with 7 CFR 3560.406(d)(14)(ii). 10 points.

(3) *Age of project.* For project consolidation proposals, the project with the earliest operational date will be used in calculating the age of the project. Since the age of the project and the date that the loan was made are directly related to physical needs, a maximum of 25 points will be awarded on the following criteria:

(i) Projects with initial operational dates prior to December 21, 1979. 25 points.

(ii) Projects with initial operational dates on or after December 21, 1979, but before December 15, 1989. 20 points.

(iii) Projects with initial operational dates on or after December 15, 1989, but before October 1, 1991. 15 points.

(4) *Troubled project points.* The Agency may award up to 25 additional points to facilitate the transfer and revitalization of projects the Agency considers as troubled due to an act of nature or where physical and/or financial deterioration or management deficiencies exist. Projects with an Agency classification of ''C'' or ''D'' according to Agency HB–2–3560, Chapter 9, Paragraph 9.7 (available at *http://www.rurdev.usda.gov/regs/hblist.html*) will be considered troubled. Projects that are classified ''B'' and do not involve a transfer will also receive consideration. The Handbook definition of Agency classification takes precedence over Multifamily Housing Information System (MFIS) status. Points will be awarded in the following manner:

(i) For Stay-in Owners only: If the Agency servicing classification is ''B'' as a result of a workout plan approved by the Agency prior to January 1, 2011. 25 points.

(ii) If the Agency servicing classification is ''C'' or ''D'' for 24 months or more. 20 points.

(iii) If the Agency servicing classification is ''C'' or ''D'' for less than 24 months. 15 points.

(5) *Prior Approved CNAs.* In the interest of ensuring timely application processing and underwriting, the Agency will award up to 20 points for properties with CNAs already approved by the Agency. ''Approved'' means either after the initial CNA has been reviewed and approved or after an updated CNA has been reviewed and approved by the Agency. CNAs over 12 months old may not be used for MPR underwriting without an update approved by the Agency. Points will be awarded for:

(i) CNAs approved on or after October 1, 2009, and prior to October 1, 2010. 10 points.

(ii) CNAs approved on or after October 1, 2010, but before the publication of the Fiscal Year (FY) 2011 MPR Notice. 20 points.

(6) *Energy Conservation Energy, Generation, and Green Property Management.* Under the MPR Energy Initiatives, properties may receive a maximum of 68 points under three categories: Energy Conservation, Energy Generation, and Green Property Management.

(i) *Energy Conservation.* Maximum 48 points.

Pre-applications for rehabilitation and preservation of properties may be eligible to receive a maximum of 48 points for the following energy conservation measures.

a. Participation in the Green Communities program by the Enterprise Community Partners (*http://www.enterprisecommunity.org*) will be awarded 45 points for any project that qualifies for the program. At least 30 percent of the minimum optional points needed to qualify for the Green Communities program must be earned under the Energy Efficiency section of the Green Communities qualification program.

b. If you are not enrolling in the Green Communities program then points can be accumulated for each of the following items up to a total of 30 points. Provide documentation to substantiate your answers below:

i. This proposal includes the replacement of heating, ventilation and air conditioning (HVAC) equipment with Energy Star qualified heating, ventilation and air conditioning equipment. 4 points.

ii. This proposal includes the replacement of windows and doors with Energy Star qualified windows and doors. 4 points.

iii. This proposal includes additional attic and wall insulation that exceeds the required R-Value of these building elements for your area as per the International Energy Conservation Code 2009. Two points will be awarded if all exterior walls exceed insulation code and two points will be awarded if attic insulation exceeds code, for a maximum of 4 points.

All exterior walls exceed insulation code. 2 points.

Attic insulation exceeds code. 2 points.

iv. This proposal includes the reduction in building shell air leakage by at least 15 percent as determined by pre- and post-rehab blower door testing on a sample of units. Building shell air leakage may be reduced through materials such as caulk, spray foam, gaskets, and house-wrap. Sealing of duct work with mastic, foil-backed tape, or aerosolized duct sealants can also help reduce air leakage. 4 points.

v. This proposal includes 100 percent of installed appliances and exhaust fans that are Energy Star qualified. 3 points.

vi. This proposal includes 100 percent of installed water heaters that are Energy Star qualified. 3 points.

vii. This proposal includes replacement of 100 percent of toilets with flush capacity of more than 1.6 gallon flush capacity with new toilets having 1.6 gallon flush capacity or less, and with Environmental Protection Agency (EPA) Water Sense label. 2 points.

viii. This proposal includes 100 percent of new showerheads with EPA Water Sense label. 2 points.

ix. Does this proposal include 100 percent of new faucets with EPA Water Sense label? 2 points.

x. Does this proposal include 100 percent energy-efficient lighting including Energy Star qualified fixtures, compact fluorescent replacement bulbs in standard incandescent fixtures and Energy Star ceiling fans? 2 points.

c. Participation in local green/energy efficient building standards. Applicants who participate in a city, county or municipality program will receive an additional 3 points. The applicant should be aware that most of the requirements are embedded in the third-party programs' rating and verification systems; the applicant should look at the requirements for each program for details.

(ii) *Energy Generation.* Maximum 10 points.

Rehabilitation and Preservation projects that participate in the Green Communities program by the Enterprise Community Partners, or those projects that accumulated at least 24 points for Energy Conservation, are eligible to earn additional points for installation of on-site renewable energy sources. Renewable, on-site energy generation will complement a weathertight, well insulated building envelope with highly efficient mechanical systems. Possible renewable energy generation technologies include: Wind turbines and micro-turbines, micro-hydro power, photovoltaics (capable of producing a voltage when exposed to radiant energy, especially light), solar hot water systems, and biomass/biofuel systems that do not use fossil fuels in production. Geo-exchange systems are highly encouraged as they lessen the total demand for energy and, if supplemented with other renewable energy sources, can achieve zero energy consumption more easily. Points under this section will be awarded as follows:

a. Projects whose preliminary building plans project they will have a 10 percent to 100 percent energy generation commitment (where generation is considered to be the total amount of energy needed to be generated on-site to make the building a net-zero consumer of energy), will be awarded points corresponding to their percent of commitment as follows:

- At least 10–29 percent commitment to energy generation—2 points;
- At least 30–49 percent commitment to energy generation—4 points;
- At least 50–69 percent commitment to energy generation—6 points;
- At least 70–89 percent commitment to energy generation—8 points;
- At least 90 percent or more commitment to energy generation—10 points.

In order to receive more than 2 points for this section (Energy Generation) accurate energy analysis prepared by an engineer will need to be submitted with the pre-application. Energy analysis of preliminary building plans using industry-recognized simulation software must document the projected total energy consumption of the building, the portion of building consumption which will be satisfied through on-site generation, and the building's HERS score.

(iii). *Green Property Management Credentials.* Maximum 10 points.

Projects will be awarded an additional 10 points if the designated property management company or individuals that will assume maintenance and operations responsibilities upon completion of rehabilitation or repair have a Credential for Green Property Management. Credentialing can be obtained from the National Apartment Association (NAA), National Affordable Housing Management Association, the Institute for Real Estate Management, US Green Building Council's Leadership in Energy and Environmental Design for Operations and Maintenance (LEED OM), or another source with a certifiable credentialing program. This must be illustrated in the resume(s) of the property management team and submitted with the application.

(7) *Tenant service provision.* The Agency will award 5 points for applications that include new services provided by a non-profit organization, which may include a faith-based organization, or by a Government agency for one year; 10 points for multiple years. Such services shall be provided at no cost to the project and shall be made available to all tenants. Examples of such services are transportation for the elderly, after-school day care services or after-school tutoring. 5 or 10 Points.

(8) *Consolidation of project operations.* To encourage post-transaction operational cost savings and management efficiencies, the Agency will award 5 points for applications that include at least two and up to four properties that will consolidate project budget and management operations and 10 points for applicants that include at least five or more properties that will consolidate project budget and management operations. Consolidations must meet the requirements of 7 CFR 3560.410. 5 or 10 points.

(9) Proposed Sale to Non-profit/Public Housing Authority for properties sold to non-profit organizations under the prepayment process, as explained in 7 CFR Part 3560, subpart N. To receive points for the sale, the borrower must have an executed purchase agreement in place and submitted with the pre-application. 20 points.

Note: For projects within a portfolio transaction or group of consolidated projects within a portfolio transaction, the Agency will calculate the average score for each project and each consolidation project group within the sale or consolidation.

The Agency will total the points awarded to each pre-application received within the timeframes of this Notice and rank each pre-application according to total score. If point totals are equal, the earliest time and date the pre-application was received by the Agency will determine the ranking. In the event pre-applications are still tied, they will be further ranked by giving priority to those properties with the earliest Rural Development operational date.

Eligibility will then be confirmed on the 10 highest-scoring and complete pre-applications per State. If one or more of the 10 highest-scoring pre-applications is determined ineligible, (*i.e.* the applicant is a borrower that is not in good standing with the Agency or has been debarred or suspended by the Agency, etc.) the next highest-scoring pre-application will be confirmed for eligibility.

If one or more of the 10 highest-ranking pre-applications is a portfolio transaction, then eligibility determinations will be conducted on all of the pre-applications associated with the portfolio transaction. Should any of the pre-applications associated with the portfolio transaction be determined ineligible, the ineligible pre-application will be removed from consideration, but the overall eligibility of the portfolio transaction will not be affected as long as the requirements in Section I are met.

Once ranking has been established, the Agency will conduct a four-step process to select pre-applications for submission of formal applications. This process is needed to ensure that the Agency can process the proposed transactions within available staffing resources, develop a representative sampling of revitalization transaction

types, ensure geographic distribution, and ensure an adequate pipeline of transactions to use all available funding.

Step One: The Agency will review the eligible pre-applications nationwide, identify pre-applications as either RRH or FLH projects and then as Simple, Complex, or Portfolio and separate them by State.

Step Two: The Agency will select, for further processing, the nationally top-ranked portfolio sale transactions until a total of $50,000,000 in potential debt deferral is reached. Portfolio transactions will be limited to one per State (either RRH or FLH) and will count as one MPR transaction. Portfolio sale transactions will be limited to a maximum of 10 properties.

Step Three: The highest ranked RRH complex transactions in each State will be selected for further processing, not to exceed one per State. The highest ranked FLH complex transactions in each State will be selected for further processing, not to exceed one per State.

Step Four: The highest ranked RRH simple transactions in each State will be selected for further processing, not to exceed one per State. If a FLH complex transaction has not been selected in Step Three above, one (1) additional FLH project will be selected from the highest ranked eligible pre-applications involving FLH simple transactions, in that State, until a total of three transactions per State is reached.

VIII. Processing for Selected Pre-Applications

Those proposals that are ranked and then selected for further processing will be invited to submit a formal application on SF 424, ''Application for Federal Assistance.'' Those pre-applications that are rejected by the Agency will be returned to the applicant and the applicant will be given appeal rights pursuant to 7 CFR Part 11. Those proposals that are not selected due to low scores will be retained by the Agency until all selections have been made for the MPR, unless they are withdrawn by the applicant. Once all the selections have been made the low score proposals will be notified that the application was not selected and provided with appeal rights. In the event that a pre-application is selected for further processing and the pre-applicant declines, the next highest ranked pre-application of the same transaction type in that State will be selected provided there is no change in the Phase I requirements.

If there are no other pre-applications of the same transaction type, then the next highest-ranked pre-application regardless of transaction type will be selected.

Applications (SF 424s) can be obtained in hard copy by contacting the State Office in the State where the project is located or at *http://www.grants.gov/techlib/SF424-V2.0.pdf.* The SF 424 can be submitted either electronically or in hard copy to the State Office.

If a pre-application is accepted for further processing, the applicant will be expected to submit additional information needed to demonstrate eligibility and feasibility (such as a CNA), consistent with this Notice and the appropriate sections of 7 CFR Part 3560, prior to the issuance of a restructuring offer.

Rural Development will work with pre-applicants selected for further processing in accordance with the following steps:

(1) Based on the feasibility of the type of transaction that will best suit the project and the availability of funds, further eligibility confirmation determinations will be conducted by the designated Multi-Family Housing Revitalization Coordinators assigned by each Rural Development State Director with the assistance of the Multi-Family Housing Preservation and Direct Loan Division.

(2) If one is not already available to the Agency, a CNA will be required and conducted in accordance with the requirements of 7 CFR 3560.103(c), HB–3–3560, Chapter 7, and the CNA Statement of Work together with any non-conflicting amendments (suggested formats for CNAs are available in any Rural Development State Office.) A CNA is prepared by a qualified independent contractor and is obtained to determine needed repairs and any necessary adjustments to the reserve account for long-term project viability. While the requirements of the CNA are described in the materials referenced above, at a minimum, to be considered acceptable, a CNA must include:

(i) A physical inspection of the site, architectural features, common areas and all electrical and mechanical systems;

(ii) An inspection of a sample of dwelling units;

(iii) Identify repair or replacement needs;

(iv) Provide a cost estimate of the repair and replacement expenses; and

(v) Provide at least a 20-year analysis of the timing and funding for identified needs which includes reasonable assumptions regarding inflation. The cost of the CNA will be considered a part of the project expense and may be paid from the ''project reserve'' with prior approval of the Agency. The Agency approval for participation in this program will be contingent upon the Agency's final approval of the CNA and concurrence in the scope of work by the owner. The Agency, in its sole discretion, may choose to obtain a CNA, at its expense, if it determines that doing so is in the best interest of the Government.

It is important to note that all applicants will be required to submit an ''As Is'' CNA based on the existing conditions at the property.

(3) Loan underwriting will be conducted by the designated Multi-Family Housing Revitalization Coordinator assigned by each Rural Development State Director with the assistance of the MPDL. The feasibility and structure of each revitalization proposal will be determined using this underwriting process to determine the restructuring tools that will minimize the cost to the Government consistent with the purposes of this Notice. To help ensure a balanced utilization of revitalization tools and the long-term economic viability of revitalized projects, the MPR underwriting guidelines include, but are not limited to the following:

(i) The maximum soft-second loan is limited to no more than $5,000 per unit,

(ii) The total assistance provided from a revitalization grant, revitalization zero percent loan, and/or revitalization soft-second loan is limited to $10,000 per unit,

(iii) The maximum Section 515 loan or Section 514/516 off-farm loan and grant is limited to no more than $20,000 per unit, and

(iv) Properties receiving tax credits are expected to have sufficient third-party funding resources and generally will receive debt deferral only.

(v) Properties with more than 75 percent of the units receiving significant subsidy such as Rural Development rental assistance or HUD-funded subsidy will be supplemented with Sections 514, 515 and 516 loans and grants before revitalization grants and revitalization soft-second loans are considered.

(vi) MPR revitalization grants will be limited to $5,000 per unit.

(vii) Any rent increases that may be necessary will not exceed 10 percent in any one project operating year.

(viii) The approved MPR transaction will include projected revenue sufficient to cover a 10 percent Operations and Maintenance increase in the second year after the transaction.

(ix) Full RTO will be budgeted pursuant to the Loan Agreement.

(x) Budgeted increases to reserve deposit will not exceed three percent per annum.

(xi) The remaining reserve balance at the end of the 20-year analysis period should be at least 2.0 times the average annual needs, including inflation, over the 20-year analysis period.

These loan underwriting guidelines have been developed based on experience in the FY 2005–2009 MPR Demonstrations. The Agency believes that these guidelines will be appropriate for typical transactions. However, the Agency reserves the right to re-calculate which MPR demonstration tools should be used, when in the Agency's judgment, doing so would further the objectives of the MPR and is in the best interest of the Government.

The Agency expects that some of the transactions proposed by selected pre-applicants will prove to be infeasible. The applicant entity may be determined to be ineligible under Section III of this Notice. If a proposed transaction is determined infeasible or the applicant determined ineligible, the Agency will then select the next highest-ranked project for processing regardless of transaction type.

Each MPR offer will be approved by the Revitalization Review Committee chaired by the Deputy Administrator for Multi-Family Housing or an agency-authorized delegate. Approved MPR offers will be presented to applicants who will then have up to 15 calendar days to accept or reject the offer in writing. Offers will expire after 15 days. The Agency will replace expired applications by selecting the next highest-ranked project. Closing of MPR offers will occur within 90 days of acceptance by the applicant unless extended by the Agency.

IX. Funding Restrictions

Applicants which were selected for further processing under previous Notices, and are timely submitted to MPDL, will be funded on a first-come-first-served basis on the date submitted to MPDL and do not have to be rescored under this Notice. After which, applicants under this Notice will be selected in accordance with selection criteria and the four-step process identified in Section VII of this Notice. Once selected to proceed, the Agency will provide additional guidance to the applicant and request any other information and documents necessary to complete the underwriting and review process. Since the character of each application may vary substantially depending on the type of transactions proposed, information requirements will be provided as appropriate. Complete project information must be submitted as soon as possible but in no case later than 45 days from the date of Agency notification of the applicant's selection for further processing or September 1, 2011, whichever occurs first. Failure to submit the required information in a timely manner may result in the Agency discontinuing the processing of the request.

Funding under this Notice will be obligated to selectees that finish the processing steps outlined above first within each of the three funding categories described in Section VII of this Notice and that result in a ratio as close as possible to 30 percent portfolio transactions, 50 percent complex transactions, and 20 percent simple transactions, subject to funding availability.

X. Application Review

The Revitalization Review Committee will notify the appropriate Rural Development State Director of its approval for funding of an application based on the selection criteria contained in this Notice.

XI. Appeal Process

All adverse determinations regarding applicant eligibility and the awarding of points as a part of the selection process are appealable, in accordance with 7 CFR Part 11 procedures. Instructions on the appeal process will be provided at the time an applicant is notified of the adverse action.

Dated: June 30, 2011.

Tammye Treviño,

Administrator, Rural Housing Service.

Fiscal Year 2011 Pre-application for Multi-Family Housing Revitalization Demonstration Program (MPR)

Instructions

Applicants are encouraged, but not required, to submit this pre-application form electronically by accessing the Web site: http://www.rurdev.usda.gov/rhs/mfh/MPR/MPRHome.htm and clicking on the link for the "Fiscal Year 2011 Pre-application for Multi-Family Housing Revitalization Demonstration Program (MPR)." Please note that electronic submittals are not on a secured Web site. If you do not wish to submit the form electronically by clicking on the **Send Form** button, you may still fill out the form, print it and submit it with your application package to the National Office. You also have the option to save the form, and submit it on an electronic media to the National Office with your complete application package.

Supporting documentation required by this pre-application may be attached to the e-mail generated when you click the **Send Form** button to submit the form. However, if the attachments are too numerous or large in size, the e-mail box will not be able to accept them. In that case, just submit the pre-application form electronically. Submit a copy of the pre-application form and all supporting documentation for this pre-application to the National Office with your complete application package. The MPR NOFA has the complete list of documents that you need to submit. Under item **IX. Documents Submitted**, indicate the documents that you are submitting either with the pre-application or to the National Office.

I. Applicant Information

a. **Applicant's Name:** _____

b. **Applicant's Address:**
Address, Line 1: _____
Address, Line 2: _____
City: _____ **State:** _____ **Zip:** _____

c. **Name of Applicant's Contact Person:** _____

d. **Contact Person's Telephone Number:** _____

e. **Contact Person's E-mail Address:** _____

f. **DUNS Number if applying for a grant:** _____

II. Project Information

a. **Primary Project Name:** _____

b. **Project Address:**
Address, Line 1: _____
Address, Line 2: _____
City: _____ **State:** _____ **Zip:** _____

c. **Is this a Simple, Complex or Portfolio transaction? Check One.**
Simple: ___ **Complex:** ___ **Portfolio:** ___

d. If Portfolio, what is the Portfolio Name? A separate pre-application must be submitted for each project and each Pre-application must have the same "**Portfolio Name**."

_____

e. Consolidation of project operations:

Check one below:

- ☐ **This proposal does not involve a consolidation of properties (0 points)**
- ☐ **This proposal involves a consolidation of 2-4 properties (5 points)**
- ☐ **This proposal involves a consolidation of 5 or more properties (10 points)**

Be sure to list all properties being consolidated in f. below.

f. Provide the following information for the projects being considered in this pre-application, starting with the Primary Project.

	Borrower ID	Proj. ID	Project Name	Vacancy Percentage (for 515 Only)	Proj. ST	Project Type 515/514/516
List Primary Project:						
1.						
List Projects to be Consolidated with the Primary Project:						
2.						
3.						
4.						
5.						
6.						
7.						
8.						
9.						
10.						

For Section 515 Multi-Family Housing projects: If vacancy percentages for any of the projects listed above that have 16 or more revenue producing units exceed 10.0%, or 15.0% for projects with less than 16 revenue producing units, attach required market survey documentation.

For Section 514/516 FLH projects: If cash flow for the previous 3 full years of operation is not positive, attach required market survey documentation.

Year of Operation: _____ **Cash Flow:** _____

Year of Operation: _____ Cash Flow: _____
Year of Operation: _____ Cash Flow: _____

g. **What is the age of the project?** (For consolidations use the project with the earliest operational date.) **Check one.**
- **Was initial project operational date(s) prior to December 21, 1979? (25 points) Yes ___**
- **Was the initial project operational date(s) on or after December 21, 1979; but before December 15, 1989? (20 points) Yes __**
- **Was the initial operational date(s) on or after December 15, 1989; but before October 1, 1991? (15 points) Yes __**
  - **If "Yes", provide the initial operational date of the project: ___/___/____ (mm/dd/yyyy)**

h. **Is there an agency approved Capital Needs Assessment (CNA)? Yes __ No __**
If "Yes," check one:
- **Was the CNA approved on or after October 1, 2009 and prior to October 1, 2010? (10 points) Yes __**
- **Was the CNA approved on or after October 1, 2010 but before the publication of the FY 2011 MPR NOFA? (20 points) Yes __**
  - **If "Yes", provide the date of the most recent Agency approved CNA: ___/___/____ (mm/dd/yyyy)**

III. Funds

a. **Are there contributions of other sources of funds? Yes __ No __**
If "Yes," check one:
- **Evidence of a commitment of at least $3,000 to $5,000 per unit/per property? (15 points) Yes __**
- **Evidence of a commitment greater than $5,000 per unit/per property? (20 points) Yes __**
- **Evidence of a commitment greater than $5,000 per unit/per property with a binding written commitment by a third party to contribute 25 percent or more of any allowable developer fee to the hard costs of construction. (25 points) Yes __**

If "Yes" provide the amounts obtained from the following sources:

Source:	Amount:
Tax Credits	_____
3rd Party Loan	_____
3rd Party Grant	_____
Tax Exempt Financing	_____
RD Section 515 Traditional Loan	_____
RD Section 514/516 Off-Farm Traditional Loan/Grant	_____

RD Section 538 _____
RD Re-lending Demonstration Loan _____
Owner Provided Capital Contributions _____
Total Contributions: _____

b. Does this proposal include an Owner Contribution of funds to pay transaction costs and/or hard costs of construction? Select all that apply.

- **$5,000 per project owner contribution sufficient to pay transaction costs. (5 points) Yes __ No __** *(These funds cannot be from project reserves or operating funds or be in the form of a loan. Transaction costs are defined as those costs required to complete the transaction. These include, but are not limited to, the CNA, legal and closing costs, appraisal costs and filing/recording fees. The minimum contribution required is $5,000 per project; these funds will be required to be deposited in the property reserve account prior to closing.)*
- **$1000 per unit per project owner contribution for the hard costs of construction. (10 points) Yes __ No __** *(These funds cannot be from project reserves or operating funds or be in the form of a loan. Hard costs are defined as materials, inventory, equipment, property or machinery. Hard costs of construction are itemized on Form RD 1924-13, "Estimate and Certificate of Actual Cost". Form RD 1924-13 can be found at www.rurdev.usda.gov/regs/Forms/1924-13.pdf. The minimum contribution required is $1,000 per unit which will be required to be deposited in the property reserve account prior to closing. An increased return to owner may be budgeted and allowed for funds committed in accordance with 7 CFR section 3560.406(d)(14)(ii).)*

IV. Transfers and Sales

a. Does this proposed transaction include a transfer of ownership? Yes__ No__
If "Yes," select one of the following categories and attach a copy of the *executed* Purchase Agreement.

b. Has the Agency servicing classification been identified as "C" or "D" for 24 months or more? (20 points) Yes __

c. Has the Agency servicing classification been identified as "C" or "D" for less than 24 months? (15 points) Yes __

If "No," (not involved in a transfer), category d. applies:

d. For stay-in-owners only, has the Agency servicing classification been identified as "B" as a result of a workout plan approved by the Agency prior to January 1, 2011? (25 points) Yes__ No__

e. Is a sale to Nonprofit/Public Housing Authority under the prepayment process pending or contemplated? If so, submit an executed purchase agreement with this pre-application. (20 points) Yes__ No__

V. Energy Conservation

You may answer a. and c. below or b. and c. Note, if you are participating in the Green Communities program under a. you may not receive additional points for items listed under b.

a. **Does this proposal include a certification to achieve participation in the Green Communities program by the Enterprise Community Partners (http://www.enterprisecommunity.org)?** At least 30 percent of the minimum optional points needed to qualify for the Green Communities program must be earned under the Energy Efficiency section of the Green Communities qualification program**: (45 points) Yes ___ No ___**

OR

b. If you are not enrolling in the Green Communities program then points can be accumulated for each of the following items up to a total of **30 points**. Provide documentation to substantiate your answers below

i. **Does this proposal include the replacement of heating, ventilation and air conditioning (HVAC) equipment with Energy Star qualified heating, ventilation and air conditioning equipment? (4 points): Yes ___ No ___**

ii. **Does this proposal include the replacement of windows and doors with Energy Star qualified windows and doors? (4 points): Yes ___ No ___**

iii. **Does this proposal include additional attic and wall insulation that exceeds the required R-Value of these building elements for your area as per the International Energy Conservation Code 2009? Two points will be awarded if all exterior walls exceed insulation code and 2 points will be awarded if attic insulation exceeds code, for a maximum of 4 points. All exterior walls exceed insulation code (2 points): Yes ___ No ___**
Attic insulation exceeds code (2 points): Yes ___ No ___

iv. **Does this proposal include the reduction in building shell air leakage by at least 15 percent as determined by pre- and post-rehab blower door testing on a sample of units? Building shell air leakage may be reduced through materials such as caulk, spray foam, gaskets, and house-wrap. Sealing of duct work with mastic, foil-backed tape, or aerosolized duct sealants can also help reduce air leakage. (4 points): Yes ___ No ___**

v. **Does this proposal include 100 percent of installed appliances and exhaust fans that are Energy Star qualified? (3 points): Yes ___ No ___**

vi. **Does this proposal include 100 percent of installed water heaters that are Energy Star qualified? (3 points): Yes ___ No ___**

vii. **Does this proposal include replacement of 100 percent of toilets with flush capacity of more than 1.6 gallon flush capacity with new toilets having 1.6 gallon flush capacity or less, and with EPA Water Sense label? (2 points): Yes ___ No ___**

viii. **Does this proposal include 100 percent of new showerheads with EPA Water Sense label? (2 points): Yes ___ No ___**

ix. **Does this proposal include 100 percent of new faucets with EPA Water Sense label? (2 points): Yes ___ No ___**

x. **Does this proposal include 100 percent energy-efficient lighting including Energy Star qualified fixtures, compact fluorescent replacement bulbs in standard incandescent fixtures and Energy Star ceiling fans? (2 points): Yes ___ No ___**

c. **Does this proposal include a written commitment to achieve participation in local green/energy efficient building standards, such as a city, county or municipality program? (3 points) Yes ___ No ___**
Name of Local Program: _____

VI. Energy Generation

Rehabilitation and preservation projects that participate in the **Green Communities program** by the Enterprise Community Partners or receive at least **24 points** for Energy Conservation measures are eligible to earn additional points for installation of on-site renewable energy sources. Renewable, on-site energy generation will compliment a weathertight, well insulated building envelope with highly efficient mechanical systems. Possible renewable energy generation technologies include, but are not limited to: wind turbines and micro-turbines, micro-hydro power, photovoltaics (capable of producing a voltage when exposed to radiant energy, especially light), solar hot water systems and biomass/biofuel systems that do not use fossil fuels in production. Geo-exchange systems are highly encouraged as they lessen the total demand for energy and, if supplemented with other renewable energy sources, can achieve zero energy consumption more easily. Points under this section will be awarded as follows.

a. Projects whose preliminary or rehabilitation building plans and energy analysis propose a 10 percent to 100 percent energy generation commitment (where generation is considered to be the total amount of energy needed to be generated on-site to make the building a net-zero consumer of energy) may be awarded points corresponding to their percent of commitment as follows:

- ☐ **0 to 9 percent commitment to energy generation (0 points)**
- ☐ **10 to 29 percent commitment to energy generation (2 points)**
- ☐ **30 to 49 percent commitment to energy generation (4 points)**
- ☐ **50 to 69 percent commitment to energy generation (6 points)**
- ☐ **70 to 89 percent commitment to energy generation (8 points)**
- ☐ **90 to 100 percent commitment to energy generation (10 points)**

Note: In order to receive more than two points for commitment to energy generation, an accurate energy analysis prepared by an engineer will need to be submitted with the pre-application. Energy analysis of preliminary building plans using industry recognized simulation software must document the projected total energy consumption of the building, the portion of building consumption which will be satisfied through on-site generation, and the building's Home Energy Rating System (HERS) score.

VII. Green Property Management Credentials

Projects will be awarded an additional 10 points if the designated property management company or individuals that will assume maintenance and operations responsibilities upon completion of construction or substantial rehabilitation work have a Credential for Green Property Management. Credentialing can be obtained from the National Apartment Association (NAA), National Affordable Housing Management Association, the Institute for Real Estate Management, U.S. Green Building Council's Leadership in Energy and Environmental Design for Operations and Maintenance (LEED OM), or another source with a certifiable credentialing program. This must be illustrated in the resume(s) of the property management team and submitted with the application. (10 points)

I have submitted resumes of the designated property Management Company or individuals responsible for maintenance and operations that have a Credential for Green Property Management. (10 points) Yes ___ No ___

VIII. Tenant Service Provision

Check one option below to show new tenant services provided to all tenants at no cost to the project:

- ☐ **No new tenant services will be provided (0 points)**
- ☐ **New tenant services will be provided for 1 year (5 points)**
- ☐ **New tenant services will be provided for multiple years (10 points)**

IX. Documents Submitted

Check if the following documents are being submitted electronically with this application or will be mailed to the National Office with your complete pre-application package.
NOTE: You are only required to submit supporting documents for programs in which you will be participating as indicated in this pre-application. Points will be assigned for the items that you checked based on a review of the supporting documents.

Reference in Form	Item	Submitted with this Pre-application	Submitted to National Office
	Fiscal Year 2011 Pre-application for Multi-Family Housing Revitalization Demonstration Program (MPR) (this form).	☐	☐
II. Project Information			
f.	Market Survey if vacancy rates are exceeded for Section 515 projects or there is negative cash flow for Section 514/516 projects.	☐	☐
III. Funds			
a.	Evidence of commitment and sources of funds.	☐	☐
b.	Evidence of owner contribution of funds for		

	transaction costs.	☐	☐
Reference in Form	**Item**	**Submitted with this Pre-application**	**Submitted to National Office**
b.	Evidence of owner contribution of funds for hard costs of construction.	☐	☐
IV. Transfer and Sales			
a.	**Executed** Purchase Agreement for a transfer of ownership.	☐	☐
e.	**Executed** Purchase Agreement for a sale to Nonprofit/Public Housing Authority under the prepayment process.	☐	☐
V. Energy Conservation			
a. OR	Certification in the Green Communities Program by the Enterprise Community Partners.	☐	☐
b.	Documentation substantiating Green Energy improvements outlined in items i. through x.	☐	☐
c.	Certification in local green energy efficient building standards.	☐	☐
VI. Energy Generation			
a.	Preliminary building plans and an energy analysis that shows that the project will achieve 30 to 100 percent energy generation commitment.	☐	☐
VII. Green Property Management Credentials			
	Resumes of the designated property management company or individuals responsible for maintenance and operations that have a credential for Green Property Management.	☐	☐
VIII. Tenant Service Provision			
	Description of Tenant Services provided and organizations providing the service.	☐	☐

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DEPARTMENT OF AGRICULTURE

Rural Housing Service

Notice of Funds Availability for the Section 533 Housing Preservation Grants for Fiscal Year 2011

SUMMARY: The Rural Housing Service (RHS), an Agency within Rural Development, announces that it is soliciting competitive applications under its Housing Preservation Grant (HPG) program. The HPG program is a grant program which provides qualified public agencies, private non-profit organizations, which may include, but not be limited to, faith-based and community organizations, and other eligible entities grant funds to assist very low- and low-income homeowners in repairing and rehabilitating their homes in rural areas. In addition, the HPG program assists rental property owners and cooperative housing complexes in repairing and rehabilitating their units if they agree to make such units available to low- and very low-income persons. This action is taken to comply with RHS regulations found in 7 CFR part 1944, subpart N, which require RHS to announce the opening and closing dates for receipt of preapplications for HPG funds from eligible applicants. The intended effect of this Notice is to provide eligible organizations notice of these dates.

DATES: If submitting a paper pre-application, the closing deadline for receipt of all applications in response to this Notice is 5 p.m. local time for each Rural Development State Office on August 22, 2011. If submitting the pre-application in electronic format, the deadline for receipt is 5 p.m. Eastern Standard Time on [same date as paper application]. The pre-application closing deadline is firm as to *date and hour.* RHS will not consider any pre-application that is received after the closing deadline. Applicants intending to mail pre-applications must provide sufficient time to permit delivery on or before the closing deadline date and

time. Acceptance by the United States Postal Service or private mailer does not constitute delivery. Facsimile (FAX) and postage due applications will not be accepted.

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

The reporting requirements contained in this Notice have been approved by the Office of Management and Budget under Control Number 0575–0115.

Overview

Funding Opportunity Title: Notice of Funds Availability for the Section 533 Housing Preservation Grants for Fiscal Year 2011.

Announcement Type: Initial Notice inviting pre-applications from qualified applicants for Fiscal Year 2011.

Catalog of Federal Domestic Assistance Numbers (CFDA): 10.433.

Dates: If submitting a paper pre-application, the closing deadline for receipt of all applications in response to this Notice is 5 p.m. local time for each Rural Development State Office on August 22, 2011. If submitting the pre-application in electronic format, the deadline for receipt is 5 p.m. Eastern Standard Time on [same date as paper application]. The pre-application closing deadline is firm as to *date and hour.* RHS will not consider any pre-application that is received after the closing deadline. Applicants intending to mail pre-applications must provide sufficient time to permit delivery on or before the closing deadline date and time. Acceptance by the United States Postal Service or private mailer does not constitute delivery. Facsimile (FAX) and postage due applications will not be accepted.

Program Administration

I. Funding Opportunities Description

The funding instrument for the HPG Program will be a grant agreement. The term of the grant can vary from 1 to 2 years, depending on available funds and demand. No maximum or minimum grant levels have been established at the National level. You should contact the Rural Development State Office to determine the state allocation.

II. Award Information

For Fiscal Year 2011, $9,814,482.15 is available for the HPG Program. The total includes $433,282.15 in carryover funds from previous appropriations. A set-aside of $600,000.00 has been established for grants located in Empowerment Zones and Rural Economic Area Partnership Zones. Empowerment Zones, Rural Economic Area Partnership Zones and other funds will be distributed under a formula allocation to states pursuant to 7 CFR part 1940, ''Methodology and Formulas for Allocation of Loan and Grant Program Funds.'' Decisions on funding will be based on pre-applications.

III. Eligibility Information

7 CFR part 1944, subpart N provides details on what information must be contained in the pre-application package. Entities wishing to apply for assistance should contact the Rural Development State Office to receive further information, the State allocation of funds, and copies of the pre-application package. Eligible entities for these competitively awarded grants include state and local governments, non-profit corporations, which may include, but not be limited to faith-based and community organizations, Federally recognized Indian tribes, and consortia of eligible entities.

Federally recognized Indian tribes, pursuant to 7 CFR 1944.674, are exempt from the requirement to consult with local leaders including announcing the availability of its statement of activities for review in a newspaper.

As part of the application, all applicants must also provide a Dun and Bradstreet Data Universal Numbering System (DUNS) number and maintain registration in the Central Contractor Registration (CCR) database in accordance with 2 CFR part 25. As required by the Office of Management and Budget (OMB), all grant applicants must provide a DUNS number when applying for Federal grants, on or after October 1, 2003. Organizations can receive a DUNS number at no cost by calling the dedicated toll-free DUNS number request line at 1–866–705–5711 or by accessing *http://www.dnb.com/us/* .Additional information concerning this requirement is provided in a policy directive issued by OMB and published in the **Federal Register** on June 27, 2003 (68 FR 38402–38405). Similarly, applicants may register for the CCR at *https://www.uscontractorregistration.com/* or by calling 1–877–252–2700.

The Department of Agriculture is participating as a partner in the Government-wide Grants.gov site. Electronic applications must be submitted through the grants.gov Web site at: *http://www.grants.gov,* following the instructions found on the Web site. Please be mindful that the application deadline for electronic format differs from the deadline for paper format. The electronic format deadline will be based on Eastern Standard Time. The paper format deadline is local time for each Rural Development State Office.

In addition to the electronic application at the *http://www.grants.gov* Web site, all applicants must complete and submit the Fiscal Year 2011 Pre-application for Section 533 HPG, a copy of which is included with this Notice. Applicants are encouraged to submit this pre-application form electronically by accessing the Web site: *http://www.rurdev.usda.gov/rhs/mfh/MPR/MPRHome.htm* and clicking on the link for ''Fiscal Year 2011 Pre-application for Section 533 Housing Preservation Grants (HPG)''.

Applicants are encouraged, but not required, to also provide an electronic copy of all hard copy forms and documents submitted in the pre-application/application package as requested by this Notice. The forms and documents must be submitted as read-only PDF Adobe Acrobat files on an electronic media such as CDs, DVDs or USB drives. For each electronic device that you submit, you must include a Table of Contents of all documents and forms on that device. The electronic medium must be submitted to the local State Office.

Please Note: If you receive a loan or grant award under this Notice, USDA reserves the right to post all information submitted as part of the pre-application/application package which is not protected under the Privacy Act on a public Web site with free and open access to any member of the public.

IV. Application and Submission Information

All pre-applications must meet the requirements of 7 CFR part 1944, subpart N, as well as comply with the provisions of this Notice. Pre-applications can be submitted either electronically using the Section 533 pre-application form as found at *http://www.rurdev.usda.gov/rhs/mfh/MPR/MPRHome.htm* or by hard copy to the appropriate Rural Development State Office where the project will be located. A hard-copy of the electronic pre-application form is included with this Notice. **Note:** Submission of the electronic Section 533 pre-application form does not constitute submission of the entire pre-application package which requires additional forms and supporting documentation as listed in Section V of this Notice. Although applicants are encouraged to submit the pre-application form electronically, the complete package in its entirety must still be submitted to the local State Office.

Hard copy pre-applications that are submitted to a USDA Rural Development State Office will be date

and time stamped to evidence timely or untimely receipt, and upon request, Rural Development will provide the applicant with a written acknowledgement of receipt. A list of State Office contacts may be found in the Section VIV, Agency Contacts, of this Notice. Incomplete pre-applications will not be reviewed and will be returned to the applicant. No pre-application will be accepted after 5 p.m., local time, for paper copies or 5 p.m. Eastern Standard Time for electronic applications on the application deadline previously mentioned unless that date and time is extended by a Notice published in the **Federal Register.**

Please note that all applicants must obtain DUNS number and register in the CCR prior to submitting a pre-application pursuant to 2 CFR 25.200(b). In addition, an entity applicant must maintain registration of the CCR database at all times during which it has an active Federal award or an application or plan of construction by the Agency. Similarly all recipients of Federal Financial assistance are required to report information about first-tier subawards and executive compensation in accordance with 2 CFR part 170. So long as an entity applicant does not have exception under 2 CFR Section 170.110(b), the applicant must have necessary processes and systems in place to comply with the reporting requirements should the applicant receive funding. See 2 CFR Section 170.200(b).

V. Application Review Information

Applicants wishing to apply for assistance must make their statement of activities available to the public for comment. The applicant(s) must announce the availability of its statement of activities for review in a newspaper of general circulation in the project area and allow at least 15 days for public comment. The start of this 15-day period must occur no later than 16 days prior to the last day for acceptance of pre-applications by USDA Rural Development.

All applications for Section 533 funds must be filed electronically or with the appropriate Rural Development State Office and must meet the requirements of this Notice and 7 CFR part 1944, subpart N. Pre-applications determined not eligible and/or not meeting the selection criteria will be notified by the Rural Development State Office. All adverse determinations are appealable pursuant to 7 CFR part 11. Instructions on the appeal process will be provided at the time the applicant is notified of the adverse decision.

If submitting a paper application, applicants will file an original and two copies of Standard Form (SF) 424, *''Application for Federal Assistance,''* and supporting information with the appropriate Rural Development State Office. A pre-application package, including SF–424, is available in any Rural Development State Office. In addition, the pre-application form included with this Notice must be submitted either electronically or in hard copy form with all supporting documentation.

All pre-applications shall be accompanied by the following information which Rural Development will use to determine the applicant's eligibility to undertake the HPG program and to evaluate the pre-application under the project selection criteria of 7 CFR 1944.679. References to private non-profit organizations include, but are not limited to faith and community-based organizations:

(a) A statement of activities proposed by the applicant for its HPG program as appropriate to the type of assistance the applicant is proposing, including:

(1) A complete discussion of the type of and conditions for financial assistance for housing preservation, including whether the request for assistance is for a homeowner assistance program, a rental property assistance program, or a cooperative assistance program;

(2) The process for selecting recipients for HPG assistance, determining housing preservation needs of the dwelling, performing the necessary work, and monitoring/inspecting work performed;

(3) A description of the process for identifying potential environmental impacts in accordance with 7 CFR 1944.672, and the provisions for compliance with Stipulation I, A–G of the Programmatic Memorandum of Agreement, also known as PMOA, (RD Instruction 2000–FF, available in any Rural Development State Office or at *http://www.rurdev.usda.gov/SupportDocuments/2000ff.pdf*) in accordance with 7 CFR 1944.673(b);

(4) The development standard(s) the applicant will use for the housing preservation work; and, if the applicant will use the Rural Development standards for existing dwellings, the evidence of its acceptance by the jurisdiction where the grant will be implemented;

(5) The time schedule for completing the program;

(6) The staffing required to complete the program;

(7) The estimated number of very low- and low-income minority and nonminority persons the grantee will assist with HPG funds; and, if a rental property or cooperative assistance program, the number of units and the term of restrictive covenants on their use for very low- and low-income;

(8) The geographical area(s) to be served by the HPG program;

(9) The annual estimated budget for the program period based on the financial needs to accomplish the objectives outlined in the proposal. The budget should include proposed direct and indirect administrative costs, such as personnel, fringe benefits, travel, equipment, supplies, contracts, and other cost categories, detailing those costs for which the grantee proposes to use the HPG grant separately from non-HPG resources, if any. The applicant budget should also include a schedule (with amounts) of how the applicant proposes to draw HPG grant funds, *i.e.,* monthly, quarterly, lump sum for program activities, etc.;

(10) A copy of an indirect cost proposal as required in 7 CFR parts 3015, 3016, and 3019, as applicable, when the applicant has another source of Federal funding in addition to the Rural Development HPG program;

(11) A brief description of the accounting system to be used;

(l2) The method of evaluation to be used by the applicant to determine the effectiveness of its program which encompasses the requirements for quarterly reports to Rural Development in accordance with 7 CFR 1944.683(b) and the monitoring plan for rental properties and cooperatives (when applicable) according to 7 CFR 1944.689;

(13) The source and estimated amount of other financial resources to be obtained and used by the applicant for both HPG activities and housing development and/or supporting activities;

(14) The use of program income, if any, and the tracking system used for monitoring same;

(15) The applicant's plan for disposition of any security instruments held by them as a result of its HPG activities in the event of its loss of legal status;

(16) Any other information necessary to explain the proposed HPG program; and

(17) The outreach efforts outlined in 7 CFR 1944.671(b).

(b) Complete information about the applicant's experience and capacity to carry out the objectives of the proposed HPG program.

(c) Evidence of the applicant's legal existence, a copy of, or an accurate reference to, the specific provisions of

State law under which the applicant is organized; a certified copy of the applicant's Articles of Incorporation and Bylaws or other evidence of corporate existence; certificate of incorporation for other than public bodies; evidence of good standing from the State when the corporation has been in existence 1 year or more; and the names and addresses of the applicant's members, directors and officers. If other organizations are members of the applicant-organization, or the applicant is a consortium, pre-applications should be accompanied by the names, addresses, and principal purpose of the other organizations. If the applicant is a consortium, documentation showing compliance with paragraph (4)(ii) under the definition of ''organization'' in 7 CFR 1944.656 must also be included.

(d) For a private non-profit entity, the most recently audited statement and a current financial statement dated and signed by an authorized officer of the entity showing the amounts and specific nature of assets and liabilities together with information on the repayment schedule and status of any debt(s) owed by the applicant.

(e) A brief narrative statement which includes information about the area to be served and the need for improved housing (including both percentage and the actual number of both very low-income and low-income minority households and substandard housing), the need for the type of housing preservation assistance being proposed, the anticipated use of HPG resources for historic properties, the method of evaluation to be used by the applicant in determining the effectiveness of its efforts.

(f) A statement containing the component for alleviating any overcrowding as defined by 7 CFR 1944.656.

(g) Applicant must submit an original and one copy of Form RD 1940–20, *''Request for Environmental Information,''* prepared in accordance with Exhibit F–1 of RD Instruction 1944–N (available in any Rural Development State Office or at *http://forms.sc.egov.usda.gov/efcommon/eFileServices/eForms/RD1940-20.PDF*).

(h) Applicant must also submit a description of its process for:

(1) Identifying and rehabilitating properties listed on, or eligible for listing on, the National Register of Historic Places;

(2) Identifying properties that are located in a floodplain or wetland;

(3) Identifying properties located within the Coastal Barrier Resources System; and

(4) Coordinating with other public and private organizations and programs that provide assistance in the rehabilitation of historic properties (Stipulation I, D, of the PMOA, RD Instruction 2000–FF, available in any Rural Development State Office or at: *http://www.rurdev.usda.gov/SupportDocuments/2000ff.pdf.*

(i) The applicant must also submit evidence of the State Historic Preservation Office's (SHPO), concurrence in the proposal, or in the event of nonconcurrence, a copy of SHPO's comments together with evidence that the applicant has received the Advisory Council on Historic Preservation's (Council) advice as to how the disagreement might be resolved, and a copy of any advice provided by the Council.

(j) The applicant must submit written statements and related correspondence reflecting compliance with 7 CFR 1944.674(a) and (c) regarding consultation with local government leaders in the preparation of its program and the consultation with local and state government pursuant to the provisions of Executive Order 12372.

(k) The applicant is to make its statement of activities available to the public for comment prior to submission to Rural Development pursuant to 7 CFR 1944.674(b). The application must contain a description of how the comments (if any were received) were addressed.

(l) The applicant must submit an original and one copy of Form RD 400–1, ''Equal Opportunity Agreement,'' and Form RD 400–4, *''Assurance Agreement,''* in accordance with 7 CFR 1944.676. These forms can be obtained at any state office or at *http://forms.sc.egov.usda.gov/efcommon/eFileServices/eForms/RD400-1.PDF* and *http://forms.sc.egov.usda.gov/efcommon/eFileServices/eForms/RD400-4.PDF.*

Applicants should review 7 CFR part 1944, subpart N for a comprehensive list of all application requirements.

VI. Selection Criteria

In accordance with 7 CFR 1944.679 applicants and proposed projects must meet the following criteria:

(a) Provide a financially feasible program of housing preservation assistance. ''Financially feasible'' is defined as proposed assistance which will be affordable to the intended recipient or result in affordable housing for very low- and low-income persons.

(b) Serve eligible rural areas with a concentration of substandard housing for households with very low- or low-income.

(c) Be an eligible applicant as defined in 7 CFR 1944.658.

(d) Meet the requirements of consultation and public comment in accordance with 7 CFR 1944.674.

(e) Submit a complete pre-application as outlined in 7 CFR 1944.676.

VII. Points System

For applicants meeting all of the requirements listed above, the Rural Development State Offices will then use weighted criteria in accordance with 7 CFR part 1944, subpart N to select the grant recipients. Each preapplication and its accompanying statement of activities will be evaluated and, based solely on the information contained in the pre-application; the applicant's proposal will be numerically rated on each selection criteria within the point range provided. The highest-ranking applicant(s) will be selected based on allocation of funds available to the state.

(a) Points are awarded based on the percentage of very low-income persons that the applicant proposes to assist, using the following scale:

(1) More than 80%: 20 points.
(2) 61% to 80%: 15 points.
(3) 41% to 60%: 10 points.
(4) 20% to 40%: 5 points.
(5) Less than 20%: 0 points.

(b) The applicant's proposal is expected to result in the following percentage of HPG fund use (excluding administrative costs) in comparison to the total cost of unit preservation. This percentage reflects maximum repair or rehabilitation results with the least possible HPG funds due to leveraging, innovative financial assistance, owner's contribution or other specified approaches. Points are awarded based on the following percentage of HPG funds (excluding administrative costs) to total funds:

(1) 50% or less: 20 points.
(2) 51% to 65%: 15 points.
(3) 66% to 80%: 10 points.
(4) 81% to 95%: 5 points.
(5) 96% to 100%: 0 points.

(c) The applicant has demonstrated its administrative capacity in assisting very low- and low-income persons to obtain adequate housing based on the following (30 points maximum):

(1) The organization or a member of its staff has at least one or more years experience successfully managing and operating a rehabilitation or weatherization type program: 10 points.

(2) The organization or a member of its staff has at least one or more years experience successfully managing and operating a program assisting very low- and low-income persons obtain housing assistance: 10 points.

(3) If the organization has administered grant programs, there are no outstanding or unresolved audit or investigative findings which might impair carrying out the proposal: 10 points.

(d) The proposed program will be undertaken entirely in rural areas outside Metropolitan Statistical Areas (MSAs), identified by Rural Development as having populations below 10,000 or in remote parts of other rural areas (*i.e.,* rural areas contained in MSAs with less than 5,000 population) as defined in 7 CFR 1944.656: 10 points.

(e) The program will use less than 20 percent of HPG funds for administration purposes:

(1) More than 20%: Not eligible for points under this section.

(2) 20%: 0 points.

(3) 19%: 1 point.

(4) 18%: 2 points.

(5) 17%: 3 points.

(6) 16%: 4 points.

(7) 15% or less: 5 points.

(f) The proposed program contains a component for alleviating overcrowding as defined in 7 CFR 1944.656: 5 points.

(g) In the event more than one preapplication receives the same amount of points, those pre-applications will then be ranked based on the actual percentage figure used for determining the points for Section VII (a). Further, in the event that preapplications are still tied, then those preapplications still tied will be ranked based on the percentage for HPG fund use (low to high). Further, for applications where assistance to rental properties or cooperatives is proposed, those still tied will be further ranked based on the number of years the units are available for occupancy under the program (a minimum of 5 years is required). For this part, ranking will be based from most to least number of years.

Finally, if there is still a tie, then a lottery system will be used. After the award selections are made all applicants will be notified of the status of their applications by mail.

VIII. Agency Contacts

Applicants must contact the Rural Development State Office serving the state in which they desire to submit an application to receive further information and copies of the application package. Rural Development will date and time stamp incoming applications to evidence timely and untimely receipt, and, upon request, will provide the applicant with a written acknowledgment of receipt. A listing of Rural Development State Offices, their addresses, telephone numbers, and person to contact follows:

Note: Telephone numbers listed are not toll-free.

Alabama State Office, Suite 601, Sterling Centre, 4121 Carmichael Road,Montgomery, Alabama 36106–3683, (334) 279–3454, TDD (334) 279–3495, Anne Chavers.

Alaska State Office, 800 West Evergreen, Suite 201, Palmer, Alaska 99645, (907) 761–7740, TDD (907) 761–8905, Cynthia Jackson.

Arizona State Office, Phoenix Courthouse and Federal Building, 230 North First Avenue, Suite 206, Phoenix, Arizona 85003–1706, (602) 280–8768, TDD (602) 280–8706, Carol Torres.

Arkansas State Office, 700 West Capitol Avenue, Room 3416, Little Rock, Arkansas 72201–3225, (501) 301–3258, TDD (501) 301–3063, Clinton King.

California State Office, 430 G Street, #4169, Davis, California 95616–4169, (530) 792–5821, TDD (530) 792–5848, Debra Moretton.

Colorado State Office, Denver Federal Center, Building 56, Room 2300, P.O. Box 25426, Denver, Colorado 80225–0426, (720) 544–2924, TDD (800) 659–2656, Donald Nunn.

Connecticut, Served by Massachusetts State Office.

Delaware and Maryland State Office, 1221 College Park Drive, Suite 200, Dover, Delaware 19904, (302) 857–3615, TDD (302) 857–3585, Debbie Eason.

Florida and Virgin Islands State Office, 4440 N.W. 25th Place, Gainesville, Florida 32606–6563, (352) 338–3438, TDD (352) 338–3499, Theresa Purnell.

Georgia State Office, Stephens Federal Building, 355 East Hancock Avenue, Athens, Georgia 30601–2768, (706) 546–2164, TDD (706) 546–2034, Jennifer Daughterty.

Hawaii State Office, (Services all Hawaii, American Samoa, Guam, and Western Pacific), Room 311, Federal Building, 154 Waianuenue Avenue, Hilo, Hawaii 96720, (808) 933–8303, TDD (808) 933–8321, Nathan Riedel.

Idaho State Office, Suite A1, 9173 West Barnes Drive, Boise, Idaho 83709, (208) 378–5628, TDD (208) 378–5644, Joyce Weinzetl.

Illinois State Office, 2118 West Park Court, Suite A, Champaign, Illinois 61821–2986, (217) 403–6222, TDD (217) 403–6240, Barry L. Ramsey.

Indiana State Office, 5975 Lakeside Boulevard, Indianapolis, Indiana 46278, (317) 290–3100 (ext. 423), TDD (317) 290–3343, Michael Boards.

Iowa State Office, 210 Walnut Street Room 873, Des Moines, Iowa 50309, (515) 961–5365 (ext. 129), TDD (515) 284–4858, Tony Putz.

Kansas State Office, 1303 SW First American Place, Suite 100, Topeka, Kansas 66604–4040, (785) 271–2700, TDD (785) 271–2767, Mike Resnik.

Kentucky State Office, 771 Corporate Drive, Suite 200, Lexington, Kentucky 40503, (859) 224–7325, TDD (859) 224–7422, Beth Moore.

Louisiana State Office, 3727 Government Street, Alexandria, Louisiana 71302, (318) 473–7962, TDD (318) 473–7655, Yvonne R. Emerson.

Maine State Office, Post Office Box 405, Bangor, Maine 04402–0405, (207) 990–9110, TDD (207) 942–7331, Bob Nadeau.

Maryland, Served by Delaware State Office.

Massachusetts, Connecticut, & Rhode Island State Office, 451 West Street, Suite 2, Amherst, Massachusetts 01002, (413) 253–4311, TDD (413) 253–4590, Mike Rendulic.

Michigan State Office, 3001 Coolidge Road, Suite 200, East Lansing, Michigan 48823, (517) 324–5193, TDD (517) 337–6795, Sonya Wyldes.

Minnesota State Office, 375 Jackson Street Building, Suite 410, St. Paul, Minnesota 55125, (651) 602–7804, TDD (651) 602–7830, Thomas Osborne.

Mississippi State Office, Federal Building, Suite 831, 100 West Capitol Street, Jackson, Mississippi 39269, (601) 965–4325, TDD (601) 965–5850, Darnella Smith-Murray.

Missouri State Office, 601 Business Loop 70 West, Parkade Center, Suite 235, Columbia, Missouri 65203, (573) 876–9303, TDD (573) 876–9480, Becky Eftink.

Montana State Office, 2229 Boot Hill Court, Bozeman, Montana 59715, (406) 585–2515, TDD (406) 585–2562, Deborah Chorlton.

Nebraska State Office, Federal Building, Room 152, 100 Centennial Mall N, Lincoln, Nebraska 68508, (402) 437–5505, TDD (402) 437–5408, Teresa Brohimer.

Nevada State Office, 1390 South Curry Street, Carson City, Nevada 89703–9910, (775) 887–1222 (ext. 14), TDD (775) 885–0633, Mona Sargent.

New Hampshire State Office, Concord Center, Suite 218, Box 317, 10 Ferry Street, Concord, New Hampshire 03301–5004, (603) 223–6046, TDD (603) 229–0536, Sandra Hawkins.

New Jersey State Office, 5th Floor North, Suite 500, 8000 Midlantic Drive, Mt. Laurel, New Jersey 08054, (856) 787–7773, TDD (856) 787–7784, Derrick S. Waltz.

New Mexico State Office, 6200 Jefferson Street, NE., Room 255, Albuquerque,

New Mexico 87109, (505) 761–4941, TDD (505) 761–4938, Karen Wolek.

New York State Office, The Galleries of Syracuse, 441 South Salina Street, Suite 357 5th Floor, Syracuse, New York 13202, (315) 263–4363, TDD (315) 477–6447, Tia Shulkin.

North Carolina State Office, 4405 Bland Road, Suite 260, Raleigh, North Carolina 27609, (919) 873–2061, TDD (919) 873–2003, LaShonda McKnight.

North Dakota State Office, Federal Building, Room 208, Post Office Box 1737, Bismarck, North Dakota 58502, (701) 530–2046, TDD (701) 530–2113, Barry Borstad.

Ohio State Office, Federal Building, Room 507, 200 North High Street, Columbus, Ohio 43215–2477, (614) 255–2409, TDD (800) 877–8339, Cathy Simmons.

Oklahoma State Office, 100 USDA, Suite 108, Stillwater, Oklahoma 74074–2654, (405) 742–1076, TDD (405) 742–1007, Tim Henderson.

Oregon State Office, 1201 NE Lloyd Boulevard, Suite 801, Portland, Oregon 97232–1274, (503) 414–3340, TDD (503)414–3387, Barb Brandon.

Pennsylvania State Office, One Credit Union Place, Suite 330, Harrisburg, Pennsylvania 17110–2996, (717) 237–2276, TDD (717) 237–2261, Chris Adamchak.

Puerto Rico State Office, IBM Building, Suite 601, Munoz Rivera Ave. #654, San Juan, Puerto Rico 00918, (787) 766–5095 (ext. 252), TDD (787) 766–5332, Nilsa Claudio.

Rhode Island, Served by Massachusetts State Office.

South Carolina State Office, Strom Thurmond Federal Building, 1835 Assembly Street, Room 1007, Columbia, South Carolina 29201, (803) 765–5870, TDD (803) 765–5697, Lila Moses.

South Dakota State Office, Federal Building, Room 210, 200 Fourth Street, SW., Huron, South Dakota 57350, (605) 352–1132, TDD (605) 352–1147, Roger Hazuka or Pam Reilly.

Tennessee State Office, Suite 300, 3322 West End Avenue, Nashville, Tennessee 37203–1084, (615) 783–1300, TDD (615) 783–1397, Abby Boggs.

Texas State Office, Federal Building, Suite 102, 101 South Main, Temple, Texas 76501, (254) 742–9772, TDD (254) 742–9770, Ana Placencia.

Utah State Office, Wallace F. Bennett Federal Building, 125 South State Street, Room 301, Salt Lake City, Utah 84138, (801) 524–4308, TDD (801) 524–3309, Pam Davidson.

Vermont State Office, City Center, 3rd Floor, 89 Main Street, Montpelier, Vermont 05602, (802) 828–6021, TDD (802) 223–6365, Heidi Setien.

Virgin Islands, Served by Florida State Office.

Virginia State Office, Culpeper Building, Suite 238, 1606 Santa Rosa Road, Richmond, Virginia 23229, (804) 287–1596, TDD (804) 287–1753, CJ Michels.

Washington State Office, 1835 Black Lake Boulevard, Suite B, Olympia, Washington 98512, (360) 704–7706, TDD (360) 704–7760, Bill Kirkwood.

Western Pacific Territories, Served by Hawaii State Office.

West Virginia, 530 Freedom Road, Ripley, West Virginia 25271–9794, (304) 372–3441, ext. 105, TDD (304) 284–4836, Penny Thaxton.

Wisconsin State Office, 4949 Kirschling Court, Stevens Point, Wisconsin 54481, (715) 345–7620, TDD (715) 345–7614, Dave Schwobe.

Wyoming State Office, Post Office Box 82601, Casper, Wyoming 82602–5006, (307) 233–6716, TDD (307) 233–6733, Timothy Brooks.

FOR FURTHER INFORMATION CONTACT: For general information, applicants may contact Bonnie Edwards-Jackson, Finance and Loan Analyst, Multi-Family Housing Preservation and Direct Loan Division, USDA Rural Development, Stop 0781, 1400 Independence Avenue, SW., Washington, DC 20250–0781, telephone (202) 690–0759 (voice) (this is not a toll free number) or (800) 877–8339 (TDD–Federal Information Relay Service) or via e-mail at, *Bonnie.Edwards@wdc.usda.gov.*

VIV. Non-Discrimination Statement

USDA prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720–2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW., Washington, DC 20250–9410, or call (800) 795–3272 (voice), (202) 720–6382 (TDD). ''USDA is an equal opportunity provider, employer, and lender.''

Dated: June 30, 2011.

Tammye Treviño,

Administrator, Rural Housing Service.

Fiscal Year 2011 Pre-application for Section 533 Housing Preservation Grants (HPG)

Instructions

Applicants are encouraged, but not required, to submit this pre-application form electronically by accessing the Web site: *http://www.rurdev.usda.gov/rhs/mfh/MPR/MPRHome.htm* and clicking on the link for the ''Fiscal Year 2011 Pre-application for Section 533 Housing Preservation Grants (HPG).'' Please note that electronic submittals are not on a secured website. If you do not wish to submit the form electronically by clicking on the Send Form button, you may still fill out the form, print it and submit it with your application package to the State Office. You also have the option to save the form, and submit it on an electronic media to the State Office.

Supporting documentation required by this pre-application may be attached to the email generated when you click the Send Form button to submit the form. However if the attachments are too numerous or large in size, the email box will not be able to accept them. In that case, submit the supporting documentation for this pre-application to the State Office with your complete application package. Under item IX. Documents Submitted, indicate the supporting documents that you are submitting either with the pre-application or to the State Office.

I. Applicant Information

a. Applicant's Name: _____

b. Applicant's Address:

Address, Line 1: _____

Address, Line 2: _____

City: ___ State:____ Zip: ____

c. Name of Applicant's Contact Person: ____

d. Contact Person's Telephone Number: ____

e. Contact Person's Email Address: _____

f. Entity Type: _____

(Check One)

☐ State Government
☐ Local Government
☐ Non-Profit Corporation
☐ Federally Recognized Indian Tribes
☐ Faith-based Organization
☐ Community Organization
☐ Other consortia of an eligible entity

II. Project Information

a. Project Name: _____

b. Project Address:

Address, Line 1: _____

Address, Line 2: _____

City: ___ State: ____ Zip: ____

c. Organization DUNS number: _____

d. Grant Amount Requested: _____

e. This grant request is for one of the following types of assistance:

☐ Homeowner assistance program
☐ Rental property assistance program
☐ Cooperative assistance program

f. In response to e. above, answer one of the following:

The Number of low- and very low-income persons that the grantee will assist in the Homeowner assistance program: ____ OR

The number of Units for low- and very low-income persons in the Rental property or Cooperative assistance program: ____

g. This proposal is for one of the following:

☐ Housing Preservation Grant (HPG) program (no set-aside)

☐ Set-aside for Grant located in an Empowerment Zone

☐ Set-aside for Grant located in Enterprise Communities

☐ Set-aside for Grant located in a Rural Economic Area Partnership (REAP) zone

III. Low-Income Assistance

Check the percentage of very low-income persons that this application proposes to assist in relation to the total population of the project:

☐ More than 80 percent (20 points)
☐ 61 percent to 80 percent (15 points)
☐ 41 percent to 60 percent (10 points)
☐ 20 percent to 40 percent (5 points)
☐ Less than 20 percent (0 points)

IV. Percent of HPG Fund Use

Check the percentage of HPG fund use (excluding administrative costs) in comparison to the total cost of unit preservation. This percentage reflects maximum repair or rehabilitation results with the least possible HPG funds due to leveraging, innovative financial assistance, owner's contribution or other specified approaches.

☐ 50 percent or less of HPG Funds (20 points)

☐ 51 percent to 65 percent of HPG Funds (15 points)

☐ 66 percent to 80 percent of HPG Funds (10 points)

☐ 81 percent to 95 percent of HPG Funds (5 points)

☐ 96 percent to 100 percent of HPG Funds (0 points)

V. Administrative Capacity

The following three criteria demonstrate your administrative capacity to assist very low- and low-income persons to obtain adequate housing (30 points maximum).

a. Does this organization or a member of its staff have at least one or more years of experience successfully managing and operating a rehabilitation or weatherization type of program? (10 points) Yes ____ No ____

b. Does this organization or a member of its staff have at least one or more years of experience successfully managing and operating a program assisting very low- or low-income persons obtain housing assistance? (10 points) Yes ____ No ____

c. If this organization has administered grant programs, are there any outstanding or unresolved audit or investigative findings which might impair carrying out the proposal? (10 points for No) No ____ Yes ____

If Yes, please explain:

_____

_____

_____

VI. Area Served

Will this proposal be undertaken entirely in rural areas outside Metropolitan Statistical Areas, also known as MSAs, in areas identified by Rural Development as having populations below 10,000, or in remote parts of other rural areas (i.e., rural areas contained in MSAs with less than 5,000 population) as defined in 7 CFR 1944.656? (10 points) Yes ____ No ____

VII. Percent of HPG Funds for Administration

Check the percentage of HPG funds that will be used for Administration purposes:

☐ More than 20 percent (Not eligible)
☐ 20 percent (0 points)
☐ 19 percent (1 point)
☐ 18 percent (2 points)
☐ 17 percent (3 points)
☐ 16 percent (4 points)
☐ 15 percent or less (5 points)

VIII. Alleviating Overcrowding

Does the proposed program contain a component for alleviating overcrowding as defined in 7 CFR 1944.656? (5 points) Yes ___ No ___

IX. Documents Submitted

Check if the following documents are being submitted electronically with this pre-application or will be mailed to the State Office with your complete pre-application package.

NOTE: You are only required to submit supporting documents for programs in which you will be participating as indicated in this pre-application. Points will be assigned for the items that you checked based on a review of the supporting documents. Please refer to the Notice for the complete list of documents that you are required to submit with your complete pre-application package.

Reference	Item	Submitted with this pre-application	Submitted to state office
III	Low Income Assistance		
IV	Percent of HPG Fund Use		
V	Administrative Capacity		
VI	Area Served		
VII	Percent of HPG Funds for Administration		
VIII	Alleviating Overcrowding		

[FR Doc. 2011–17109 Filed 7–6–11; 8:45 am]

BILLING CODE 3410–XV–P

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

Draft Investigation Report—DuPont Belle; Public Comment Requested

In connection with its investigation into three incidents that occurred at the DuPont plant in Belle, West Virginia, within a 48 hour period on January 22 and 23, 2010, the U.S. Chemical Safety Board (CSB) announces that it is seeking public review and comment on its draft investigation report on these incidents. The draft report will be posted on the CSB Web site on July 7, 2011, and will be available for review and comment until 5 p.m. on August 22, 2011. Comments should preferably be sent by e-mail to *dupontcomments@csb.gov* following the directions for submitting comments provided on the CSB Web site (*http://www.csb.gov.*). Comments may also be sent to CSB Headquarters (see address and name below). All comments received are considered public documents and will be available for public review either at CSB Headquarters or by following directions posted on the CSB Web site.

By Notation Item #862, the Board unanimously voted to: (a) Publish the draft report on the DuPont-Belle incidents on the CSB's Web site (clearly marked as ''Staff draft for public comment'' and ''Subject to change, approval, or disapproval by the Board'') and publicize its availability; (b) provide a period of forty-five (45) calendar days to receive public comment in response to the draft investigation report; and (c) consider all comments received prior to approval and publication of the final investigation report on the DuPont-Belle incidents.

The three separate incidents at the DuPont plant involved releases of methyl chloride, oleum, and phosgene, and all three triggered notification of outside emergency response agencies. The incident involving the release of phosgene gas led to the fatal exposure of a worker performing routine duties in an area where phosgene cylinders were stored and used. Key issues involved in the three investigations include safe process design, mechanical integrity, alarm management, operating

procedures, and company emergency response and notification procedures.

Following the close of the public comment period, the draft report may be modified based on comments received and other staff investigative activities. A final report will then be presented to the Board for its consideration and final vote. Only after the report is approved by the Board will the investigation into the three incidents at the DuPont facility be considered closed.

Address to submit written comments: If the submittal of comments by e-mail is not feasible for any reason, written comments may also be provided to the CSB by mail to: Ms. Amy McCormick, Board Affairs Specialist, DuPont Draft Investigation Report Comments, U.S. Chemical Safety Board, 2175 K Street, NW., Washington, DC 20037.

Copies of the comments and the draft report will be available for review at CSB Headquarters and on the CSB Web site. To answer any question regarding the submission of comments or to establish times to review these documents at CSB Headquarters, please call Amy McCormick, Board Affairs Specialist, at (202) 261–7630.

Daniel M. Horowitz,

Managing Director.

[FR Doc. 2011–17099 Filed 7–6–11; 8:45 am]

BILLING CODE 6350–01–P

COMMISSION ON CIVIL RIGHTS

Sunshine Act Notice

AGENCY: United States Commission on Civil Rights.

ACTION: Notice of meeting.

DATE AND TIME: Friday, July 15, 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.

I. Approval of Agenda.

II. Approval of the June 10, 2011 Meeting Minutes.

III. Program Planning:

- Consideration of enforcement report topic for FY 2012.
- Consideration of additional briefing topics for FY 2012.
- Inclusion of rebuttal to enforcement report for FY 2010.
- Approval of Age Discrimination briefing report.

IV. Management and Operations:

- Staff Director's report.
- Discussion of the 2013 Budget.

V. State Advisory Committee Issues:

- Discussion of Commissioner recommendations of SAC members.
- Re-chartering the New Hampshire SAC.

VI. 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 (3) business days before the scheduled date of the meeting.

Dated: July 5, 2011.

Kimberly A. Tolhurst,

Senior Attorney-Advisor.

[FR Doc. 2011–17219 Filed 7–5–11; 4:15 pm]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Institute of Standards and Technology (NIST).

Title: Usage of Elevators for Occupant Evacuation Questionnaire.

OMB Control Number: None.

Form Number(s): None.

Type of Request: Regular submission (new information collection).

Burden Hours: 375.

Number of Respondents: 1,500.

Average Hours per Response: 15 minutes.

Needs and Uses: 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 (familiar with or in charge of developing emergency procedures for multi-story buildings) 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.

Affected Public: Federal government; Business or other for-profit organizations.

Frequency: One-time.

Respondent's Obligation: None.

OMB Desk Officer:. Jasmeet Seehra, (202) 395–3123.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482–0266, Department of Commerce, Room 6616, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dHynek@doc.gov*).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to, OMB Desk Officer, Jasmeet Seehra, (202) 395–3123, FAX Number (202) 395–5167, or *Jasmeet_K._Seehra@omb.eop.gov*).

Dated: June 30, 2011.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2011–16917 Filed 7–6–11; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Economic Expenditure Survey of Golden Crab Fishermen in the U.S. South Atlantic Region.

OMB Control Number: None.

Form Number(s): NA.

Type of Request: Regular submission (request for new information collection).

Number of Respondents: 6.

Average Hours per Response: 30 minutes.

Burden Hours: 3.

Needs and Uses: The National Marine Fisheries Service (NMFS) proposes to collect economic information from golden crab-landing commercial fishermen in the U.S. South Atlantic region. The data gathered will be used to evaluate the likely economic impacts of management proposals. In addition, the information will be used to satisfy legal mandates under Executive Order 12898, the Magnuson-Stevens Fishery Conservation and Management Act (U.S.C. 1801 *et seq.*), the Regulatory Flexibility Act, the Endangered Species Act, and the National Environmental Policy Act, and other pertinent statues.

Affected Public: Business or other for-profit organizations.

Frequency: Annually.

Respondent's Obligation: Mandatory.

OMB Desk Officer: *OIRA_Submission@omb.eop.gov.*

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482–0266, Department of Commerce, Room 6616, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dHynek@doc.gov*).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov.*

Dated: June 30, 2011.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2011–16940 Filed 7–6–11; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Action Affecting Export Privileges; ERIC COHEN

10–BIS–0005

Eric Cohen, 1631 East 10th Street, Brooklyn, NY 11223, *Respondent.*

Order Relating to Eric Cohen

The Bureau of Industry and Security, U.S. Department of Commerce (''BIS''), has initiated an administrative proceeding against Eric Cohen (''Cohen'') pursuant to Section 766.3 of the Export Administration Regulations (the ''Regulations'') [1] and Section 13(c) of the Export Administration Act of 1979, as amended (the ''Act''),[2] through the issuance of a Charging Letter to Cohen that alleges, as amended, that Cohen committed two violations of the Regulations. Specifically, these charges are:

Charge 1 15 CFR 764.2(h)—Evasion

Between on or about May 1, 2005, and continuing through and including on or about June 6, 2005, Cohen engaged in a transaction or took actions with the intent to evade the Regulations in connection with the export of thermal imaging cameras, items subject to the Regulations, classified under Export Control Classification Number (''ECCN'') 6A003.b.4, and controlled for reasons of Regional Stability, from the United States to Komeco Co., Ltd., in South Korea, without the required Department of Commerce license. At all pertinent times, Cohen was employed as an employee and/or manager of SZY Holdings LLC, of Brooklyn, New York, also known as (''a/k/a'') Ever Dixie USA EMS Supply Company, a/k/a Ever Dixie EMS, a/k/a Everready First Aid & Medical Supplies, and a/k/a Everready First Aid and Medical Supply Corp (''Ever Dixie''). In negotiating and/or arranging Ever Dix[i]e's acquisition of these controlled items from a U.S. company, Cohen was questioned about the ultimate destination of the items and concealed the intended export and destination of the items by falsely informing the U.S. company that it was selling the items domestically to fire departments in New York State and providing names and addresses for two fire departments in New York State, when, in fact, the items were intended for export to South Korea. Cohen facilitated Ever Dixie's sale of the items, valued at approximately $99,000, to the South Korean company and then arranged for a freight forwarder to ship the items from the United States to South Korea, without the export license required by Section 742.6 of the Regulations. In so doing, Cohen committed one violation of Section 764.2(h) of the Regulations.

Charge 3 15 CFR 764.2(b)—Causing, Aiding or Abetting a Violation

Between on or about May 1, 2005 through and including on or about June 6, 2005, Cohen engaged in conduct prohibited by the Regulations by causing, aiding and/or abetting the export of thermal imaging cameras, items subject to the Regulations, classified under ECCN 6A003.b.4 and controlled for reasons of Regional Stability, and valued at approximately $99,000, from the United States to Komeco Co., Ltd., in South Korea, without the Department of Commerce license required by Section 742.6 of the Regulations. Cohen, at all pertinent times, was employed as an employee and/or manager of SZY Holdings LLC, of Brooklyn, New York, also known as (''a/k/a'') Ever Dixie USA EMS Supply Company, a/k/a Ever Dixie EMS, a/k/a Everready First Aid & Medical Supplies, and a/k/a Everready First Aid and Medical Supply Corp (''Ever Dixie''). Cohen negotiated and/or arranged Ever Dix[i]e's acquisition of these controlled items from a U.S. company by giving the U.S. company false information regarding the ultimate destination and purchasers or end users of the items. In so doing, Cohen committed one violation of Section 764.2(b) of the Regulations.[3]

Whereas, BIS and Cohen have entered into a Settlement Agreement pursuant to Section 766.18(b) of the Regulations, whereby they agreed to settle this matter in accordance with the terms and conditions set forth therein; and

Whereas, I have approved of the terms of such Settlement Agreement;

It is therefore ordered:

First, that a civil penalty of $15,000 is assessed against Cohen. Cohen shall pay $5,000 to the U.S. Department of Commerce not later than August 15, 2011. Thereafter, Cohen shall pay $5,000 to the U.S. Department of Commerce not later than October 15, 2011; and $5,000 not later than December 15, 2011. Payment shall be made in the manner specified in the attached instructions.

Second, that, pursuant to the Debt Collection Act of 1982, as amended (31 U.S.C. 3701–3720E (2000)), the civil penalty owed under this Order accrues interest as more fully described in the attached Notice, and, if payment is not made by the due dates specified herein, Cohen will be assessed, in addition to the full amount of the civil penalty and interest, a penalty charge and an administrative charge, as more fully described in the attached Notice.

Third, that the full and timely payment of the civil penalty in accordance with the payment schedule set forth above is hereby made a condition to the granting, restoration, or continuing validity of any export license, license exception, permission, or privilege granted, or to be granted, to Cohen.

Fourth, Cohen agrees not to take any action or to make or permit to be made any public statement denying, directly or indirectly, any allegations in the

[1] The Regulations are currently codified in the Code of Federal Regulations at 15 CFR parts 730–774 (2011). The charged violations occurred in 2005. The Regulations governing the violations at issue are found in the 2005 version of the Code of Federal Regulations (15 CFR parts 730–774 (2005)). The 2011 Regulations set forth the procedures that apply to this matter.

[2] 50 U.S.C. app. §§ 2401–2420 (2000). Since August 21, 2001, the Act has been in lapse and the President, through Executive Order 13,222 of August 17, 2001 (3 CFR, 2001 Comp. 783 (2002)), as extended most recently by the Notice of August 17, 2010 (75 FR 50,681 (Aug. 16, 2010)), has continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. 1701, *et seq.*).

[3] On May 5, 2011, BIS unilaterally withdrew Charge 2 (Conspiracy).

Charging Letter, this Settlement Agreement or the Order. Nothing in this paragraph affects Cohen's testimonial obligations, or right to take legal or factual positions in litigation or other legal proceedings in which the U.S. Department of Commerce is not a party.

Fifth, for a period of five years from the date of this Order, Eric Cohen, 1631 East 10th Street, Brooklyn, NY 11223, and when acting on his behalf, his assigns, representatives, or agents (hereinafter collectively referred to as ''Denied Person'') may not participate, directly or indirectly, in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as ''item'') exported or to be exported from the United States that is subject to the Regulations and listed on the Commerce Control List, set forth in Supplement No. 1 to 15 CFR part 774, or in any other activity subject to the Regulations involving an item listed on the Commerce Control List, including, but not limited to:

A. Applying for, obtaining, or using any license, License Exception, or export control document that involves and item that is subject to the Regulations and listed on the Commerce Control List;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations and listed on the Commerce Control List, or in any other activity subject to the Regulations that involves an item listed on the Commerce Control List; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations and listed on the Commerce Control List, or in any other activity subject to the Regulations that involves an item listed on the Commerce Control List.

Sixth, that no person may, directly or indirectly, do any of the following:

A. Export or reexport to or on behalf of the Denied Person any item subject to the Regulations and listed on the Commerce Control List;

B. Take any action that facilitates the acquisition or attempted acquisition by the Denied Person of the ownership, possession, or control of any item subject to the Regulations and listed on the Commerce Control List that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the Denied Person of any item subject to the Regulations and listed on the Commerce Control List that has been exported from the United States;

D. Obtain from the Denied Person in the United States any item subject to the Regulations and listed on the Commerce Control List with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations and listed on the Commerce Control List that has been or will be exported from the United States and which is owned, possessed or controlled by the Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by the Denied Person if such service involves the use of any item subject to the Regulations and listed on the Commerce Control List that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

Seventh, that, after notice and opportunity for comment as provided in Section 766.23 of the Regulations, any person, firm, corporation, or business organization related to Cohen by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services may also be made subject to the provisions of the Order.

Eighth, that the Charging Letter, the Settlement Agreement, and this Order shall be made available to the public.

Ninth, that this Order shall be served on Cohen and on BIS, and shall be published in the **Federal Register**.

This Order, which constitutes the final agency action in this matter, is effective immediately.

Issued this 30th day of June 2011.

David W. Mills,

Assistant Secretary of Commerce for Export Enforcement.

[FR Doc. 2011–16992 Filed 7–6–11; 8:45 am]

BILLING CODE 3510–DT–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Information Systems Technical Advisory Committee; Notice of Partially Closed Meeting

The Information Systems Technical Advisory Committee (ISTAC) will meet on July 27 and 28, 2011, 9 a.m., in the Herbert C. Hoover Building, Room 3884, 14th Street between Constitution and Pennsylvania Avenues, NW., Washington, DC. The Committee advises the Office of the Assistant Secretary for Export Administration on technical questions that affect the level of export controls applicable to information systems equipment and technology.

Wednesday, July 27

Public Session

1. Welcome and Introductions.
2. Elections for Chair.
3. Working Group Reports.
4. Industry Presentation: Coherent Optical Technologies.
5. Industry Presentation: Graphics Processors.
6. Industry Presentation: 60 GHz MMIC Applications.
7. Wassenaar Proposals for 2012.

Thursday, July 28

Closed Session

7. Discussion of matters determined to be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 §§ 10(a)(1) and 10(a)(3).

The open session will be accessible via teleconference to 20 participants on a first come, first serve basis. To join the conference, submit inquiries to Ms. Yvette Springer at *Yvette.Springer@bis.doc.gov*, no later than July 20, 2011.

A limited number of seats will be available for the public session. Reservations are not accepted. To the extent time permits, members of the public may present oral statements to the Committee. The public may submit written statements at any time before or after the meeting. However, to facilitate distribution of public presentation materials to Committee members, the Committee suggests that public presentation materials or comments be forwarded before the meeting to Ms. Springer.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on April 8, 2011, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. app. 2 § (10)(d))), that the portion

of the meeting concerning trade secrets and commercial or financial information deemed privileged or confidential as described in 5 U.S.C. 552b(c)(4) and the portion of the meeting concerning matters the disclosure of which would be likely to frustrate significantly implementation of an agency action as described in 5 U.S.C. 552b(c)(9)(B) shall be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 §§ 10(a)(1) and 10(a)(3). The remaining portions of the meeting will be open to the public.

For more information, call Yvette Springer at (202) 482–2813.

Dated: July 1, 2011.

Yvette Springer,

Committee Liaison Officer.

[FR Doc. 2011–17074 Filed 7–6–11; 8:45 am]

BILLING CODE 3510–JT–P

DEPARTMENT OF COMMERCE

International Trade Administration

Proposed Information Collection; Comment Request; Steel Import License

AGENCY: International Trade Administration, 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 September 6, 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 Julie Al-Saadawi, (202) 482–2105, *Fax:* 202–501–7952, or via *e-mail: Julie.al-saadawi@trade.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The President's Proclamation on Steel Safeguards mandated that the Departments of Commerce and Treasury institute an import licensing system to facilitate the monitoring of certain steel imports. Regulations were established that implemented the Steel Import Monitoring and Analysis (SIMA) System and expanded on the licensing system for steel that was part of those safeguards. The import license information is necessary to assess import trends of steel products.

In order to effectively monitor steel imports, Commerce must collect and provide timely aggregated summaries about the imports. The Steel Import License is the tool used to collect the necessary information. The Census Bureau currently collects import data and disseminates aggregate information about steel imports. However, the time required to collect, process, and disseminate this information through Census can take up to 90 days after importation of the product, giving interested parties and the public far less time to respond to injurious sales.

II. Method of Collection

The license application can be submitted electronically (*http://www.ia.ita.doc.gov/steel/license*) or completed electronically and faxed.

III. Data

OMB Control Number: 0625–0245.

Form Number(s): ITA–4141P.

Type of Review: Regular submission.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 3,500.

Estimated Time per Response: 10 minutes.

Estimated Total Annual Burden Hours: 100,000.

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: June 30, 2011.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2011–16923 Filed 7–6–11; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[Application No. 10–1A001]

Export Trade Certificate of Review

ACTION: Notice of application (10–1A001) to Amend the export trade certificate of review issued to alaska longline cod commission, application no. 10–00001.

SUMMARY: The Office of Competition and Economic Analysis (''OCEA'') of the International Trade Administration, Department of Commerce, has received an application to amend an Export Trade Certificate of Review (''Certificate''). This notice summarizes the proposed amendment and requests comments relevant to whether the amended Certificate should be issued.

FOR FURTHER INFORMATION CONTACT: Joseph Flynn, Director, Office of Competition and Economic Analysis, International Trade Administration, (202) 482–5131 (this is not a toll-free number) or e-mail at *etca@trade.gov.*

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001–21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. An Export Trade Certificate of Review protects the holder and the members identified in the Certificate from State and Federal government antitrust actions and from private treble damage antitrust actions for the export conduct specified in the Certificate and carried out in compliance with its terms and conditions. Section 302(b)(1) of the Export Trading Company Act of 1982 and 15 CFR 325.6(a) require the Secretary to publish a notice in the **Federal Register** identifying the applicant and summarizing its proposed export conduct.

Request for Public Comments

Interested parties may submit written comments relevant to the determination of whether an amended Certificate should be issued. If the comments include any privileged or confidential business information, it must be clearly marked and a nonconfidential version of the comments (identified as such) should be included. Any comments not marked as privileged or confidential

business information will be deemed to be nonconfidential.

An original and five (5) copies, plus two (2) copies of the nonconfidential version, should be submitted no later than 20 days after the date of this notice to: Export Trading Company Affairs, International Trade Administration, U.S. Department of Commerce, Room 7021–X, Washington, DC 20230.

Information submitted by any person is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552). However, nonconfidential versions of the comments will be made available to the applicant if necessary for determining whether or not to issue the Certificate. Comments should refer to this application as ''Export Trade Certificate of Review, application number 10–1A001.''

The Alaska Longline Cod Commission's (''ALCC'') original Certificate was issued on May 13, 2010 (75 FR 29514, May 26, 2010). A summary of the current application for an amendment follows.

Summary of the Application

Applicant: Alaska Longline Cod Commission (''ALCC''), 271 Wyatt Way NE, Suite 106, Bainbridge Island, WA 98110.

Contact: Duncan R. McIntosh, Attorney, Telephone: (206) 624–5950.

Application No.: 10–1A001.

Date Deemed Submitted: June 23, 2011.

Proposed Amendment: ALCC seeks to amend its Certificate to:

1. Add the following companies as new Members of the Certificate within the meaning of section 325.2(l) of the Regulations (15 CFR 325.2(l)): Gulf Mist, Inc. (Everett, WA), Shelford's Boat, Ltd. (Mill Creek, WA), and Alaska Corporation (Anchorage, AK).

2. Delete the following company as a Member of WMMA's Certificate: Glacier Bay Fisheries LLC (Seattle, WA).

Dated: July 1, 2011.

Joseph E. Flynn,

Director, Office of Competition and Economic Analysis.

[FR Doc. 2011–17083 Filed 7–6–11; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–821–811]

Solid Fertilizer Grade Ammonium Nitrate From the Russian Federation; Final Results of the Expedited Sunset Review of Antidumping Duty Order

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: On March 1, 2011, the Department of Commerce (''the Department'') initiated a second sunset review of the suspended antidumping duty investigation on solid fertilizer grade ammonium nitrate (''ammonium nitrate'') from the Russian Federation (''Russia'').[1] Effective May 2, 2011, the Department terminated the agreement suspending the antidumping duty investigation and issued an antidumping duty order on ammonium nitrate from Russia. On the basis of the notice of intent to participate, an adequate substantive response submitted on behalf of the domestic interested parties, and no participation from respondent interested parties, the Department conducted an expedited sunset review of the antidumping duty order pursuant to section 751(c)(3)(B) of the Tariff Act of 1930, as amended (''Act'') and 19 CFR 351.218(e)(1)(ii)(C). As a result of this sunset review, the Department determined that termination of the antidumping duty order would be likely to lead to continuation or recurrence of dumping at the levels listed below in the section entitled ''Final Results of Review.''

DATES: *Effective Date:* July 7, 2011.

FOR FURTHER INFORMATION CONTACT: Julie H. Santoboni or Judith Wey Rudman, Office of Policy, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC, 20230; *telephone:* 202–482–3063 or 202–482–0192, respectively.

SUPPLEMENTARY INFORMATION:

History of the Suspension Agreement and Order

On August 12, 1999, the Department initiated an antidumping duty investigation on ammonium nitrate from Russia under section 732 of the Act. *See Initiation of Antidumping Duty Investigation: Solid Fertilizer Grade Ammonium Nitrate From the Russian Federation,* 64 FR 45236 (August 19, 1999). On January 7, 2000, the Department preliminarily determined that ammonium nitrate from Russia was being, or was likely to be, sold in the United States at less than fair value. *See Notice of Preliminary Determination of Sales at Less Than Fair Value: Solid Fertilizer Grade Ammonium Nitrate From the Russian Federation,* 65 FR 1139 (January 7, 2000).

The Department suspended the antidumping duty investigation on ammonium nitrate from Russia, effective May 19, 2000. The basis for this action was an agreement between the Department and the Ministry of Trade of the Russian Federation (''MOT'') (the predecessor to the current Ministry of Economic Development (''MED'')) accounting for substantially all imports of ammonium nitrate from Russia, wherein the MOT agreed to restrict exports of ammonium nitrate from all Russian producers/exporters to the United States and to ensure that such exports were sold at or above the agreed reference price. *See Suspension of Antidumping Duty Investigation: Solid Fertilizer Grade Ammonium Nitrate From the Russian Federation,* 65 FR 37759 (June 16, 2000) (''*Suspension Agreement*'').

Thereafter, pursuant to a request by the petitioner, the Committee for Fair Ammonium Nitrate Trade (''COFANT''), the Department completed its investigation and published in the **Federal Register** its final determination of sales at less than fair value. *See Notice of Final Determination of Sales at Less Than Fair Value; Solid Fertilizer Grade Ammonium Nitrate From the Russian Federation,* 65 FR 42669 (July 11, 2000) (''*Final Determination*''). In the *Final Determination,* the Department calculated weighted-average dumping margins of 253.98 percent for JSC Nevinnomyssky Azot, a respondent company in the investigation, and for the Russia-wide entity.

On March 31 and April 1, 2005, respectively, the International Trade Commission (''ITC'') instituted, and the Department initiated, a five-year sunset review of the suspended antidumping investigation on ammonium nitrate from Russia. The Department concluded that termination of the suspended antidumping investigation would be likely to lead to continuation or recurrence of dumping and the ITC concluded that termination of the suspended investigation would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time. *See Final Results of Five-year Sunset Review of Suspended Antidumping Duty Investigation on*

[1] *See Initiation of Five-Year (''Sunset'') Review,* 76 FR 11202 (March 1, 2011) (''*Notice of Initiation*'').

Ammonium Nitrate from the Russian Federation 71 FR 11177 (March 6, 2006) and *Ammonium Nitrate From Russia,* Investigation No. 731–TA–856 (Review), 71 FR 16177 (March 30, 2006), respectively.

On March 1, 2011, the Department initiated and the ITC instituted a second sunset review of the ammonium nitrate suspended investigation. *See Notice of Initiation* and *Ammonium Nitrate from Russia,* Investigation No. 731–TA–856 (Second Review), 76 FR 11273 (March 1, 2011).

On March 3, 2011, the Department received a letter from the MED dated February 22, 2011, that had been sent to the United States Embassy in Moscow for transmittal to the Department concerning the *Suspension Agreement.* In that letter, the MED stated that it was withdrawing from the *Suspension Agreement,* effective 60 days after notice of termination. Effective May 2, 2011, the Department terminated the suspension agreement and issued an antidumping duty order. *See Termination of the Suspension Agreement on Solid Fertilizer Grade Ammonium Nitrate From the Russian Federation and Notice of Antidumping Duty Order,* 76 FR 23569 (April 27, 2011).

Background

Section 351.218(d)(1)(i) of the Department's regulations provides domestic interested parties the opportunity to file a notice of intent to participate in a sunset review within 15 days of initiation of review. The Department received a notice of intent to participate within the applicable deadline specified in 19 CFR 351.218(d)(1)(i) from COFANT (''the domestic interested party''). The domestic interested party claims interested-party status as a coalition of producers of subject merchandise in the United States as defined by section 771(9)(C) of the Act. In addition, the domestic interested party asserts that its members are not related to a foreign producer/exporter and are not importers of the subject merchandise. CF Industries, one of the members of COFANT, holds a 50 percent interest in Keytrade AG, a global fertilizer trader. The domestic interested party asserts that Keytrade AG does not sell Russian ammonium nitrate to the United States, nor does CF Industries own a controlling interest in Keytrade AG, within the meaning of section 771(4)(B) of the Act.

The Department's regulations at 19 CFR 351.218(d)(3)(i) state that all interested parties participating in a sunset review must submit a complete substantive response within 30 days of initiation of the sunset review. On March 31, 2011, the Department received a complete substantive response from the domestic interested party within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i).[2] After examining the substantive response from the domestic interested party, on April 12, 2011, the Department determined that the response was adequate, consistent with the requirements of 19 CFR 351.218(e). *See* Memorandum from Julie H. Santoboni, Senior Policy Analyst, Office of Policy, Import Administration to Judith Wey Rudman, Director for Bilateral Agreements, Office of Policy, Import Administration, regarding ''Second Sunset Review of the Suspended Investigation of Ammonium Nitrate from the Russian Federation: Adequacy Determination'' (April 12, 2011). *See also* Letter from James Maeder, Director, Office 2, AD/CVD Operations, Import Administration, to Ms. Catherine DeFilippo, Director, Office of Investigations, International Trade Commission (April 18, 2011).

The Department did not receive any substantive responses from respondent interested parties to this proceeding. On May 10, 2011, COFANT filed a letter on the record of this proceeding, asserting that an expedited review is warranted and supported by the statute, the Statement of Administrative Action, and the Department's regulations. Pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), the Department conducted an expedited (120-day), sunset review of the antidumping duty order.

Scope of the Order

The products covered by the order on ammonium nitrate from Russia include solid, fertilizer grade ammonium nitrate products, whether prilled, granular or in other solid form, with or without additives or coating, and with a bulk density equal to or greater than 53 pounds per cubic foot. Specifically excluded from this scope is solid ammonium nitrate with a bulk density less than 53 pounds per cubic foot (commonly referred to as industrial or explosive grade ammonium nitrate). The merchandise subject to the order is classified in the Harmonized Tariff Schedule of the United States (''HTSUS'') at subheading 3102.30.00.00. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise within the scope of the order is dispositive.

Analysis of Comments Received

All issues raised in this sunset review are addressed in the ''Issues and Decision Memorandum for the Final Results of the Expedited Sunset Review of the Antidumping Duty Order on Solid Fertilizer Grade Ammonium Nitrate from the Russian Federation'' from Paul Piquado, Deputy Assistant Secretary for Policy and Negotiations, Import Administration, to Ronald Lorentzen, Deputy Assistant Secretary for Import Administration, dated June 29, 2011 (''Decision Memo''), which is hereby adopted by this notice. The issues discussed in the Decision Memo include both the likely effects of termination of the suspension agreement and underlying investigation and the magnitude of the margin likely to prevail if the suspended investigation were terminated. Parties can find a complete discussion of all issues raised in this sunset review and the corresponding recommendations in this public memo, which is on file in room 7046 of the main Commerce Building.

In addition, a complete version of the Decision Memo can be accessed directly on the Web at *http://ia.ita.doc.gov/frn.* The paper copy and electronic version of the Decision Memo are identical in content.

Final Results of Review

The Department determines that termination of the antidumping duty order on ammonium nitrate from Russia would be likely to lead to continuation or recurrence of dumping at the following weighted-average margins:

Manufacturers/producers/exporters	Weighted-average margin (percent)
JSC Nevinnomyssky Azot	253.98
Russia-Wide Rate	253.98

This notice also serves as the only reminder to parties subject to administrative protective orders (''APO'') of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of the return or destruction of APO materials or conversion to judicial protective order is requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

[2] The substantive response was filed prior to the termination of the suspension agreement and thus references the suspension agreement, rather than the order.

We are issuing and publishing the results and notice in accordance with sections 751(c), 752(c), and 777(i)(1) of the Act.

Dated: June 29, 2011.

Paul Piquado,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 2011–17072 Filed 7–6–11; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–427–602; A–475–601; A–588–704]

Brass Sheet and Strip From France, Italy, and Japan: Final Results of the Expedited Third Sunset Reviews of the Antidumping Duty Orders

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

DATES: *Effective Date:* July 7, 2011.

SUMMARY: On March 1, 2011, the Department of Commerce (''Department'') published in the **Federal Register** the notice of initiation of the third Sunset review of the antidumping duty orders on brass sheet and strip from France, Italy, and Japan, pursuant to section 751(c) of the Tariff Act of 1930, as amended (''the Act''). The Department has conducted expedited Sunset reviews of these orders pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2). As a result of the Sunset reviews, the Department finds that revocation of the antidumping duty orders would be likely to lead to continuation or recurrence of dumping at the margins identified in the ''Final Results of Review'' section of this notice.

FOR FURTHER INFORMATION CONTACT: Mahnaz Khan or Yasmin Nair, AD/CVD Operations, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482–0914 and (202) 482–3813, respectively.

SUPPLEMENTARY INFORMATION:

Background

The antidumping duty orders on brass sheet and strip from France and Italy were published in the **Federal Register** on March 6, 1987. *See Antidumping Duty Order: Brass Sheet and Strip From France,* 52 FR 6995 (March 6, 1987); *Antidumping Duty Order: Brass Sheet and Strip From Italy,* 52 FR 6997 (March 6, 1987), amended at *Amendment to Final Determination of Sales at Less Than Fair Value and Amendment of Antidumping Duty Order in Accordance with Decision Upon Remand: Brass Sheet and Strip from Italy,* 56 FR 23272 (May 21, 1991). On August 12, 1988, the Department issued an antidumping duty order on imports of brass sheet and strip from Japan. *See Antidumping Duty Order of Sales at Less Than Fair Value; Brass Sheet and Strip From Japan,* 53 FR 30454 (August 12, 1988).

On March 1, 2011, the Department initiated the third Sunset reviews of these orders, pursuant to section 751(c) of the Act. *See Initiation of Five-Year (''Sunset'') Review,* 76 FR 11202 (March 1, 2011). The Department received a notice of intent to participate from domestic interested parties GBC Metals, LLC of Global Brass and Copper, Inc., doing business as Olin Brass; Heyco Metals, Inc.; Luvata North America, Inc. (previously Outokumpu American Brass); PMX Industries, Inc.; Revere Copper Products, Inc.; International Association of Machinists and Aerospace Workers; United Auto Workers (Local 2367 and Local 1024); and United Steelworkers AFL–CIO CLC (collectively, ''Petitioners''), within the deadline specified in 19 CFR 351.218(d)(1)(i). Petitioners claimed interested party status under section 771(9)(C) of the Act as a manufacturer, producer, or wholesaler in the United States of a domestic like product, or under 771(9)(D) of the Act as a certified union or recognized union or group of workers representative of an industry engaged in the manufacture, production, or wholesale in the United States of a domestic like product.

On March 31, 2011, the Department received a substantive response from Petitioners. In addition to meeting the other requirements of 19 CFR 351.218(d)(3), Petitioners provided information on the volume and value of exports of brass sheet and strip from France, Italy, and Japan. On May 5, 2011, the Department received Petitioners' comments regarding the adequacy of responses and the appropriateness of an expedited review. The Department received no responses from respondent interested parties to these proceedings. As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), the Department conducted expedited (120-day) Sunset reviews of the antidumping duty orders on brass sheet and strip from France, Italy, and Japan.

Scope of the Orders

The product covered by the orders is brass sheet and strip, other than leaded and tinned brass sheet and strip, from France, Italy, and Japan. The chemical composition of the covered product is currently defined in the Copper Development Association (''C.D.A.'') 200 Series or the Unified Numbering System (''U.N.S.'') C2000. The orders do not cover products the chemical compositions of which are defined by other C.D.A. or U.N.S. series. In physical dimensions, the product covered by the orders has a solid rectangular cross section over 0.006 inches (0.15 millimeters) through 0.188 inches (4.8 millimeters) in finished thickness or gauge, regardless of width. Coiled, wound-on-reels (traverse wound), and cut-to-length products are included. The merchandise is currently classified under Harmonized Tariff Schedule of the United States (''HTSUS'') item numbers 7409.21.00 and 7409.29.00.

Although the HTSUS item numbers are provided for convenience and customs purposes, the written description of the scope of the orders remains dispositive.

Analysis of Comments Received

All issues raised in this review are addressed in the Issues and Decision Memorandum (''Decision Memorandum'') from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Acting Deputy Assistant Secretary for Import Administration, dated June 29, 2011, which is hereby adopted by this notice. The issues discussed in the Decision Memorandum include the likelihood of continuation or recurrence of dumping and the magnitude of the margins likely to prevail if the orders were revoked. Parties can find a complete discussion of all issues raised in these reviews and the corresponding recommendations in this public memorandum, which is on file in the Central Records Unit in room 7046 of the main Commerce building.

In addition, a complete version of the Decision Memorandum can be accessed directly on the Internet at *http://ia.ita.doc.gov/frn.* The paper copy and electronic version of the Decision Memorandum are identical in content.

Final Results of Review

Pursuant to sections 752(c)(1) and (3) of the Act, we determine that revocation of the antidumping duty orders on brass sheet and strip from France, Italy and Japan would be likely to lead to continuation or recurrence of dumping at the following weighted-average percentage margins:

Manufacturers/producers/exporters	Margin (percent)
France:	
Trefimetaux S.A	42.24
All Others	42.24
Italy:	
LMI–La Metalli Industriale, S.p.A	5.44
All Others	5.44
Japan:	
Nippon Mining Co., Ltd	57.98
Sambo Copper Alloy Co., Ltd	13.30
Mitsubishi Shindoh Co., Ltd	57.98
Kobe Steel, Ltd	57.98
All Others	45.72

This notice also serves as the only reminder to parties subject to administrative protective order (''APO'') of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of the return or destruction of APO materials or conversion to judicial protective orders is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

We are issuing and publishing the final results and notice in accordance with sections 751(c), 752(c), and 777(i)(1) of the Act.

Dated: June 29, 2011.

Paul Piquado,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 2011–17064 Filed 7–6–11; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–201–838]

Seamless Refined Copper Pipe and Tube From Mexico: Notice of 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 of the antidumping duty order on seamless refined copper pipe and tube (copper pipe and tube) from Mexico. *See Seamless Refined Copper Pipe and Tube From Mexico and the People's Republic of China: Antidumping Duty Orders and Amended Final Determination of Sales at Less Than Fair Value From Mexico,* 75 FR 71070 (November 22, 2010) (*Order*). In accordance with section 751(a)(2)(B) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.214(d), the Department is initiating an antidumping duty new shipper review of GD Affiliates S.de R.L. de C.V. (GD). The period of review (POR) of this new shipper review is November 22, 2010, through April 30, 2011.

DATES: *Effective Date:* July 7, 2011.

FOR FURTHER INFORMATION CONTACT: Dennis McClure or Christopher Hargett, AD/CVD Operations, Office 3, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230, *telephone:* (202) 482–5973 or (202) 482–4161, respectively.

SUPPLEMENTARY INFORMATION:

Background

On November 22, 2010, the Department published the antidumping duty order on copper pipe and tube from Mexico. *See Order.* Thus, the order on copper pipe and tube from Mexico has a May semi-annual anniversary month. On May 31, 2011, the Department received a request for a new shipper review from GD in accordance with 19 CFR 351.214(c). In its request for a review, GD identified itself as a producer and exporter of the subject merchandise. For the purpose of initiating this new shipper review, the Department determines that GD's submission 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), GD 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)); and (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 and 19 CFR 351.214(b)(2)(iii)(A)). Additionally, in accordance with 19 CFR 351.214(b)(2)(iv), GD 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 purchaser for exportation to the United States. GD also stated it had shipments to the United States during the period subsequent to its first shipment.

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 that the request submitted by GD meets the statutory and regulatory requirements for initiation of a new shipper review. *See* Memorandum to the File, through Melissa Skinner, Office Director, Office 3, AD/CVD Operations, from Christopher Hargett, Case Analyst, Office 3, AD/CVD Operations, regarding ''Initiation of AD New Shipper Review: Seamless Refined Copper Pipe and Tube from Mexico (A–201–838),'' dated June 28, 2011. Accordingly, we are initiating a new shipper review of the antidumping duty order on copper pipe and tube from Mexico exported by GD, for the period November 22, 2010, through April 30, 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).

We will instruct U.S. Customs and Border Protection (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 exported by GD in accordance with section 751(a)(2)(B)(iii) of the Act and 19 CFR 351.214(e). Because GD certified that it exports the subject merchandise, the sale of which forms the basis for its new shipper review request, we will instruct CBP to permit the use of a bond only for entries of subject merchandise which GD exported.

Interested parties may submit applications for disclosure under administrative protective order in accordance with 19 CFR 351.305 and 351.306.

This initiation and this notice are issued and published in accordance with section 751(a)(2)(B) of the Act and 19 CFR 351.214 and 351.221(c)(1)(i).

Dated: June 28, 2011.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2011–17063 Filed 7–6–11; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

The Manufacturing Council: Meeting

AGENCY: International Trade Administration, U.S. Department of Commerce.

ACTION: Notice of an open meeting.

SUMMARY: The Manufacturing Council will hold a meeting to discuss workforce development issues, a clean energy standard, energy efficiency, energy regulation reform, trade agreements and other issues affecting the U.S. manufacturing sector and to receive briefings from the Departments of Commerce, the Treasury, Labor, and Energy on their activities relating to the U.S. manufacturing sector.

DATES: July 22, 2011.

Time: 10:30 a.m.–12:30 p.m. PDT.

ADDRESSES: United Streetcar, 9700 SE. Lawnfield Road, Clackamas, Oregon 97015. All guests are requested to register in advance. This program will be physically accessible to people with disabilities. Seating is limited and will be on a first come, first served basis. Requests for sign language interpretation, other auxiliary aids, or pre-registration, should be submitted no later than July 14, 2011, to Jennifer Pilat, the Manufacturing Council, Room 4043, 1401 Constitution Avenue, NW., Washington, DC 20230, telephone 202–482–4501, *jennifer.pilat@trade.gov.* Last minute requests will be accepted, but may be impossible to fill.

FOR FURTHER INFORMATION CONTACT: Jennifer Pilat, the Manufacturing Council, Room 4043, 1401 Constitution Avenue, NW., Washington, DC 20230, *telephone:* 202–482–4501, *e-mail: jennifer.pilat@trade.gov.*

SUPPLEMENTARY INFORMATION: The Council was re-chartered on April 8, 2010, to advise the Secretary of Commerce on matters relating to the U.S. manufacturing industry. No time will be available for oral comments from members of the public attending the meeting. Any member of the public may submit pertinent written comments concerning the Council's affairs at any time before or after the meeting. Comments may be submitted to Jennifer Pilat at the contact information indicated above. To be considered during the meeting, comments must be received no later than 5 p.m. Eastern Time on July 14, 2011, to ensure transmission to the Council prior to the meeting. Comments received after that date will be distributed to the members but may not be considered at the meeting.

Copies of Council meeting minutes will be available within 90 days of the meeting.

Dated: June 30, 2011.

Jennifer Pilat,

Executive Secretary, The Manufacturing Council.

[FR Doc. 2011–16943 Filed 7–6–11; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–904]

Certain Activated Carbon From the People's Republic of China: Notice of Partial Rescission of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

DATES: *Effective Date:* July 7, 2011.

FOR FURTHER INFORMATION CONTACT: Catherine Bertrand, 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) 482–3207.

Background

On May 27, 2011, the Department of Commerce (''Department'') published in the **Federal Register** a notice of initiation of an administrative review of the antidumping duty order on certain activated carbon from the People's Republic of China (''PRC'') covering the period April 1, 2010, to March 31, 2011. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 76 FR 30912, 30913 (May 27, 2011) (''*Initiation Notice''*).

On June 10, 2011, Petitioners [1] withdrew their request for an administrative review for the following companies: Calgon Carbon (Tianjin) Co., Ltd. (''CCT'') and Ningxia Huahui Activated Carbon Co., Ltd. (''Huahui''). On June 10, 2011, Huahui withdrew its request for a review of itself that was originally submitted on April 29, 2011. Then, on June 10, 2011, Albemarle Corporation (''Albemarle''), a company we previously determined to be a wholesaler of the domestic-like product, withdrew its request for review of CCT previously submitted on April 29, 2011. Likewise, on June 15, 2011, CCT withdrew its request for a review of itself originally submitted on April 29, 2011.

[1] Petitioners are Calgon Carbon Corporation & Norit Americas Inc., collectively.

Partial Rescission

Pursuant to 19 CFR 351.213(d)(1), the Secretary will rescind an administrative review, in whole or in part, if a party who requested the review withdraws the request within 90 days of the date of publication of notice of initiation of the requested review. The aforementioned requests for review were withdrawn within the 90-day period. Because the requests for review were timely withdrawn and because no other party requested a review of the aforementioned companies, in accordance with 19 CFR 351.213(d)(1), we are partially rescinding this review with respect to CCT and Huahui.

Assessment Rates

The Department will instruct U.S. Customs and Border Protection (''CBP'') to assess antidumping duties on all appropriate entries. Both CCT and Huahui have a separate rate from a prior segment of this proceeding; therefore, antidumping duties shall be assessed at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(2). Accordingly, the Department intends to issue appropriate assessment instructions directly to CBP 15 days after publication of this notice for CCT and Huahui.

Notification to Importers

This notice serves as a final reminder to importers for whom this review is being rescinded, as of the publication date of this notice, of their responsibility under 19 CFR 351.402(f)(2) 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 the antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification Regarding Administrative Protective Orders

This notice also serves as a reminder to parties subject to administrative protective orders (''APO'') of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials or conversion to judicial

protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

This notice is issued and published in accordance with section 777(i)(1) of the Tariff Act of 1930, as amended, and 19 CFR 351.213(d)(4).

Dated: June 30, 2011.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2011–17069 Filed 7–6–11; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–588–850]

Certain Large Diameter Carbon and Alloy Seamless Standard, Line, and Pressure Pipe (Over 4½ Inches) From Japan: Preliminary Results of the Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: On July 28, 2010, the U.S. Department of Commerce (''the Department'') published a notice of initiation of an administrative review of the antidumping duty order on certain large diameter carbon and alloy seamless standard, line, and pressure pipe (over 4½ inches) from Japan. The review covers four manufacturers/exporters: JFE Steel Corporation (''JFE''); Nippon Steel Corporation (''Nippon''); NKK Tubes (''NKK''); and Sumitomo Metal Industries, Ltd. (''SMI''). The period of review (''POR'') is June 1, 2009, through May 31, 2010. Following the receipt of certifications of no shipments from all four of the potential respondents, we sought further clarification of specific entries indicated by U.S. Customs and Border Protection (''CBP'') data. After analyzing parties' explanations of these entries, we have reached a preliminary determination of no shipments in this administrative review. If the preliminary results are adopted in our final results of this administrative review, we will instruct CBP to assess antidumping duties on all appropriate entries. Interested parties are invited to comment on the preliminary results.

DATES: *Effective Date:* Insert date of publication in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Joshua Morris, AD/CVD Operations, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; *telephone:* (202) 482–1779.

SUPPLEMENTARY INFORMATION:

Background

On June 1, 2010, the Department published a notice of opportunity to request an administrative review of the antidumping duty order on carbon and alloy seamless standard, line, and pressure pipe (over 4½ inches) from Japan for the period June 1, 2009, through May 31, 2010. *See Antidumping or Countervailing Duty Order, Finding or Suspended Investigation; Opportunity To Request Administrative Review,* 75 FR 30383 (June 1, 2010). On June 30, 2010, United States Steel Corporation (''U.S. Steel''), a domestic producer of the subject merchandise, made a timely request that the Department conduct an administrative review of JFE, Nippon, NKK, and SMI. On July 28, 2010, in accordance with section 751(a) of the Tariff Act of 1930, as amended (''the Act''), the Department published in the **Federal Register** a notice of initiation of this antidumping duty administrative review. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocations in Part,* 75 FR 44224 (July 28, 2010). On August 18, and 31, 2010, Nippon and SMI, respectively, submitted letters to the Department certifying that each company made no shipments or entries for consumption in the United States of subject merchandise during the POR. On August 31, 2010, the Department issued its antidumping duty questionnaire to JFE and NKK. On September 8, and 21, 2010, JFE and NKK, respectively, submitted letters to the Department certifying that each company made no shipments or entries for consumption in the United States of subject merchandise during the POR.

Scope of the Order

The products covered by the order are large diameter seamless carbon and alloy (other than stainless) steel standard, line, and pressure pipes produced, or equivalent, to the American Society for Testing and Materials (''ASTM'') A–53, ASTM A–106, ASTM A–333, ASTM A–334, ASTM A–589, ASTM A–795, and the American Petroleum Institute (''API'') 5L specifications and meeting the physical parameters described below, regardless of application. The scope of the order also includes all other products used in standard, line, or pressure pipe applications and meeting the physical parameters described below, regardless of specification, with the exception of the exclusions discussed below. Specifically included within the scope of the order are seamless pipes greater than 4.5 inches (114.3 mm) up to and including 16 inches (406.4 mm) in outside diameter, regardless of wall-thickness, manufacturing process (hot finished or cold-drawn), end finish (plain end, beveled end, upset end, threaded, or threaded and coupled), or surface finish.

The seamless pipes subject to the order are currently classifiable under the subheadings 7304.10.10.30, 7304.10.10.45, 7304.10.10.60, 7304.10.50.50, 7304.19.10.30, 7304.19.10.45, 7304.19.10.60, 7304.19.50.50, 7304.31.60.10, 7304.31.60.50, 7304.39.00.04, 7304.39.00.06, 7304.39.00.08, 7304.39.00.36, 7304.39.00.40, 7304.39.00.44, 7304.39.00.48, 7304.39.00.52, 7304.39.00.56, 7304.39.00.62, 7304.39.00.68, 7304.39.00.72, 7304.51.50.15, 7304.51.50.45, 7304.51.50.60, 7304.59.20.30, 7304.59.20.55, 7304.59.20.60, 7304.59.20.70, 7304.59.60.00, 7304.59.80.30, 7304.59.80.35, 7304.59.80.40, 7304.59.80.45, 7304.59.80.50, 7304.59.80.55, 7304.59.80.60, 7304.59.80.65, and 7304.59.80.70 of the Harmonized Tariff Schedule of the United States (''HTSUS'').

Specifications, Characteristics, and Uses: Large diameter seamless pipe is used primarily for line applications such as oil, gas, or water pipeline, or utility distribution systems. Seamless pressure pipes are intended for the conveyance of water, steam, petrochemicals, chemicals, oil products, natural gas and other liquids and gasses in industrial piping systems. They may carry these substances at elevated pressures and temperatures and may be subject to the application of external heat. Seamless carbon steel pressure pipe meeting the ASTM A–106 standard may be used in temperatures of up to 1000 degrees Fahrenheit, at various American Society of Mechanical Engineers (''ASME'') code stress levels. Alloy pipes made to ASTM A–335 standard must be used if temperatures and stress levels exceed those allowed for ASTM A–106. Seamless pressure pipes sold in the United States are commonly produced to the ASTM A–106 standard.

Seamless standard pipes are most commonly produced to the ASTM A–53 specification and generally are not intended for high temperature service. They are intended for the low temperature and pressure conveyance of water, steam, natural gas, air and other

liquids and gasses in plumbing and heating systems, air conditioning units, automatic sprinkler systems, and other related uses. Standard pipes (depending on type and code) may carry liquids at elevated temperatures but must not exceed relevant ASME code requirements. If exceptionally low temperature uses or conditions are anticipated, standard pipe may be manufactured to ASTM A–333 or ASTM A–334 specifications.

Seamless line pipes are intended for the conveyance of oil and natural gas or other fluids in pipe lines. Seamless line pipes are produced to the API 5L specification. Seamless water well pipe (ASTM A–589) and seamless galvanized pipe for fire protection uses (ASTM A–795) are used for the conveyance of water.

Seamless pipes are commonly produced and certified to meet ASTM A–106, ASTM A–53, API 5L–B, and API 5L–X42 specifications. To avoid maintaining separate production runs and separate inventories, manufacturers typically triple or quadruple certify the pipes by meeting the metallurgical requirements and performing the required tests pursuant to the respective specifications. Since distributors sell the vast majority of this product, they can thereby maintain a single inventory to service all customers.

The primary application of ASTM A–106 pressure pipes and triple or quadruple certified pipes in large diameters is for use as oil and gas distribution lines for commercial applications. A more minor application for large diameter seamless pipes is for use in pressure piping systems by refineries, petrochemical plants, and chemical plants, as well as in power generation plants and in some oil field uses (on shore and off shore) such as for separator lines, gathering lines and metering runs. These applications constitute the majority of the market for the subject seamless pipes. However, ASTM A–106 pipes may be used in some boiler applications.

The scope of the order includes all seamless pipe meeting the physical parameters described above and produced to one of the specifications listed above, regardless of application, with the exception of the exclusions discussed below, whether or not also certified to a non-covered specification. Standard, line, and pressure applications and the above-listed specifications are defining characteristics of the scope of the order. Therefore, seamless pipes meeting the physical description above, but not produced to the ASTM A–53, ASTM A–106, ASTM A–333, ASTM A–334, ASTM A–589, ASTM A–795, and API 5L specifications shall be covered if used in a standard, line, or pressure application, with the exception of the specific exclusions discussed below.

For example, there are certain other ASTM specifications of pipe which, because of overlapping characteristics, could potentially be used in ASTM A–106 applications. These specifications generally include ASTM A–161, ASTM A–192, ASTM A–210, ASTM A–252, ASTM A–501, ASTM A–523, ASTM A–524, and ASTM A–618. When such pipes are used in a standard, line, or pressure pipe application, such products are covered by the scope of the order.

Specifically excluded from the scope of the order are: A. Boiler tubing and mechanical tubing, if such products are not produced to ASTM A–53, ASTM A–106, ASTM A–333, ASTM A–334, ASTM A–589, ASTM A–795, and API 5L specifications and are not used in standard, line, or pressure pipe applications. B. Finished and unfinished oil country tubular goods (''OCTG''), if covered by the scope of another antidumping duty order from the same country. If not covered by such an OCTG order, finished and unfinished OCTG are included in the scope when used in standard, line or pressure applications. C. Products produced to the A–335 specification unless they are used in an application that would normally utilize ASTM A–53, ASTM A–106, ASTM A–333, ASTM A–334, ASTM A–589, ASTM A–795, and API 5L specifications. D. Line and riser pipe for deepwater application, *i.e.,* line and riser pipe that is: (1) Used in a deepwater application, which means for use in water depths of 1,500 feet or more; (2) intended for use in and is actually used for a specific deepwater project; (3) rated for a specified minimum yield strength of not less than 60,000 psi; and (4) not identified or certified through the use of a monogram, stencil, or otherwise marked with an API specification (*e.g.,* ''API 5L'').

With regard to the excluded products listed above, the Department will not instruct CBP to require end-use certification until such time as petitioner or other interested parties provide to the Department a reasonable basis to believe or suspect that the products are being utilized in a covered application. If such information is provided, we will require end-use certification only for the product(s) (or specification(s)) for which evidence is provided that such products are being used in a covered application as described above. For example, if, based on evidence provided by petitioner, the Department finds a reasonable basis to believe or suspect that seamless pipe produced to the A–335 specification is being used in an A–106 application, we will require end-use certifications for imports of that specification. Normally we will require only the importer of record to certify to the end use of the imported merchandise. If it later proves necessary for adequate implementation, we may also require producers who export such products to the United States to provide such certification on invoices accompanying shipments to the United States.

Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the merchandise subject to this scope is dispositive.

Preliminary Determination of No Shipments

As noted above, all four of the potential respondents submitted letters to the Department indicating that they did not make any shipments or entries of subject merchandise to the United States during the POR. In response to the Department's query to CBP, CBP data showed subject merchandise manufactured by three of the respondent companies, JFE, NKK, and SMI, may have entered for consumption into the United States during the POR. On December 27, 2010, and January 7, 2011, the Department placed on the record of this review, copies of the entry documents in question.

The Department subsequently confirmed with CBP the no shipment claim made by Nippon. Because the evidence on the record indicates that Nippon did not export subject merchandise to the United States during the POR, we preliminarily determine that Nippon had no reviewable transactions during the POR.

On January 3, 2011, the Department sent letters to JFE, NKK, and SMI, requesting that they further substantiate their claims of no shipments. On February 1, 2011, JFE submitted that it did not make any U.S. sales of subject merchandise during the POR, nor did it sell any subject merchandise to any trading company with the knowledge that the trading company would export the subject merchandise to the United States during the POR, nor did it initiate, and was not aware of, any exports from Japan to the United States of subject merchandise produced by JFE during the POR. In its response, JFE explained in detail how its claim of no knowledge is supported by the record evidence, and that some of the entries which entered the United States under its antidumping case number were non-

subject merchandise. *See* Memorandum to the File, from Joshua Morris, International Trade Analyst, ''Preliminary Determination of No Shipments in the Antidumping Duty Administrative Review on Certain Large Diameter Carbon and Alloy Seamless Standard, Line, and Pressure Pipe (Over 4½ Inches) from Japan,'' June 29, 2011 (''No Shipments Memo'').

On February 8, 2011, NKK responded that its statement to the Department on September 21, 2010, remains accurate, and reiterated that NKK did not have shipments of subject merchandise to the United States during the POR. NKK explained in detail how its claim of no knowledge is supported by the record evidence, and that entries which entered into the United States during the POR under its antidumping case number were non-subject merchandise. *See* No Shipments Memo.

On February 15, 2011, SMI submitted that SMI did not export subject merchandise to the United States during the POR. SMI explained that it did sell, through trading companies, subject merchandise to distributors and end-users in Japan and third countries. SMI emphasized that as stated in its August 31, 2010, submission, it did not make any U.S. sales of subject merchandise during the POR, nor did it sell any subject merchandise to any end-users or distributors with the knowledge that such end-users or distributors would export the subject merchandise to the United States during the POR. Furthermore, SMI stated that it did not initiate, and was not aware of, any exports from Japan or any third countries to the United States of subject merchandise produced by SMI during the POR. In its response, SMI explained in detail how its claim of no knowledge is supported by the record evidence. *See* No Shipments Memo.

Based on JFE's and SMI's submissions and our review of CBP documentation, the Department finds that the record evidence supports JFE's and SMI's claims that, at the time of the sale, JFE or SMI had no knowledge that any of these entries of subject merchandise entered the United States during the POR. On this basis, we find that subject merchandise produced by JFE and SMI entered the United States during the POR under their antidumping case number, but did so by way of intermediaries without the knowledge of either company.[1]

Based on NKK's and JFE's submissions and our review of CBP documentation, the Department finds that the merchandise produced by NKK and certain of the merchandise produced by JFE which entered the United States during the POR under their respective antidumping case numbers appears to be non-subject merchandise. *See* No Shipments Memo for full analysis.

Thus, the Department finds that the respondents' claims of no shipments or entries for consumption to be substantiated. Based upon the certifications and the evidence on the record, we are satisfied that no respondent had shipments of subject merchandise to the United States during the POR and, as such, we preliminarily determine that JFE, SMI, and NKK had no reviewable transactions during the POR.

Since the implementation of the 1997 regulations, our practice concerning no-shipment respondents had been to rescind the administrative review if the respondent certifies that it had no shipments and we have confirmed through our examination of CBP data that there were no shipments of subject merchandise during the POR. *See Antidumping Duties; Countervailing Duties,* 62 FR 27296, 27393 (May 19, 1997); *see also Oil Country Tubular Goods from Japan: Preliminary Results of Antidumping Duty Administrative Review and Partial Rescission of Review,* 70 FR 53161, 53162 (September 5, 2007), unchanged in *Oil Country Tubular Goods from Japan: Final Results and Partial Rescission of Antidumping Duty Administrative Review,* 71 FR 95 (January 3, 2006). In such circumstances, we normally instructed CBP to liquidate any entries from the no-shipment company at the deposit rate in effect on the date of entry.

In our May 6, 2003, ''automatic assessment'' clarification, we explained that, where respondents in an administrative review demonstrate that they had no knowledge of sales through resellers to the United States, we would instruct CBP to liquidate such entries at the all-others rate applicable to the proceeding. *See Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003) (''*Assessment Policy Notice*'').

Because ''as entered'' liquidation instructions do not alleviate the concerns which the May 2003 clarification was intended to address, we find it appropriate in this case to instruct CBP to liquidate any existing entries of merchandise produced by Nippon, JFE, SMI, and NKK, and exported by other parties at the all-others rate, should we continue to find that Nippon, JFE, SMI, and NKK had no shipments of subject merchandise in the POR in our final results. *See, e.g., Magnesium Metal From the Russian Federation: Preliminary Results of Antidumping Duty Administrative Review,* 75 FR 26922, 26923 (May 13, 2010), unchanged in *Magnesium Metal From the Russian Federation: Final Results of Antidumping Duty Administrative Review,* 75 FR 56989, 56990 (September 17, 2010). In addition, the Department finds that it is more consistent with the May 2003 clarification not to rescind the review in part in these circumstances but, rather, to complete the review with respect to Nippon, JFE, SMI, and NKK, and issue appropriate instructions to CBP based on the final results of the review. *See* the ''Assessment Rates'' section of this notice below.

Assessment Rates

Upon completion of the administrative review, the Department shall determine, and CBP shall assess, antidumping duties on all appropriate entries, in accordance with 19 CFR 351.212. The Department intends to issue appraisement instructions directly to CBP 15 days after the date of publication of the final results of this review.

As noted above, the Department clarified its ''automatic assessment'' regulation on May 6, 2003. *See Assessment Policy Notice.* This clarification will apply to POR entries by all respondent companies if we continue to make a final determination of no shipments because they certified that they made no POR shipments of subject merchandise for which they had knowledge of U.S. destination. We will instruct CBP to liquidate these entries at the all-others rate established in the less-than-fair-value investigation (68.88 percent) if there is no rate for the intermediary involved in the transaction. *See Assessment Policy Notice* for a full discussion of this clarification.

These preliminary results of administrative review and notice are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221.

Dated: June 29, 2011.

Paul Piquado,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 2011–17065 Filed 7–6–11; 8:45 am]

BILLING CODE 3510–DS–P

[1] As our decision is based largely on proprietary information, a full analysis and explanation is contained in our No Shipments Memo.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–824]

Polyethylene Terephthalate Film, Sheet and Strip From India: Rescission, in Part, of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

DATES: *Effective Date:* July 7, 2011.

FOR FURTHER INFORMATION CONTACT: Elfi Blum, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; *telephone:* (202) 482–0197.

Background

On July 1, 2010, the Department of Commerce (Department) published a notice of opportunity to request an administrative review of the antidumping duty order on polyethylene terephthalate film, sheet and strip from India covering the period July 1, 2009, through June 30, 2010. *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request an Administrative Review,* 75 FR 38074 (July 1, 2010). The Department received a request for review from two companies, Ester Industries Limited (Ester) and SRF Limited (SRF). On August 31, 2010, the Department published a notice of initiation of administrative review with respect to Ester and SRF. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Deferral of Initiation of Administrative Review,* 75 FR 53274 (August 31, 2010). On October 1, 2010, SRF withdrew its request for an administrative review.

Partial Rescission

Pursuant to 19 CFR 351.213(d)(1), the Secretary will rescind an administrative review, in whole or in part, if a party who requested the review withdraws the request within 90 days of the date of publication of notice of initiation of the requested review. SRF's request was submitted within the 90-day period and, thus, is timely. Because SRF's withdrawal of request for review is timely and because no other party requested a review of SRF, in accordance with 19 CFR 351.213(d)(1), we are rescinding this review with respect to SRF.

Assessment

The Department will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries. SRF shall be assessed antidumping duties at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). The Department intends to issue appropriate assessment instructions to CBP within 15 days of publication of this notice.

Notification to Importers

This notice serves as a reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping and/or countervailing 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 and/or countervailing duties occurred and the subsequent assessment of doubled antidumping duties.

Notification Regarding Administrative Protective Orders

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

This notice is issued and published in accordance with section 777(i)(1) of the Tariff Act of 1930, as amended, and 19 CFR 351.213(d)(4).

Dated: June 29, 2011.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2011–17068 Filed 7–6–11; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–533–825]

Polyethylene Terephthalate Film, Sheet and Strip From India: Rescission, in Part, of Countervailing Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

DATES: *Effective Date:* July 7, 2011.

FOR FURTHER INFORMATION CONTACT: Toni Page, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; *telephone:* (202) 482–1398.

Background

On July 1, 2010, the Department of Commerce (Department) published a notice of opportunity to request an administrative review of the countervailing duty order on polyethylene terephthalate film, sheet and strip from India covering the period January 1, 2009, through December 31, 2009. *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request an Administrative Review,* 75 FR 38074 (July 1, 2010). The Department received a request for review from two companies, Ester Industries Limited (Ester) and SRF Limited (SRF). On August 31, 2010, the Department published a notice of initiation of administrative review with respect to Ester and SRF. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Deferral of Initiation of Administrative Review,* 75 FR 53274 (August 31, 2010). On October 1, 2010, SRF withdrew its request for an administrative review.

Partial Rescission

Pursuant to 19 CFR 351.213(d)(1), the Secretary will rescind an administrative review, in whole or in part, if a party who requested the review withdraws the request within 90 days of the date of publication of notice of initiation of the requested review. SRF's request was submitted within the 90-day period and, thus, is timely. Because SRF's withdrawal of request for review is timely and because no other party requested a review of SRF, in accordance with 19 CFR 351.213(d)(1), we are rescinding this review with respect to SRF.

Assessment

The Department will instruct U.S. Customs and Border Protection (CBP) to assess countervailing duties on all appropriate entries. SRF shall be assessed countervailing duties at rates equal to the cash deposit of the estimated countervailing duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). The Department intends to issue appropriate assessment instructions directly to CBP within 15 days of publication of this notice.

Notification Regarding Administrative Protective Orders

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

This notice is issued and published in accordance with section 777(i)(1) of the Tariff Act of 1930, as amended, and 19 CFR 351.213(d)(4).

Dated: June 29, 2011.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2011–17070 Filed 7–6–11; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XA537

Endangered and Threatened Species; Take of Anadromous Fish

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

ACTION: Issuance of three scientific research permits.

SUMMARY: Notice is hereby given that NMFS has issued Permit 15548 to T.R. Payne and Associates, Permit 14419 to the Sonoma County Water Agency, and Permit 16115 to URS Corporation.

ADDRESSES: The approved application for each permit is available on the Applications and Permits for Protected Species (APPS), *https://apps.nmfs.noaa.gov* Web site by searching the permit number within the Search Database page. The applications, issued permits and supporting documents are also available upon written request or by appointment: Protected Resources Division, NMFS, 777 Sonoma Avenue, Room 325, Santa Rosa, California 95404 (*ph:* (707) 575–6097, *fax:* (707) 578–3435).

FOR FURTHER INFORMATION CONTACT: Jeffrey Jahn at 707–575–6097, or *e-mail: Jeffrey.Jahn@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Authority

The issuance of permits and permit modifications, as required by the Endangered Species Act of 1973 (16 U.S.C. 1531–1543) (ESA), is based on a finding that such permits/modifications: (1) Are applied for in good faith; (2) would not operate to the disadvantage of the listed species which are the subject of the permits; and (3) are consistent with the purposes and policies set forth in section 2 of the ESA. Authority to take listed species is subject to conditions set forth in the permits. Permits and modifications are issued in accordance with and are subject to the ESA and NMFS regulations (50 CFR parts 222–226) governing listed fish and wildlife permits.

Species Covered in This Notice

This notice is relevant to federally endangered Central California Coast coho salmon (*Oncorhyncus kisutch*), threatened California Coastal Chinook salmon (*O. tshawytscha*), and threatened Central California Coast steelhead (*O. mykiss*).

Permits Issued

Permit 15548

A notice of the receipt of an application for a scientific research permit (15548) was published in the **Federal Register** on December 8, 2010 (75 FR 76400). Permit 15548 was issued to T.R. Payne and Associates on March 21, 2011.

Permit 15548 authorizes capture by backpack electrofishing, handling (measuring), and release of juvenile Central California Coast (CCC) steelhead. Permit 15548 authorizes unintentional lethal take of: juvenile CCC steelhead not to exceed 3 percent of the total number of fish captured. Permit 15548 does not authorize any lethal take of adult CCC steelhead.

Permit 15548 is for research to be conducted in Suisun Creek, Green Valley Creek, and Ledgewood Creek in Solano and Napa counties in California. The purpose of the project is to collect data in these watersheds to monitor the distribution, relative abundance and diversity of the fish populations and to describe the existing habitat conditions. Permit 15548 expires on December 31, 2021.

Permit 14419

A notice of the receipt of an application for a scientific research permit (14419) was published in the **Federal Register** on February 15, 2011 (76 FR 8713). Permit 14419 was issued to the Sonoma County Water Agency on April 25, 2011.

Permit 14419 authorizes the Sonoma County Water Agency (SCWA) to take adult and juvenile California Coastal (CC) Chinook salmon, adult and juvenile Central California Coast (CCC) coho salmon, and adult and juvenile CCC steelhead associated with five research projects in the Russian River watershed in central California. The goal is to detect and depict trends in ESA-listed salmonid populations in the Russian River watershed and to monitor the results of salmonid habitat enhancement efforts in this watershed.

Under Permit 14419, authorized researched methods include downstream-migrant trapping (rotary screw traps, fyke nets, and pipe/funnel nets), electrofishing (backpack and boat), beach seining, fin-clipping, scale sampling, passive integrated transponder (PIT) tagging, acoustic/radio telemetry, gastric lavage, otolith extraction, and anesthetizing and handling fish. Permit 14419 does not authorize any intentional lethal take of ESA-listed salmonids. Permit 14419 authorizes unintentional lethal take of ESA-listed salmonids associated with research activities not to exceed three percent of the annual total expected take for each species and life-stage. Permit 14419 expires on December 31, 2021.

Permit 16115

A notice of the receipt of an application for a scientific research permit (16115) was published in the **Federal Register** on March 22, 2011 (76 FR 15946). Permit 16115 was issued to URS Corporation on June 3, 2011.

Permit 16115 authorizes capture by backpack electrofishing, handling (measuring), and release of juvenile Central California Coast (CCC) steelhead. Permit 16115 authorizes unintentional lethal take of juvenile CCC steelhead not to exceed four percent of the total number of fish

captured. Permit 16115 does not authorize any lethal take of adult CCC steelhead.

Permit 16115 is for research to be conducted in the Guadalupe River watershed in Santa Clara County, California. The main purpose of the project is to assess mercury levels within individuals of two non ESA-listed target species. In addition to this work, the project will also collect CCC steelhead to determine CCC steelhead presence/absence, distribution, and to determine habitat use and preference within the Guadalupe River watershed. Permit 16115 expires on December 31, 2016.

Dated: June 30, 2011.

Angela Somma,

Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2011–17076 Filed 7–6–11; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XA549

Gulf of Mexico Fishery Management Council; Public Meeting

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

ACTION: Council to convene a public meeting.

SUMMARY: The Gulf of Mexico Fishery Management Council will convene a meeting of the Standing, Special Reef Fish and Special Mackerel Scientific and Statistical Committees (SSC).

DATES: The meeting will convene at 1 p.m. on Tuesday, July 26, 2011 and conclude by 3 p.m., Thursday, July 28, 2011.

ADDRESSES: The meeting will be held at the Gulf of Mexico Fishery Management Council, 2203 North Lois Avenue, Suite 1100, Tampa, FL 33607; *telephone:* (813) 348–1630.

FOR FURTHER INFORMATION CONTACT: Steven Atran, Population Dynamics Statistician; Gulf of Mexico Fishery Management Council; *telephone:* (813) 348–1630.

SUPPLEMENTARY INFORMATION: The Standing, Special Mackerel and Special Reef SSC will meet jointly on Tuesday, July 26, 2011 to receive a presentation on the Southeast Data, Assessment and Review (SEDAR) process. The Standing and Special Mackerel SSC will review, revise if necessary, and approve the terms of reference for a SEDAR 28 benchmark assessment on Spanish mackerel and cobia to be conducted in 2012. The Standing and Special Reef Fish SSC will discuss the rationale for their previous recommendation that the 2012 SEDAR 31 red snapper assessment be changed from a standard assessment to a benchmark assessment, plus the potential benefits and drawbacks to requesting yield streams and managing the red snapper fishery in terms of numbers of fish rather than biomass. The Standing and Special Reef Fish SSC will then review, revise if necessary, and approve the terms of reference for the SEDAR 31 red snapper assessment. This assessment is currently scheduled to be conducted in 2012 as a standard assessment, but the Council, based on the recommendation of the SSC, has requested that it be a benchmark assessment.

The remainder of the meeting, July 27–28, will be a joint meeting of the Standing and Special Reef Fish SSC. The SSC will first receive a presentation from NOAA General Counsel on what constitutes best available scientific information. The SSC will then review and suggest modifications to the process for deciding levels of acceptable biological catch (ABC). This will include a review of the ABC control rule developed for the Generic Annual Catch Limits/Accountability Measures Amendment, a discussion of risk vs. uncertainty, and a review of the P* methodology for determining the buffer between the overfishing limit and ABC. Finally, the SSC will receive a report on an Ecosystem SSC meeting that was held June 28–30, 2011, and will discuss the role of the Ecosystem SSC with respect to the Standing SSC.

Copies of the agenda and other related materials can be obtained by calling (813) 348–1630 or can be downloaded from the Council's ftp site, *ftp.gulfcouncil.org.*

Although other non-emergency issues not on the agenda may come before the Scientific and Statistical Committees for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not be the subject of formal action during this meeting. Actions of the Scientific and Statistical Committees will be restricted to those issues specifically identified in the agenda and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kathy Pereira at the Council (see **ADDRESSES**) at least 5 working days prior to the meeting.

Dated: July 1, 2011.

Tracey L. Thompson,

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

[FR Doc. 2011–16985 Filed 7–6–11; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic Atmospheric Administration

Alaska Coastal Management Program Withdrawal From the National Coastal Management Program Under the Coastal Zone Management Act (CZMA)

AGENCY: Office of Ocean and Coastal Resource Management (OCRM), National Ocean Service (NOS), National Oceanic Atmospheric Administration (NOAA), Department of Commerce (Commerce).

ACTION: Notice.

SUMMARY: By operation of Alaska State law, the federally approved Alaska Coastal Management Program expired on July 1, 2011, resulting in a withdrawal from participation in the CZMA's National Coastal Management Program. The CZMA Federal consistency provision, section 307, no longer applies in Alaska. In addition, Alaska is no longer eligible for CZMA grants under sections 306, 306A, 308, 309 or 310. (CZMA section 315 grants are not affected.)

FOR FURTHER INFORMATION CONTACT: Ms. Joelle Gore, Chief, Coastal Programs Divisions, Office of Ocean and Coastal Resource Management, NOAA, at 301–563–1177.

SUPPLEMENTARY INFORMATION: The Alaska Coastal Management Program (ACMP) was approved by NOAA in 1979 as a voluntary state partner in the National Coastal Management Program. The ACMP expired by operation of Alaska Statutes 44.66.020 and 44.66.030 on June 30, 2011. As a result of its expiration, the ACMP was withdrawn from this program on July 1, 2011. As of July 1, 2011, there is no longer a CZMA program in Alaska. Because a federally approved coastal management program must be administered by a state

agency, no other entity may develop or implement a federally approved coastal management program for the state.

As of July 1, 2011, the CZMA Federal consistency provision no longer applies in Alaska. Federal agencies shall no longer provide the State of Alaska with CZMA Consistency Determinations or Negative Determinations pursuant to 16 U.S.C. 1456(c)(1) and (2), and 15 CFR part 930, subpart C. Persons or applicant agencies for Federal authorizations or funding shall no longer provide to the State of Alaska CZMA Consistency Certifications pursuant to 16 U.S.C. 1456(c)(3)(A), (B) and (d), and 15 CFR part 930, subparts D, E and F. Because the CZMA Federal consistency provisions no longer apply in Alaska, consistency determinations from Federal agencies and consistency certifications from applicants for Federal authorizations or funding that are currently pending ACMP response are no longer required to receive a response from the ACMP and may proceed in accordance with other applicable law and procedures.

The Deepwater Port Act (33 U.S.C. 1501–1524) requires a state to have, or be making progress toward, a federally approved CZMA management program in order to issue a license for a facility in adjacent Federal waters. (Note: this only applies to ''deepwater ports'' in Federal waters, and does not apply to deep-draft ports in state waters or to offshore oil and gas extraction under the Outer Continental Shelf Lands Act.) The withdrawal of the ACMP from the National CZMA program affects the eligibility of licensees seeking to locate facilities in Federal waters adjacent to Alaska under the Deepwater Port Act.

Additionally, Alaska no longer qualifies for grants under the Coastal and Estuarine Land Conservation Program (CELCP)—unless they are accepted through, and support, the Kachemak Bay National Estuarine Research Reserve, which is not affected by the termination of the ACMP.

Dated: July 1, 2011.

David M. Kennedy,

Assistant Administrator for Oceans and Coastal Zone Management.

[FR Doc. 2011–16987 Filed 7–6–11; 8:45 am]

BILLING CODE 3510–08–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XA520

Western Pacific Fisheries; Approval of a Marine Conservation Plan for Guam

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

ACTION: Notice of agency decision.

SUMMARY: NMFS announces approval of a marine conservation plan for Guam.

DATES: This agency decision is effective from June 28, 2011, through June 27, 2014.

ADDRESSES: Copies of the MCP are available from *http://www.regulations.gov,* or the Western Pacific Fishery Management Council (Council), 1164 Bishop St., Suite 1400, Honolulu, HI 96813, tel 808–522–8220.

FOR FURTHER INFORMATION CONTACT: Jarad Makaiau, Sustainable Fisheries, NMFS Pacific Islands Regional Office, 808–944–2108.

SUPPLEMENTARY INFORMATION: Section 204(e) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) authorizes the Secretary of State, with the concurrence of the Secretary of Commerce (Secretary) and in consultation with the Council, to negotiate and enter into a Pacific Insular Area fishery agreement (PIAFA). A PIAFA would allow foreign fishing within the U.S. Exclusive Economic Zone (EEZ) adjacent to American Samoa, Guam, or the Northern Mariana Islands with the concurrence of, and in consultation with, the Governor of the Pacific Insular Area to which the PIAFA applies. Before entering into a PIAFA, the appropriate Governor, with the concurrence of the Council, must develop a 3-year Marine Conservation Plan (MCP) providing details on uses for any funds collected by the Secretary under the PIAFA.

The Magnuson-Stevens Act requires payments received under a PIAFA to be deposited into the United States Treasury and then covered over to the Treasury of the Pacific Insular Area for which funds were collected. In the case of violations by foreign fishing vessels occurring within the EEZ off any Pacific Insular Area, amounts received by the Secretary attributable to fines and penalties imposed under the Magnuson-Stevens Act, including sums collected from the forfeiture and disposition or sale of property seized subject to its authority, shall be deposited into the Treasury of the Pacific Insular Area adjacent to the EEZ in which the violation occurred, after direct costs of the enforcement action are subtracted. Any funds deposited into the Treasury of the Pacific Insular Area may be used by the jurisdiction for fisheries enforcement and for implementation of an MCP.

An MCP must be consistent with the Council's fishery ecosystem plans, must identify conservation and management objectives (including criteria for determining when such objectives have been met), and must prioritize planned marine conservation projects. Although no foreign fishing is being considered at this time, the Council, at its 151st meeting held June 15–18, 2011, reviewed and approved the Guam MCP and recommended its submission to the Secretary for approval. On June 20, 2011, the Governor of Guam submitted the MCP to NMFS, the designee of the Secretary, for review and approval.

The Guam MCP contains eight conservation and management objectives under which planned projects and activities designed to meet the objective are identified and described, as follows:

Objective 1. Fisheries resource assessment and monitoring.

Objective 2. Effective surveillance and enforcement monitoring, including:

a. Implementation of an at-sea observer program to collect information on foreign fishing activities.

b. Increase enforcement and surveillance of the U.S. EEZ around Guam.

Objective 3. Regional cooperation, including development of a longline permit, reporting, and quota utilization program to facilitate responsible fisheries development.

Objective 4. Public participation, including increased public participation in the development and review of Guam's 3-year marine conservation plan.

Objective 5. Habitat assessment and monitoring, including support for long-term habitat assessment and monitoring of Guam coral reef flat communities.

Objective 6. Domestic fisheries development, including:

a. Rehabilitation and improvements to the Agat small boat marina docks.

b. Construction of an American with Disabilities Act compliant access ramp and fishing platform at Hagatna Marina.

c. Establishing a manahak (rabbit fish) hatchery and restocking program.

d. Construction of a Guam Fishermen's Cooperative Marine Building Complex.

e. Rehabilitation and improvements to the Agat small boat marina, including lighting, security camera and repair of refueling and boarding piers.

f. Collection of life-history data of nearshore reef fish.

g. Support Guam volunteer fishery data collection project.

h. Support deployment and replacement of Guam Division of Fish and Wildlife fish aggregation device and mooring buoys.

Objective 7. Marine conservation education, including support for the development and distribution of materials focused on sustainable marine resource use.

Objective 8. Western Pacific Demonstration Project to promote awareness of traditional fishing and conservation practices through education workshops and demonstrations.

This notice announces that NMFS has determined that the Guam MCP satisfies the requirements of the Magnuson-Stevens Act and approves the MCP for the 3-year period from June 28, 2011, through June 27, 2014.

Dated: July 1, 2011.

Margo Schulze-Haugen,

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

[FR Doc. 2011–17081 Filed 7–6–11; 8:45 am]

BILLING CODE 3510–22–P

COMMISSION OF FINE ARTS

Notice of Meeting

The next meeting of the U.S. Commission of Fine Arts is scheduled for 21 July 2011, at 10 a.m. in the Commission offices at the National Building Museum, Suite 312, Judiciary Square, 401 F Street, NW., Washington DC 20001–2728. Items of discussion may include buildings, parks and memorials.

Draft agendas and additional information regarding the Commission are available on our Web site: *http://www.cfa.gov.* Inquiries regarding the agenda and requests to submit written or oral statements should be addressed to Thomas Luebke, Secretary, U.S. Commission of Fine Arts, at the above address; by e-maiing *staff@cfa.gov;* or by calling 202–504–2200. Individuals requiring sign language interpretation for the hearing impaired should contact the Secretary at least 10 days before the meeting date.

Dated May 23, 2011 in Washington, DC.

Thomas Luebke,

Secretary.

[FR Doc. 2011–16833 Filed 7–6–11; 8:45 am]

BILLING CODE 6330–01–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Notice of Federal Advisory Committee Meeting

AGENCY: Department of Defense, Office of the Under Secretary of Defense (Acquisition, Technology and Logistics).

ACTION: Federal Advisory Committee meeting notice.

SUMMARY: Under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended) and the Sunshine Act of 1976 (5 U.S.C. 552b, as amended) the Department of Defense announces the following Federal advisory committee meeting of the Threat Reduction Advisory Committee (Hereafter referred to as ''the Committee'').

1. *Purpose of Meeting:* To obtain, review and evaluate classified information related to the Committee's mission to advise on technology security, combating weapons of mass destruction (WMD), counter terrorism and counter proliferation.

2. *Agenda:* Beginning at 8:30 a.m. through the end of the meeting, the Committee will present SECRET-level Working Group findings throughout the duration of the meeting. The TRAC will also hold classified discussions on WMD related national security matters.

3. *Meeting Accessibility:* Pursuant to 5 U.S.C. 552b, as amended, and 41 CFR § 102–3.155, the Department of Defense has determined that the meeting shall be closed to the public. The Under Secretary of Defense for Acquisition, Technology and Logistics, in consultation with the DoD FACA Attorney, has determined in writing that this meeting be closed to the public because the discussions fall under the purview of Title 5, United States Code, Section § 552b(c)(1) and are inextricably intertwined with the unclassified material which cannot reasonably be segregated into separate discussions without disclosing secret material.

DATES: The date of the meeting is Tuesday, July 26, 2011, from 8:30 a.m. to 3 p.m.

ADDRESSES: The meeting is located at ANSER Conference Center, Platt Conference Room, 2900 S Quincy St, Suite 800, Arlington, VA 22206.

FOR FURTHER INFORMATION CONTACT: Mr. William Hostyn, Defense Threat Reduction Agency/SP–ACP, 8725 John J. Kingman Road, MS 6201, Fort Belvoir, VA 22060–6201. *Phone:* (703) 767–4453, *Fax:* (703) 767–5701, *E-mail: william.hostyn@dtra.mil.*

SUPPLEMENTARY INFORMATION:

Written Statements: Pursuant to 41 CFR 102–3.105(j) and 102–3.140, the public or interested organizations may submit written statements to the membership of the Committee at any time or in response to the stated agenda of a planned meeting. Written statements should be submitted to the Committee's Designated Federal Officer; the Designated Federal Officer's contact information can be obtained from the GSA's FACA Database—*https://www.fido.gov/facadatabase/public.asp.*

Written statements that do not pertain to a scheduled meeting of the Committee may be submitted at any time. However, if individual comments pertain to a specific topic being discussed at a planned meeting then these statements must be submitted no later than five business days prior to the meeting in question. The Designated Federal Officer will review all submitted written statements and provide copies to all committee members.

Dated: July 1, 2011.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2011–17059 Filed 7–6–11; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Comment request.

SUMMARY: The Department of Education (the Department), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the reporting burden on the public and helps the public understand the Department's information collection requirements and provide the requested data in the desired format. The Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of

Management, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before September 6, 2011.

ADDRESSES: Comments regarding burden and/or the collection activity requirements should be electronically mailed to *ICDocketMgr@ed.gov* or mailed to U.S. Department of Education, 400 Maryland Avenue, SW., LBJ, Washington, DC 20202–4537. Please note that written comments received in response to this notice will be considered public records.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that Federal agencies provide interested parties an early opportunity to comment on information collection requests. The Director, Information Collection Clearance Division, Information Management and Privacy Services, Office of Management, publishes this notice containing proposed information collection requests at the beginning of the Departmental review of the information collection. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: July 1, 2011.

Darrin A. King,

Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.

Office of Innovation and Improvement

Type of Review: New.

Title of Collection: Charter School Facilities National Questionnaire.

OMB Control Number: Pending.

Agency Form Number(s): N/A.

Frequency of Responses: Once.

Affected Public: State, Local, or Tribal Government, State Educational Agencies or Local Educational Agencies.

Total Estimated Number of Annual Responses: 369.

Total Estimated Number of Annual Burden Hours: 1,107.

Abstract: According to Part B section 5201 of the Elementary and Secondary Education Act, one of the established purposes of the Charter School Program office in the U.S. Department of Education (ED) is ''encouraging the States to provide support to charter schools for facilities financing in an amount more nearly commensurate to the amount the States have typically provided for traditional public schools''. Currently, there is no national database, report, or analysis on the state of charter school facilities. This collection will help to understand the state of charter school facilities nationwide.

In the summer of 2007, the Colorado League of Charter Schools (the League) launched its Facilities 2010 Task Force, which was established to address charter school facility needs. One of the initiatives of the Facilities 2010 Task Force was to develop a questionnaire that inventoried the facilities landscape in Colorado. This questionnaire has since been customized and administered in several additional states. ED is looking to use and administer this questionnaire in additional states and compile the data from all states into a national facilities database. ED has plans to conduct this survey in approximately three to four states per year. ED will use the information from the questionnaire to include in a national database that will provide comprehensive information about the facilities for charter schools and the issues that charter school face in trying to obtain adequate facilities. The data will then be used to develop a report and an analysis.

Copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov,* by selecting the ''Browse Pending Collections'' link and by clicking on link number 4645. When you access the information collection, click on ''Download Attachments'' to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., LBJ, Washington, DC 20202–4537. Requests may also be electronically mailed to *ICDocketMgr@ed.gov* or faxed to 202–401–0920. Please specify the complete title of the information collection and OMB Control Number when making your request.

Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 2011–17018 Filed 7–6–11; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Proposed Agency Information Collection

AGENCY: U.S. Department of Energy.

ACTION: Notice and Request for Comments.

SUMMARY: The Department of Energy (DOE) invites public comment on a proposed collection of information for a National Evaluation of the State Energy Program that DOE is developing for submission to the Office of Management and Budget (OMB) pursuant to the Paperwork Reduction Act of 1995. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Information about the outcomes of the program, including energy savings, the number of jobs created, increases in the production of renewable energy, and reductions in carbon emissions, are needed for a rigorous evaluation of the program.

DATES: Comments regarding this proposed information collection must be received on or before September 6, 2011. If you anticipate difficulty in submitting comments within that period, contact the person listed in **ADDRESSES** as soon as possible.

ADDRESSES: Written comments may be sent to Martin Schweitzer, Environmental Sciences Division, Oak Ridge National Laboratory, One Bethel Valley Road, P.O. Box 2008, MS–6036, Oak Ridge, TN 37831–6036; *schweitzerm@ornl.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to: Martin Schweitzer, Environmental Sciences Division, Oak Ridge National Laboratory, One Bethel Valley Road, P.O. Box 2008, MS–6036, Oak Ridge, TN 37831–6036; *schweitzerm@ornl.gov.*

SUPPLEMENTARY INFORMATION: This information collection request contains:

(1) *OMB No.* New.

(2) *Information Collection Request Title:* National Evaluation of the United

States Department of Energy's State Energy Program.

(3) *Type of Request:* New.

(4) *Purpose:* The Department of Energy (DOE) is conducting an evaluation of the State Energy Program (SEP), a national program providing grants and technical support to the States, the District of Columbia and the U.S. territories to implement energy efficiency and renewable energy activities that meet their unique energy needs, while also addressing DOE's national goals, such as energy security. The SEP was created in 1996 by Congress, when the State Energy Conservation Program and the Institutional Conservation Programs were consolidated. In February 2009, the American Recovery and Reinvestment Act (ARRA) provided a substantial increase in the funding available to support SEP activities. The additional $3.1 billion of ARRA funds began to be disbursed in mid-2009 and are required to be expended by mid-2012. Due to the large differences in volume, scope, and relative priority of policy goals between the pre-ARRA and ARRA-funded activities, this evaluation will assess the outcomes of SEP programmatic activities for one program year (2008) prior to distribution of the ARRA funding as well as for the ARRA-funded program years of 2009–2011.

The principal objective of the evaluation is to estimate four key program outcomes:

- Energy, cost, and demand savings;
- Increases in renewable energy capacity and generation;
- Carbon emissions reductions; and
- Direct and indirect job creation

The evaluation will require information to be collected from SEP State program managers, SEP program implementation staff in selected States, participants in selected SEP programs, and equipment vendors familiar with participants' purchases of qualifying equipment.

Scale of the Information Collection

The evaluation effort will focus on programmatic activities implemented in 2008 (prior to the ARRA funding) and in Program Years 2009–2011 (with ARRA funding). Programmatic activities will be organized into ''Broad Program Area Categories'' (BPACs) for purposes of conducting the research. For each evaluation period, DOE has determined that those BPACs accounting for approximately 80 percent of the total SEP activity will be evaluated.

A sampling frame consisting of all relevant programmatic activities for Program Year 2008 and program years 2009–2011 will be compiled, assigning each programmatic activity to a single BPAC. A probability sample of approximately 90 individual programmatic activities will be selected, using BPACs as strata, to represent the most heavily-funded activities in the portfolio of SEP's energy efficiency and renewable energy efforts. The total level of effort for the evaluation will be allocated to BPACs in proportion to their level of spending.

To use resources efficiently, the programmatic activities within the various BPACs will be studied at different levels of rigor, reflecting their relative size and expected contribution towards overall energy savings. Rigor level corresponds to both the statistical analysis and the quality of data necessary to support the analysis. High Rigor evaluation approaches will yield the most reliable impact estimates, using methods recognized by the California Evaluation Protocols, DOE's Impact Evaluation Framework for Technology Deployment Programs, and the International Performance Measurement and Verification Protocol (IPMVP). The high-rigor evaluation methods will be applied to BPACs that (a) account for a large proportion of funds spent on State-level initiatives; (b) are believed to achieve substantial energy savings; (c) are considered important by the States; and (d) are expected to play a major role in future SEP efforts. Medium-high rigor methods will require verification of savings and outcomes with individual participants, but will use less intensive data collection methods than those prescribed for high-rigor. For example, data may be collected by telephone contact with participants, rather than a site visit. Sample sizes will also be smaller in the medium-high rigor evaluations. Medium-low rigor evaluation approaches will not include any data collection from individual program participants to estimate savings or outcomes. These evaluations will use data that can be obtained from program records and secondary sources, as well as engineering-based methods to produce energy savings and outcome estimates.

A range of qualitative, quantitative (survey), on-site inspection and verification, and secondary data will be used to support the evaluation. Different types of data will be required for each of the four types of previously-identified outcomes.

For estimating *energy, cost, and demand savings,* the high and medium-high rigor evaluations require data such as pre- and post-participation energy use and demand, surveys of measure implementation or participation, and verification of installation of energy efficient equipment and operating conditions and schedule by interview and/or on-site inspection. The calculation of energy impacts will follow the IPMVP methods and will include estimation of gross and net savings, annualizing and normalizing results to post-participation levels to calculate impacts. Medium-high rigor evaluations will utilize telephone interview data, combined with engineering data and secondary data, such as published reports and program statistics to calculate energy impacts.

The high and medium-high rigor evaluation of increases in *renewable energy capacity and generation* will require collection of meter data (where available from participants), on-site inspection and review of the system design and equipment used, interviews with project owners and operators, and review of project files. Medium-low rigor evaluations will utilize secondary data, such as published reports and statistics.

The high and medium-high rigor evaluations of *carbon emissions reductions* will require an assessment of annualized carbon dioxide reductions achieved as a result of SEP-funded activities. This assessment will require calculation of reductions in consumption of fossil fuel and replacement of fossil fuel generation with renewable energy generation. The data required for these assessments will include the types of data identified above for energy savings and for increases in renewable generation.

The high and medium-high rigor evaluations of *direct and indirect job impacts* will use a 51-region (State) REMI Policy Insight simulation model. Data required for the job creation analysis will include the types of data identified above for energy, cost, and demand savings to calculate the dollar savings to households and businesses resulting from energy and electric demand plus surveys of additional expenditures on new energy-efficient equipment and systems. State economic data on patterns of spending and business sales among key sectors affecting the flow of dollars into, out of and within the State will also be required.

The evaluation will utilize three distinct data collection methods. First, the evaluation will employ a total of six computer-assisted telephone interviewing (CATI) survey instruments. With an average of approximately 670 respondents per telephone survey, 4,000 telephone survey respondents will be targeted for participation in the evaluation. Second, the study will

utilize 28 individual in-depth interview guides targeting an average of approximately 30 respondents each, with a total target population of approximately 880 interviewees. Third, a total of 152 on-site data collections will be conducted as part of the evaluation. Together, these three methods will involve approximately 5,050 respondents and entail a total burden of approximately 5,090 hours. (This calculation is based on assumptions that telephone surveys require 45 minutes on average, in-depth interviews—90 minutes, and on-site data collections—300 minutes.)

The above-described data collection methods will be supplemented by additional records research and database review activities applicable to all three methods across all participant categories. These general recordkeeping activities will require an estimated 1,070 hours. Combining the burden hours associated with telephone surveys, in-depth interviews, and on-site data collections (5,090 hours) with the burden hours associated with general records review (1,070 hours) produces a total estimated burden of 6,160 hours.

The evaluation protocols will provide BPAC-level estimates for each of the outcome measures. The results of the evaluations for all the BPACs studied will be expanded to produce cumulative estimates. Outcome measures will be calculated for the 2008 (pre-ARRA) and the 2009–2011 (ARRA funding) evaluation periods.

A number of steps are being taken to avoid duplicating the efforts of any concurrent evaluations of SEP activities sponsored by individual States. These include: (1) Coordinating with the National Association of State Energy Officials to share information on the programmatic activities being examined by specific States; (2) coordinating with regional DOE project officers to identify any State evaluation efforts with which they are associated; (3) meeting with selected State program managers to keep informed of ongoing evaluation efforts and the research approaches being employed; and (4) coordinating with evaluation contractors to learn of State evaluation efforts with which they are involved. These efforts will keep the national SEP evaluation informed of what States are doing so that the programmatic activities sampled for this study do not overlap with any independent State evaluations. In addition to these efforts to avoid duplication, DOE has provided a set of evaluation guidelines to the States to help inform their evaluation efforts and ensure that the results are reliable enough to allow them to be used to support the national SEP evaluation without the need to study the same activities again.

The sample selection of BPACs and specific programmatic activities within each BPAC is scheduled to be completed in May 2011. Data collection and calculation of outcomes is scheduled to be completed by July 2012.

The detailed study design and work plan for the SEP evaluation will be available for public review in May, 2011 at *http://weatherization.ornl.gov/evaluation_sep.shtml.*

(5) *Annual Estimated Number of Respondents:* 5,050.

(6) *Annual Estimated Number of Total Responses:* 5,050.

(7) *Annual Estimated Total Number of Burden Hours:* 6,160.

Statutory Authority: Title III of the Energy Policy and Conservation Act of 1975, (42 U.S.C. 6321 *et seq.*) as amended, authorizes DOE to administer the State Energy Program (SEP).

Issued in Washington, DC, on June 13, 2011.

Henry C. Kelly,

Acting Assistant Secretary, Energy Efficiency and Renewable Energy.

[FR Doc. 2011–16996 Filed 7–6–11; 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 exempt wholesale generator filings:

Docket Numbers: EG11–97–000.

Applicants: Post Rock Wind Power Project, LLC.

Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Post Rock Wind Power Project, LLC.

Filed Date: 06/28/2011.

Accession Number: 20110628–5147.

Comment Date: 5 p.m. Eastern Time on Tuesday, July 19, 2011.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–1478–002.

Applicants: Pennsylvania Electric Company.

Description: Pennsylvania Electric Company submits tariff filing per 35: Revised Market-Based Rate Power Sales Tariff to be effective 6/29/2011.

Filed Date: 06/28/2011.

Accession Number: 20110628–5044.

Comment Date: 5 p.m. Eastern Time on Tuesday, July 19, 2011.

Docket Numbers: ER11–2040–002.

Applicants: Schuylkill Energy Resources, Inc.

Description: Supplement to Refund Report of Schuylkill Energy Resources, Inc.

Filed Date: 06/10/2011.

Accession Number: 20110610–5138.

Comment Date: 5 p.m. Eastern Time on Wednesday, July 20, 2011.

Docket Numbers: ER10–2585–001; ER10–2618–001; ER10–2619–001; ER10–2616–001; ER10–2647–001; ER10–2591–001; ER10–2617–001; ER10–2613–001.

Applicants: Ontelaunee Power Operating Company, LLC, Dynegy Power Marketing, Inc., Casco Bay Energy Company, LLC, Dynegy Marketing and Trade, LLC, Dynegy Danskammer, LLC, Dynegy Kendall Energy, LLC, Dynegy Roseton, LLC, Sithe/Independence Power Partners, LP.

Description: Updated Market Power Analysis of Casco Bay Energy Company, LLC, *et al.*

Filed Date: 06/28/2011.

Accession Number: 20110628–5189.

Comment Date: 5 p.m. Eastern Time on Monday, August 29, 2011.

Docket Numbers: ER10–2881–001; ER10–2882–001; ER10–2883–001; ER10–2884–001; ER10–2885–001; ER10–2641–001; ER10–2663–001; ER10–2886–001.

Applicants: Alabama Power Company, Southern Company Services, Inc., Georgia Power Company, Mississippi Power Company, Gulf Power Company, Oleander Power Project, L.P., Southern Company—Florida LLC, Southern Turner Cimarron I, LLC, Southern Power Company.

Description: Notification of Non-Material Change in Status of Southern Companies.

Filed Date: 06/28/2011.

Accession Number: 20110628–5177.

Comment Date: 5 p.m. Eastern Time on Tuesday, July 19, 2011.

Docket Numbers: ER10–3260–002.

Applicants: Granite Ridge Energy, LLC.

Description: Updated Market Power Analysis of Granite Ridge Energy, LLC.

Filed Date: 06/28/2011.

Accession Number: 20110628–5188.

Comment Date: 5 p.m. Eastern Time on Monday, August 29, 2011.

Docket Numbers: ER10–3286–003; ER10–3299–002.

Applicants: Millennium Power Partners, L.P., New Athens Generating Company, LLC.

Description: Updated Market Power Analysis for MILLENIUM POWER PARTNERS, L.P.

Filed Date: 06/28/2011.

Accession Number: 20110628–5181.
Comment Date: 5 p.m. Eastern Time on Monday, August 29, 2011.

Docket Numbers: ER11–3865–001.
Applicants: PacifiCorp.
Description: PacifiCorp submits tariff filing per 35.17(b): Second Amended OCOA Errata Filing to be effective 1/1/2012 under ER11–3865.
Filed Date: 06/28/2011.
Accession Number: 20110628–5102.
Comment Date: 5 p.m. Eastern Time on Tuesday, July 19, 2011.

Docket Numbers: ER11–3910–000.
Applicants: FirstEnergy Service Company.
Description: Notice of Cancellation of Service Agreements and Request for Cancellation to Be Made Effective as of June 1, 2011 of First Energy Service Company.
Filed Date: 06/28/2011.
Accession Number: 20110628–5089.
Comment Date: 5 p.m. Eastern Time on Tuesday, July 19, 2011.

Docket Numbers: ER11–3911–000.
Applicants: Pacific Gas and Electric Company.
Description: Pacific Gas and Electric Company submits tariff filing per 35.13(a)(2)(iii: Owners Coordinated Operation Agreement Amendments to be effective 1/1/2012.
Filed Date: 06/28/2011.
Accession Number: 20110628–5136.
Comment Date: 5 p.m. Eastern Time on Tuesday, July 19, 2011.

Docket Numbers: ER11–3912–000.
Applicants: Arizona Public Service Company.
Description: Arizona Public Service Company submits tariff filing per 35.13(a)(2)(iii: Engineering, Procurement, and Construction Agreement between APS and NTUA to be effective 8/29/2011.
Filed Date: 06/28/2011.
Accession Number: 20110628–5139.
Comment Date: 5 p.m. Eastern Time on Tuesday, July 19, 2011.

Docket Numbers: ER11–3913–000.
Applicants: AES Thames, LLC.
Description: AES Thames, LLC submits tariff filing per 35.12: Baseline Market-Based Rate Filing to be effective 9/1/2011.
Filed Date: 06/28/2011.
Accession Number: 20110628–5157.
Comment Date: 5 p.m. Eastern Time on Tuesday, July 19, 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: June 29, 2011.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2011–16959 Filed 7–6–11; 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: RP11–2214–000.
Applicants: Gulf South Pipeline Company, LP.
Description: Gulf South Pipeline Company, LP submits tariff filing per 154.204: QEP 37657–6 Amendment to Negotiated Rate Agreement Filing to be effective 7/1/2011.
Filed Date: 06/27/2011.
Accession Number: 20110627–5048.
Comment Date: 5 p.m. Eastern Time on Monday, July 11, 2011.

Docket Numbers: RP11–2215–000.
Applicants: Rockies Express Pipeline LLC.
Description: Rockies Express Pipeline LLC submits tariff filing per 154.204: Correction to tariff (KMIGT IT K end date) to be effective 6/28/2011.
Filed Date: 06/27/2011.
Accession Number: 20110627–5080.
Comment Date: 5 p.m. Eastern Time on Monday, July 11, 2011.

Docket Numbers: RP11–2216–000.
Applicants: Questar Pipeline Company.
Description: Questar Pipeline Company submits tariff filing per 154.204: Statement of Negotiated Rates to be effective 7/1/2011.
Filed Date: 06/28/2011.
Accession Number: 20110628–5000.
Comment Date: 5 p.m. Eastern Time on Monday, July 11, 2011.

Docket Numbers: RP11–2217–000.
Applicants: Dominion Transmission, Inc.
Description: Dominion Transmission, Inc. submits tariff filing per 154.204: DTI—June 28, 2011 Nonconforming Service Agreements to be effective 7/28/2011.
Filed Date: 06/28/2011.
Accession Number: 20110628–5079.
Comment Date: 5 p.m. Eastern Time on Monday, July 11, 2011.

Docket Numbers: RP11–2218–000.
Applicants: Gulf South Pipeline Company, LP.

Description: Gulf South Pipeline Company, LP submits tariff filing per 154.204: Enerquest 34686–24 Amendment to Negotiated Rate Agreement Filing to be effective 7/1/2011.

Filed Date: 06/28/2011.

Accession Number: 20110628–5106.

Comment Date: 5 p.m. Eastern Time on Monday, July 11, 2011.

Docket Numbers: RP11–2219–000.

Applicants: Gulf South Pipeline Company, LP.

Description: Gulf South Pipeline Company, LP submits tariff filing per 154.204: ONEOK 34951–80 Amendment to Negotiated Rate Agreement Filing to be effective 7/1/2011 under RP11–2219 Filing Type: 570

Filed Date: 06/29/2011.

Accession Number: 20110629–5034.

Comment Date: 5 p.m. Eastern Time on Monday, July 11, 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 dockets(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: June 29, 2011.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2011–16960 Filed 7–6–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP11–30–000; Docket No. CP11–41–000]

Tennessee Gas Pipeline Company; Dominion Gas Transmission, Inc.; Notice of Availability of the Environmental Assessment for the Proposed Northeast Supply Diversification and Ellisburg to Craigs Projects

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared an environmental assessment (EA) for Tennessee Gas Pipeline Company's (TGP) proposed Northeast Supply Diversification Project (TGP's Project) and Dominion Transmission, Inc.'s (DTI) proposed Ellisburg to Craigs Project (DTI's Project) in the above referenced dockets. TGP and DTI request authorization to construct facilities in Pennsylvania and New York to provide an additional 250,000 dekatherms per day to the northeast region. Because both companies would construct its proposed facilities to provide these additional volumes, we analyzed them jointly in one EA.

The EA assesses the potential environmental effects of the construction and operation of TGP's and DTI's Project in accordance with the requirements of the National Environmental Policy Act (NEPA). The FERC staff concludes that approval of the proposed projects, with appropriate mitigating measures, would not constitute a major federal action significantly affecting the quality of the human environment.

The New York State Department of Agriculture and Markets participated as a cooperating agency in the preparation of the EA. Cooperating agencies have jurisdiction by law or special expertise with respect to resources potentially affected by the proposal and participate in the NEPA analysis.

TGP's Project includes the following facilities:

- Approximately 6.77 miles of 30-inch-diameter loop [1] pipeline in Tioga and Bradford Counties, Pennsylvania including a new pig [2] receiver at existing Compressor Station 317;
- Modifications at existing Compressor Station 230C in Niagara County, New York; and
- Modifications to existing meter stations in Erie, Livingston, and Niagara Counties, New York and Bradford County, Pennsylvania.

DTI's Project consists of the following facilities:

- One new 10,800 horsepower compressor station in Wyoming County, New York;
- One new meter station in Livingston County, New York;
- Replacement of approximately 2,800 feet of 8-inch-diameter pipeline with 16-inch-diameter pipeline in Livingston County, New York; and
- Modifications to three existing meter stations in Livingston County, New York and Potter County, Pennsylvania.

The EA has been placed in the public files of the FERC and is available for public viewing on the FERC's Web site at *http://www.ferc.gov* using the eLibrary link. A limited number of copies of the EA are available for distribution and public inspection at: Federal Energy Regulatory Commission, Public Reference Room, 888 First Street, NE., Room 2A, Washington, DC 20426, (202) 502–8371.

Copies of the EA have been mailed to federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American tribes; potentially affected landowners and other interested individuals and groups; newspapers and libraries in the project area; and parties to this proceeding.

Any person wishing to comment on the EA may do so. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. The more specific your comments, the more useful

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[1] A loop is a pipeline that is constructed adjacent to another pipeline, typically in the same right-of-way, for the purpose of increasing capacity in this portion of the system.

[2] A "pig" is a tool that is inserted into and moves through the pipeline, and is used for cleaning the pipeline, internal inspections, or other purposes.

they will be. To ensure that your comments are properly recorded and considered prior to a Commission decision on the proposal, it is important that the FERC receives your comments in Washington, DC on or before August 1, 2011.

For your convenience, there are three methods you can use to submit your comments to the Commission. In all instances, please reference the project docket number (CP11–30–000 or CP11–41–000) with your submission. The Commission encourages electronic filing of comments and has dedicated eFiling expert staff available to assist you at (202) 502–8258 or *efiling@ferc.gov.*

(1) You may file your comments electronically by using the eComment feature, which is located on the Commission's Web site at *http://www.ferc.gov* under the link to Documents and Filings. An eComment is an easy method for interested persons to submit brief, text-only comments on a project;

(2) You may file your comments electronically by using the *eFiling* feature, which is located on the Commission's Web site at *http://www.ferc.gov* under the link to Documents and Filings. With eFiling you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''eRegister.'' You will be asked to select the type of filing you are making. A comment on a particular project is considered a ''Comment on a Filing''; or

(3) You may file a paper copy of your comments at the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Room 1A, Washington, DC 20426.

Although your comments will be considered by the Commission, simply filing comments will not serve to make the commentor a party to the proceeding. Any person seeking to become a party to the proceeding must file a motion to intervene pursuant to Rule 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.214).[3] Only intervenors have the right to seek rehearing of the Commission's decision.

Affected landowners and parties with environmental concerns may be granted intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding which would not be adequately represented by any other parties. You do not need intervenor status to have your comments considered.

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208–FERC or on the FERC Web site (*http://www.ferc.gov*) using the eLibrary link. Click on the eLibrary link, click on ''General Search'' and enter the docket number excluding the last three digits in the Docket Number field (i.e., CP11–30 or CP11–41). Be sure you have selected an appropriate date range. 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. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *http://www.ferc.gov/esubscribenow.htm.*

Dated: June 30, 2011.

Kimberly D. Bose,

Secretary.

[FR Doc. 2011–17005 Filed 7–6–11; 8:45 am]

BILLING CODE 6717–01–P

[3] Interventions may also be filed electronically via the Internet in lieu of paper. See the previous discussion on filing comments electronically.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13829–001–ID]

Mr. David Creasey; Notice of Availability of Environmental Assessment

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's regulations, 18 CFR Part 380 (Order No. 486, 52 FR 47897), the Office of Energy Projects has reviewed the application for an original license to construct the Creasey Hydropower Project, and has prepared an environmental assessment (EA). The proposed 20-kilowatt project would be located on Lincoln Creek and the Lincoln Creek drainage ditch on the Fort Hall Reservation in Fort Hall, Idaho. The project would be located entirely on private property owned by the applicant.

The EA includes staff's analysis of the potential environmental impacts of the project and concludes that licensing the project would not constitute a major federal action that would significantly affect the quality of the human environment.

A copy of the EA is 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, contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* or toll-free at (866) 208–3676, or for TTY, (202) 502–8659.

You may also register online at *http://www.ferc.gov/esubscribenow.htm* to be notified via e-mail of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at 1–866–208–3676, or for TTY, (202) 502–8659.

Please contact Ryan Hansen by telephone at (202) 502–8074, or by e-mail at *ryan.hansen@ferc.gov,* if you have any questions.

Dated: June 28, 2011.

Kimberly D. Bose,

Secretary.

[FR Doc. 2011–16948 Filed 7–6–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP11–493–000]

Dominion Transmission, Inc.; Notice of Intent To Prepare an Environmental Assessment for the Proposed Woodhull Storage Pool Boundary Project and Request for Comments on Environmental Issues

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the proposed Woodhull Storage Pool Boundary Project (Project) involving Dominion Transmission, Inc.'s (Dominion) extension of the certificated boundary of the Woodhull Natural Gas Storage Pool in Steuben County, New York. The EA will be used by the Commission in its decision-making process to determine whether the

project is in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies on the Project Amendment. Your input will help the Commission staff determine what issues need to be evaluated in the EA. Please note that the scoping period will close on July 29, 2011.

This notice is being sent to the Commission's current environmental mailing list for the Project Amendment. State and local government representatives are asked to notify their constituents of this project and encourage them to comment on their areas of concern.

If you are a landowner receiving this notice, you may be contacted by a Dominion representative about the acquisition or modification of an easement to construct, operate, and maintain the proposed facilities. The company would seek to negotiate a mutually acceptable agreement. However, if the Project is approved by the Commission, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, Dominion could initiate condemnation proceedings where compensation would be determined in accordance with state or federal law.

A fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility On My Land? What Do I Need To Know?'' is available for viewing on the FERC Web site (*http://www.ferc.gov*). This fact sheet addresses a number of typically-asked questions, including the use of eminent domain and how to participate in the Commission's proceedings.

Summary of the Proposed Project

Dominion is proposing to extend the perimeter of its Woodhull Natural Gas Storage Pool (Pool) existing boundary by an additional 2,000 feet, impacting 5,472.27 acres below ground surface (bgs). Located in the Oriskany Sandstone geologic formation 3,995 feet bgs and capped by Marcellus Shale and Onondaga Limestone Formations 30 feet above, Dominion contends that extending the perimeter would protect the Pool from encroachment from third parties drilling into the Marcellus Shale and potentially jeopardizing the sealing/trapping geology of the natural gas storage zone.

Land Requirements

No facilities would be constructed; therefore there would be no impact on the surface. Dominion's proposal would only enlarge the Pool's current boundary by 2,000 feet creating a buffer zone around the Pool.

The general location of the proposed facilities is shown in Appendix 1.

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from the issuance or amendment of a Certificate of Public Convenience and Necessity. NEPA also requires us [1] to discover and address concerns the public may have about proposals. This process is referred to as ''scoping''. The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this notice, the Commission requests public comments on the scope of the issues to be addressed in the EA. All comments received will be considered during the preparation of the EA.

In the EA we will discuss impacts that could occur as a result of the storage field extension. We will also evaluate possible alternatives to the proposed project or portions of the project.

Our independent analysis of the issues will be presented in the EA. The EA will be placed in the public record, and depending on the comments received during the scoping process, may be published and distributed to the public. A comment period will be allotted if the EA is published for review. We will consider all comments on the EA before we make our recommendations to the Commission. To ensure your comments are considered, please carefully follow the instructions in the Public Participation section beginning on page 4.

With this notice, we are asking agencies with jurisdiction and/or special expertise with respect to environmental issues to formally cooperate with us in the preparation of the EA. These agencies may choose to participate once they have evaluated the proposal relative to their responsibilities. Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the Public Participation section of this notice.

Public Participation

You can make a difference by providing us with your specific comments or concerns about the project. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. The more specific your comments, the more useful they will be. To ensure that your comments are timely and properly recorded, please send your comments so that they will be received in Washington, DC on or before July 29, 2011.

For your convenience, there are three methods which you can use to submit your comments to the Commission. In all instances please reference the project docket number (CP11–493–000) with your submission. The Commission encourages electronic filing of comments and has expert eFiling staff available to assist you at (202) 502–8258 or *efiling@ferc.gov.*

(1) You may file your comments electronically by using the eComment feature, which is located on the Commission's Web site at *http://www.ferc.gov* under the link to Documents and Filings. An eComment is an easy method for interested persons to submit brief, text-only comments on a project;

(2) You may file your comments electronically by using the eFiling feature, which is located on the Commission's Web site at *http://www.ferc.gov* under the link to Documents and Filings. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''eRegister.'' You will be asked to select the type of filing you are making. A comment on a particular project is considered a ''Comment on a Filing''; or

(3) You may file a paper copy of your comments at the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Room 1A, Washington, DC 20426.

Environmental Mailing List

The environmental mailing list includes federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are owners of property interests and are within the area of the proposed expansion of a storage field, and anyone who submits comments on the project. We will update the environmental mailing list as the analysis proceeds to ensure that we send the information related to this environmental review to

[1] ''We,'' ''us,'' and ''our'' refer to the environmental staff of the Commission's Office of Energy Projects.

all individuals, organizations, and government entities interested in and/or potentially affected by the proposed project.

If the EA is published for distribution, copies will be sent to the environmental mailing list for public review and comment. If you would prefer to receive a paper copy of the document or would like to remove your name from the mailing list, please return the attached Information Request (Appendix 1).

Becoming an Intervenor

In addition to participating in the EA scoping process, you may want to become an ''intervenor'' which is an official party to the Commission's proceeding. Intervenors play a more formal role in the process and are able to file briefs, appear at hearings, and be heard by the courts if they choose to appeal the Commission's final ruling. An intervenor formally participates in the proceeding by filing a request to intervene. Instructions for becoming an intervenor are included in the User's Guide under the ''e-filing'' link on the Commission's Web site.

Additional Information

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Click on the eLibrary link, click on ''General Search'' and enter the docket number, excluding the last three digits in the Docket Number field (i.e., CP11–159). Be sure you have selected an appropriate date range. 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. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission now offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *http://www.ferc.gov/esubscribenow.htm.*

Finally, public meetings or site visits will be posted on the Commission's calendar located at *http://www.ferc.gov/EventCalendar/EventsList.aspx* along with other related information.

Dated: June 30, 2011.

Kimberly D. Bose,

Secretary.

[FR Doc. 2011–16998 Filed 7–6–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER11–3247–000]

Midwest Independent Transmission System Operator, Inc.; Notice of Filing

Take notice that, on June 27, 2011, Midwest Independent Transmission System Operator, Inc. submitted an amendment to its March 31, 2011 filed Facilities Construction Agreement with Northern States Power Company *et al.,* in the above captioned docket, with information required under the Commission's regulations. Such filing served to reset the filing date in this proceeding.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). 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. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant and all the parties in this proceeding.

The Commission encourages electronic submission of protests and interventions 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 or intervention 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.

Comment Date: 5 p.m. Eastern Time on July 18, 2011.

Dated: June 29, 2011.

Kimberly D. Bose,

Secretary.

[FR Doc. 2011–16999 Filed 7–6–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ID–6309–001]

Russell, John G.; Notice of Filing

Take notice that on June 29, 2011, John G. Russell submitted for filing, an application for authority to hold interlocking positions, pursuant to section 305(b) of the Federal Power Act, 16 U.S.C. 825d(b) (2008), Part 45 of Title 18 of the Code of Federal Regulations, 18 CFR part 45, and Commission Order No. 664, 112 FERC ¶ 61,298 (2005).

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). 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. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions 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 or intervention 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.

Comment Date: 5 p.m. Eastern Time on July 21, 2011.

Dated: June 30, 2011.

Kimberly D. Bose,

Secretary.

[FR Doc. 2011–17004 Filed 7–6–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER11–3879–000]

Amerigreen Energy, Inc.; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Amerigreen Energy, Inc.'s application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is July 18, 2011.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: June 29, 2011.

Kimberly D. Bose,

Secretary.

[FR Doc. 2011–17001 Filed 7–6–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER11–3913–000]

AES Thames, L.L.C.; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of AES Thames, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is July 19, 2011.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: June 30, 2011.

Kimberly D. Bose,

Secretary.

[FR Doc. 2011–17003 Filed 7–6–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER11–3872–000]

Stony Creek Energy, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Stony Creek Energy, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is July 18, 2011.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: June 29, 2011.

Kimberly D. Bose,

Secretary.

[FR Doc. 2011–17000 Filed 7–6–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PR09–5–003]

Lee 8 Storage Partnership; Notice of Motion for Extension of Rate Case Filing Deadline

Take notice that on June 27, 2011, Lee 8 Storage Partnership (Lee 8) filed a request for an extension consistent with the Commission's revised policy of periodic review from a triennial to a five year period. The Commission in Order No. 735 modified its policy concerning periodic reviews of rates charges by section 311 and Hinshaw pipelines to extend the cycle for such reviews from three to five years.[1] Therefore, Lee 8 requests that the date for its next rate filing be extended to November 15, 2013, which is five years from the date of Lee 8's most recent rate filing with this Commission.

Any person desiring to participate in this rate proceeding must file a motion to intervene or to protest this filing 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). 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. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the date as indicated below. Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 7 copies of the protest or intervention 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.

Comment Date: 5 p.m. Eastern Time on Monday, July 11, 2011.

Dated: June 28, 2011.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2011–16947 Filed 7–6–11; 8:45 am]

BILLING CODE 6717–01–P

[1] Contract Reporting Requirements of Intrastate Natural Gas Companies, Order No. 735, 131 FERC ¶ 61,150 (May 20, 2010).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 12828–002]

Free Flow Power Corporation; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On March 1, 2011, Free Flow Power Corporation filed an application, pursuant to section 4(f) of the Federal Power Act, proposing to study the feasibility of hydropower on the Mississippi River, near the town of Plaquemine, in Iberville Parish, Louisiana. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed Reliance Light hydrokinetic project would consist of the following: (1) Up to 3,050 SmartTurbine generating units installed in arrays on the bottom of the river; (2) the total capacity of the installation would be up to 122,000 kilowatts; (3) flexible cables would convey each arrays power to a metering station; and (4) a transmission line would interconnect with the power grid. The proposed project would have an average annual generation of 277,455,450 kilowatt-hours (kWh), which would be sold to a local utility.

Applicant Contact: Ramya Swaminathan, Free Flow Power Corporation, 239 Causeway Street, Boston, MA 02114; phone (978) 283–2822.

FERC Contact: Michael Spencer, (202) 502–6093.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36. Comments, motions to intervene, notices of intent, and competing applications may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://*

www.ferc.gov/docs-filing/ecomment.asp. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov;* call toll-free at (866) 208–3676; or, for TTY, contact (202) 502–8659. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, mail an original and seven copies to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

More information about this project, including a copy of the application, can be viewed or printed on the ''eLibrary'' link of the Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–12828–002) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: June 29, 2011.

Kimberly D. Bose,

Secretary.

[FR Doc. 2011–16997 Filed 7–6–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER11–2875–001; Docket No. EL11–20–001]

PJM Interconnection, LLC; PJM Power Providers Group v. PJM Interconnection, LLC; Notice of Date for Staff Technical Conference and Related Information

On June 13, 2011, the Commission issued an order in this proceeding granting rehearing of its April 12, 2011 order,[1] for further consideration, and establishing a technical conference to explore the issues raised on rehearing regarding the applicability of the PJM Interconnection, LLC (PJM) Minimum Offer Price Rule (MOPR) as it relates to self-supply Sell Offers for Planned Generation Capacity Resources submitted into PJM's Reliability Pricing Model base residual auction.[2]

Take notice that the technical conference will be held on July 28, 2011, beginning at 9 a.m. (EDT) in the Commission Meeting Room at the Commission's Washington, DC headquarters, 888 First Street, NE. The technical conference will be led by Commission staff, however Commissioners may attend. All interested parties are invited to attend. Registration is not required. The technical conference is expected to adjourn by 12:30 p.m. (EDT).

The scope of the conference will include, among other related issues, a discussion of: (1) Whether exempting self-supply resources from PJM's MOPR presents an opportunity to exercise buyer market power; (2) whether the Fixed Resource Requirement (FRR) alternative is a viable option for those wishing to self-supply; and (3) whether there are alternatives to the FRR option that allow parties to self-supply while deterring buyer market power.

Parties will have 21 days after the technical conference to respond to the issues raised. A subsequent notice will be issued announcing panelists and the format of the conference.

Parties that have intervened in the proceeding and that are interested in participating on a panel, or require additional information, should contact Jonathan Fernandez at *jonathan.fernandez@ferc.gov* or (202) 502–6604 by July 6, 2011.

A free Web cast of this event will be available through *http://www.ferc.gov*. Anyone with Internet access interested in viewing the Web cast of this conference can do so by navigating to Calendar of Events at *http://www.ferc.gov*. The event will contain a link to its Web cast. The Capitol Connection provides technical support for the Web casts and offers the option of listening to the conferences via phone-bridge for a fee. If you have any questions, visit *http://www.CapitolConnection.org* or call (703) 993–3100.

FERC conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations please send an e-mail to *accessibility@ferc.gov* or call toll free (866) 208–3372 (voice) or (202) 502–8659 (TTY), or send a fax to (202) 208–2106 with the required accommodations.

Dated: June 29, 2011.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2011–16961 Filed 7–6–11; 8:45 am]

BILLING CODE 6717–01–P

[1] *PJM Interconnection, LLC,* 135 FERC ¶ 61,022 (2011).

[2] *PJM Interconnection, LLC,* 135 FERC ¶ 61,228 (2011).

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9431–5]

Agency Information Collection Activities; OMB Responses

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This document announces the Office of Management and Budget (OMB) responses to Agency Clearance requests, in compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA regulations are listed in 40 CFR part 9 and 48 CFR chapter 15.

FOR FURTHER INFORMATION CONTACT: Rick Westlund (202) 566–1682, or e-mail at *westlund.rick@epa.gov* and please refer to the appropriate EPA Information Collection Request (ICR) Number.

SUPPLEMENTARY INFORMATION:

OMB Responses to Agency Clearance Requests

OMB Approvals

EPA ICR Number 0276.14; Experimental Use Permits (EUPs) for Pesticides; 40 CFR 172; was approved on 06/01/2011; OMB Number 2070–0040; expires on 06/30/2014; Approved without change.

EPA ICR Number 0143.11; Recordkeeping Requirements for Producers, Registrants, and Applicants of Pesticides and Pesticide Devices under Section 8 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (Renewal); 40 CFR part 169; was approved on 06/01/2011; OMB Number 2070–0028; expires on 06/30/2014; Approved without change.

EPA ICR Number 1198.09; Chemical-Specific Rules, TSCA section 8(a); 40 CFR part 704; was approved on 06/01/2011; OMB Number 2070–0067; expires on 06/30/2014; Approved without change.

EPA ICR Number 1741.06; Correction of Misreported Chemical Substances on the Toxic Substances Control Act (TSCA) Chemical Substances Inventory; was approved on 06/01/2011; OMB Number 2070–0145; expires on 06/30/2014; Approved without change.

EPA ICR Number 1250.09; Request for Contractor Access to TSCA Confidential Business Information (CBI); 15 CFR part 2613; was approved on 06/01/2011;

OMB Number 2070–0075; expires on 06/30/2014; Approved without change.

EPA ICR Number 1693.07; Plant-Incorporated Protectants; CBI Substantiation and Adverse Effects Reporting; 40 CFR 174.9 and 174.71; was approved on 06/07/2011; OMB Number 2070–0142; expires on 06/30/2014; Approved without change.

EPA ICR Number 2385.02; Emission Guidelines for Commercial and Industrial Solid Waste Incineration (CISWI) units; 40 CFR part 60, subparts A and DDDD; was approved on 06/07/2011; OMB Number 2060–0664; expires on 06/30/2014; Approved without change.

EPA ICR Number 1904.07; The Sun Wise School Program; was approved on 06/23/2011; OMB Number 2060–0439; expires on 06/30/2014; Approved with change.

EPA ICR Number 1781.06; NESHAP for Pharmaceutical Production; 40 CFR part 63, subparts A and GGG; was approved on 06/30/2011; OMB Number 2060–0358; expires on 06/30/2014; Approved without change.

Short Term Extension of Expiration Date

EPA ICR Number 1655.08; Regulation of Fuels and Fuel Additives: Detergent Gasoline; a short term extension of the expiration date was granted by OMB on 06/30/2011; OMB Number 2060–0275; expires on 07/31/2011.

Comment Filed

EPA ICR Number 2046.06; NESHAP for Mercury Cell Chlor-Alkali Plants; in 40 CFR part 63, subparts A and IIIII; OMB filed comment on 06/02/2011.

Dated: July 1, 2011.

Joseph A. Sierra,

Acting Director, Collections Strategies Division.

[FR Doc. 2011–17023 Filed 7–6–11; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Information Collections Being Submitted for Review and Approval to the Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: The Federal Communications Commission (FCC), as part of its continuing effort to reduce paperwork burdens, invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act (PRA) of 1995. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and (e) ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

DATES: Written comments should be submitted on or before August 8, 2011. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, OMB, via fax 202–395–5167, or via e-mail *Nicholas_A._Fraser@omb.eop.gov;* and to Cathy Williams, FCC, via e-mail *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.* Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** section below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Cathy Williams at (202) 418–2918. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the web page *http://www.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, (6) when the list of FCC ICRs currently under review appears, look for the OMB control number of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–XXXX.

Title: Formal Complaint Procedures, Preserving the Open Internet and Broadband Industry Practices, Report and Order, GN Docket No. 09–191 and WC Docket No. 07–52.

Form Number: N/A.

Type of Review: New collection.

Respondents: Businesses or other for-profit entities; Not-for profit entities; State, local or tribal governments; Individuals/households.

Number of Respondents and Responses: 10 respondents and 15 responses.

Estimated Time per Response: 2 to 40 hours.

Frequency of Response: On occasion reporting requirement; Third-party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for the information collection requirements is contained in 47 U.S.C. 151, 152, 153, 154, 201, 218, 230, 251, 254, 256, 257, 301, 303, 304, 307, 309, 316, 332, 403, 503, 522, 536, 548, 1302, and interpret or apply S. Rep. No. 104–23, at 51 (1995).

Total Annual Burden: 239 hours.

Total Annual Cost of Outside Goods and Services: $40,127.

Nature and Extent of Confidentiality: Applicants may request that any information supplied be withheld from public inspection, as set forth in section 8.16 of Appendix B of Preserving the Open Internet and Broadband Industry Practices, Report and Order (OI R&O), GN Docket No. 09–191, WC Docket No. 07–52, FCC 10–201.

Privacy Impact Assessment: Privacy analysis in progress.

Needs and Uses: The rules adopted in the OI R&O establish a formal complaint process to address open Internet disputes that cannot be resolved through other means, including the Commission's informal complaint system. This process will permit anyone-including individual end users and edge providers-to file a claim alleging that another party has violated a rule, and asking the Commission to rule on the dispute. The formal complaint rules will facilitate prompt

and effective enforcement of the rules adopted in the *Open Internet Order,* which is crucial to preserving an open Internet and providing clear guidance to stakeholders.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary, Office of Managing Director.

[FR Doc. 2011–17027 Filed 7–6–11; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: The Federal Communications Commission (FCC), as part of its continuing effort to reduce paperwork burdens, invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act (PRA) of 1995. Comments are requested concerning (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and (e) ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

DATES: Written PRA comments should be submitted on or before September 6, 2011. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via e-mail *PRA@fcc.gov* <*mailto:PRA@fcc.gov* > and to *Cathy.Williams@fcc.gov* <*mailto:Cathy.Williams@fcc.gov* >.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0546.

Title: Section 76.59 Definition of Markets for Purposes of the Cable Television Mandatory Television Broadcast Signal Carriage Rules.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business and other for-profit entities.

Number of Respondents and Responses: 75 respondents and 75 responses.

Estimated Time per Response: 4 to 80 hours.

Frequency of Response: On occasion reporting requirement.

Total Annual Burden: 1,440 hours.

Total Annual Costs: $1,440,000.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection is contained in Section 4(i) of the Communications Act of 1934, as amended, and Section 614 of the Cable Television Consumer Protection and Competition Act of 1992.

Nature and Extent of Confidentiality: There is no need for confidentiality required with collection.

Privacy Impact Assessment(s): No impact(s).

Needs and Uses: 47 CFR Section 76.59 states that the Commission, following a written request from a broadcast station or a cable system, may deem that the television market of a particular commercial television broadcast station should include additional communities within its television market or exclude communities from such station's television market. In this respect, communities may be considered part of more than one television market.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary, Office of Managing Director.

[FR Doc. 2011–16927 Filed 7–6–11; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: The Federal Communications Commission (FCC), as part of its continuing effort to reduce paperwork burdens, invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act (PRA) of 1995. Comments are requested concerning (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and (e) ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

DATES: Written PRA comments should be submitted on or before September 6, 2011. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via e-mail *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0519.

Title: Rules and Regulations Implementing the Telephone Consumer

Protection Act (TCPA) of 1991, CG Docket No. 02–278.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities; Individuals or households; Not-for-profit institutions.

Number of Respondents and Responses: 50,151 respondents; 147,409,229 responses.

Estimated Time per Response: .004 hours (15 seconds) to 1 hour.

Frequency of Response: Recordkeeping requirement; On occasion and one-time reporting requirement; Third party disclosure requirement; Annual reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for the information collection requirements is found in the Telephone Consumer Protection Act of 1991 (TCPA), Public Law 102–243, December 20, 1991, 105 Stat. 2394, which added Section 227 of the Communications Act of 1934, [47 U.S.C. 227] Restrictions on the Use of Telephone Equipment.

Total Annual Burden: 684,433 hours.

Total Annual Cost: $3,989,700.

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. A system of records for the do-not-call registry was created by the Federal Trade Commission (FTC) under the Privacy Act. The FTC published a notice in the **Federal Register** describing the system. *See* 68 FR 37494, June 24, 2003.

Privacy Impact Assessment: Yes. The Privacy Impact Assessment (PIA) was completed on June 28, 2007. It may be reviewed at: *http://www.fcc.gov/omd/privacyact/Privacy_Impact_Assessment.html.* The Commission is in the process of updating the PIA to incorporate various revisions made to the SORN.

Needs and Uses: The reporting requirements included under this OMB Control Number 3060–0519 enable the Commission to gather information regarding violations of the Do-Not-Call Implementation Act (Do-Not-Call Act). If the information collection was not conducted, the Commission would be unable to track and enforce violations of the Do-Not-Call Act. The Do-Not-Call rules provide consumers with several options for avoiding most unwanted telephone solicitations.

This national do-not-call registry supplements the current company-specific do-not-call rules for those consumers who wish to continue requesting that particular companies not call them. Any company, which is asked by a consumer, including an existing customer, not to call again must honor that request for five (5) years.

However, a provision of the Commission's rules allows consumers to give specific companies permission to call them through an express written agreement. Nonprofit organizations, companies with whom consumers have an established business relationship, and calls to persons with whom the telemarketer has a personal relationship are exempt from the ''do-not-call'' registry requirements.

On September 21, 2004, the Commission released the *Safe Harbor Order* establishing a limited safe harbor in which persons will not be liable for placing autodialed and prerecorded message calls to numbers ported from a wireline service within the previous 15 days. The Commission also amended its existing national do-not-call registry safe harbor to require telemarketers to scrub their lists against the do-not-call database every 31 days.

On December 4, 2007, the Commission released the *DNC NPRM* seeking comment on its tentative conclusion that registrations with the Registry should be honored indefinitely, unless a number is disconnected or reassigned or the consumer cancels his registration.

On June 17, 2008, the Commission released a *Report and Order* in CG Docket No. 02–278, FCC 08–147, amending the Commission's rules under the Telephone Consumer Protection Act (TCPA) to require sellers and/or telemarketers to honor registrations with the National Do-Not-Call Registry so that registrations will not automatically expire based on the current five year registration period. Specifically, the Commission modifies § 64.1200(c)(2) of its rules to require sellers and/or telemarketers to honor numbers registered on the Registry indefinitely or until the number is removed by the database administrator or the registration is cancelled by the consumer.

In accordance with the Do-Not-Call Improvement Act of 2007, the Commission revises its rules to minimize the inconvenience to consumers of having to re-register their preferences not to receive telemarketing calls and to further the underlying goal of the National Do-Not-Call Registry to protect consumer privacy rights.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary, Office of Managing Director.

[FR Doc. 2011–16929 Filed 7–6–11; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Information Collections Being Submitted for Review and Approval to the Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: The Federal Communications Commission (FCC), as part of its continuing effort to reduce paperwork burdens, invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act (PRA) of 1995. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and (e) ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

DATES: Written comments should be submitted on or before August 8, 2011. If you anticipate that you will be

submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, OMB, via fax 202–395–5167, or via e-mail *Nicholas_A._Fraser@omb.eop.gov;* and to Cathy Williams, FCC, via e-mail *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.* Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** section below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Cathy Williams at (202) 418–2918. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the web page *http://www.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, (6) when the list of FCC ICRs currently under review appears, look for the OMB control number of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–XXXX.

Title: Disclosure of Network Management Practices, Preserving the Open Internet and Broadband Industry Practices, Report and Order, GN Docket No. 09–191 and WC Docket No. 07–52.

Form Number: N/A.

Type of Review: New collection.

Respondents: Businesses or other for-profit entities; Not-for profit entities; State, local or tribal governments.

Number of Respondents and Responses: 1,477 respondents; 1,477 responses.

Estimated Time per Response: 32 hours (average).

Frequency of Response: On occasion reporting requirement; Third-party disclosure requirement.

Obligation to Respond: Mandatory. Statutory authority for the information collection requirements is contained in 47 U.S.C. 151, 152, 153, 154, 201, 218, 230, 251, 254, 256, 257, 301, 303, 304, 307, 309, 316, 332, 403, 503, 522, 536, 548, 1302. Interpret or apply S. Rep. No. 104–23, at 51 (1995).

Total Annual Burden: 47,264 hours.

Total Annual Cost of Outside Goods and Services: $471,600.00.

Nature and Extent of Confidentiality: None.

Privacy Impact Assessment: No impact(s).

Needs and Uses: The rules adopted in the Open Internet and Broadband Industry Practices, Report and Order, GN Docket No. 09–191, WC Docket No. 07–52, FCC 10–201, require all providers of broadband Internet access service to publicly disclose accurate information regarding the network management practices, performance, and commercial terms of their broadband Internet access services sufficient for consumers to make informed choices regarding use of such services and for content, application, service, and device providers to develop, market, and maintain Internet offerings. The rules ensure transparency and continued Internet openness, while making clear that broadband providers can manage their networks effectively. The Commission anticipates that due to the extent and nature of their services small entities may have less of a burden and larger entities may have more of a burden than the average compliance burden.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary, Office of Managing Director.

[FR Doc. 2011–17026 Filed 7–6–11; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Information Collection Approved by the Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: The Federal Communications Commission has received Office of Management and Budget (OMB) approval for the following public information collection(s) pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). An agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number, and no person is required to respond to a collection of information unless it displays a currently valid OMB control number. Comments concerning the accuracy of the burden estimate(s) and any suggestions for reducing the burden should be directed to the person listed in the **FOR FURTHER INFORMATION CONTACT** section below.

FOR FURTHER INFORMATION CONTACT: Lynne Hewitt Engledow, Wireline Competition Bureau, Pricing Policy Division at 202–418–1520 or e-mail at *lynne.engledow@fcc.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0470.

OMB Approval Date: June 23, 2011.

Expiration Date: June 30, 2014.

Title: Section 64.901, Allocation of Cost; Section 64.903, Cost Allocation Manuals; and RAO Letters 19 and 26.

Form Number: N/A.

Estimated Annual Burden: 2 responses; 200 hours per response; 400 hours total per year.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 151, 154, 201 –205, 215, and 218 –220.

Nature and Extent of Confidentiality: The Commission is not requesting that respondents submit confidential information to the Commission. Respondents who believe certain information to be of a proprietary nature may solicit confidential treatment in accordance with the procedures described in 47 CFR 0.459.

Needs and Uses: The Commission has received three-year approval for a revision to information collection 3060–0470. The Commission revised the information collection to decrease the number of respondents as a result of a Commission order granting numerous carriers forbearance from compliance to the relevant rules. Specifically, in a Memorandum Opinion and Order in WC Docket No. 07–21 (*FCC 08–120*) the Commission forbore from many of its cost allocation rules as they apply to the former Bell Operating Companies (BOCs). Therefore, there are fewer respondents affected by the requirements of these rule sections. The decrease in respondents also caused a decrease in the hour burden for this information collection.

Section 64.901 requires carriers to separate their regulated costs from non-regulated costs using the attributable cost method of cost allocation. Carriers must follow the principles described in section 64.901. Carriers subject to section 64.901 are also subject to the provisions of *47 CFR sections 32.23* and *32.27* of the Commission's rules. Section 64.903(a) requires each local exchange carrier with annual operating revenues that equal or exceed the indexed revenue threshold, as defined in *47 CFR section 32.9000,* to file with the Commission a manual containing information regarding its allocation of costs between regulated and non-regulated activities. Section 64.903(b)

requires that carriers update their cost allocation manuals (CAMs) at least annually; except that changes to the cost apportionment table and the description of time reporting procedures must be filed at the time of implementation. Proposed changes in the description of time reporting procedures, the statement concerning affiliate transactions, and the cost apportionment table must be accompanied by a statement quantifying the impact of each change on regulated operations. Changes in the description of time reporting procedures and the statement concerning affiliate transactions must be quantified in $100,000 increments at the account level. Changes in the cost apportionment table must be quantified in $100,000 increments at the cost pool level.

Moreover, filing of CAMs and occasional updates are subject to the uniform format and standard procedures specified in Responsible Accounting Officer (RAO) Letter 19. RAO Letter 26 provides guidance to carriers in revising their CAMs to reflect changes to the affiliate transactions rules pursuant to the *Accounting Safeguards Order (FCC 96–490*). The CAM is reviewed by the Commission to ensure that all costs are properly classified between regulated and nonregulated activity. Uniformity in the CAMs helps improve the joint cost allocation process. In addition, this uniformity gives the Commission greater reliability in financial data submitted by the carriers through the Automated Reporting Management Information System (ARMIS).

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary, Office of Managing Director.

[FR Doc. 2011–17028 Filed 7–6–11; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: The Federal Communications Commission (FCC), as part of its continuing effort to reduce paperwork burdens, invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act (PRA) of 1995. Comments are requested concerning (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and (e) ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

DATES: Written PRA comments should be submitted on or before September 6, 2011. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via e-mail *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control No.: 3060–xxxx.

Title: Construction requirements; Interim reports—Sections 27.14(g)–(l).

Form No.: N/A.

Type of Review: New information collection.

Respondents: Business or other for-profit.

Number of Respondents and Responses: 2,208 respondents; 2,208 responses.

Estimated Time per Response: 5 to 15 hours.

Frequency of Response: Third party disclosure requirement and on occasion reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this information collection is 47 U.S.C. 154, 301, 302(a), 303, 309, 332, 336, and 337 unless otherwise noted

Total Annual Burden: 15,450 hours.

Annual Cost Burden: $3,310,700.00.

Privacy Act Impact Assessment: None.

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Needs and Uses: The information collected will be used by the Commission to determine the progress made by licensees to meet specific performance requirements, and the manner in which their spectrum is being utilized, and to determine whether licensees have complied with the Commission's performance benchmarks. The Commission will also use the information to evaluate whether further assessment of the rules or other actions are necessary in the event spectrum is being stockpiled or warehoused, or if it is otherwise not being made available despite existing demand.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary, Office of Managing Director.

[FR Doc. 2011–16928 Filed 7–6–11; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[DA 11–1092]

Emergency Access Advisory Committee; Announcement of Date of Next Meeting

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: This document announces the date of the Emergency Access Advisory Committee's (Committee or EAAC) next meeting. The meeting will engage in a discussion of future features and technologies involved with next generation system 911 (NG9–1–1) emergency services for individuals with disabilities as part of deliberations to develop recommendations to the Commission as required in the Twenty-first Century Communications and Video Accessibility Act of 2010 (CVAA).

DATES: The Committee's next meeting will take place on Friday, July 8, 2011, 10:30 a.m. to 3:30 p.m. (EST), at the headquarters of the Federal Communications Commission (FCC).

ADDRESSES: Federal Communications Commission, 445 12th Street, SW., Commission Meeting Room, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Cheryl King, Consumer and Governmental Affairs Bureau, 202–418–

2284 (voice) or 202–418–0416 (TTY), *e-mail: Cheryl.King@fcc.gov;* and/or Patrick Donovan, Public Safety and Homeland Security Bureau, 202–418–2413, *e-mail: Patrick.Donovan@fcc.gov*.

SUPPLEMENTARY INFORMATION: On December 7, 2010, in document DA 10–2318, Chairman Julius Genachowski announced the establishment, and appointment of members and Co-Chairpersons, of the EAAC, an advisory committee required by the CVAA, Public Law 111–260, which directs that an advisory committee be established, for the purpose of achieving equal access to emergency services by individuals with disabilities as part of our nation's migration to a national Internet protocol-enabled emergency network, also known NG9–1–1.

The purpose of the EAAC is to determine the most effective and efficient technologies and methods by which to enable access to NG9–1–1 emergency services by individuals with disabilities. In order to fulfill this mission, the CVAA directs that within one year after the EAAC's members are appointed, the Committee shall conduct a national survey, with the input of groups represented by the Committee's membership, after which the Committee shall develop and submit to the Commission recommendations to implement such technologies and methods.

The meeting site is fully accessible to people using wheelchairs or other mobility aids. Sign language interpreters, open captioning, and assistive listening devices will be provided on site. Other reasonable accommodations for people with disabilities are available upon request. In your request, include a description of the accommodation you will need and a way we can contact you if we need more information. Last minute requests will be accepted, but may be impossible to fill. Send an e-mail to: *fcc504@fcc.gov* or call the Consumer and Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (TTY).

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to *fcc504@fcc.gov* or call the Consumer and Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (TTY).

Federal Communications Commission.

Karen Peltz Strauss,

Deputy Chief, Consumer and Governmental Affairs Bureau.

[FR Doc. 2011–17066 Filed 7–6–11; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL RESERVE SYSTEM

Government in the Sunshine; Meeting Notice

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: 11 a.m. on July 5, 2011.

The business of the Board requires that this meeting be held with less than one week's advance notice to the public, and no earlier announcement of the meeting was practicable.

PLACE: Marriner S. Eccles Federal Reserve Board Building, 20th and C Streets, NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel Matter.

FOR MORE INFORMATION CONTACT: Michelle Smith, Director, or Dave Skidmore, Assistant to the Board, Office of Board Members at 202–452–2955.

SUPPLEMENTARY INFORMATION: You may call 202–452–3206 beginning at approximately 5 p.m. two business days before the meeting for a recorded announcement of bank and bank holding company applications scheduled for the meeting; or you may contact the Board's Web site at *http://www.federalreserve.gov* for an electronic announcement that not only lists applications, but also indicates procedural and other information about the meeting.

Dated: July 5, 2011.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 2011–17221 Filed 7–5–11; 4:15 pm]

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: ''Health Literacy Item Set Supplemental to CAHPS Health Plan Survey—Pretest of Proposed Questions and Methodology.'' In accordance with the Paperwork Reduction Act, 44 U.S.C. 3501–3521, AHRQ invites the public to comment on this proposed information collection.

DATES: Comments on this notice must be received by August 8, 2011.

ADDRESSES: Written comments should be submitted to: Doris Lefkowitz, Reports Clearance Officer, AHRQ, by e-mail at *doris.lefkowitz@AHRQ.hhs.gov.*

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

Health Literacy Item Set Supplemental to CAHPS Health Plan Survey—Pretest of Proposed Questions and Methodology

The Consumer Assessment of Healthcare Providers and Systems (CAHPS®) program is a multi-year initiative. AHRQ first launched the program in October 1995 in response to concerns about the lack of good information about the quality of health plans from the enrollees' perspective. Numerous public and private organizations collected information on enrollee and patient satisfaction, but the surveys varied from sponsor to sponsor and often changed from year to year. The CAHPS® program was designed to:

- Make it possible to compare survey results across sponsors and over time; and
- Generate tools and resources that sponsors can use to produce understandable and usable comparative information for consumers, health providers and for quality improvement purposes.

Over time, the program has expanded beyond its original focus on health plans to address a range of health care services and to meet the various needs of health care consumers, purchasers, health plans, providers, and policymakers. Based on a literature review and an assessment of currently available questionnaires, AHRQ identified the need to develop a health literacy module for the CAHPS® Health Plan Survey. The intent of the health literacy module is to examine health plan enrollees' perspectives on how well health information is communicated to them by health plans and by healthcare professionals in the health plan setting. The objective of the new module is to provide information to

health plans, clinicians, group practices, and other interested parties regarding the quality of health information delivered to patients. The health literacy module will be pre-tested as a supplement to the CAHPS® Health Plan Survey.

This pre-test has the following goals:

(1) Analysis of item wording—Assess candidate wordings for items.

(2) Analysis of participation rate—Evaluate the overall response rate and the proportion of that obtained from mail versus telephone modes of data collection.

(3) Case mix adjustment analysis—Evaluate variables that need to be considered for case mix adjustment of scores.

(4) Psychometric Analysis—Provide information for the revision of the health literacy item set based on the assessment of the reliability and validity.

(5) Dissemination of the CAHPS Health Plan Health Literacy supplemental item set.

This study is being conducted by AHRQ through its contractor, the RAND Corporation, pursuant to AHRQ's statutory authority to conduct research and evaluations on health care and systems for the delivery of such care, including activities with respect to the quality, effectiveness, efficiency, appropriateness and value of health care services. See 42 U.S.C. 299a(a)(1).

Method of Collection

To achieve the goals of this pre-test the CAHPS Health Plan Health Literacy Survey will be implemented with a sample of persons from the surveys' target population, consumers of health care services offered by health plans. The data from this pre-test will be used to refine the health literacy module questions and will ensure that the future data collection yield high quality data and ensure a minimization of respondent burden, increase agency efficiency, and improve responsiveness to the public. The survey items will be added to currently available CAHPS® surveys and will enhance the ability of health plans and health professionals working in a health plan primary care setting to assess the quality of their services.

Estimated Annual Respondent Burden

Exhibit 1 shows the estimated annualized burden for the respondents' time to participate in this data collection. About 1000 persons will complete the CAHPS Health Plan Survey Health Literacy Module. The estimated response time of 25 minutes is based on the written length of the survey and AHRQ's experience with previous CAHPS® surveys of comparable length that were fielded with similar samples. The total burden hours are estimated to be 417 hours.

Exhibit 2 shows the respondents' cost burden associated with their time to participate in this data collection. The total cost burden is estimated to be $8,715.

EXHIBIT 1—ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Hours per response	Total burden hours
CAHPS Health Plan Health Literacy Module	1000	1	25/60	417
Total	1000	1	na	417

EXHIBIT 2—ESTIMATED ANNUALIZED COST BURDEN

Form name	Number of respondents	Total burden hours	Average hourly wage rate*	Total cost burden
CAHPS Health Plan Health Literacy Survey	1000	417	$20.90	$8,715
Total	1000	417	na	8,715

*Based upon the average wages, "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

Exhibit 3 shows the total and annualized cost to conduct this research. The total cost for this project is approximately $299,000. Since the data collection period is less than one year, the total and annualized costs are identical.

EXHIBIT 3—ESTIMATED ANNUALIZED COST

Cost component	Total cost	Annualized cost
Review of literature	$20,000	$20,000
Cognitive interviews	60,000	60,000
Field test	90,000	90,000
Data analyses	40,000	40,000
Finalize survey	39,000	39,000
AHRQ project management	50,000	50,000
Total	299,000	299,000

Request for Comments

In accordance with the Paperwork Reduction Act, 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: June 24, 2011.

Carolyn M. Clancy,

Director.

[FR Doc. 2011–16920 Filed 7–6–11; 8:45 am]

BILLING CODE 4160–90–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–11–0138]

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

Pulmonary Function Testing Course Approval Program, 29 CFR 1910.1043—Extension—(OMB No. 0920–0138, Exp 8/31/2011). The National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention (CDC).

Background

NIOSH has the responsibility under the Occupational Safety and Health Administration's Cotton Dust Standard, 29 CFR 1920.1043, for approving courses to train technicians to perform pulmonary function testing in the cotton industry. Successful completion of a NIOSH-approved course is mandatory under the Standard. To carry out its responsibility, NIOSH maintains a Pulmonary Function Testing Course Approval Program. The program consists of an application submitted by potential sponsors (universities, hospitals, and private consulting firms) who seek NIOSH approval to conduct courses, and if approved, notification to NIOSH of any course or faculty changes during the approval period, which is limited to five years. The application form and added materials, including an agenda, curriculum vitae, and course materials are reviewed by NIOSH to determine if the applicant has developed a program which adheres to the criteria required in the Standard. Following approval, any subsequent changes to the course are submitted by course sponsors via letter or e-mail and reviewed by NIOSH staff to assure that the changes in faculty or course content continue to meet course requirements. Course sponsors also voluntarily submit an annual report to inform NIOSH of their class activity level and any faculty changes. Sponsors who elect to have their approval renewed for an additional 5-year period submit a renewal application and supporting documentation for review by NIOSH staff to ensure the course curriculum meets all current standard requirements. Approved courses that elect to offer NIOSH-Approved Spirometry Refresher Courses must submit a separate application and supporting documents for review by NIOSH staff. Institutions and organizations throughout the country voluntarily submit applications and materials to become course sponsor and carry out training. Submissions are required for NIOSH to evaluate a course and determine whether it meets the criteria in the Standard and whether technicians will be adequately trained as mandated under the Standard. There are no costs to the respondents other than their time. The estimated annual burden to respondents is 196 hours.

Forms for respondents	Number of respondents	Number of responses/ respondent	Average burden/ response (in hrs)
Initial Application	3	1	3.5
Annual Report	35	1	30/60
Report for Course Changes	12	1	45/60
Renewal Application	13	1	6.0
Refresher Course Application	10	1	8.0

Daniel Holcomb,

Reports Clearance Officer, Centers for Disease Control and Prevention.

[FR Doc. 2011–16991 Filed 7–6–11; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Clinical Laboratory Improvement Advisory Committee (CLIAC)

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following meeting of the aforementioned committee:

Times and Dates: 8:30 a.m.–5 p.m., August 31, 2011.

8:30 a.m.–12 p.m., September 1, 2011.

Place: CDC, 1600 Clifton Road, NE., Tom Harkin Global Communications Center, Building 19, Room 232, Auditorium B, Atlanta, Georgia 30333.

Status: Open to the public, limited only by the space available. The meeting room accommodates approximately 100 people.

Purpose: This Committee is charged with providing scientific and technical advice and guidance to the Secretary of Health and Human Services, the Assistant Secretary for Health, and the Director, CDC, regarding the need for, and the nature of, revisions to the standards under which clinical laboratories are regulated; the impact on medical and laboratory practice of proposed revisions to the standards; and the modification of the standards to accommodate technological advances.

Matters to be Discussed: The agenda will include agency updates from the CDC, the Centers for Medicare & Medicaid Services (CMS), and the Food and Drug Administration (FDA); presentations and discussions on the laboratory's role in the development and use of electronic health records, electronic laboratory reporting for notifiable diseases, and meaningful use; and presentations and discussion on current practices in gynecologic cytology testing.

Agenda items are subject to change as priorities dictate.

Online Registration Required: In order to expedite the security clearance process at the CDC Roybal Campus located on Clifton Road, *all* CLIAC attendees are required to register for the meeting online at least 14 days in advance at *http://www.cdc.gov/cliac/default.aspx* by clicking the ''Register for a Meeting'' link and completing all forms according to the instructions given. Please complete all the required fields before submitting your registration and submit no later than August 16, 2011.

Providing Oral or Written Comments: It is the policy of CLIAC to accept written public comments and provide a brief period for oral public comments whenever possible. *Oral Comments:* In general, each individual or group requesting to make an oral presentation will be limited to a total time of five minutes (unless otherwise indicated). Speakers must also submit their comments in writing for inclusion in the meeting's Summary Report. To assure adequate time is scheduled for public comments, individuals or groups planning to make an oral presentation should, when possible, notify the contact person below at least one week prior to the meeting date. *Written Comments:* For individuals or groups unable to attend the meeting, CLIAC accepts written comments until the date of the meeting (unless otherwise stated); however, it is requested that comments be submitted at least one week prior to the meeting date so that the comments may be made available to the Committee for their consideration and public distribution. Written comments, one hard copy with original signature, should be provided to the contact person below. Written comments will be included in the meeting's Summary Report.

Contact Person for Additional Information: Nancy Anderson, Chief, Laboratory Practice Standards Branch, Division of Laboratory Science and Standards, Laboratory Science, Policy and Practice Program Office (LSPPPO), Office of Surveillance, Epidemiology and Laboratory Services, CDC, 1600 Clifton Road, NE., Mailstop F–11, Atlanta, Georgia 30333; telephone (404) 498–2741; fax (404) 498–2219; or via e-mail at *Nancy.Anderson@cdc.hhs.gov.*

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** Notices pertaining to announcements of meetings and other committee management activities, for the Centers for Disease Control and Prevention, and the Agency for Toxic Substances and Disease Registry.

Dated: June 30, 2011.

Elizabeth Millington,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2011–17009 Filed 7–6–11; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Initial Review

The meeting announced below concerns Human Immunodeficiency Virus (HIV) Prevention Projects for Young Men of Color Who Have Sex with Men and Young Transgender Persons of Color, Funding Opportunity Announcement (FOA) PS11–1113, initial review.

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the aforementioned meeting:

Times and Dates: 8 a.m.–7 p.m., July 22, 2011 (Closed).

Place: Corporate Square, Building 8, Atlanta, Georgia 30333.

Status: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c) (4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

Matters to be Discussed: The meeting will include the initial review, discussion, and evaluation of applications received in response to ''HIV Prevention Projects for Young Men of Color Who Have Sex with Men and Young Transgender Persons of Color, FOA PS11–1113.'' This subsequent meeting to the July 10–13, 2011 meeting published in the **Federal Register** on February 22, 2011, Volume 76, Number 35, Pages 9785–9786 has been scheduled due to the high volume of applications received and unanticipated scheduling conflicts for a significant number of the appointed reviewers.

Contact Person for More Information: Harriette Lynch, Public Health Analyst, Extramural Programs, National Center for HIV, Hepatitis and Sexually Transmitted Diseases Prevention, CDC, 1600 Clifton Road, NE., Mailstop E–60, Atlanta, Georgia 30333, Telephone (404) 498–2726, E-mail *HLynch@cdc.gov.*

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention, and the Agency for Toxic Substances and Disease Registry.

Dated: June 30, 2011.

Elizabeth Millington,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2011–17008 Filed 7–6–11; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention (CDC)

Request for Nominations of Candidates To Serve on the Board of Scientific Counselors, National Center for Environmental Health/Agency for Toxic Substances and Disease Registry (BSC, NCEH/ATSDR), Centers for Disease Control and Prevention, Department of Health and Human Services (HHS)

The NCEH/ATSDR is soliciting nominations for consideration of membership on the BSC. The BSC, NCEH/ATSDR provides advice and guidance to the Secretary, HHS; the Director, CDC; and the Director, NCEH/

ATSDR, regarding program goals, objectives, strategies, and priorities in fulfillment of the agencies' mission to protect and promote people's health. The Board provides advice and guidance to help NCEH/ATSDR work more efficiently and effectively with its various constituents and to fulfill its mission in protecting America's health.

Nominations are being sought for individuals who have expertise and qualifications necessary to contribute to the accomplishments of the Board's objectives. Nominees will be selected from experts having experience in preventing human diseases and disabilities caused by environmental conditions. Experts in the disciplines of toxicology, epidemiology, environmental or occupational medicine, behavioral science, risk assessment, exposure assessment, and experts in public health and other related disciplines will be considered. Balanced membership will depend upon several factors, including: (1) The committee's mission; (2) the geographic, ethnic, social, economic, or scientific impact of the advisory committee's recommendations; (3) the types of specific perspectives required, for example, those of consumers, technical experts, the public at-large, academia, business, or other sectors; (4) the need to obtain divergent points of view on the issues before the advisory committee; and (5) the relevance of State, local, or tribal governments to the development of the advisory committee's recommendations. Members may be invited to serve up to four-year terms. Nominees must be U.S. citizens.

The following information must be submitted for each candidate: Name, affiliation, address, telephone number, and current curriculum vitae. E-mail addresses are requested if available. Nominations should be sent, in writing, and postmarked by October 31, 2011 to: Sandra Malcom, Committee Management Specialist, NCEH/ATSDR, CDC, 4770 Buford Highway (MS–F61), Chamblee, Georgia 30341. (*E-mail address: sym6@CDC.GOV*). Telephone and facsimile submissions cannot be accepted.

Candidates invited to serve will be asked to submit the ''Confidential Financial Disclosure Form for Special Government Employees Serving on Federal Advisory Committees at the Centers for Disease Control and Prevention.'' This form allows CDC to determine whether there is a statutory conflict between that person's public responsibilities as a Special Government Employee and private interests and activities, or the appearance of a lack of impartiality, as defined by Federal regulation. The form may be viewed and downloaded at *http://www.usoge.gov/forms/oge450_pdf/oge450_accessible.pdf.* This form should not be submitted as part of a nomination.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention, and the Agency for Toxic Substances and Disease Registry.

Dated: June 30, 2011.

Elizabeth A. Millington,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2011–16988 Filed 7–6–11; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Announcement of a Grant Award

AGENCY: Office of Community Services, ACF, HHS.

ACTION: Announcement of the Award of an Assets for Independence Grant to the United Way of Abilene, Inc., Abilene, TX.

CFDA Number: 93.602.

Statutory Authority: Authorized under the Assets for Independence Act in Title IV of the Community Opportunities, Accountability, and Training and Educational Services Human Services Reauthorization Act of 1998, Public Law 105–285, as amended.

SUMMARY: The Administration for Children and Families (ACF), Office of Community Services (OCS), Division of Community Demonstration Programs announces the award of an Assets for Independence (AFI) demonstration grant to the United Way of Abilene, Inc. of Abilene, TX in the amount of $61,149.

The purpose of this award is to enable the United Way of Abilene, Inc. to implement an Assets for Independence (AFI) project helping program participants save earned income in special-purpose, matched savings accounts called Individual Development Accounts (IDAs). Every dollar in savings deposited into an IDA by participants is matched, from $1 to $8 combined Federal and non-Federal funds, promoting savings and enabling participants to acquire a lasting economic asset. AFI project families use their IDA savings, including the matching funds, to achieve any of three objectives: acquiring a first home; capitalizing a small business; or enrolling in postsecondary education or training.

Additionally, the United Way of Abilene, Inc. provides basic financial management training and supportive services, such as financial education on owning and managing a bank account; credit counseling and repair; guidance in accessing refundable tax credits, including the Earned Income Tax Credit and the Child Tax Credit; and specialized training in owning particular economic assets for the long term.

DATES: The project period for this award is November 1, 2010 through September 29, 2011.

FOR FURTHER INFORMATION CONTACT: James Gatz, Program Manager, Assets for Independence, Office of Community Services, Administration for Children and Families, U.S. Department of Health and Human Services, 901 D Street, SW., 5th floor East, Washington, DC 20047. Telephone: 202–401–5284; E-mail: *james.gatz@acf.hhs.gov.*

Dated: June 23, 2011.

Lynda E. Perez,

Acting Director, Division of Community Demonstration Programs, Office of Community Services.

[FR Doc. 2011–16973 Filed 7–6–11; 8:45 am]

BILLING CODE 4184–26–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2010–D–0226]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Draft Guidance for Industry, Third Parties and Food and Drug Administration Staff; Medical Device ISO 13485:2003 Voluntary Audit Report Submission Program

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995 (PRA).

DATES: Fax written comments on the collection of information by August 8, 2011.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, *Attn:* FDA Desk Officer, FAX: 202–395–7285, or e-mailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910–NEW and title ''Draft Guidance for Industry, Third Parties and Food and Drug Administration Staff; Medical Device ISO 13485:2003 Voluntary Audit Report Submission Program''. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Daniel Gittleson, Office of Information Management, Food and Drug Administration, 1350 Piccard Dr., PI50–400B, Rockville, MD 20850, 301–796–5156, *Daniel.Gittleson@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Draft Guidance for Industry, Third Parties and Food and Drug Administration Staff; Medical Device ISO 13485:2003 Voluntary Audit Report Submission Program—(OMB Control Number 0910)–NEW

Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information before submitting the collection to OMB for approval. To comply with this requirement, in the **Federal Register** of May 20, 2010 (75 FR 28257), FDA published a notice of availability of the draft guidance document providing a 60-day public comment period on the proposed collection of information provisions.

Title: Draft Guidance for Industry, Third Parties and FDA Staff: Medical Device ISO 13485:2003 Voluntary Audit Report Submission Program.

Description: Section 228 of the Food and Drug Administration Amendments Act of 2007 (FDAAA), amended section 704(g)(7) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 374(g)(7)) to add the following provision: ''(F) For the purpose of setting risk-based inspectional priorities, the Secretary shall accept voluntary submissions of reports of audits assessing conformance with appropriate quality system standards set by the International Organization for Standardization (ISO) and identified by the Secretary in public notice. If the owner or operator of an establishment elects to submit audit reports under this subparagraph, the owner or operator shall submit all such audit reports with respect to the establishment during the preceding 2-year periods.''

The ''Draft Guidance for Industry, Third Parties and FDA Staff: Medical Device ISO 13485:2003 Voluntary Audit Report Submission Program'' will describe how FDA's Center for Devices and Radiological Health and Center for Biologics Evaluation and Research are implementing this provision of the law and providing public notice as required. The proposed collections of information are necessary to satisfy the previously mentioned statutory requirements for implementing this voluntary submission program.

Based on FDA's experience with the founding regulatory members of the Global Harmonization Task Force (GHTF), FDA expects that the vast majority of manufacturers who will participate in the Voluntary Audit Report Submission Program will be manufacturers who are certified by Health Canada under ISO 13485:2003. In 2008, approximately 2,650 manufacturers or manufacturing sites had been certified by Health Canada. The majority of these manufacturers are also certified under ISO 13485:2003 by the European Union Notified Body accreditation system.

In addition, FDA only expects firms that do not have major deficiencies or observations in their ISO 13485:2003 audits to be willing to submit their audit reports to FDA under the Voluntary Audit Report Submission Program. FDA analyzed its inspection data from Fiscal Year (FY) 2008 (October 1, 2007 to October 1, 2008) and determined that the total number of inspections finalized in FY2008 for medical devices was 1,965. The breakdown for the 1,965 compliance decisions is as follows:

TABLE 1—COMPLIANCE DECISION BREAKDOWN

Compliance decision	Number	Approximate percentage (%)
Official Action Indicated	148	8
Voluntary Action Indicated	775	40
No Action Indicated	1,025	52
Pending Final Decision	17	1

[1] June 15, 2006, Compliance Program 7382.845 Inspection of Medical Device Manufacturers Part V *http://www.fda.gov/cdrh/comp/guidance/7382.845.html#p5p5.pdf.*

Because FDA only expects firms who do not have major deficiencies or observations to be willing to submit their audit reports to FDA under the Voluntary Audit Report Submission Program, FDA only expects to receive audit reports that would have been classified by FDA as No Action Indicated (NAI).

Assuming that the percentage breakdown of compliance decisions for all inspections conducted in FY2008 can be extrapolated and applied to audits of manufacturers certified under ISO 13485:2003 by Health Canada, FDA can estimate the number of Canadian establishments that would have had an inspection classified as an NAI. Because 52 percent of all compliance decisions resulted in an NAI decision, FDA estimates that 1,378 of the facilities certified under ISO 13485:2003 by Health Canada (52 percent of the total 2,650 facilities) would have had an inspection classified as an NAI. Because FDA only expects to receive audit reports that would have been classified by FDA as NAI, FDA expects 1,378, or

approximately 1,400, audit reports to be submitted.

Because FDA expects that the vast majority of manufacturers who will participate in the Voluntary Audit Report Submission Program will be manufacturers certified by Health Canada under ISO 13485:2003, FDA expects the number of reports to be submitted from manufacturers certified by regulatory systems established by other founding GHTF members to be minimal. For purposes of calculating the reporting burden, FDA estimates that approximately 10 percent of total audit reports submitted under this program will be from these other manufacturers. Because 90 percent of the audit reports are expected to be submitted by manufacturers certified by Health Canada (approximately 1,400 audit reports as calculated previously in this document), the total number of audit reports FDA expects to receive in a year is 1,556, or approximately 1,600 audit reports.

FDA estimates from past experience with the Electronic Submission Gateway system, WebTrader, that the first year to set up the account and to receive the verification certificate takes approximately 40 hours. This burden may be minimized if the Respondent already has an established account in WebTrader for other electronic submissions to FDA but FDA is assuming that all respondents to this new pilot program will be setting up a WebTrader account for the first time in the first year. For subsequent years, the estimate burden hours are estimated at 1 hour to renew the yearly required verification certification.

FDA further estimates that the gathering, scanning, and submission of the audit reports, certificates, and related correspondence would take approximately 2 hours utilizing the eSubmitter system.

Therefore, the first year will include 40 hours for the WebTrader system plus 2 hours for the eSubmitter submission process, resulting in 42 hours per response for the first year. For both the second and third years, it is estimated that only 1 hour will be necessary for the WebTrader system plus the 2 hours for the eSubmitter submission process, resulting in 3 hours per response each year thereafter.

The draft guidance also refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by OMB under the PRA. The collections of information in 21 CFR part 820 have been approved under OMB control number 0910–0073 and the collections of information for the Inspection by Accredited Persons Program have been approved under OMB control number 0910–0569.

In the **Federal Register** of May 20, 2010 (75 FR 28257), FDA published a 60-day notice requesting public comment on the proposed collection of information. FDA received one comment which was related to the PRA reporting burden.

The comment stated that the reporting burden hours may be too low for the first submission and may take less time for subsequent submissions. In addition, this comment stated that the number of reports anticipated to be submitted may be a high estimate by a factor of 10. FDA appreciates the consideration of burden hours by the comment. The comment, however, did not provide any data to assist FDA to adjust the burden hours for the submission. Absent baseline information at this time, FDA will review the submissions during the pilot period and modify the burden to respondents accordingly.

FDA estimates the burden of this collection of information as follows:

TABLE 2—ESTIMATED ANNUAL REPORTING BURDEN

	No. of respondents	No. of responses per respondent per year	Total annual responses	Average burden per response (in hours)	Total hours	Capital and operating and maintenance costs
First year	1,600	1	1,600	[1]42	67,200	2,016,000
Second year (recurring)	1,600	1	1,600	3	4,800	48,000
Third year (recurring)	1,600	1	1,600	3	4,800	48,000
Totals					76,800	2,112,000

[1]Respondent may already have a valid WebTrader account established for other FDA electronic submissions.

There are capital, start-up, operating, or maintenance cost associated with this information collection. The costs are $30 per year to establish and maintain the Electronic Submission Gateway verification certificate.

Dated: July 1, 2011.

Leslie Kux,

Acting Assistant Commissioner for Policy.

[FR Doc. 2011–17051 Filed 7–6–11; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2011–N–0478]

General and Plastic Surgery Devices Panel of the Medical Devices Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committee: General and Plastic Surgery Devices Panel of the Medical Devices Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the Agency on FDA's regulatory issues.

Date and Time: The meeting will be held on August 30 and 31, 2011, from 8 a.m. to 6 p.m.

Addresses: FDA is opening a docket for public comment on this document. The docket will open for public comment on July 7, 2011. The docket will close on August 26, 2011. Interested persons may submit electronic or written comments regarding this document. Submit electronic comments to *http://www.regulations.gov.* Submit written comments to the Division of Dockets

Management, Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Submit a single copy of electronic comments or two paper copies of any mailed comments, except that individuals may submit one paper copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

Location: Hilton Washington DC North/Gaithersburg, Ballroom, 620 Perry Pkwy., Gaithersburg, MD.

Contact Person: Margaret McCabe-Janicki, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, rm. 1535, Silver Spring, MD 20993–0002, 301–796–7029, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), and follow the prompts to the desired center or product area. Please call the Information Line for up-to-date information on this meeting. A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the Agency's Web site and call the appropriate advisory committee hot line/phone line to learn about possible modifications before coming to the meeting.

Agenda: On August 30 and 31, 2011, the committee will discuss and make recommendations on postmarketing issues related to silicone gel-filled breast implants. This meeting is regarding the discussion of different innovative methodological approaches to the conduct of postmarket studies regarding silicone gel breast implants. Additionally, the panel will discuss key long-term safety issues associated with silicone gel breast implants in the real-world setting.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its Web site prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's Web site after the meeting. Background material is available at *http://www.fda.gov/AdvisoryCommittees/Calendar/default.htm.* Scroll down to the appropriate advisory committee link.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person on or before August 24, 2011. Oral presentations from the public will be scheduled between approximately 1 p.m. and 3 p.m. on August 30, 2011, and between approximately 8 a.m. and 10 a.m. on August 31, 2011. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before August 15, 2011. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by August 17, 2011.

Persons attending FDA's advisory committee meetings are advised that the Agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact AnnMarie Williams, Conference Management Staff, 301–796–5966, at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our Web site at *http://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: June 23, 2011.

Jill Hartzler Warner,

Acting Associate Commissioner for Special Medical Programs.

[FR Doc. 2011–16952 Filed 7–6–11; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2011–N–0002]

Design of Clinical Trials for Systemic Antibacterial Drugs for the Treatment of Acute Otitis Media; Public Workshop

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public workshop.

SUMMARY: The Food and Drug Administration (FDA) is announcing a public workshop regarding the design of Clinical Trials for Systemic Antibacterial Agents for the Treatment of Acute Otitis Media. This public workshop is intended to provide information for and gain perspective from health care providers, patients and patient advocacy organizations, academia, and industry on various aspects of the design of clinical trials. The input from this public workshop will help in developing topics for further discussion.

Dates and Times: The public workshop will be held on September 7, 2011 from 8:30 a.m. to 5 p.m.

Location: The public workshop will be held at the Crowne Plaza, 8777 Georgia Ave., Silver Spring, MD 20910, 301–589–0800. Seating is limited and available only on a first-come, first-served basis.

Contact Persons: Christine Moser or Ramou Mauer, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, rm. 6193, Silver Spring, MD 20993–0002, 301–796–1300.

Registration: Registration is free for the public workshop. Interested parties are encouraged to register early. Seating will be available on a first-come, first-served basis. To register electronically, e-mail registration information (including name, title, firm name, address, telephone, and fax number) to *Otitisworkshop@fda.hhs.gov*. Persons without access to the Internet may call 301–796–1300 to register. Persons needing a sign language interpreter or other special accommodations should notify Christine Moser or Lori Benner (see *Contact Persons*) at least 7 days in advance.

SUPPLEMENTARY INFORMATION: FDA is announcing a public workshop regarding scientific considerations in the design of clinical trials of antibacterial agents for the treatment of acute otitis media (middle ear infection). Discussions will focus on

appropriate endpoints for informative clinical trials, the role and effect of tympanocentesis (drainage of fluid from the middle chamber of the ear) in clinical trials, and the feasibility and acceptability of different kinds of clinical trial designs including superiority trial designs, the data available that might scientifically support feasible non-inferiority trial designs, and what additional data may be useful to scientifically support non-inferiority trial designs.

The Agency encourages individuals, patient advocates, industry, consumer groups, health care professionals, researchers, and other interested persons to attend this public workshop. *Transcripts:* Please be advised that as soon as a transcript is available, it will be accessible at *http://www.regulations.gov.* It may be viewed at the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD. A transcript will also be available in either hardcopy or on CD–ROM, after submission of a Freedom of Information request. Written requests are to be sent to Division of Freedom of Information (ELEM–1029), Food and Drug Administration, 12420 Parklawn Dr., Element Bldg., Rockville, MD 20857. Transcripts will also be available on the Internet *http://www.fda.gov/Drugs/NewsEvents/ucm205809.htm* approximately 45 days after the workshop.

Dated: June 30, 2011.

Leslie Kux,

Acting Assistant Commissioner for Policy.

[FR Doc. 2011–16962 Filed 7–6–11; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the National Cancer Institute Board of Scientific Advisors.

The meeting will be open to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: National Cancer Institute Board of Scientific Advisors; caBIG® Oversight Ad hoc Subcommittee.

Date: July 25, 2011.

Time: 12 p.m. to 4 p.m.

Agenda: Evaluation of Scientific Merit of caBIG® program, ongoing and planned initiatives.

Place: Hilton Chicago O'Hare, Hilton Chicago O'Hare International Airport, Terminal 3, Access Road 5, Room 2051, Chicago, IL 60666.

Contact Person: John Czajkowski, MPA, Deputy Director for Management, Office of the Director, National Cancer Institute, National Institutes of Health, 31 Center Drive, Rm. 11A48, Bethesda, MD 20892, 301–435–2455, *john.czajkowski@nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: *http://deainfo.nci.nih.gov/advisory/bsa.htm,* where an agenda and any additional information for the meeting will be posted when available.

(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: June 30, 2011.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2011–17075 Filed 7–6–11; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health 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 Mental Health Special Emphasis Panel; Fellowships and Dissertation Grants.

Date: July 20, 2011.

Time: 1:30 p.m. to 2:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call)

Contact Person: David W Miller, PhD, Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive BLVD, Room 6140, MSC 9608, Bethesda, MD 20892–9608, 301–443–9734, *millerda@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. 93.242, Mental Health Research Grants; 93.281, Scientist Development Award, Scientist Development Award for Clinicians, and Research Scientist Award; 93.282, Mental Health National Research Service Awards for Research Training, National Institutes of Health, HHS)

Dated: June 30, 2011.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2011–17073 Filed 7–6–11; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Aviation Security Advisory Committee

AGENCY: Transportation Security Administration, DHS.

ACTION: Committee Management; Notice of Federal Advisory Committee Re-Establishment.

SUMMARY: The Transportation Security Administration (TSA) announces the re-establishment of the Aviation Security Advisory Committee (ASAC). The Secretary of Homeland Security has determined that the re-establishment of ASAC is necessary and is in the public interest in connection with the performance of duties of TSA. This determination follows consultation with the Committee Management Secretariat, General Services Administration.

FOR FURTHER INFORMATION CONTACT: Dean Walter, ASAC Designated Federal Official, Transportation Security Administration (TSA–28), 601 12th St. South, Arlington, VA 20598–4028, *Dean.Walter@dhs.gov,* 571–227–2645.

SUPPLEMENTARY INFORMATION:

Background

ASAC was established in 1989 following the destruction of Pan American World Airways Flight 103 by a terrorist bomb. The committee helped TSA establish critical policies and procedures in consultation with leading industry organizations, other non-governmental organizations (NGOs) and stakeholder representatives concerning potential risks to aviation infrastructure, passengers and cargo; response capabilities that NGOs and other stakeholders control; and the economic, social, and political drivers that impact risk or response. ASAC is also a recurring forum for TSA to gather customer and stakeholder input concerning the effectiveness of security actions and proposals, the costs and burdens associated with security actions and proposals, and the general level of customer satisfaction TSA is engendering across affected constituencies. This committee has experience working together to identify problems, gather input and reach consensus on security issues that result in security initiatives and regulations that can be quickly implemented, are effective in terms of performance and cost, and have a lower impact on the commerce of aviation.

The Aviation Security Advisory Committee

The renewal and use of the Aviation Security Advisory Committee are determined to be in the public interest in connection with the performance of duties imposed on TSA by law as follows:

Name of Committee: Aviation Security Advisory Committee (ASAC).

Purpose and Objective: ASAC is being re-established in accordance with the provisions of the Federal Advisory Committee Act (FACA) 5 U.S.C. App. (Pub. L. 92–463). ASAC's mission is to examine areas of civil aviation security as tasked by TSA with the aim of addressing current issues and/or developing recommendations for improvements to civil aviation security methods, equipment and processes. The committee will provide advice and recommendations for improving aviation security measures to the Administrator of TSA. The committee will meet approximately twice each year, usually in the Washington, DC metropolitan area, but may meet more often as the need arises.

Members are recommended for appointment by the Administrator of TSA and appointed by and serve at the pleasure of the Secretary of Homeland Security. Members serve at their own expense and receive no salary, reimbursement of travel expenses or other compensation from the Federal Government. TSA retains authority to review the participation of any ASAC member and to recommend changes for cause at any time.

Balanced Membership Plans: The ASAC will be composed of individual members representing private sector organizations of key constituencies affected by aviation security requirements, including: Victims of terrorist acts against aviation; Law enforcement and security experts; Aviation consumer advocates; Airport tenants and general aviation; Airport operators; Airline management; Airline labor; Aircraft and security equipment manufacturers; and Air cargo representatives. The ASAC does not have a specific number of members allocated to any membership category and the number of members in a membership category may change to fit the needs of the Committee. However, all membership categories will be represented.

Membership Appointment Criteria: Individuals will be appointed based on the following criteria: (1) Not registered as a Federal Lobbyist per Presidential Memorandum—Lobbyists on Agency Boards and Commissions, dated June 18, 2010, and has not served in such a role for a two-year period prior to application; (2) background, experience and position support to one of the constituency groups (See Balanced Membership Plans section); and (3) represent a large portion of the constituency within a membership category.

Duration: Continuing.

Responsible TSA Officials: Dean Walter, ASAC Designated Official, Transportation Security Administration, 601 12th St. South, Arlington, VA 20598–4028, *Dean.Walter@dhs.gov,* 571–227–2645.

Issued in Arlington, Virginia, on June 30, 2011.

Douglas Hofsass,

Acting Assistant Administrator, Transportation Sector Network Management.

[FR Doc. 2011–17038 Filed 7–6–11; 8:45 am]

BILLING CODE 9110–05–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2011–0246]

Risk-Based Targeting of Foreign Flagged Mobile Offshore Drilling Units (MODUs)

AGENCY: Coast Guard, DHS.

ACTION: Notice of availability.

SUMMARY: The Coast Guard announces the availability of Office of Vessel Activities Policy Letter 11–06, Risk-Based Targeting of Foreign Flagged Mobile Offshore Drilling Units (MODUs). This policy letter announces changes to the Coast Guard's system used to prioritize inspections of foreign-flagged MODUs.

DATES: This policy will become effective on July 7, 2011.

ADDRESSES: This notice and the policy are available in the docket and can be viewed by going to *http://www.regulations.gov,* inserting USCG–2011–0246 in the ''Keyword'' box, and then clicking ''Search.'' This material is also available for inspection or copying at the Docket management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays. This policy is also available at *http://homeport.uscg.mil* by clicking the ''Library'' tab > Policy > Policy letters (inspection); CG–543 Policy Letter 11–06.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, call or e-mail LT. Rachelle N. Samuel, Foreign and Offshore Vessels Division (CG–5432), U.S. Coast Guard; telephone 202–372–2267, e-mail *Rachelle.N.Samuel@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:

Background and Purpose

In order to ensure maritime safety and compliance with all applicable regulations, every foreign-flagged mobile offshore drilling unit (MODU) must undergo a Coast Guard Certificate of Compliance (COC) examination in order to operate on the U.S. Outer Continental Shelf (OCS). This certifies that the MODU complies with 33 CFR Part 143 and permits the MODU to conduct OCS activities. Upon a

satisfactory completion of the COC examination, the Coast Guard will issue the MODU a certificate valid for a period of 2 years. In addition, the Coast Guard will conduct a mid-period examination a year later to ensure the MODU remains in full compliance.

Before the issuance of this policy letter, aside from this annual exam requirement, there was no process in place to identify a foreign-flagged MODU that may require additional Coast Guard oversight while operating on the U.S. OCS (*i.e.* based on inspection history or other related factors). In response to April 2010 MACONDO 252 incident, the Coast Guard has taken steps to improve oversight of foreign-flagged MODUs.

Office of Vessel Activities Policy Letter 11–06 addresses this issue by detailing inspection procedures using the newly developed MODU Safety and Environmental Protection Compliance Targeting Matrix. This targeting matrix will enable the Coast Guard to rationally and systematically determine the probable risk posed by foreign flagged MODUs operating on the U.S. OCS by identifying foreign-flagged MODUs that may require increased oversight.

The matrix operates by recording five variables that the Coast Guard will use to determine whether a MODU should be subject to more frequent examinations to ensure compliance with safety regulations. If a MODU exhibits characteristics indicative of poor safety or environmental compliance, points are assigned for that variable. If a MODU accumulates a certain number of points, it is assigned ''priority'' status and will be subject to more frequent inspections by the Coast Guard. These variables, which are described in detail in the policy advisory, include:

- Management: points will be assigned if the MODUs management company has a history of vessels detained in the U.S. in the previous 12 months.
- Flag: points will be assigned if the MODU's Flag Administration is a country with a higher than average rate of vessel detention.
- Classification Society/Recognized Organization: points will be assigned if MODU is certified by a Classification Society/Recognized Organization that has a high safety detention ratio.
- Vessel History: points will be assigned for 1st time to U.S., no history of Coast Guard examinations, or history of operational controls, marine casualties or violations.
- MODU Particulars: points may be assigned based on certain characteristics of the MODU, such as propulsion, design (*e.g.* semi-submersible, jack-up), or age.

This policy letter also contains information collection procedures for Coast Guard personnel and documentation for use in examinations of foreign-flagged MODUs.

Owners and operators of foreign flagged MODUs should review Policy Letter 11–06 and ensure their vessels are in compliance with the applicable regulations. MODUs that maintain their vessels consistently within the applicable regulations should not be subject to increased inspections.

This notice is issued under the authority of 5 U.S.C. 552 (a), 43 U.S.C. 1333(d), 43 U.S.C. 1348(c), and 14 U.S.C. 664.

Dated: June 17, 2011

Kevin S. Cook,

Rear Admiral, U.S. Coast Guard, Director of Prevention Policy.

[FR Doc. 2011–17112 Filed 7–6–11; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–1981–DR; Docket ID FEMA–2011–0001]

North Dakota; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of North Dakota (FEMA–1981–DR), dated May 10, 2011, and related determinations.

DATES: *Effective Date:* June 23, 2011.

FOR FURTHER INFORMATION CONTACT: Peggy Miller, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–3886.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of North Dakota is hereby amended to include the following area among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of May 10, 2011.

McKenzie County for Public Assistance.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2011–17030 Filed 7–6–11; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–1993–DR; Docket ID FEMA–2011–0001]

New York; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of New York (FEMA–1993–DR), dated June 10, 2011, and related determinations.

DATES: *Effective Date:* June 29, 2011.

FOR FURTHER INFORMATION CONTACT: Peggy Miller, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–3886.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of New York is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of June 10, 2011.

Livingston and Wyoming Counties for Public Assistance.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially

Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2011–17105 Filed 7–6–11; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–1984–DR; Docket ID FEMA–2011–0001]

South Dakota; Amendment No. 4 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of South Dakota (FEMA–1984–DR), dated May 13, 2011, and related determinations.

DATES: *Effective Date:* June 29, 2011.

FOR FURTHER INFORMATION CONTACT: Peggy Miller, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–3886.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of South Dakota is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of May 13, 2011.

Butte, Charles Mix, Deuel, Hanson, and Hutchinson Counties for Public Assistance.

Clay County for Public Assistance (already designated for emergency protective measures [Category B], limited to direct Federal assistance, under the Public Assistance program).

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2011–17113 Filed 7–6–11; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–1981–DR; Docket ID FEMA–2011–0001]

North Dakota; Amendment No. 5 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of North Dakota (FEMA–1981–DR), dated May 10, 2011, and related determinations.

DATES: *Effective Date:* June 29, 2011.

FOR FURTHER INFORMATION CONTACT: Peggy Miller, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–3886.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of North Dakota is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of May 10, 2011.

McHenry, Morton, and Renville Counties for Individual Assistance (already designated for Public Assistance).

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2011–17101 Filed 7–6–11; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

Extension of Agency Information Collection Activity Under OMB Review: Highway Corporate Security Review

AGENCY: Transportation Security Administration, DHS.

ACTION: 30-day Notice.

SUMMARY: This notice announces that the Transportation Security Administration (TSA) has forwarded the Information Collection Request (ICR), Office of Management and Budget (OMB) control number 1652–0036 abstracted below to OMB for review and approval of an extension of the currently approved collection under the Paperwork Reduction Act (PRA). The ICR describes the nature of the information collection and its expected burden. TSA published a **Federal Register** notice, with a 60-day comment period soliciting comments, of the following collection of information on April 26, 2011, FR 76–23327. The ICR describes the nature of the information collection and its –expected burden. The ICR will assess the current security practices in the highway and motor carrier industry by way of its Highway Corporate Security Review (CSR) Program, which encompasses site visits and interviews, and is part of the larger domain awareness, prevention, and protection program supporting TSA's and the Department of Homeland Security's missions.

DATES: Send your comments by August 8, 2011. A comment to OMB is most effective if OMB receives it within 30 days of publication.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, OMB. Comments should be addressed to Desk Officer, Department of Homeland Security/TSA, and sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: Joanna Johnson, TSA PRA Officer, Office of Information Technology (OIT), TSA–11, Transportation Security

Administration, 601 South 12th Street, Arlington, VA 20598–6011; telephone (571) 227–3651; e-mail *TSAPRA@dhs.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The ICR documentation is available at *www.reginfo.gov.* Therefore, in preparation for OMB review and approval of the following information collection, TSA is soliciting comments to—

(1) Evaluate whether the proposed information requirement is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Information Collection Requirement

Title: Highway Corporate Security Review.

Type of Request: Extension of a currently approved collection.

OMB Control Number: 1652–0036.

Forms(s): TSA Form 1603 Highway Motor Carrier Security Review Form.

Affected Public: Owners and operators of school bus, motor coach, and general freight trucking companies, privately owned assets, State Departments of Transportation, and State Departments of Education.

Abstract: TSA is seeking renewal of its current OMB approval for this information collection so that TSA can continue to ascertain minimum security standards and identify coverage gaps, activities that are critical to carrying out its transportation security mission. TSA conducts this collection through voluntary face-to-face visits at the headquarters of the subject surface transportation owners/operators. During the site visit, TSA personnel complete the CSR form, which asks security-related questions. This assessment is necessary for TSA to establish the current state of security practices for highway modes of transportation. TSA will then be able to make policy and programmatic decisions to improve the overall security posture within the surface transportation community. The data collected also can be utilized to develop security practice assessments and issue security guidelines, best practices, and lessons learned for the stakeholder community.

Number of Respondents: 100.

Estimated Annual Burden Hours: An estimated 300 hours annually.

Issued in Arlington, Virginia, on June 30, 2011.

Joanna Johnson,

TSA Paperwork Reduction Act Officer, Office of Information Technology.

[FR Doc. 2011–16939 Filed 7–6–11; 8:45 am]

BILLING CODE 9110–05–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R8–ES–2011–N139; 80221–1113–0000–F5]

Endangered Species Recovery Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of permit applications; request for comment.

SUMMARY: We, the U.S. Fish and Wildlife Service, invite the public to comment on the following applications to conduct certain activities with endangered species. With some exceptions, the Endangered Species Act (Act) prohibits activities with endangered and threatened species unless a Federal permit allows such activity. The Act also requires that we invite public comment before issuing these permits.

DATES: Comments on these permit applications must be received on or before August 8, 2011.

ADDRESSES: Written data or comments should be submitted to the U.S. Fish and Wildlife Service, Endangered Species Program Manager, Region 8, 2800 Cottage Way, Room W–2606, Sacramento, CA 95825 (*telephone:* 916–414–6464; *fax:* 916–414–6486). Please refer to the respective permit number for each application when submitting comments.

FOR FURTHER INFORMATION CONTACT: Daniel Marquez, Fish and Wildlife Biologist; see **ADDRESSES** (*telephone:* 760–431–9440; *fax:* 760–431–9624).

SUPPLEMENTARY INFORMATION: The following applicants have applied for scientific research permits to conduct certain activities with endangered species under section 10(a)(1)(A) of the Act (16 U.S.C. 1531 *et seq.*). We seek review and comment from local, State, and Federal agencies and the public on the following permit requests.

Applicants

Permit No. TE–43668A

Applicant: Gerald T. Braden, Angelus Oaks, California.

The applicant requests a permit to take (capture, handle, and release) the Stephens' kangaroo rat (*Dipodomys stephensi*) and San Bernardino kangaroo rat (*Dipodomys merriami parvus*); take (harass by survey, capture, band, color band, release and monitor nests) the southwestern willow flycatcher (*Empidonax traillii extimus*) and least Bell's vireo (*Vireo bellii pusillus*); and take (harass by survey) the light-footed clapper rail (*Rallus longirostris levipes*) and Yuma clapper rail (*Rallus longirostris yumanensis*) in conjunction with surveys and population monitoring activities throughout the range of each species in California and Nevada for the purpose of enhancing the species' survival.

Permit No. TE–174305

Applicant: Department of Air Force, Vandenberg Air Force Base, California.

The applicant requests an amendment to a permit to take (locate and monitor nests) the California least tern (*Sterna antillarum browni*) in conjunction with population monitoring activities in Vandenberg Air Force Base, California, for the purpose of enhancing the species' survival.

Permit No. TE–039305

Applicant: Michael W. Kline, San Diego, California.

The applicant requests a permit to take (harass by survey) the southwestern willow flycatcher (*Empidonax traillii extimus*) in conjunction with surveys throughout the range of the species in San Diego and Imperial Counties, California, for the purpose of enhancing the species' survival.

Permit No. TE–43675A

Applicant: Nancy W. Fox-Hernandez, Ventura, California.

The applicant requests an amendment to a permit to take (locate and monitor nests) the California least tern (*Sterna antillarum browni*) in conjunction with population monitoring activities throughout the range of the species in California for the purpose of enhancing the species' survival.

Permit No. TE–43944A

Applicant: Brenton T. Spies, Northridge, California.

The applicant requests a permit to take (survey, capture, handle, kill, and release) the tidewater goby (*Eucyclogobius newberryi*) in conjunction with research activities throughout the range of the species in California for the purpose of enhancing the species' survival.

Permit No. TE–44855A

Applicant: Clint M. Scheuerman, Encinitas, California.

The applicant requests a permit to take (capture, collect, and kill) the Conservancy fairy shrimp (*Branchinecta conservatio*), the longhorn fairy shrimp (*Branchinecta longiantenna*), the Riverside fairy shrimp (*Streptocephalus wootoni*), the San Diego fairy shrimp (*Branchinecta sandiegonensis*), and the vernal pool tadpole shrimp (*Lepidurus packardi*) in conjunction with survey activities throughout the range of each species in California for the purpose of enhancing the species' survival.

Permit No. TE–039305

Applicant: Ursula A. Carliss, Laguna Niguel, California.

The applicant requests a permit to take (harass by survey) the southwestern willow flycatcher (*Empidonax traillii extimus*) and least Bell's vireo (*Vireo bellii pusillus*) in conjunction with surveys throughout the range of the species in California for the purpose of enhancing the species' survival.

Permit No. TE–795930

Applicant: Helm Biological Consulting, Sheridan, California.

The applicant requests a permit to take (collect soil containing federally listed fairy shrimp cysts, translocate, and inoculate cysts into restored vernal pools) the vernal pool tadpole shrimp (*Lepidurus packardi*) in conjunction with vernal pool restoration and population enhancement activities at the Sacramento Municipal Utility District Nature Preserve Mitigation Bank in Sacramento County, California, for the purpose of enhancing the species' survival.

Permit No. TE–45776A

Applicant: Matt P. Coyle, Rocklin, California.

The applicant requests a permit to take (capture, collect, and kill) the Conservancy fairy shrimp (*Branchinecta conservatio*), the longhorn fairy shrimp (*Branchinecta longiantenna*), the Riverside fairy shrimp (*Streptocephalus wootoni*), the San Diego fairy shrimp (*Branchinecta sandiegonensis*), and the vernal pool tadpole shrimp (*Lepidurus packardi*) in conjunction with survey activities throughout the range of each species in California for the purpose of enhancing the species' survival.

Permit No. TE–009018

Applicant: Rancho Santa Ana Botanic Garden, Claremont, California.

The applicant requests a permit to remove/reduce to possession the following species, in conjunction with surveys and population monitoring activities on Federal lands throughout the range of each species in California for the purpose of enhancing each species' survival:

Acanthomintha obovata subsp. *duttonii* (San Mateo thornmint);
Alopecurus aequalis var. *sonomensis* (Sonoma alopecurus);
Amsinckia grandiflora (large-flowered fiddleneck);
Arabis mcdonaldiana (McDonald's rock-cress);
Arctostaphylos hookeri var. *ravenii* (Presidio manzanita);
Astragalus claranus (Clara Hunt's milk-vetch);
Blennosperma bakeri (Sonoma sunshine);
Callitropsis abramsiana (Santa Cruz cypress);
Calystegia stebbinsii (Stebbins' morning-glory);
Carex albida (white sedge);
Castilleja affinis subsp. *neglecta* (Tiburon paintbrush);
Ceanothus ferrisiae (coyote ceanothus);
Ceanothus ophiochilus (Vail Lake ceanothus);
Ceanothus roderickii (Pine Hill ceanothus);
Chorizanthe howellii (Howell's spineflower);
Chorizanthe pungens var. *hartwegiana* (Ben Lomond spineflower);
Chorizanthe robusta (incl. vars. *robusta and hartwegii)* (robust spineflower and Scott Valley spineflower);
Chorizanthe valida (Sonoma spineflower);
Cirsium fontinale var. *fontinale* (fountain thistle);
Cirsium fontinale var. *obispoense* (Chorro Creek bog thistle);
Cirsium hydrophilum var. *hydrophilum* (Suisun thistle);
Cirsium loncholepis (La Graciosa thistle);
Clarkia franciscana (Presidio clarkia);
Clarkia imbricata (Vine Hill clarkia);
Clarkia speciosa subsp. *immaculata* (Pismo clarkia);
Cordylanthus mollis subsp. *mollis* (soft bird's-beak);
Cordylanthus palmatus (palmate-bracted bird's beak);
Cordylanthus tenuis subsp. *capillaris* (Pennell's bird's-beak);
Delphinium bakeri (Baker's larkspur);
Delphinium luteum (yellow larkspur);
Dudleya setchellii (Santa Clara Valley dudleya);
Eremalche kernensis (Kern mallow);
Eriodictyon altissimum (Indian Knob mountain balm);
Eriogonum apricum (incl. var. *prostratum*) (Ione (incl. Irish Hill) buckwheat);
Eriophyllum latilobum (San Mateo woolly sunflower);
Eryngium constancei (Loch Lomond coyote thistle);
Erysimum capitatum var. *angustatum* (Contra Costa wallflower);
Erysimum menziesii (Menzies' wallflower);
Erysimum teretifolium (Ben Lomond wallflower);
Fremontodendron californicum subsp. *decumbens* (Pine Hill flannelbush);
Galium californicum subsp. *sierrae* (El Dorado bedstraw);
Gilia tenuiflora subsp. *arenaria* (Monterey gilia);
Lasthenia burkei (Burke's goldfields);
Lessingia germanorum (=L.g. var. *germanorum*) (San Francisco lessingia);
Lilium occidentale (Western lily);
Lilium pardalinum subsp. *pitkinense* (Pitkin Marsh lily);
Limnanthes floccosa subsp. *californica* (Butte County meadowfoam);
Limnanthes vinculans (Sebastopol meadowfoam);
Lupinus nipomensis (Nipomo Mesa lupine);
Lupinus tidestromii (clover lupine);
Navarretia leucocephala subsp. *pauciflora (=N. pauciflora*) (few-flowered navarretia);
Navarretia leucocephala subsp. *plieantha* (many-flowered navarretia);
Oenothera deltoides subsp. *howellii* (Antioch Dunes evening-primrose);
Opuntia basilaris var. *treleasei* (Bakersfield cactus);
Orcuttia pilosa (hairy orcutt grass);
Orcuttia viscida (Sacramento orcutt grass);
Parvisedum leiocarpum (Lake County stonecrop);
Pentachaeta bellidiflora (white-rayed pentachaeta);
Phlox hirsuta (Yreka phlox);
Piperia yadonii (Yadon's piperia);
Plagiobothrys strictus (Calistoga allocarya);
Poa napensis (Napa bluegrass);
Polygonum hickmanii (Scotts Valley polygonum);
Potentilla hickmanii (Hickman's potentilla);

Pseudobahia bahiifolia (Hartweg's golden sunburst);

Sidalcea keckii (Keck's checker-mallow);

Sidalcea oregana subsp. *valida* (Kenwood Marsh checker-mallow);

Streptanthus albidus subsp. *albidus* (Metcalf Canyon jewelflower);

Streptanthus niger (Tiburon jewelflower);

Suaeda californica (California seablite);

Thlaspi californicum (Kneeland Prairie penny-cress);

Trifolium amoenum (showy Indian clover);

Trifolium trichocalyx (Monterey clover);

Tuctoria greenei (Greene's tuctoria);

Tuctoria mucronata (Solano grass).

Permit No. TE–45778A

Applicant: Ellis Ecological Services Incorporated, Estacada, Oregon.

The applicant requests a permit to take (survey, electrofish, measure, collect, handle, and release) the Lost River sucker (*Deltistes luxatus*) and the shortnose sucker (*Chasmistes brevirostris*) in conjunction with surveys and population monitoring at Kingsley Field Air National Guard Base, Klamath County, Oregon, for the purpose of enhancing the species' survival.

Public Comments

We invite public review and comment on each of these recovery permit applications. Comments and materials we receive will be available for public inspection, by appointment, during normal business hours at the address listed in the **ADDRESSES** section of this notice.

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Larry Rabin,

Regional Director, Region 8, Sacramento, California.

[FR Doc. 2011–16993 Filed 7–6–11; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R4–R–2011–N053; 40136–1265–0000–S3]

St. Johns National Wildlife Refuge, FL; Draft Comprehensive Conservation Plan and Environmental Assessment

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comments.

SUMMARY: We, the Fish and Wildlife Service (Service), announce the availability of a draft comprehensive conservation plan and environmental assessment (Draft CCP/EA) for St. Johns National Wildlife Refuge (NWR) in Brevard County, Florida, for public review and comment. In this Draft CCP/EA, we describe the alternative we propose to use to manage this refuge for the 15 years following approval of the final CCP.

DATES: To ensure consideration, we must receive your written comments by August 8, 2011.

ADDRESSES: You may obtain a copy of the Draft CCP/EA by contacting Mr. Bill Miller, via U.S. mail at Merritt Island NWR Complex, P.O. Box 2683, Titusville, FL 32781, or via e-mail at *William_G_Miller@fws.gov,* or *St. Johns CCP@fws.gov.* Alternatively, you may download the document from our Internet Site at *http://www.fws.gov/southeast/planning/* under ''Draft Documents.'' Summit comments on the Draft CCP/EA to the above postal address or e-mail addresses.

FOR FURTHER INFORMATION CONTACT: Mr. Bill Miller, at 561/715–0023 (telephone) or *William_G_Miller@fws.gov* (e-mail).

SUPPLEMENTARY INFORMATION:

Introduction

With this notice, we continue the CCP process for St. Johns NWR. We started the process through a **Federal Register** notice on December 14, 2009 (74 FR 66147). Please see that notice for more about the refuge and its purposes.

The St. Johns NWR is a unit of and administered through the Merritt Island NWR Complex.

St. Johns NWR was established in August 1971, to provide protection for threatened and endangered species and native diversity. Its primary purpose relates to threatened and endangered species and applies to all lands and waters managed as part of St. Johns NWR. The refuge contains two units that combine for approximately 6,422 acres. The southern or ''Bee Line'' unit occurs approximately 1 mile west of the city of Port St. John, Florida, while the northern or ''State Road 50'' unit occurs approximately 5 miles to the north, roughly 5 miles west of the city of Titusville, Florida. St. Johns NWR is closed to public use, but for those permitted through the special use permit process.

Background

The CCP Process

The National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd–668ee) (Administration Act), as amended by the National Wildlife Refuge System Improvement Act of 1997, requires us to develop a CCP for each national wildlife refuge. The purpose in developing a CCP is to provide refuge managers with a 15-year plan for achieving refuge purposes and contributing toward the mission of the National Wildlife Refuge System, consistent with sound principles of fish and wildlife management, conservation, legal mandates, and our policies. In addition to outlining broad management direction on conserving wildlife and their habitats, CCPs identify wildlife-dependent recreational opportunities available to the public, including opportunities for hunting, fishing, wildlife observation, wildlife photography, and environmental education and interpretation. We will review and update the CCP at least every 15 years in accordance with the Administration Act.

Significant issues addressed in this Draft CCP/EA include: (1) Managing for wildlife diversity and prioritizing habitat management for secretive marsh birds; (2) expanding the approved acquisition boundary by 459 acres to enable us to enter into land acquisition agreements with willing sellers for lands that connect the refuge to a regional network of publicly managed lands; (3) protecting our interests from illicit uses; (4) opening select areas to unsupervised visitation; (5) evaluating the effectiveness of cattle grazing as a habitat management tool; (6) evaluating the compatibility of feral hog and white-tailed deer hunting as a visitor service; and (7) adding permanent staff.

CCP Alternatives, Including Our Proposed Alternative

We developed three alternatives for managing the refuge and chose ''Alternative C'' as the proposed alternative. A full description of each alternative is in the Draft CCP/EA. We summarize each alternative below.

Alternative A: Current Management (No Action)

Alternative A continues management activities and programs at present levels. We would continue the prescribed fire program to maintain open habitat conditions that would generally favor many native birds, including black and king rails, wading birds, and eastern meadowlarks. Secretive marsh bird surveys would continue to be conducted although infrequently. The lack of firm data on the mix of wintering birds using the refuge would continue. There would be no active management of wood storks or State-listed wading birds. We would continue to reduce the impacts from off-site runoff and facilitate infiltration; however, there would be no active management of water quality. Still, we would continue to protect emergent wetlands that buffer and filter the St. Johns River. We would not actively collect data related to climate change trends and their effects on the refuge.

Periodic detection and control of invasive plant species would continue. We would also continue to monitor for the presence and abundance of invasive species such as the feral hog, continuing to use a hog trapper and staff to control these animals occasionally and opportunistically.

Boundaries would not change under this alternative, and the lack of a functional management boundary would continue to be problematic. In particular, effective resource protection would continue to be hindered by the fragmented ownership, and the unmarked, unfenced boundaries of the checkerboard area of the Bee Line unit. In addition, there would be no active management of rights-of-way.

Under this alternative, we would continue to provide law enforcement support through the Merritt Island NWR. We would continue to collaborate with Florida Fish and Wildlife Conservation Commission (FWC), Florida Department of Environmental Protection (FDEP), and local law enforcement agencies in trying to protect resources from illegal activities, such as trespass and unauthorized use of all-terrain and off-road vehicles. We would continue to provide protection for cultural and archaeological resources.

The refuge would remain closed to the public, with certain limited exceptions, such as an occasional guided tour. The refuge would continue to be managed part time by Merritt Island NWR Complex staff as a collateral duty. We would continue to count on three or four volunteers from the community to conduct occasional special guided educational tours and to control exotic plants under staff supervision. We would maintain one tool and equipment storage shed, which houses a small cache of fire-fighting equipment. We would maintain perimeter fencing, gates, culverts, and 10–12 miles of unpaved access roads.

Alternative B: Management for Rare, Threatened, and Endangered Species

In general, Alternative B represents an expansion of the management efforts of Alternative A, emphasizing on rare, threatened, and endangered species. Management would primarily occur through prescribed burning and hydrologic restoration. Utilizing ecological indicators, we would promote a fire return interval to maintain early successional habitat on behalf of these species and would shift prescribed burning events to summer/early fall. In addition, we would determine the size, seasonality, and frequency of prescribed fires to benefit rail species.

We would develop a monitoring program for secretive marsh birds and adapt management based on species response. We would work to restore the hydrologic setting to benefit marsh birds and determine the role of the refuge in regional and national species conservation plans, particularly with regard to rare, threatened, and endangered species. Management of wood storks and State-listed wading birds, including the snowy egret, tri-colored heron, and little blue heron, would expand. We would conduct nesting surveys and opportunistically remove fill and dike features of the State Road 50 unit borrow ponds to provide additional artificial islands.

On behalf of the northern crested caracara, Alternative B would maintain open habitat with a minimum of woody vegetation, including wax myrtle. We would also evaluate the use of mowing, cattle grazing, and/or other forms of vegetation maintenance to benefit this species on the Bee Line unit.

We would stay abreast of Cape Sable seaside sparrow reintroduction and introduction discussions within the State. We would work with our South Florida Ecological Services Field Office and the FWC to evaluate the suitability of the refuge as a potential introductory site to support recovery of this species.

An exotic plant database would be maintained, and exotic plants would be controlled at maintenance levels. We would increase control of invasive/feral animals and would use permittees and partners for the feral hog control effort.

We would proactively address climate change, particularly with regard to its potential to impact rare species.

In pursuit of more functional refuge boundaries, we would cooperate with partners to consolidate and secure ownership in the checkerboard area of the Bee Line unit to create functional refuge management areas. We would consider fee-title acquisitions, land swaps, management agreements, conservation easements, and other measures based on a willing-seller approach to protect these sites. We would also work with Brevard County to abandon the county's historic rights-of way. We would pursue the implementation of a minor expansion proposal, approximately 459 areas, of the approved acquisition boundary to connect lands and develop corridors proximal to the State Route 50 unit for dispersal and movement of wildlife. We would increase our law enforcement staff and coordinate with governmental partners and landowners to increase the number of patrols and level of enforcement to deter and prevent unpermitted activities. With regard to cultural, historical, and archaeological resources, we would continue to provide protection for these resources.

Under Alternative B, visitor services and public use would be similar to current management direction, with certain minor expansions. In general, the refuge would remain closed to the public, except for occasional guided tours arranged in advance. Outreach would be expanded and focused on threatened, endangered, and rare species. We would work with partners to develop a curriculum-based environmental education program.

Administrative capacity would expand somewhat. We would share a law enforcement officer and maintenance worker with Merritt Island NWR Complex. We would hire a full-time biological technician/biologist. We would utilize volunteers for increased environmental education and interpretation activities, surveys of threatened and endangered species, boundary identification, expanded exotics control, and refuge cleanups. We would continue to maintain our current facilities and add one to two vehicles and equipment for exotic plant control activities.

Alternative C: Enhanced Wildlife and Habitat Diversity (Proposed Alternative)

This alternative would focus on enhancing all native wildlife and habitat diversity. With respect to marsh birds, this alternative would expand on Alternative B. We would determine our role in regional and national species

conservation plans. Based on ecological indicators targeting marsh bird and habitat responses, we would utilize prescribed fire to maintain and restore early successional habitats. Concerning the suite of resident, wintering, and summering birds on the refuge, Alternative C would represent an expansion of Alternative A. Through prescribed burning, we would promote an ecologically based fire return interval to maintain early successional ecological stages of all fire-maintained habitats. In addition, the hydrologic setting would be restored to as near as possible pre-drainage conditions to benefit wildlife.

Management of wood storks and State-listed wading birds would expand, as under Alternative B. On behalf of the northern crested caracara, we would maintain open habitat with a minimum of woody vegetation. We would also evaluate the use of mowing, grazing, and/or other forms of vegetation control to help maintain open habitat for this species at the Bee Line unit, while minimizing impacts to secretive marsh birds. Under this alternative, we would stay abreast of Cape Sable seaside sparrow reintroduction and introduction through discussions with the State. Management of hydrology, including groundwater, surface water, and water quality, would expand. We would coordinate with the St. Johns River Water Management District (SJRWMD) to develop a better understanding of the hydrology of the refuge. To help fill in the information gaps, and using experts, we would develop a hydrologic study to understand the relationships of water quality, water quantity, and timing of flows within and across the refuge.

Invasive plant control would be identical to that proposed under Alternative B. Invasive animal control would expand further on the efforts proposed under Alternative B. We would use permittees and partners for feral hog control and possibly public hunts if, after evaluation, hunting is determined to be an effective tool to remove or control this species.

We would focus habitat management on maintaining and supporting a wide array of native wildlife. Overall, the relative percentages and composition of the major habitat types would not change; the aim would be to increase their quality rather than quantity. We would strive to maintain emergent marsh and open waters for a diversity of mammals, such as the white-tailed deer and round-tailed muskrat.

With regard to climate change, we would partner with SJRWMD in adaptive management efforts to manage habitats, ecosystems, and wildlife affected by climate change. We would investigate opportunities to participate in regional climate change initiatives to better understand the role climate change may have on resources and would adapt management based on discovery of climate change related impacts.

We would work with partners to consolidate and secure ownership in the checkerboard area of the Bee Line unit to create functional management areas. We would consider fee-title acquisitions, land swaps, management agreements, conservation easements, and other measures based on a willing-seller approach to protect these sites. We would work with Brevard County to vacate or abandon its historic rights-of-way and would add access to accommodate public use. Additionally, this alternative identifies a minor expansion proposal (approximately 459 acres) of the approved acquisition boundary to connect lands and develop natural area corridors to the State Road 50 unit. Under Alternative C, we would increase Service law enforcement staff and coordinate with stakeholders to increase the number of patrols and level of enforcement to deter and prevent destructive illegal activities. With regard to cultural, historical, and archaeological resources, we would continue to provide protection for these resources. In addition, we would complete and begin to implement a Cultural Resources Management Plan over the 15-year life of the CCP.

One of the centerpieces of Alternative C includes expanding visitor services and public use. To expand opportunities for interpretation, we would work with partners to evaluate a range of access alternatives for St. Johns NWR. Working with Brevard County, we would seek to develop facilities such as a trailhead and kiosk from Fay Lake Park into the refuge's Bee Line unit, and would consider developing an interpretive trail and kiosk on the State Route 50 unit. We would also explore, based on potential and varied acquisition opportunities from willing sellers through and subject to the proposed minor expansion proposal, opportunities to provide public access to the State Route 50 unit from Brevard County's Fox Lake Park Sanctuary through the Fox Lake tract. We would expand environmental education efforts by working with partners to develop curriculum-based environmental education programs related to wildlife and climate change. We would also work with local schools to conduct on-site environmental education. We would open up the refuge to wildlife observation and photography, and would provide facilities to enhance the visitor experience (e.g., marked foot trails, kiosks at trailheads, and a safe parking area). We would establish foot traffic on existing dikes and roads and would evaluate potential connectivity to regional trail networks. The refuge and any future trails would remain subject to closure for administrative purposes. Commercial photography and tours/guides would be available on a case-by-case basis. Access for uses determined to be appropriate and compatible would be walking, hiking, and bicycling. We would work with partners, including the FWC, to evaluate the potential for primitive weapon hunting (*e.g.,* bow and muzzle-loader) and a youth hunt. Species to be considered for hunts would include white-tailed deer and feral hogs.

In all respects, administration would expand under this alternative. When fully implemented, this alternative would provide for shared positions with Merritt Island NWR Complex, including a law enforcement officer, maintenance worker, and a refuge ranger. A full-time biological technician position is also proposed, for a total of 2.5 new positions. The volunteer program would also expand as we would utilize volunteers for increased environmental education and interpretation activities and programs, trail maintenance, outreach, wildlife surveys, expanded exotic control, and refuge cleanups. This alternative would provide for more facilities and equipment. We would consider developing kiosks, trails, and associated parking to provide safe and secure access from existing county parks to refuge lands. We would also add one to two vehicles and equipment for exotic plant control activities.

Next Step

After the comment period ends, we will analyze the comments and address them.

Public Availability of Comments

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority

This notice is published under the authority of the National Wildlife

Refuge System Improvement Act of 1997, Public Law 105–57.

Dated: April 5, 2011.

Mark J. Musaus,

Acting Regional Director.

[FR Doc. 2011–17014 Filed 7–6–11; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNMP0000 L13110000.XH0000]

Notice of Public Meeting, New Mexico Resource Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act and the Federal Advisory Committee Act of 1972, the U.S. Department of the Interior, Bureau of Land Management (BLM), Pecos District Resource Advisory Council (RAC), will meet as indicated below.

DATES: The meeting date is September 20, 2011, at the Bureau of Land Management Pecos District Office, 2909 W. 2nd Street, Roswell, NM 88201, from 10 a.m.–4 p.m. The public may send written comments to the RAC at the above address.

FOR FURTHER INFORMATION CONTACT: Betty Hicks, Pecos District, Bureau of Land Management, 2909 W. 2nd Street, Roswell, NM 88201, 575–627–0242.

SUPPLEMENTARY INFORMATION: The 10-member RAC advises the Secretary of the Interior, through the Bureau of Land Management, on a variety of planning and management issues associated with public land management in New Mexico. Planned agenda items include a welcome and introduction of new Council members, election of officers, overview and procedures of resource advisory councils, issues and concerns in BLM Pecos District and future project work for the RAC.

A half-hour public comment period during which the public may address the Council is scheduled to begin at 2:30 p.m. on September 20. All RAC meetings are open to the public. Depending on the number of individuals wishing to comment and time available, the time for individual oral comments may be limited.

Douglas J. Burger,

District Manager.

[FR Doc. 2011–16995 Filed 7–6–11; 8:45 am]

BILLING CODE 4310–VA–P

INTERNATIONAL TRADE COMMISSION

Agency Information Collection Activities: Proposed Collection; Comment Request; Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery

AGENCY: U.S. International Trade Commission.

ACTION: 30-Day notice of submission of information collection approval from the Office of Management and Budget and request for comments.

SUMMARY: As part of a Federal Government-wide effort to streamline the process to seek feedback from the public on service delivery, the U.S. International Trade 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) (44 U.S.C. 3501 *et seq.*).

DATES: Comments must be submitted August 8, 2011.

ADDRESSES: Written comments should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Room 10102 (Docket Library), Washington, DC 20503, *Attention:* Docket Librarian. Copies of any comments should be provided to Andrew Martin, Chief Information Officer, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, who is the Commission's designated Senior Official under the Paperwork Reduction Act. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Secretary at 202–205–2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting our TDD terminal (telephone no. 202–205–1810). Also, general information about the Commission can be obtained from its Internet server (*http://www.usitc.gov*).

FOR FURTHER INFORMATION CONTACT: To request additional information, please contact Jeremy Wise at 202–205–3190.

SUPPLEMENTARY INFORMATION:

Title: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

Abstract: 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. Qualitative feedback is meant to provide useful information and insights on perceptions and opinions, but does not yield quantitative data that can be generalized to the overall population, such as that which results from statistical surveys. 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 changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative, and actionable communications between the Commission 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 quantitative 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 for assessing potential non-response bias, the protocols for data collection, and any testing procedures that were or will be undertaken prior to 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.

The U.S. International Trade Commission received no comments in response to the 60-day notice published in the **Federal Register** of December 22, 2010 (75 FR 80542).

Below we provide the U.S. International Trade Commission's projected average estimates for the next three years: [1]

[1] The 60-day notice included the following estimate of the aggregate burden hours for this generic clearance Federal-wide:

Average Expected Annual Number of Activities: 25,000.

Average Number of Respondents per Activity: 200.

Annual Responses: 5,000,000.

Frequency of Response: Once per Request.

Continued

Current Actions: New collection of information.

Type of Review: New Collection.

Affected Public: Individuals and Households; Businesses and Organizations; State, Local, or Tribal Government.

Average Expected Annual Number of Activities: 3.

Average Annual Respondents: 595.

Average Annual Responses: 595.

Frequency of Response: Once per Request.

Average Minutes per Response: 46.

Average Annual Burden Hours: 457.

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 Office of Management and Budget control number.

By order of the Commission.

Issued: June 30, 2011.

James Holbein,

Secretary to the Commission.

[FR Doc. 2011–16905 Filed 7–6–11; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *In Re Certain Video Analytics Software, Systems, Components Thereof, and Products Containing Same,* DN 2826; the Commission is soliciting comments on any public interest issues raised by the complaint.

FOR FURTHER INFORMATION CONTACT: James R. Holbein, Secretary to the Commission, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov,* and will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205–2000.

General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint filed on behalf of ObjectVideo, Inc. on June 29, 2011. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain video analytics software, systems, components thereof, and products containing same. The complaint names as respondents Robert Bosch GmbH of Germany; Bosch Security Systems, Inc. of Fairpoint, NY; Samsung Techwin Co., Ltd. of Korea; Samsung Opto-Electronics America, Inc. (d/b/a Samsung Techwin America, Inc.) of Ridgefield Park, NJ; Sony Corporation of Japan; and Sony Electronics, Inc. of San Diego, CA.

The complainant, proposed respondents, other interested parties, and members of the public are invited to file comments, not to exceed five pages in length, on any public interest issues raised by the complaint. Comments should address whether issuance of an exclusion order and/or a cease and desist order in this investigation would negatively affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the orders are used in the United States;

(ii) Identify any public health, safety, or welfare concerns in the United States relating to the potential orders;

(iii) Indicate the extent to which like or directly competitive articles are produced in the United States or are otherwise available in the United States, with respect to the articles potentially subject to the orders; and

(iv) Indicate whether Complainant, Complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to an exclusion order and a cease and desist order within a commercially reasonable time.

Written submissions must be filed no later than by close of business, five business days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation.

Persons filing written submissions must file the original document and 12 true copies thereof on or before the deadlines stated above with the Office of the Secretary. Submissions should refer to the docket number (''Docket No. 2826'') in a prominent place on the cover page and/or the first page. The Commission's rules authorize filing submissions with the Secretary by facsimile or electronic means only to the extent permitted by section 201.8 of the rules (see Handbook for Electronic Filing Procedures, *http://www.usitc.gov/secretary/fed_reg_notices/rules/documents/handbook_on_electronic_filing.pdf*). Persons with questions regarding electronic filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of sections 201.10 and 210.50(a)(4) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.50(a)(4)).

By order of the Commission.

Issued: June 30, 2011.

James R. Holbein,

Secretary to the Commission.

[FR Doc. 2011–16902 Filed 7–6–11; 8:45 am]

BILLING CODE 7020–02–P

Average Minutes per Response: 30.

Burden Hours: 2,500,000.

INTERNATIONAL TRADE COMMISSION

[Inv. No. 337–TA–781]

In the Matter of Certain Microprocessors, Components Thereof, and Products Containing Same; Notice of Institution of Investigation; Institution of Investigation Pursuant to 19 U.S.C. 1337

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on May 31, 2011, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of X2Y Attenuators, LLC of Erie, Pennsylvania. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain microprocessors, components thereof, and products containing same by reason of infringement of certain claims of U.S. Patent No. 6,738,249 (''the '249 patent''); U.S. Patent No. 7,110,227 (''the '227 patent''); U.S. Patent No. 7,609,500 (''the '500 patent''); U.S. Patent No. 7,733,621 (''the '621 patent''); and U.S. Patent No. 7,916,444 (''the '444 patent''). The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainant requests that the Commission institute an investigation and, after the investigation, issue an exclusion order and a cease and desist order.

ADDRESSES: The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Room 112, Washington, DC 20436, telephone (202) 205–2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *http://www.usitc.gov*. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov*.

FOR FURTHER INFORMATION CONTACT: The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205–2560.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2011).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on June 29, 2011, *ordered that*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain microprocessors, components thereof, and products containing same that infringe one or more of claims 11–16, 41, 42, and 52–55 of the '249 patent; claims 1, 3, 4, 8, 9, 21, 24, 28, 29, 32, 35, 36, 39, 40, 52, 55, 56, 59, and 60 of the '227 patent; claims 1–18, 20–44, 46, 49, 50, 52, 53, 55, and 57–62 of the '500 patent; claims 1–20 of the '621 patent; and claims 1–9 and 26–49 of the '444 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) Pursuant to Commission Rule 210.50(b)(1), 19 CFR 210.50(b)(1), the presiding administrative law judge shall take evidence or other information and hear arguments from the parties and other interested persons with respect to the public interest in this investigation, as appropriate, and provide the Commission with findings of fact and a recommended determination on this issue;

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is:

X2Y Attenuators, LLC, 2730–B West 21st Street, Erie, PA 16506.

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Intel Corporation, 2200 Mission College Boulevard, Santa Clara, CA 95054;
Components Intel de Costa Rica S.A., Calle 129 LaRibera de Belen, Heredia, 4103, Costa Rica;
Intel Malaysia Sdn. Bhd, Bayan Lapas Free Trade Zone, Phase III, Penang 11900, Malaysia;
Intel (Philippines), Unit 7–02, 3rd Avenue & 30th Street, ESQ Zone, Bonifacio Global City, Taguig City, 1634 Metro Manila, Philippines;
Intel Products (Chengdu) Ltd., Number 8–1, Kexin Road, Chengdu High-Tech Zone (West Park), Chengdu, Sichuan 611731, China;
Intel Products (Shanghai) Ltd., Pudong 3, 999 Ying Lun Road, Waigaoqiao Free Trade Zone, Pudong, Shanghai 200131, China;
Apple Inc., 1 Infinite Loop, Cupertino, CA 95014;
Hewlett-Packard Company, 3000 Hanover Street, Palo Alto, CA 94304.

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, SW., Suite 401, Washington, DC 20436; and

(4) For the investigation so instituted, the Honorable Paul J. Luckern, Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(d)–(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: June 29, 2011.

James R. Holbein,

Secretary to the Commission.

[FR Doc. 2011–16904 Filed 7–6–11; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Inv. No. 337–TA–783]

In the Matter of Certain GPS Navigation Products, Components Thereof, and Related Software; Notice of Institution of Investigation; Institution of Investigation Pursuant to 19 U.S.C. 1337

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on June 6, 2011, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Honeywell International Inc. of Morristown, New Jersey. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain GPS navigation products, components thereof, and related software by reason of infringement of certain claims of U.S. Patent No. 7,209,070 (''the '070 patent''); U.S. Patent No. 6,865,452 (''the '452 patent''); U.S. Patent No. 5,461,388 (''the '388 patent''); and U.S. Patent No. 6,088,653 (''the '653 patent''). The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainant requests that the Commission institute an investigation and, after the investigation, issue an exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Room 112, Washington, DC 20436, telephone 202–205–2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *http://www.usitc.gov*. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov*.

FOR FURTHER INFORMATION CONTACT: The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone 202–205–2560.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2011).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on June 30, 2011, *ordered that* —

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain GPS navigation products, components thereof, and related software that infringe one or more of claims 14 and 15 of the '070 patent; claims 1 and 8 of the '452 patent; claims 1 and 5–7 of the '388 patent; and claims 25–27 of the '653 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is:

Honeywell International Inc., 101 Columbia Road, Morristown, NJ 07960.

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Furuno Electric Co., Ltd., 9–52 Ashihara-cho, Nishinomiya City, Hyogo 662–8580, Japan;

Furuno U.S.A., Inc., 4400 NW. Pacific Rim Boulevard, Camas, WA 98607.

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, SW., Suite 401, Washington, DC 20436; and

(3) For the investigation so instituted, the Honorable Paul J. Luckern, Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(d)–(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: June 30, 2011.

James R. Holbein,

Secretary to the Commission.

[FR Doc. 2011–16966 Filed 7–6–11; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–385 (Third Review)]

Granular Polytetrafluoroethylene Resin From Italy

Determination

On the basis of the record [1] developed in the subject five-year review, the United States International Trade Commission (Commission) determines, pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)), that revocation of the antidumping duty order on granular polytetrafluoroethylene resin from Italy would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

Background

The Commission instituted this review on November 1, 2010, (75 F.R. 67105) and determined on May 2, 2011, that it would conduct an expedited review (76 F.R. 28455, May 17, 2011).

The Commission transmitted its determination in this review to the Secretary of Commerce on June 29,

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

2011. The views of the Commission are contained in USITC Publication 4240 (June 2011), entitled *Granular Polytetrafluoroethylene Resin from Italy: Investigation No. 731–TA–385 (Third Review)*.

By order of the Commission.

Issued: June 30, 2011.

James R. Holbein,

Secretary to the Commission.

[FR Doc. 2011–16968 Filed 7–6–11; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Inv. No. 337–TA–782]

In the Matter of Certain Liquid Crystal Display Devices and Products Containing the Same; Notice of Institution of Investigation; Institution of Investigation Pursuant to 19 U.S.C. 1337

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on June 1, 2011, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Samsung Electronics Co., Ltd. of Korea. Letters supplementing the complaint were filed on June 17 and June 20, 2011. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain liquid crystal display devices and products containing the same by reason of infringement of certain claims of U.S. Patent No. 6,771,344 (''the '344 patent''); U.S. Patent No. 6,882,375 (''the '375 patent''); U.S. Patent No. 7,535,537 (''the '537 patent''); U.S. Patent No. 7,787,087 (''the '087 patent''); and U.S. Patent No. RE41,363 (''the '363 patent''). The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainant requests that the Commission institute an investigation and, after the investigation, issue an exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Room 112, Washington, DC 20436, telephone 202–205–2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *http://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

FOR FURTHER INFORMATION CONTACT: The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone 202–205–2560.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2011).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on June 29, 2011, *Ordered That*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain liquid crystal display devices and products containing the same that infringe one or more of claims 2–8 of the '344 patent; claims 1, 8, 13, 14, 19, and 20–23 of the '375 patent; claims 1 and 2 of the '537 patent; claims 1–7 of the '087 patent; or claims 1, 8–10, 12, and 14–17 of the '363 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is: Samsung Electronics Co., Ltd., Samsung Electronics Bldg., 1320–10, Seocho 2-dong, Seocho-gu, Seoul, Korea 137–857.

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

AU Optronics Corp., No. 1 Li-Hsin Road 2, Hsinchu Science Park, Hsinchu 30078, Taiwan.

AU Optronics Corporation America, 9720 Cypresswood Drive, Suite 241, Houston, TX 77070.

Acer America Corporation, 333 West San Carlos Street, Suite 1500, San Jose, CA 95110.

Acer Inc., 369 Fu Hsin North Road 7F–5, T083aipei 10479, Taiwan.

BenQ America Corp., 15375 Barranca, Suite A205, Irvine, CA 92618.

BenQ Corp., 16 Jihu Rd., Taipei 114, Taiwan.

SANYO Electric Co., Ltd., 5–5 Keihan-Hondori 2–Chome, Moriguchi City, Osaka 570–8677, Japan.

SANYO North America Corporation, 2055 Sanyo Avenue, San Diego, CA 92154.

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, SW., Suite 401, Washington, DC 20436; and

(3) For the investigation so instituted, the Honorable Paul J. Luckern, Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(d)–(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: June 29, 2011.

James R. Holbein,

Secretary to the Commission.

[FR Doc. 2011–16903 Filed 7–6–11; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–714

In the Matter of Certain Electronic Devices With Multi-Touch Enabled Touchpads and Touchscreens; Notice of Commission Determination To Review-in-Part a Final Initial Determination; Termination of Investigation With a Finding of No Violation of Section 337

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to review in-part the final initial determination (''ID'') issued by the presiding administrative law judge (''ALJ'') on April 29, 2011, finding no violation of section 337 in the above-captioned investigation. In particular, the Commission has determined to review and take no position on the ALJ's finding that the ''scanning'' step of independent claim 1 requires a specific temporal order for elements (a) to (c) and his related finding of collateral estoppel. See Order No. 17 at 9–18 (Nov. 9, 2010); ID at 8–9; Order No. 16 (Sept. 28, 2010). The Commission has further determined to adopt the remainder of the ID to the extent it is not based on these claim construction rulings. The investigation is terminated with a finding that Apple did not violate section 337.

FOR FURTHER INFORMATION CONTACT: Daniel E. Valencia, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205–1999. 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: The Commission instituted this investigation on April 29, 2010, based on a complaint filed by Elan Microelectronics Corporation of Taiwan (''Elan''), alleging a violation of section 337 in the importation, sale for importation, and sale within the United States after importation of certain electronic devices with multi-touch enabled touchpads and touchscreens by reason of infringement of certain claims of U.S. Patent No. 5,825,352 (''the '352 patent''). 75 FR 22625. The complaint named Apple, Inc. of Cupertino, California (''Apple'') as the only respondent.

On April 29, 2011, the ALJ issued a final ID finding no violation of section 337. The ALJ concluded, among other things, that none of the accused products infringe the asserted claims of the '352 patent and that no domestic industry exists.

On May 16, 2011, complainant Elan filed a petition for review of the ALJ's final ID. The same day, respondent Apple filed a contingent petition for review. On May 24, 2011, Elan, Apple, and the Commission investigative attorney responded to the petitions for review. 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 and take no position on the ALJ's claim construction ruling that the ''scanning'' step of independent claim 1 requires a specific temporal order for elements (a) to (c), and his related finding of collateral estoppel. See Order No. 17 at 9–18 (Nov. 9, 2010); ID at 8–9; Order No. 16 (Sept. 28, 2010). The Commission has also determined to adopt the remainder of the ID to the extent it is not based on these claim construction rulings. The Commission had determined to terminate the investigation with a finding that Apple has not violated section 337.

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 Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: June 30, 2011.

James R. Holbein,

Secretary to the Commission.

[FR Doc. 2011–16967 Filed 7–6–11; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–767]

In the Matter of Certain Glassware; Notice of Commission Determination not To Review an Initial Determination Terminating the Investigation in Its Entirety; Issuance of a Consent Order; Termination of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review the presiding administrative law judge's (''ALJ'') initial determination (''ID'') (Order No. 8) granting the joint motion of complainant Boston Beer Corporation of Boston, Massachusetts (''Boston Beer'') and respondents 1 Source Signature Glassware, Inc. (''1 Source''), the di Sciacca Company (''di Sciacca''), and the San Tan Brewing Company, Inc. (''San Tan'') all of Chandler, Arizona to terminate in its entirety Inv. No. 337–TA–767, *Certain Glassware,* based on a consent order. The investigation is terminated.

FOR FURTHER INFORMATION CONTACT: Megan M. Valentine, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 708–2301. 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: The Commission instituted this investigation on March 24, 2011, based on a complaint filed on February 18, 2011, and supplemented on March 14, 2011, by Boston Beer. 76 FR 16639–40. The complaint, as supplemented, alleges violations of Section 337 of the Tariff Act of 1930, as amended, 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 glassware by reason of infringement of U.S. Patent Nos. D582,213 and D569,189. The complaint further alleges the existence of a domestic industry. The Commission's notice of investigation named 1 Source, di Sciacca, and San Tan as respondents.

On June 1, 2011, Boston Beer and Respondents filed a joint motion for termination of the investigation in its entirety by reason of a consent order stipulation. No responses were filed.

On June 14, 2011, the ALJ issued the subject ID, granting the joint motion for termination in its entirety. The ALJ found that the consent order stipulations complied with the requirements of Commission Rule 210.21(c)(3) (19 CFR 210.21(c)(3)). The ALJ also concluded that there is no evidence that termination of this investigation in its entirety would be contrary to the public interest. No petitions for review of this ID were filed.

The Commission has determined not to review the ID.

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 section 210.42 of the Commission's Rules of Practice and Procedure (19 CFR 210.42).

By order of the Commission.

Issued: June 30, 2011.

James R. Holbein,

Secretary to the Commission.

[FR Doc. 2011–16912 Filed 7–6–11; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Clean Air Act

Notice is hereby given that on June 30, 2011, a Consent Decree in *United States* v. *Western Refining Company, L.P.,* Civil Action No. 3:11–cv–276, was lodged with the United States District Court for the Western District of Texas.

The Consent Decree, which pertains to Western's El Paso, Texas refinery, is one of many national settlements concluded as part of EPA's Clean Air Act Petroleum-Refinery Initiative. Consistent with the objectives of the national initiative, the settlement requires Western to perform injunctive relief to reduce emissions of nitrogen oxides, sulfur dioxide, volatile organic compounds, and benzene. Among other things, emission limits are set for NO_X and SO_2 emissions from the fluidized catalytic cracking unit (FCCU), emission limits are set for NO_X from large heaters and boilers, the root causes of any flaring incidents must be investigated, the refinery's flares must comply with regulations that limit SO_2 emissions, the refinery's benzene monitoring program is enhanced, and the refinery's leak-detection-and-repair (LDAR) program is upgraded. The Consent Decree also requires the payment of a $1.45 million civil penalty.

The Consent Decree resolves allegations by the Environmental Protection Agency, asserted in a complaint filed with the Consent Decree.

The Department of Justice will receive comments relating to the Consent Decree for a period of thirty (30) days from the date of this publication. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to *pubcomment-ees.enrd@usdoj.gov*, or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to *United States* v. *Western Refining Company, L.P.,* D.J. Ref. No. 90–5–2–1–07629/1.

During the public comment period, the Consent Decree may be examined on the following Department of Justice Web site: *http://www.usdoj.gov/enrd/Consent_Decrees.html.* A copy of the Consent Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, or by faxing or e-mailing a request to Tonia Fleetwood (*tonia.fleetwood@usdoj.gov*), fax number (202) 514–0097, phone confirmation number (202) 514–1547. If requesting a copy from the Consent Decree Library, please enclose a check in the amount of $30.25 (25 cents per page reproduction cost) payable to the U.S. Treasury, or, if requesting by e-mail or fax, please forward a check in that amount to the Consent Decree Library at the address given above.

Maureen M. Katz,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2011–16986 Filed 7–6–11; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Notice of Proposed Consent Decrees Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)

Pursuant to Section 122(d)(2) of CERCLA, 42 U.S.C. 9622(d)(2), notice is hereby given that on June 28, 2011, two proposed Consent Decrees in *United States* v. *Atlantic Land and Improvement Co. et al.,* Civil Action No. 8:11–cv–01435–EAK–EAJ, were lodged with the United States District Court for the Middle District of Florida.

In this action the United States sought to require the Defendants, Atlantic Land and Improvement Co. (''ALI'') and Stephen J. Cook and Patricia J. Cook (''the Cooks''), to conduct remedial design and remedial action to address releases and threatened releases of hazardous substances at the Raleigh Street Dump Superfund Site (''Site'') in Tampa, Hillsborough County, Florida. The United States also sought to recover past and future costs incurred and to be incurred by the Environmental Protection Agency (EPA) during the performance of response actions at the Site.

Under the Consent Decree with ALI, ALI will perform the remedial design and remedial action at the Site. The remedy provides for excavation of approximately 12,000 cubic yards of contaminated soils and sediments, replacement with clean fill to pre-removal grade, monitored natural attenuation of contaminated groundwater, and restoration of on-site wetlands impacted during removal of contaminated soils/sediments. ALI will also excavate an additional approximately 2,000 cubic yards of soil and place approximately 4,400 square feet of concrete slab under existing buildings at the Site. ALI will also reimburse the Hazardous Substance Superfund in the amount of $175,000 for EPA's future response costs at the Site.

Under the Consent Decree with the Cooks, the Cooks will record a notice to successors-in-title and deed restrictions on the portion of the Site owned by them; ensure that materials and land use at the Site do not interfere with the remedial action; and reimburse the Hazardous Substance Superfund in the amount of $20,000.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Consent Decrees. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either emailed to *pubcomment-ees.enrd@usdoj.gov* or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to *United States* v. *Atlantic Land and Improvement Co. et al.,* Civil Action No. 8:11–cv–01435–EAK–EAJ, DOJ Ref. # 90–11–2–09654.

The Consent Decrees may be examined at EPA Region 4, Atlanta Federal Center, 61 Forsyth Street, SW., Atlanta, Georgia 30303. During the public comment period, the Consent Decrees may also be examined on the following Department of Justice Web site: *http://www.usdoj.gov/enrd/Consent_Decrees.html.* Copies of the Consent Decrees may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611 or by faxing or e-mailing a request to Tonia Fleetwood (*tonia.fleetwood@usdoj.gov),* fax no. (202) 514–0097, phone confirmation number (202) 514–1547. In requesting copies from the Consent Decree Library, please refer to *United States* v. *Atlantic Land and Improvement Co. et al.,* Civil Action No. 8:11–cv–01435–EAK–EAJ, DOJ Ref. # 90–11–2–09654. For the ALI decree, enclose a check in the amount of $80.25 (25 cents per page reproduction cost) payable to the U.S. Treasury. For the Cooks decree, enclose a check in the amount of $10.50 payable to the U.S. Treasury.

Maureen M. Katz,

Assistant Section Chief, Environmental Enforcement Section. Environment & Natural Resources Division.

[FR Doc. 2011–16984 Filed 7–6–11; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms and Explosives

[OMB Number 1140–0016]

Agency Information Collection Activities: Application for Registration of Firearms Acquired by Certain Governmental Entities

ACTION: 60-Day Notice.

The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. This notice requests comments from the public and affected agencies concerning the proposed information collection. Comments are encouraged and will be accepted for ''sixty days'' until September 6, 2011. This process is conducted in accordance with 5 CFR 1320.10.

If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Gary Schaible, *Gary.Schaible@atf.gov,* National Firearms Act Branch, 99 New York Avenue, NE., Washington, DC 20226.

Written comments concerning this information collection should be sent to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: DOJ Desk Officer. The best way to ensure your comments are received is to e-mail them to *oira_submission@omb.eop.gov* or fax them to 202–395–7285. All comments should reference the 8 digit OMB number for the collection or the title of the collection. If you have questions concerning the collection, please call Gary Schaible at 202–648–7165 or the DOJ Desk Officer at 202–395–3176.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Summary of Information Collection

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Application for Registration of Firearms Acquired by Certain Governmental Entities.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection: Form Number:* ATF F 10 (5320.10). Bureau of Alcohol, Tobacco, Firearms and Explosives.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* State, local or tribal Government. *Other:* None

Need for Collection

The form is required to be submitted by State and local government entities wishing to register an abandoned or seized and previously unregistered National Firearms Act weapon. The form is required whenever application for such a registration is made.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 1,500 respondents will complete a 30 minute form.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 3000 annual total burden hours associated with this collection.

If additional information is required contact: Jerri Murray, Department Clearance Officer, Policy and Planning Staff, Justice Management Division, Department of Justice, Two Constitution Square, Room 2E–508, 145 N Street, NE., Washington, DC 20530.

Jerri Murray,

Department Clearance Officer, PRA, U.S. Department of Justice.

[FR Doc. 2011–16918 Filed 7–6–11; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms and Explosives

[OMB Number 1140–0057]

Agency Information Collection Activities: A National Repository for the Collection and Inventory of Information Related to Arson and the Criminal Misuse of Explosives

ACTION: 60-Day Notice.

The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. This notice requests comments from the public and affected agencies concerning the proposed information collection. Comments are encouraged and will be accepted for ''sixty days'' until September 6, 2011. This process is conducted in accordance with 5 CFR 1320.10.

If you have comments especially on the estimated public burden or associated response time, suggestions,

or need a copy of the proposed information collection instrument with instructions or additional information, please contact Steven Avato, *Steven.Avato@atf.gov,* U.S. Bomb Data Center, 99 New York Avenue, NE., Washington, DC 20226.

Written comments concerning this information collection should be sent to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: DOJ Desk Officer. The best way to ensure your comments are received is to e-mail them to *oira_submission@omb.eop.gov* or fax them to 202–395–7285. All comments should reference the 8 digit OMB number for the collection or the title of the collection. If you have questions concerning the collection, please call Steven Avato at 703–287–1103 or the DOJ Desk Officer at 202–395–3176.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
—Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
—Enhance the quality, utility, and clarity of the information to be collected; and
—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Summary of Information Collection

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* A National Repository for the Collection and Inventory of Information Related to Arson and the Criminal Misuse of Explosives.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection: Form Number:* None. Bureau of Alcohol, Tobacco, Firearms and Explosives.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* State, Local or Tribal Government. *Other:* Federal Government.

Need for Collection

All Federal agencies are required to report information relating to arson and the criminal misuse of explosives in a national repository database maintained by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)—United States Bomb Data Center (USBDC). State, Local and Tribal law enforcement agencies report this information on a voluntary basis. The ATF USBDC maintains all National Repository databases within the Department of Justice.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 2,000 respondents will report the information within approximately 10 minutes.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 333 annual total burden hours associated with this collection.

If additional information is required contact: Jerri Murray, Department Clearance Officer, Policy and Planning Staff, Justice Management Division, Department of Justice, Two Constitution Square, Room 2E–508, 145 N Street, NE., Washington, DC 20530.

Jerri Murray,

Department Clearance Officer, PRA, U.S. Department of Justice.

[FR Doc. 2011–16919 Filed 7–6–11; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Cooperative Research Group on Development and Validation of FlawPRO for Assessing Defect Tolerance of Welded Pipes Under Generalized High Strain Conditions

Notice is hereby given that, on May 17, 2011, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Southwest Research Institute—Cooperative Research Group on Development and Validation of FlawPRO for Assessing Defect Tolerance of Welded Pipes Under Generalized High Strain Conditions (''FlawPRO–JIP'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties to the venture and (2) the nature and objectives of the venture. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Pursuant to Section 6(b) of the Act, the identities of the parties to the venture are: Chevron U.S.A., Inc., Houston, TX; Heerema Marine Contractors Nederland B.V., Leiden, THE NETHERLANDS; Tubos De Acero De Mexico S.A., Veracruz, MEXICO; Shell Oil Company, Houston, TX; and ExxonMobil Development Company, Houston, TX. The general area of FlawPRO–JIP's planned activity is to develop an enhanced version of the FlawPRO™ software (hereafter called FlawPRO™ Version 4) that includes a comprehensive high-strain assessment capability based on recently developed tearing-fatigue and ratcheting fatigue. Moreover, the methodology incorporated into FlawPRO™Version 4 will be validated by comparing software prediction with newly measured results obtained from full-scale tests on pipes subjected to ratcheting fatigue and increasing monotonic strain conditions while being loaded by bending and internal pressure.

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2011–16637 Filed 7–6–11; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Cooperative Research Group on Development of a Predictive Model for Corrosion-Fatigue of Materials in Sour Environment

Notice is hereby given that, on May 17, 2011, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Southwest Research Institute—Cooperative Research Group on Development of a Predictive Model for Corrosion-Fatigue of Materials in Sour Environment (''Model-CFM'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) The identities of the parties to the venture and (2) the nature and objectives of the venture. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of

antitrust plaintiffs to actual damages under specified circumstances.

Pursuant to Section 6(b) of the Act, the identities of the parties to the venture are: Chevron U.S.A. Inc., Energy Technology Co., Houston, TX; ExxonMobil Upstream Research Co., Houston, TX; Petrobras, Rio de Janeiro, BRAZIL; Tubas De Acero De Mexico S.A., Veracruz, MEXICO; and Vallourec Mannesmann Oil & Gas France, Aulnoye-Aymeries, FRANCE. The general area of Model-CFM's planned activity is to develop an analytical/computational model and associated fundamental experiment that will enable the prediction of corrosion-fatigue performance of material-environment systems of technological interest to the oil and gas industry. To maximize the model's applicability and robustness, it will be (1) Based on scientific principles, (2) informed by fundamental electrochemical experiments to capture the key material-environment interactions, and (3) validated against critical experiments, including long-duration experiments that are currently being performed in parallel, complimentary projects.

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2011–16633 Filed 7–6–11; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Open Axis Group, Inc.

Notice is hereby given that, on May 31, 2011, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Open Axis Group, Inc. (''Open Axis'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, TravelSky Technology Limited, Beijing, People's Republic of China; Hipmunk, Inc., San Francisco, CA; FareCompare LP, Dallas, TX; Copa Airlines, Panama City, Republic of Panama; and Association of Retail Travel Agents, Scottsdale, AZ, have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Open Axis intends to file additional written notifications disclosing all changes in membership.

On October 6, 2010, Open Axis filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on November 16, 2010 (75 FR 70031).

The last notification was filed with the Department on March 22, 2011. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act April 28, 2011 (76 FR 23838).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2011–16921 Filed 7–6–11; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Pistoia Alliance, Inc.

Notice is hereby given that, on June 1, 2011, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Pistoia Alliance, Inc. has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Advanced Chemistry Development, Inc., Toronto, Ontario, Canada; Schrodinger, LLC, New York, NY; and Peter Fields (individual), San Diego, CA, have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Pistoia Alliance, Inc. intends to file additional written notifications disclosing all changes in membership.

On May 28, 2009, Pistoia Alliance, Inc. filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on July 15, 2009 (74 FR 34364).

The last notification was filed with the Department on March 21, 2011. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act April 28, 2011 (76 FR 23838).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2011–16641 Filed 7–6–11; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2011–0116]

Federal Advisory Council on Occupational Safety and Health (FACOSH)

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Request for nominations to serve on the Federal Advisory Council on Occupational Safety and Health (FACOSH).

SUMMARY: The Assistant Secretary of Labor for Occupational Safety and Health (OSHA) invites interested parties to submit nominations for membership on FACOSH.

DATES: Nominations for FACOSH must be submitted (postmarked, sent, transmitted, or received) by September 6, 2011.

ADDRESSES: You may submit nominations and supporting materials by one of the following methods:

Electronically: Nominations, including attachments, may be submitted electronically at *http://www.regulations.gov,* the Federal eRulemaking Portal. Follow the online instructions for submitting nominations;

Facsimile: If your nomination and supporting materials, including attachments, do not exceed 10 pages, you may fax them to the OSHA Docket Office at (202) 693–1648;

Mail, express delivery, hand delivery, messenger or courier service: Submit your nominations and supporting materials to the OSHA Docket Office, Docket No. OSHA–2011–0116, Room N–2625, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693–2350 (TTY number (877) 889–5627). Deliveries by hand, express mail, messenger, and courier service are accepted during the Department of Labor's and OSHA Docket Office's normal business hours, 8:15 a.m.–4:45 p.m., E.T.

Instructions: All nominations and supporting materials must include the Agency name and docket number for this **Federal Register** notice (Docket No. OSHA–2011–0116). Because of security-related procedures, submitting nominations by regular mail may result in a significant delay in their receipt. Please contact the OSHA Docket Office for information about security procedures for submitting nominations by hand delivery, express delivery, and messenger or courier service. For additional information on submitting nominations, see the ''Public Participation—Submission of Nominations and Access to Docket'' heading in the **SUPPLEMENTARY INFORMATION** section below.

Submissions in response to this **Federal Register** notice, including personal information provided, are posted without change at *http://www.regulations.gov.* Therefore, OSHA cautions interested parties about submitting personal information such as Social Security numbers and birth dates.

FOR FURTHER INFORMATION CONTACT: *For press inquiries:* Mr. Francis Meilinger, OSHA, Office of Communications, Room N–3647, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693–1999.

For general information: Mr. Francis Yebesi, OSHA, Office of Federal Agency Programs, Directorate of Enforcement Programs, Room N–3622, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693–2122; e-mail *ofap@dol.gov.*

SUPPLEMENTARY INFORMATION: The Assistant Secretary of OSHA invites interested parties to submit nominations for membership on FACOSH.

Background. FACOSH is authorized to advise the Secretary of Labor (Secretary) on all matters relating to the occupational safety and health of Federal employees (Occupational Safety and Health Act of 1970 (29 U.S.C. 668), 5 U.S.C. 7902, Executive Orders 12196 and 13511). This includes providing advice on how to reduce and keep to a minimum the number of injuries and illnesses in the Federal workforce and how to encourage the establishment and maintenance of effective occupational safety and health programs in each Federal agency.

FACOSH membership. FACOSH is comprised of 16 members, who the Secretary appoints to staggered terms not to exceed three (3) years. The Assistant Secretary, who chairs FACOSH, is seeking nominations to fill six (6) positions on FACOSH that become vacant on January 1, 2012. The Secretary will appoint the new members to three (3)-year terms.

The categories of FACOSH membership, and the number of new members to be appointed, are:

- Eight (8) members are Federal agency management representatives: three (3) management representatives will be appointed; and
- Eight (8) members are representatives of labor organizations representing Federal employees: three (3) Federal employee representatives will be appointed.

FACOSH members serve at the pleasure of the Secretary unless the member is no longer qualified to serve, resigns, or is removed by the Secretary. The Secretary may appoint FACOSH members to successive terms. FACOSH meets at least two (2) times a year.

The Department of Labor is committed to equal opportunity in the workplace and seeks broad-based and diverse FACOSH membership. Any interested person or organization may nominate one (1) or more qualified persons for membership on FACOSH. Interested persons also are invited and encouraged to submit statements in support of particular nominees.

Nomination requirements. Nominations must include the following information:

1. The nominee's contact information and current occupation or position;
2. Nominee's resume or curriculum vitae, including prior membership on FACOSH and other relevant organizations, associations and committees;
3. Category of membership (management, labor) the nominee is qualified to represent;
4. A summary of the nominee's background, experience and qualifications that addresses the nominee's suitability for the nominated membership category;
5. Articles or other documents the nominee has authored that indicate the nominee's knowledge, experience, and expertise in occupational safety and health, particularly as it pertains to the Federal workforce; and
6. A statement that the nominee is aware of the nomination, is willing to regularly attend and participate in FACOSH meetings, and has no apparent conflicts of interest that would preclude membership on FACOSH.

Member selection. The Secretary will appoint FACOSH members based upon criteria including, but not limited to, the nominee's level of responsibility for occupational safety and health matters involving the Federal workforce, experience and competence in occupational safety and health, and willingness and ability to regularly and fully participate in FACOSH meetings. Federal agency management nominees who serve as their agency's Designated Agency Safety and Health Official (DASHO) and labor nominees who are responsible for Federal employee occupational safety and health matters within their respective organizations are preferred as management and labor members, respectively. The information received through the nomination process, along with other relevant sources of information, will assist the Secretary in making appointments to FACOSH. In selecting FACOSH members, the Secretary will consider individuals nominated in response to this **Federal Register** notice, as well as other qualified individuals. OSHA will publish a list of the new FACOSH members in the **Federal Register**.

Public Participation—Submission of Nominations and Access to Docket

Instructions for submitting nominations. Interested parties may submit nominations and supplemental materials using one of the methods listed in the **ADDRESSES** section. All nominations, attachments and other materials must identify the Agency name and the OSHA docket number for this **Federal Register** notice (Docket No. OSHA 2011–0116). You may supplement electronic nominations by uploading document files electronically. If, instead, you wish to mail additional materials in reference to an electronic or FAX submission, you must submit them to the OSHA Docket Office (*see ADDRESSES* section). The additional material must clearly identify your electronic nomination by Agency name and docket number (Docket No. OSHA 2011–0116) so that the materials can be attached to the electronic submission.

Because of security-related procedures, the use of regular mail may cause a significant delay in the receipt of nominations. For information about security procedures concerning the delivery of materials by hand, express delivery, messenger or courier service, please contact the OSHA Docket Office (*see* **ADDRESSES** section).

All submissions in response to this **Federal Register** notice are posted without change at *http://www.regulations.gov.* Therefore, OSHA cautions interested parties about submitting personal information, such as social security numbers and birth dates. Guidance on submitting nominations and materials in response to this **Federal Register** notice is available at *http://www.regulations.gov* and from the OSHA Docket Office.

Access to docket. To read or download nominations and additional materials submitted in response to this **Federal Register** notice, go to Docket No. OSHA–2011–0116 at *http://www.regulations.gov.* All submissions are listed in the *http://www.regulations.gov* index; however, some documents (*e.g.,* copyrighted material) are not publicly available to read or download through that Web page. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. Contact the OSHA Docket Office for information about materials not available through *http://www.regulations.gov* and for assistance in using the internet to locate submissions.

Access to this **Federal Register** *notice.* Electronic copies of this **Federal Register** notice are available at *http://www.regulations.gov.* This document, as well as news releases and other relevant information, also is available at OSHA's Web page at *http://www.osha.gov.*

Authority and Signature

David Michaels, PhD, MPH, Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice under the authority granted by section 19 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 668), 5 U.S.C. 7902, the Federal Advisory Committee Act (5 U.S.C. App), Executive Order 12196 and 13511, Secretary of Labor's Order 4–2010 (75 FR 55355, 9/10/2010), 29 CFR Part 1960 (Basic Program Elements of for Federal Employee Occupational Safety and Health Programs), and 41 CFR Part 102–3.

Signed at Washington, DC, on June 30, 2011.

David Michaels,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2011–16897 Filed 7–6–11; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Office of Workers' Compensation Programs

Division of Longshore and Harbor Workers' Compensation; Proposed Renewal of Existing Collection; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)] This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Office of Workers' Compensation (OWCP) is soliciting comments concerning the proposed collection: Payment of Compensation without Award (LS–206). A copy of the proposed information collection request can be obtained by contacting the office listed below in the address section of this Notice.

DATES: Written comments must be submitted to the office listed in the addresses section below on or before September 6, 2011.

ADDRESSES: Mr. Vincent Alvarez, U.S. Department of Labor, 200 Constitution Ave., NW., Room S–3201, Washington, DC 20210, telephone (202) 693–0372, fax (202) 693–2447, E-mail *Alvarez.Vincent@dol.gov.* Please use only one method of transmission for comments (mail, fax, or E-mail).

SUPPLEMENTARY INFORMATION:

I. Background

The Office of Workers' Compensation Programs administers the Longshore and Harbor Workers' Compensation Act. The Act provides benefits to workers injured in maritime employment on the navigable waters of the United States or in an adjoining area customarily used by an employer in loading, unloading, repairing, or building a vessel. In addition, several acts extend the Longshore Act's coverage to certain other employees.

Under sections 914(b) & (c) of the Longshore Act, a self-insured employer or insurance carrier is required to pay compensation within 14 days after the employer has knowledge of the injury or death. Upon making the first payment, the employer or carrier shall immediately notify the district director of the payment. Form LS–206 has been designated as the proper form on which report of first payment is to be made. This information collection is currently approved for use through October 31, 2011.

II. Review Focus: The Department of Labor is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

III. Current Actions: The Department of Labor seeks the extension of approval of this information collection in order to carry out its responsibility to meet the statutory requirements to provide compensation or death benefits under the Act to workers covered by the Act.

Agency: Office of Workers' Compensation Programs.

Type of Review: Extension.

Title: Payment of Compensation without Award.

OMB Number: 1240–0043.

Agency Number: LS–206.

Affected Public: Business or other for-profit.

Total Respondents: 600.

Total Annual Responses: 16,800.

Estimated Total Burden Hours: 4,200.

Estimated Time per Response: 15 minutes.

Frequency: On occasion.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintenance): $8,652.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: June 30, 2011.

Vincent Alvarez,

Agency Clearance Officer, Office of Workers' Compensation Programs, U.S. Department of Labor.

[FR Doc. 2011–17006 Filed 7–6–11; 8:45 am]

BILLING CODE 4510–CF–P

NATIONAL SCIENCE FOUNDATION

Notice of Permit Applications Received Under the Antarctic Conservation Act of 1978 (Pub. L. 95–541)

AGENCY: National Science Foundation.

ACTION: Notice of Permit Applications Received under the Antarctic Conservation Act of 1978, Pub. L. 95–541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permit applications received to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act at Title 45 Part 670 of the Code of Federal Regulations. This is the required notice of permit applications received.

DATES: Interested parties are invited to submit written data, comments, or views with respect to this permit application by August 8, 2011. This application may be inspected by interested parties at the Permit Office, address below.

ADDRESSES: Comments should be addressed to Permit Office, Room 755, Office of Polar Programs, National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia 22230.

FOR FURTHER INFORMATION CONTACT: Nadene G. Kennedy at the above address or (703) 292–7405.

SUPPLEMENTAL INFORMATION: The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Pub. L. 95–541), as amended by the Antarctic Science, Tourism and Conservation Act of 1996, has developed regulations for the establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas a requiring special protection. The regulations establish such a permit system to designate Antarctic Specially Protected Areas.

The applications received are as follows:

1. *Applicant:* Permit Application No. 2012–004, James G. Bockheim, University of Wisconsin-Madison, 1525 Observatory Drive, Madison, WI 53706–1299.

Activity for Which Permit Is Requested: Enter an Antarctic Specially Protected Area. The applicant plans to enter ASPA 134—Cierva Point and Offshore islands, Danco Coast, Antarctica, to install boreholes and a soil climate station as part of an international (Argentina, Brazil, Bulgaria, Portugal, Russia, Spain, Switzerland, and the USA) project examining the effects of climate warming on seasonal thawing, permafrost occurrence and properties, and soil properties along a latitudinal gradient on the western Antarctic Peninsula. A 15 meter borehole will be installed with a string of digital temperature sensors placed at various depths along the string. In addition, 10 shallow boreholes will be installed at various elevations and on different geomorphic surfaces for monitoring active-layer (seasonal thaw layer) dynamics. Once the project is complete, the shallow boreholes will be backfilled with the soil removed upon drilling, and the deep borehole will be filled with concrete.

Location: ASPA 134—Cierva Point and Offshore islands, Danco Coast.

Dates: March 1, 2012 to April 1, 2014.

Nadene G. Kennedy,

Permit Officer, Office of Polar Programs.

[FR Doc. 2011–16944 Filed 7–6–11; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Notice of Permits Issued Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of permits issued under the Antarctic Conservation of 1978, Public Law 95–541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permits issued under the Antarctic Conservation Act of 1978. This is the required notice.

FOR FURTHER INFORMATION CONTACT: Nadene G. Kennedy, Permit Office, Office of Polar Programs, Rm. 755, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

SUPPLEMENTARY INFORMATION: On May 24, 2011, the National Science Foundation published a notice in the **Federal Register** of a permit application received. The permit was issued on June 30, 2011 to:

Jonathan Thom, Permit No. 2012–002.

Nadene G. Kennedy,

Permit Officer.

[FR Doc. 2011–16945 Filed 7–6–11; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. NRC–2011–0035]

Agency Information Collection Activities: Submission for the Office of Management and Budget (OMB) Review; Comment Request

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of the OMB review of information collection and solicitation of public comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has recently submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The NRC published a **Federal Register** Notice with a 60-day comment period on this information collection on March 24, 2011.

1. *Type of submission, new, revision, or extension:* Extension.

2. *The title of the information collection:* Design Information Questionnaire—IAEA—N71 and associated Forms N–72, N–73, N–74, N–75, N–91, N–92, N–93, N–94.

3. *Current OMB approval number:* 3150–0056.

4. *The form number if applicable:* IAEA Forms—N71, N–72, N–73, N–74, N–75, N–91, N–92, N–93, N–94.

5. *How often the collection is required:* It is estimated that this collection is required approximately 1 time per year.

6. *Who will be required or asked to report:* Licensees of facilities on the U.S. eligible list who have been notified in writing by the NRC to submit the form.

7. *An estimate of the number of annual responses:* 1.3.

8. *The estimated number of annual respondents:* 1.3.

9. *An estimate of the total number of hours needed annually to complete the requirement or request:* 300 reporting hours.

10. *Abstract:* In order for the United States to fulfill its responsibilities as a participant in the U.S./International Atomic Energy Agency (IAEA) Safeguards Agreement, the NRC must collect information from licensees about their installations and provide it to the IAEA. Licensees of facilities that appear on the U.S. eligible list and have been notified in writing by the NRC are

required to complete and submit a Design Information Questionnaire, IAEA Form N–71 (and the appropriate associated IAEA Form) or Form N–91, to provide information concerning their installation for use of the IAEA.

The public may examine and have copied for a fee publicly available documents, including the final supporting statement, at the NRC's Public Document Room, Room O–1F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. OMB clearance requests are available at the NRC Web site: *http://www.nrc.gov/public-involve/doc-comment/omb/index.html.* The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions should be directed to the OMB reviewer listed below by August 8, 2011. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given to comments received after this date.

Christine J. Kymn, Desk Officer, Office of Information and Regulatory Affairs (3150–0056), NEOB–10202, Office of Management and Budget, Washington, DC 20503.

Comments can also be e-mailed to *Christine_J._Kymn@omb.eop.gov* or submitted by telephone at 202–395–4638. The NRC Clearance Officer is Tremaine Donnell, 301–415–6258.

Dated at Rockville, Maryland, this 1st day of July, 2011.

For the Nuclear Regulatory Commission.

Tremaine Donnell,

NRC Clearance Officer, Office of Information Services.

[FR Doc. 2011–17055 Filed 7–6–11; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. NRC–2011–0032]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Nuclear Regulatory Commission (NRC).

ACTION: Notice of pending NRC action to submit an information collection request to the Office of Management and Budget (OMB) and solicitation of public comment.

SUMMARY: The NRC invites public comment about our intention to request the OMB's approval for renewal of an existing information collection that is summarized below. We are required to publish this notice in the **Federal Register** under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Information pertaining to the requirement to be submitted:

1. *The title of the information collection:* 10 CFR Part 9, Public Records.

2. *Current OMB approval number:* 3150–0043.

3. *How often the collection is required:* On occasion.

4. *Who is required or asked to report:* Individuals requesting access to records under the Freedom of Information (FOIA) or Privacy Acts (PA), through the Public Document Room (PDR), and submitters of information containing trade secrets or confidential commercial or financial information who have been notified that the NRC has made an initial determination that the information should be disclosed.

5. *The number of annual respondents:* 3,870.

6. *The number of hours needed annually to complete the requirement or request:* 1,042.5.

7. *Abstract:* Title 10 of the *Code of Federal Regulations (CFR)* Part 9, prescribes procedures for individuals making requests for records under the FOIA or PA, and through the PDR. It contains information collection requirements for requests to waive or reduce fees for searching for and reproducing records in response to FOIA requests; appeals of denied requests; and requests for expedited processing. The information required from the public is necessary to justify requests for waivers or reductions in searching or copying fees; or to justify expedited processing. Section 9.28(b) provides that if the submitter of information designated to be trade secrets or confidential commercial or financial information objects to the disclosure, he must provide a written statement within 30 days that specifies all grounds why the information is a trade secret or commercial or financial information that is privileged or confidential.

Submit, by September 6, 2011, comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the burden estimate accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

The public may examine and have copied for a fee, publicly available documents, including the draft supporting statement, at the NRC's Public Document Room, Room O–1F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. OMB clearance requests are available at the NRC Web site: *http://www.nrc.gov/public-involve/doc-comment/omb/index.html.* The document will be available on the NRC home page site for 60 days after the signature date of this notice. Comments submitted in writing or in electronic form will be made available for public inspection. Because your comments will not be edited to remove any identifying or contact information, the NRC cautions you against including any information in your submission that you do not want to be publicly disclosed. Comments submitted should reference Docket No. NRC–2011–0032. You may submit your comments by any of the following methods: Electronic comments: Go to *http://www.regulations.gov* and search for Docket No. NRC–2011–0032. Mail comments to NRC Clearance Officer, Tremaine Donnell (T–5 F53), U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. Questions about the information collection requirements may be directed to the NRC Clearance Officer, Tremaine Donnell (T–5 F53), U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, by telephone at 301–415–6258, or by e-mail to *INFOCOLLECTS.Resource@NRC.GOV.*

Dated at Rockville, Maryland, this 1st day of July, 2011.

For the Nuclear Regulatory Commission.

Tremaine Donnell,

NRC Clearance Officer, Office of Information Services.

[FR Doc. 2011–17056 Filed 7–6–11; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. NRC–2011–0130]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Nuclear Regulatory Commission (NRC).

ACTION: Notice of pending NRC action to submit an information collection request to the Office of Management and Budget (OMB) and solicitation of public comment.

SUMMARY: The NRC invites public comment about our intention to request the OMB's approval for renewal of an existing information collection that is summarized below. We are required to publish this notice in the **Federal Register** under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Information pertaining to the requirement to be submitted:

1. *The title of the information collection:* 10 CFR Part 54, ''Requirements for Renewal of Operating Licenses for Nuclear Power Plants.''

2. *Current OMB approval number:* 3150–0155.

3. *How often the collection is required:* There is a one-time application for any licensee wishing to renew its nuclear power plant's operating license. There is a one-time requirement for each licensee with a renewed operating license to submit a commitment completion letter. All holders of renewed licenses must perform yearly record keeping.

4. *Who is required or asked to report:* Commercial nuclear power plant licensees who wish to renew their operating licenses and holders of renewed licenses.

5. *The number of annual respondents:* 7 (3 license renewal applications + 4 commitment completion letters).

6. *The number of hours needed annually to complete the requirement or request:* 305,490 hours (252,490 hours reporting plus 53,000 hours recordkeeping).

7. *Abstract:* Title 10 of the *Code of Federal Regulations* (10 CFR) part 54, establishes license renewal requirements for commercial nuclear power plants and describes the information that licensees must submit to the NRC when applying for a license renewal. The application must contain information on how the licensee will manage the detrimental effects of age-related degradation on certain plant systems, structures, and components so as to continue the plant's safe operation during the renewal term. The NRC needs this information to determine whether the licensee's actions will be effective in assuring the plants' continued safe operation.

Holders of renewed licenses must retain in an auditable and retrievable form, for the term of the renewed operating license, all information and documentation required to document compliance with 10 CFR Part 54. The NRC needs access to this information for continuing effective regulatory oversight.

Submit by September 6, 2011, comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the burden estimate accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

The public may examine and have copied, for a fee, publicly available documents, including the draft supporting statement, at the NRC's Public Document Room, Room O–1F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. OMB clearance requests are available at the NRC's Web site, *http://www.nrc.gov/public-involve/doc-comment/omb/index.html*. The document will be available on the NRC home page site for 60 days after the signature date of this notice. Comments submitted in writing or in electronic form will be made available for public inspection. Because your comments will not be edited to remove any identifying or contact information, the NRC cautions you against including any information in your submission that you do not want to be publicly disclosed.

Comments submitted should reference Docket No. NRC–2011–0130. You may submit your comments by any of the following methods: Electronic comments: Go to *http://www.regulations.gov* and search for Docket No. NRC–2011–0130. Mail comments to the NRC Clearance Officer, Tremaine Donnell (T–5 F53), U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. Questions about the information collection requirements may be directed to the NRC Clearance Officer, Tremaine Donnell (T–5 F53), U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, by telephone at 301–415–6258, or by e-mail to *INFOCOLLECTS.Resource@NRC.GOV*.

Dated at Rockville, Maryland, this 29th day of June 2011.

For the Nuclear Regulatory Commission.

Tremaine Donnell,

NRC Clearance Officer, Office of Information Services.

[FR Doc. 2011–17058 Filed 7–6–11; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. NRC–2011–0140]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Nuclear Regulatory Commission (NRC).

ACTION: Notice of pending NRC action to submit an information collection request to the Office of Management and Budget (OMB) and solicitation of public comment.

SUMMARY: The NRC invites public comment about our intention to request the OMB's approval for renewal of an existing information collection that is summarized below. We are required to publish this notice in the **Federal Register** under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Information pertaining to the requirement to be submitted:

1. *The title of the information collection:* 10 CFR Part 74—Material Control and Accounting of Special Nuclear Material.

2. *Current OMB approval number:* 3150–0123.

3. *How often the collection is required:* Submission is a one-time requirement which has been completed by all current licensees. However, licensees may submit amendments or revisions to the plans as necessary. In addition, specified inventory and material status reports are required annually or semi-annually. Other reports are submitted as events occur.

4. *Who is required or asked to report:* Persons licensed under 10 CFR Part 70 who possess and use certain forms and quantities of Special Nuclear Material (SNM).

5. *The number of annual respondents:* 19.

6. *The number of hours needed annually to complete the requirement or request:* An annual total of 8,589 hours (989 hours for reporting and 7,600 hours for recordkeeping). The average annual burden per respondent for reporting is 47 hours. The average annual burden per recordkeeping for the 110 record keepers is 61 hours.

7. *Abstract:* 10 CFR part 74 establishes requirements for material control and accounting of SNM, and specific performance-based regulations for licensees authorized to possess, use and produce strategic special nuclear material, and special nuclear material of moderate strategic significance and low strategic significance. The information is used by the NRC to make licensing

and regulatory determinations concerning material control and accounting of special nuclear material and to satisfy obligations of the United States to the International Atomic Energy Agency. Submission or retention of the information is mandatory for persons subject to the requirements.

Submit, by September 6, 2011, comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the burden estimate accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

The public may examine and have copied for a fee publicly available documents, including the draft supporting statement, at the NRC's Public Document Room, Room O–1F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. OMB clearance requests are available at the NRC Web site: *http://www.nrc.gov/public-involve/doc-comment/omb/index.html*. The document will be available on the NRC home page site for 60 days after the signature date of this notice. Comments submitted in writing or in electronic form will be made available for public inspection. Because your comments will not be edited to remove any identifying or contact information, the NRC cautions you against including any information in your submission that you do not want to be publicly disclosed. Comments submitted should reference Docket No. NRC–2011–0140. You may submit your comments by any of the following methods: Electronic comments: Go to *http://www.regulations.gov* and search for Docket No. NRC–2011–0140. Mail comments to NRC Clearance Officer, Tremaine Donnell (T–5 F53), U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. Questions about the information collection requirements may be directed to the NRC Clearance Officer, Tremaine Donnell (T–5 F53), U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, by telephone at 301–415–6258, or by e-mail to *INFOCOLLECTS.Resource@NRC.GOV*.

Dated at Rockville, Maryland, this 1st day of July, 2011.

For the Nuclear Regulatory Commission.

Tremaine Donnell,

NRC Clearance Officer, Office of Information Services.

[FR Doc. 2011–17057 Filed 7–6–11; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–317 and 50–318; Docket No. 72–8]

Calvert Cliffs Nuclear Power Plant, LLC; Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2; Calvert Cliffs Independent Spent Fuel Storage Installation; Notice of Consideration of Approval of Application Regarding Proposed Corporate Merger and Opportunity for a Hearing

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of request for license transfer, opportunity to comment, opportunity to request a hearing.

DATES: Comments must be filed by August 8, 2011. A request for a hearing must be filed by July 27, 2011.

ADDRESSES: Please include Docket ID NRC–2011–0004 in the subject line of your comments. Comments submitted in writing or in electronic form will be posted on the NRC Web site and on the Federal rulemaking Web site *http://www.regulations.gov*. Because your comments will not be edited to remove any identifying or contact information, the NRC cautions you against including any information in your submission that you do not want to be publicly disclosed.

The NRC requests that any party soliciting or aggregating comments received from other persons for submission to the NRC inform those persons that the NRC will not edit their comments to remove any identifying or contact information, and therefore, they should not include any information in their comments that they do not want publicly disclosed.

You may submit comments by any one of the following methods.

- *Federal Rulemaking Web Site:* Go to *http://www.regulations.gov* and search for documents filed under Docket ID NRC–2011–0004. Address questions about NRC dockets to Carol Gallagher 301–492–3668; e-mail *Carol.Gallagher@nrc.gov*.
- *Mail comments to:* Chief, Rules, Announcements, and Directives Branch (RADB), Office of Administration, Mail Stop: TWB–05–B01M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.
- *Fax comments to:* RADB at 301–492–3446.

You can access publicly available documents related to this notice using the following methods:

- *NRC's Public Document Room (PDR)*: The public may examine and have copied, for a fee, publicly available documents at the NRC's PDR, O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* Publicly available documents created or received at the NRC are available online in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html*. From this page, the public can gain entry into ADAMS, which provides text and image files of the NRC's public documents. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC's PDR reference staff at 1–800–397–4209, 301–415–4737, or by e-mail to *pdr.resource@nrc.gov*. The application dated May 12, 2011, contains proprietary information and, accordingly, those portions are being withheld from public disclosure. A redacted version of the application is available electronically under ADAMS Accession No. ML11138A159.

FOR FURTHER INFORMATION CONTACT: Douglas Pickett, Senior Project Manager, Plant Licensing Branch I–1, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555. *Telephone:* 301–415–1364; *e-mail: Douglas.Pickett@nrc.gov*.

The U.S. Nuclear Regulatory Commission (NRC, the Commission) is considering the issuance of an Order under Title 10 of the *Code of Federal Regulations* (10 CFR) 50.80 and 10 CFR 72.50 approving the indirect transfer of Renewed Facility Operating Licenses, Nos. DPR–53 and DPR–69, for the Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2 (CCNPP), respectively, and Material License No. SNM–2505 for the Calvert Cliffs Independent Spent Fuel Storage Installation (ISFSI), currently held by Calvert Cliffs Nuclear Power Plant, LLC as owner and licensed operator. Calvert Cliffs Nuclear Power Plant, LLC is owned by Constellation Energy Nuclear Group, LLC (CENG). The indirect transfers of control would result from the proposed merger between Exelon Corporation (Exelon) and one of CENG's parent companies, Constellation Energy Group, Inc (CEG).

According to the application dated May 12, 2011, filed by Exelon

Generation Company, LLC (Exelon Generation) acting on behalf of itself, Exelon, and Exelon Ventures Company, LLC (Exelon Ventures) and CENG acting on behalf of its subsidiary licensee, Calvert Cliffs Nuclear Power Plant, LLC, the applicants seek approval pursuant to 10 CFR 50.80 and 10 CFR 72.50 of the indirect transfer of control of the following NRC licenses: (1) CCNPP, Renewed Facility Operating Licenses DPR–53 and DPR–69; and (2) Calvert Cliffs Independent Spent Fuel Storage Installation Facility (ISFSI), Materials License No. SNM–2505.

CEG is one of two parent companies of CENG. CEG, through its subsidiaries, has a 50.01 percent ownership interest in CENG. EDF Inc. has the remaining 49.99 percent ownership interest in CENG.

According to the application:

- EDF Inc.'s 49.99 percent ownership interest in CENG is not affected by the corporate merger of Exelon and CEG. EDF Inc. is a U.S. corporation organized under the laws of the State of Delaware and a wholly-owned subsidiary of E.D.F. International SAS, a limited company organized under the laws of France, which is, in turn, a wholly-owned subsidiary of Electricite de France SA, a French limited company;
- The existing chain of ownership for Exelon Generation's current licensed facilities is unaffected by the proposed transaction and associated license transfers for CCNPP and the ISFSI;
- The proposed transaction does not result in any transfer of control with respect to the licenses for the current Exelon Generation plants;
- Upon completion of the transaction, CEG will become a direct, wholly-owned subsidiary of Exelon Generation; and
- Throughout the transaction, the direct ownership by CEG of 100 percent of Constellation Nuclear, LLC and, indirectly, the ownership by CEG of 50.01 percent in CENG and CENG's ownership of Constellation Nuclear Power Plants, LLC, CCNPP, and the ISFSI will remain unchanged.

No physical changes to the CCNPP facility or the ISFSI, or operational changes are being proposed in the application.

Pursuant to 10 CFR 50.80, no license, or any right thereunder, shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission shall give its consent in writing. The Commission will approve an application for the indirect transfer of a license, if the Commission determines that the proposed corporate merger will not affect the qualifications of the licensee to hold the license, and that the transfer is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto.

The filing of requests for hearing and petitions for leave to intervene, and written comments with regard to the license transfer application, are discussed below.

Within 20 days from the date of publication of this notice, any person(s) whose interest may be affected by the Commission's action on the application may request a hearing and intervention via electronic submission through the NRC E-filing system. Requests for a hearing and petitions for leave to intervene should be filed in accordance with the Commission's rules of practice set forth in Subpart C ''Rules of General Applicability: Hearing Requests, Petitions to Intervene, Availability of Documents, Selection of Specific Hearing Procedures, Presiding Officer Powers, and General Hearing Management for NRC Adjudicatory Hearings,'' of 10 CFR Part 2. In particular, such requests and petitions must comply with the requirements set forth in 10 CFR 2.309. Untimely requests and petitions may be denied, as provided in 10 CFR 2.309(c)(1), unless good cause for failure to file on time is established. In addition, an untimely request or petition should address the factors that the Commission will also consider, in reviewing untimely requests or petitions, set forth in 10 CFR 2.309(c)(1)(i)–(viii). NRC regulations are accessible electronically from the NRC Library on the NRC Web site at *http://www.nrc.gov/reading-rm/doc-collections/cfr/.*

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC E-Filing rule (72 FR 49139, August 28, 2007). The E-Filing process requires participants to submit and serve all adjudicatory documents over the Internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least ten (10) days prior to the filing deadline, the participant should contact the Office of the Secretary by e-mail at *hearing.docket@nrc.gov,* or by telephone at (301) 415–1677, to request (1) a digital ID certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a request or petition for hearing (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/apply-certificates.html.* System requirements for accessing the E-Submittal server are detailed in NRC's ''Guidance for Electronic Submission,'' which is available on the agency's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may attempt to use other software not listed on the Web site, but should note that the NRC's E-Filing system does not support unlisted software, and the NRC Meta System Help Desk will not be able to offer assistance in using unlisted software.

If a participant is electronically submitting a document to the NRC in accordance with the E-Filing rule, the participant must file the document using the NRC's online, Web-based submission form. In order to serve documents through EIE, users will be required to install a Web browser plug-in from the NRC Web site. Further information on the Web-based submission form, including the installation of the Web browser plug-in, is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.*

Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* A filing is considered complete at the time the documents are submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system

time-stamps the document and sends the submitter an e-mail notice confirming receipt of the document. The E-Filing system also distributes an e-mail notice that provides access to the document to the NRC Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the agency's adjudicatory E-Filing system may seek assistance by contacting the NRC Meta System Help Desk through the ''Contact Us'' link located on the NRC Web site at *http://www.nrc.gov/site-help/e-submittals.html,* by e-mail at *MSHD.Resource@nrc.gov,* or by a toll-free call at 866–672–7640. The NRC Meta System Help Desk is available between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852, *Attention:* Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in NRC's electronic hearing docket which is available to the public at: *http://ehd1.nrc.gov/EHD/,* unless excluded pursuant to an order of the Commission, or the presiding officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

Petitions for leave to intervene must be filed no later than 20 days from the date of publication of this notice. Non-timely filings will not be entertained absent a determination by the presiding officer that the petition or request should be granted or the contentions should be admitted, based on a balancing of the factors specified in 10 CFR 2.309(c)(1)(I)–(viii).

The Commission will issue a notice or order granting or denying a hearing request or intervention petition, designating the issues for any hearing that will be held and designating the Presiding Officer. A notice granting a hearing will be published in the **Federal Register** and served on the parties to the hearing.

Within 30 days from the date of publication of this notice, persons may submit written comments regarding the license transfer application, as provided for in 10 CFR 2.1305. The Commission will consider and, if appropriate, respond to these comments, but such comments will not otherwise constitute part of the decisional record. Comments should be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, *Attention:* Rulemakings and Adjudications Staff, and should cite the publication date and page number of this **Federal Register** notice.

For further details with respect to this license transfer application, see the application dated My 12, 2011, available for public inspection at the Commission's Public Document Room (PDR), located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), and Rockville, Maryland. Publicly available documents created or received at the NRC are accessible electronically through ADAMS in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html.* Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS should contact the NRC PDR Reference staff by telephone at 1–800–397–4209, or 301–415–4737 or by e-mail to *pdr.resource@nrc.gov.*

Dated at Rockville, Maryland, this 28th day of June 2011.

For the Nuclear Regulatory Commission.

Douglas V. Pickett,

Senior Project Manager, Plant Licensing Branch I–1, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2011–17011 Filed 7–6–11; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–220 and 50–410]

Nine Mile Point Nuclear Station, LLC; Nine Mile Point Nuclear Station, Unit Nos. 1 and 2; Notice of Consideration of Approval of Application Regarding Proposed Corporate Merger and Opportunity for a Hearing

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of request for license transfer, opportunity to comment, opportunity to request a hearing.

DATES: Comments must be filed by August 8, 2011. A request for a hearing must be filed by July 27, 2011.

ADDRESSES: Please include Docket ID NRC–2009–0193 in the subject line of your comments. Comments submitted in writing or in electronic form will be posted on the NRC Web site and on the Federal rulemaking Web site *http://www.regulations.gov.* Because your comments will not be edited to remove any identifying or contact information, the NRC cautions you against including any information in your submission that you do not want to be publicly disclosed.

The NRC requests that any party soliciting or aggregating comments received from other persons for submission to the NRC inform those persons that the NRC will not edit their comments to remove any identifying or contact information, and therefore, they should not include any information in their comments that they do not want publicly disclosed.

You may submit comments by any one of the following methods.

- *Federal Rulemaking Web Site:* Go to *http://www.regulations.gov* and search for documents filed under Docket ID NRC–2009–0193. Address questions

about NRC dockets to Carol Gallagher 301–492–3668; e-mail *Carol.Gallagher@nrc.gov.*

• *Mail comments to:* Chief, Rules, Announcements, and Directives Branch (RADB), Office of Administration, *Mail Stop:* TWB–05–B01M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

• *Fax comments to:* RADB at 301–492–3446.

You can access publicly available documents related to this notice using the following methods:

• *NRC's Public Document Room (PDR):* The public may examine and have copied, for a fee, publicly available documents at the NRC's PDR, O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

• *NRC's Agencywide Documents Access and Management System (ADAMS):* Publicly available documents created or received at the NRC are available online in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html.* From this page, the public can gain entry into ADAMS, which provides text and image files of the NRC's public documents. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC's PDR reference staff at 1–800–397–4209, 301–415–4737, or by e-mail to *pdr.resource@nrc.gov.* The application dated May 12, 2011, contains proprietary information and, accordingly, those portions are being withheld from public disclosure. A redacted version of the application is available electronically under ADAMS Accession No. ML11138A159.

FOR FURTHER INFORMATION CONTACT: Richard Guzman, Senior Project Manager, Plant Licensing Branch I–1, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555. *Telephone:* 301–415–1030; *e-mail: Richard.Guzman@nrc.gov*

The U.S. Nuclear Regulatory Commission (NRC, the Commission) is considering the issuance of an Order under Title 10 of the *Code of Federal Regulations* (10 CFR) 50.80 approving the indirect transfer of Renewed Facility Operating License Nos. DPR–63 and NPF–69 for the Nine Mile Point Nuclear Station, Unit Nos. 1 and 2 (NMP), respectively, currently held by Nine Mile Point Nuclear Station, LLC as owner and licensed operator. Nine Mile Point Nuclear Station, LLC is owned by Constellation Energy Nuclear Group, LLC (CENG). The indirect transfer of control would result from the proposed merger between Exelon Corporation (Exelon) and one of CENG's parent companies, Constellation Energy Group, Inc (CEG).

According to the application dated May 12, 2011, filed by Exelon Generation Company, LLC (Exelon Generation) acting on behalf of itself, Exelon, and Exelon Ventures Company, LLC (Exelon Ventures) and CENG acting on behalf of its subsidiary licensee, Nine Mile Point Nuclear Station, LLC, the applicants seek approval pursuant to 10 CFR 50.80 of the indirect transfer of control of the NMP Renewed Facility Operating License Nos. DPR–63 and NPF–69.

CEG is one of two parent companies of CENG. CEG, through its subsidiaries, has a 50.01 percent ownership interest in CENG. EDF Inc. has the remaining 49.99 percent ownership interest in CENG.

According to the application:

• EDF Inc.'s 49.99 percent ownership interest in CENG is not affected by the corporate merger of Exelon and CEG. EDF Inc. is a U.S. corporation organized under the laws of the State of Delaware and a wholly-owned subsidiary of E.D.F. International SAS, a limited company organized under the laws of France, which is, in turn, a wholly-owned subsidiary of Electricité de France SA, a French limited company;

• The existing chain of ownership for Exelon Generation's current licensed facilities is unaffected by the proposed transaction and associated license transfers for NMP;

• The proposed transaction does not result in any transfer of control with respect to the licenses for the current Exelon Generation plants;

• Upon completion of the transaction, CEG will become a direct, wholly-owned subsidiary of Exelon Generation; and

• Throughout the transaction, the direct ownership by CEG of 100 percent of Constellation Nuclear, LLC and, indirectly, the ownership by CEG of 50.01 percent in CENG and CENG's ownership of Constellation Nuclear Power Plants, LLC and NMP will remain unchanged.

No physical changes to the NMP facility or operational changes are being proposed in the application.

Pursuant to 10 CFR 50.80, no license, or any right thereunder, shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission shall give its consent in writing. The Commission will approve an application for the indirect transfer of a license, if the Commission determines that the proposed corporate merger will not affect the qualifications of the licensee to hold the license, and that the transfer is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto.

The filing of requests for hearing and petitions for leave to intervene, and written comments with regard to the license transfer application, are discussed below.

Within 20 days from the date of publication of this notice, any person(s) whose interest may be affected by the Commission's action on the application may request a hearing and intervention via electronic submission through the NRC E-filing system. Requests for a hearing and petitions for leave to intervene should be filed in accordance with the Commission's rules of practice set forth in Subpart C ''Rules of General Applicability: Hearing Requests, Petitions to Intervene, Availability of Documents, Selection of Specific Hearing Procedures, Presiding Officer Powers, and General Hearing Management for NRC Adjudicatory Hearings,'' of 10 CFR part 2. In particular, such requests and petitions must comply with the requirements set forth in 10 CFR 2.309. Untimely requests and petitions may be denied, as provided in 10 CFR 2.309(c)(1), unless good cause for failure to file on time is established. In addition, an untimely request or petition should address the factors that the Commission will also consider, in reviewing untimely requests or petitions, set forth in 10 CFR 2.309(c)(1)(i)–(viii). NRC regulations are accessible electronically from the NRC Library on the NRC Web site at *http://www.nrc.gov/reading-rm/doc-collections/cfr/.*

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC E-Filing rule (72 FR 49139, August 28, 2007). The E-Filing process requires participants to submit and serve all adjudicatory documents over the Internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least ten (10) days prior to the filing deadline, the

participant should contact the Office of the Secretary by e-mail at *hearing.docket@nrc.gov,* or by telephone at (301) 415–1677, to request (1) a digital ID certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a request or petition for hearing (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/apply-certificates.html.* System requirements for accessing the E-Submittal server are detailed in NRC's ''Guidance for Electronic Submission,'' which is available on the agency's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may attempt to use other software not listed on the Web site, but should note that the NRC's E-Filing system does not support unlisted software, and the NRC Meta System Help Desk will not be able to offer assistance in using unlisted software.

If a participant is electronically submitting a document to the NRC in accordance with the E-Filing rule, the participant must file the document using the NRC's online, Web-based submission form. In order to serve documents through EIE, users will be required to install a Web browser plug-in from the NRC Web site. Further information on the Web-based submission form, including the installation of the Web browser plug-in, is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.*

Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* A filing is considered complete at the time the documents are submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an e-mail notice confirming receipt of the document. The E-Filing system also distributes an e-mail notice that provides access to the document to the NRC Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the agency's adjudicatory E-Filing system may seek assistance by contacting the NRC Meta System Help Desk through the ''Contact Us'' link located on the NRC Web site at *http://www.nrc.gov/site-help/e-submittals.html,* by e-mail at *MSHD.Resource@nrc.gov,* or by a toll-free call at (866) 672–7640. The NRC Meta System Help Desk is available between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in NRC's electronic hearing docket which is available to the public at: *http://ehd1.nrc.gov/EHD/,* unless excluded pursuant to an order of the Commission, or the presiding officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

Petitions for leave to intervene must be filed no later than 20 days from the date of publication of this notice. Non-timely filings will not be entertained absent a determination by the presiding officer that the petition or request should be granted or the contentions should be admitted, based on a balancing of the factors specified in 10 CFR 2.309(c)(1)(i)–(viii).

The Commission will issue a notice or order granting or denying a hearing request or intervention petition, designating the issues for any hearing that will be held and designating the Presiding Officer. A notice granting a hearing will be published in the **Federal Register** and served on the parties to the hearing.

Within 30 days from the date of publication of this notice, persons may submit written comments regarding the license transfer application, as provided for in 10 CFR 2.1305. The Commission will consider and, if appropriate, respond to these comments, but such comments will not otherwise constitute part of the decisional record. Comments should be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, and should cite the publication date and page number of this **Federal Register** notice.

For further details with respect to this license transfer application, see the application dated May 12, 2011, available for public inspection at the Commission's Public Document Room (PDR), located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available documents created or received at the NRC are accessible electronically through

ADAMS in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html.* Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS should contact the NRC PDR Reference staff by telephone at 1–800–397–4209, or 301–415–4737 or by e-mail to *pdr.resource@nrc.gov.*

Dated at Rockville, Maryland, this 28th day of June 2011.

For the Nuclear Regulatory Commission.

Richard V. Guzman,

Senior Project Manager, Plant Licensing Branch I–1, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2011–17010 Filed 7–6–11; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–413 and 50–414; Docket Nos. 50–369 and 50–370; Docket Nos. 50–269, 50–270, and 50–287; NRC–2011–0100]

Duke Energy Carolinas, LLC; Catawba Nuclear Station, Units 1 and 2; McGuire Nuclear Station, Units 1 and 2; Oconee Nuclear Station, Units 1, 2, and 3; Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing and Order Imposing Procedures for Document Access to Sensitive Unclassified Non-Safeguards Information

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of license amendment request, opportunity to comment, opportunity to request a hearing, and Commission order.

DATES: Submit comments by August 8, 2011. A request for a hearing must be filed by September 6, 2011. Any potential party as defined in 10 CFR 2.4 who believes access to Sensitive Unclassified Non-Safeguards Information (SUNSI) is necessary to respond to this notice must request document access by July 18, 2011.

ADDRESSES: Please include Docket ID NRC–2011–0100 in the subject line of your comments. Comments submitted in writing or in electronic form will be posted on the NRC Web site and on the Federal rulemaking Web site, *http://www.regulations.gov.* Because your comments will not be edited to remove any identifying or contact information, the NRC cautions you against including any information in your submission that you do not want to be publicly disclosed.

The NRC requests that any party soliciting or aggregating comments received from other persons for submission to the NRC inform those persons that the NRC will not edit their comments to remove any identifying or contact information, and therefore, they should not include any information in their comments that they do not want publicly disclosed. You may submit comments by any one of the following methods:

- *Federal Rulemaking Web Site:* Go to *http://www.regulations.gov* and search for documents filed under Docket ID NRC–2011–0100. Address questions about NRC dockets to Carol Gallagher, *telephone:* 301–492–3668; *e-mail: Carol.Gallagher@nrc.gov.*
- *Mail comments to:* Cindy Bladey, Chief, Rules, Announcements, and Directives Branch (RADB), Office of Administration, Mail Stop: TWB–05–B01M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.
- *Fax comments to:* RADB at 301–492–3446.

You can access publicly available documents related to this notice using the following methods:

- *NRC's Public Document Room (PDR):* The public may examine and have copied, for a fee, publicly available documents at the NRC's PDR, O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* Publicly available documents created or received at the NRC are available online in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html.* From this page, the public can gain entry into ADAMS, which provides text and image files of the NRC's public documents. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC's PDR reference staff at 1–800–397–4209, 301–415–4737, or by e-mail to *pdr.resource@nrc.gov.* The application for amendment, dated August 16, 2010, contains security-related information and accordingly, those portions are being withheld from public disclosure. A redacted version of the application for amendment is available electronically under ADAMS Accession Number ML102300168. The supplement to the application dated April 15, 2011, also contains security-related information. A redacted version of the supplement is available electronically under ADAMS Accession Number ML11109A074.
- *Federal Rulemaking Web Site:* Public comments and supporting materials related to this notice can be found at *http://www.regulations.gov* by searching on Docket ID NRC–2011–0100.

FOR FURTHER INFORMATION CONTACT: Mr. John Stang, Project Manager, Plant Licensing Branch 2–1, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555. *Telephone:* 301–415–1345; *fax number:* 301–415–1222; *e-mail: John.Stang@nrc.gov.*

I. Introduction

The U.S. Nuclear Regulatory Commission (NRC or the Commission) is considering issuance of amendments to Renewed Facility Operating License Nos. NPF–35 and NPF–52 for the operation of the Catawba Nuclear Station, Units 1 and 2 in York County, South Carolina; Renewed Facility Operating License Nos. NPF–9 and NPF–17 for the operation of the McGuire Nuclear Station, Units 1 and 2, in Mecklenburg County, North Carolina; and Renewed Facility Operating Licenses Nos. DPR–38, DPR–47, and DPR–55 for operation of the Oconee Nuclear Station, Units 1, 2, and 3 issued to Duke Energy Carolinas, LLC (the licensee), located in Oconee County, South Carolina.

The proposed amendments would approve the Cyber Security Plan and proposed implementation schedule.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in Title 10 of the *Code of Federal Regulations* (10 CFR) 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

(1) Does the proposed amendment involve a significant increase in the probability or

consequences of an accident previously evaluated?

Response: No

Inclusion of the Cyber Security Plan in the Facility Operating License itself does not involve any modifications to safety-related structures, systems or components. Rather, the Cyber Security Plan describes how the requirements of 10 CFR 73.54 are to be implemented to identify, evaluate, and mitigate cyber attacks up to and including the design basis cyber attack threat, thereby achieving high assurance that the facility's digital computer and communications systems and networks are protected from cyber attacks. The Cyber Security Plan will not alter previously evaluated Updated Final Safety Analysis Report design basis accident analysis assumptions, add any accident initiators or affect the function of the plant safety-related structures, systems or components as to how they are operated, maintained, modified, tested or inspected.

Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

(2) Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No

This proposed amendment provides assurance that safety-related structures, systems or components are protected from cyber attacks. Implementation of 10 CFR 73.54 and the inclusion of a plan in the Facility Operating License do not result in the need of any new or different Updated Final Safety Analysis Report design basis accident analysis. It does not introduce new equipment that could create a new or different kind of accident, and no new equipment failure modes are created. As a result, no new accident scenarios, failure mechanisms, or limiting single failures are introduced by this proposed amendment.

Therefore, the proposed amendment does not create a possibility for an accident of a new or different type than those previously evaluated.

(3) Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No

The margin of safety is associated with the confidence in the ability of the fission product barriers (i.e., fuel cladding, reactor coolant pressure boundary, and containment structure) to limit the level of radiation to the public. The proposed amendment would not alter the way any safety-related structures, systems or components functions and would not alter the way the plant is operated. The amendment provides assurance that safety-related structures, systems or components are protected from cyber attacks. The proposed amendment would not introduce any new uncertainties or change any existing uncertainties associated with any safety limit. The proposed amendment would have no impact on the structural integrity of the fuel cladding, reactor coolant pressure boundary, or containment structure. Based on the above considerations, the proposed amendment would not degrade the confidence in the ability of the fission product barriers to limit the level of radiation to the public.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received by August 8, 2011 will be considered in making any final determination. You may submit comments using any of the methods discussed in the **ADDRESSES** section.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day period provided that its final determination is that the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period should circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility. Should the Commission take action prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. Should the Commission make a final No Significant Hazards Consideration Determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

II. Opportunity To Request a Hearing

Requirements for hearing requests and petitions for leave to intervene are found in 10 CFR 2.309, ''Hearing requests, petitions to intervene, requirements for standing, and contentions.'' Interested persons should consult 10 CFR part 2, Section 2.309, which is available at the NRC's Public Document Room (PDR), Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852 (or call the PDR at 1–800–397–4209 or 301–415–4737). NRC regulations are also accessible online from the NRC Library at *http://www.nrc.gov/reading-rm/adams.html.*

III. Petitions for Leave To Intervene

Any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. As required by 10 CFR 2.309, a petition for leave to intervene shall set forth with particularity the interest of the requestor/petitioner in the proceeding and how that interest may be affected by the results of the proceeding. The petition must provide the name, address, and telephone number of the requestor or petitioner and specifically explain the reasons why the intervention should be permitted with particular reference to the following factors: (1) The nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any decision or order which may be entered in the proceeding on the requestor's/petitioner's interest. The petition must also identify the specific contentions which the requestor/petitioner seeks to have litigated at the proceeding.

A petition for leave to intervene must also include a specification of the contentions that the petitioner seeks to have litigated in the hearing. For each contention, the requestor/petitioner must provide a specific statement of the issue of law or fact to be raised or controverted, as well as a brief explanation of the basis for the contention. Additionally, the requestor/petitioner must demonstrate that the issue raised by each contention is within the scope of the proceeding and is material to the findings the NRC must make to support the granting of a license amendment in response to the application. The petition must include a concise statement of the alleged facts or expert opinions which support the position of the requestor/petitioner and on which the requestor/petitioner intends to rely at hearing, together with references to the specific sources and documents on which the requestor/petitioner intends to rely. Finally, the petition must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact, including references to specific portions of the application for amendment that the requestor/petitioner disputes and the supporting reasons for each dispute, or, if the requestor/petitioner believes that the application for amendment fails to contain information on a relevant matter as required by law, the identification of

each failure and the supporting reasons for the requestor's/petitioner's belief. Each contention must be one which, if proven, would entitle the requestor/petitioner to relief.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that person's admitted contentions, including the opportunity to present evidence and to submit a cross-examination plan for cross-examination of witnesses, consistent with NRC regulations, policies, and procedures. The Atomic Safety and Licensing Board (the Licensing Board) will set the time and place for any prehearing conferences and evidentiary hearings, and the appropriate notices will be provided.

Non-timely petitions for leave to intervene and contentions, amended petitions, and supplemental petitions will not be entertained absent a determination by the Commission, the Licensing Board or a presiding officer that the petition should be granted and/or the contentions should be admitted based upon a balancing of the factors specified in 10 CFR 2.309(c)(1)(i)-(viii).

A State, county, municipality, Federally-recognized Indian Tribe, or agencies thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(d)(2). The petition should state the nature and extent of the petitioner's interest in the proceeding. The petition should be submitted to the Commission by September 6, 2011. The petition must be filed in accordance with the filing instructions in Section IV of this document, and should meet the requirements for petitions for leave to intervene set forth in this section, except that State and Federally recognized Indian Tribes do not need to address the standing requirements in 10 CFR 2.309(d)(1) if the facility is located within its boundaries. The entities listed above could also seek to participate in a hearing as a nonparty pursuant to 10 CFR 2.315(c).

Any person who does not wish, or is not qualified, to become a party to this proceeding may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.315(a). A person making a limited appearance may make an oral or written statement of position on the issues, but may not otherwise participate in the proceeding. A limited appearance may be made at any session of the hearing or at any prehearing conference, subject to such limits and conditions as may be imposed by the Licensing Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission by September 6, 2011.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of any amendment.

IV. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC E-Filing rule (72 FR 49139, August 28, 2007). The E-Filing process requires participants to submit and serve all adjudicatory documents over the Internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least ten (10) days prior to the filing deadline, the participant should contact the Office of the Secretary by e-mail at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to request (1) a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a request or petition for hearing (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/apply-certificates.html.* System requirements for accessing the E-Submittal server are detailed in the NRC's ''Guidance for Electronic Submission,'' which is available on the agency's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may attempt to use other software not listed on the Web site, but should note that the NRC's E-Filing system does not support unlisted software, and the NRC Meta System Help Desk will not be able to offer assistance in using unlisted software.

If a participant is electronically submitting a document to the NRC in accordance with the E-Filing rule, the participant must file the document using the NRC's online, Web-based submission form. In order to serve documents through the Electronic Information Exchange System, users will be required to install a Web browser plug-in from the NRC Web site. Further information on the Web-based submission form, including the installation of the Web browser plug-in, is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.*

Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* A filing is considered complete at the time the documents are submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an e-mail notice confirming receipt of the document. The E-Filing system also distributes an e-mail notice that provides access to the document to the NRC Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID

certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the agency's adjudicatory E-Filing system may seek assistance by contacting the NRC Meta System Help Desk through the ''Contact Us'' link located on the NRC Web site at *http://www.nrc.gov/site-help/e-submittals.html,* by e-mail at *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Meta System Help Desk is available between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First-class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland, 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in NRC's electronic hearing docket which is available to the public at *http://ehd1.nrc.gov/EHD/*, unless excluded pursuant to an order of the Commission, or the presiding officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

Petitions for leave to intervene must be filed no later than 60 days from July 7, 2011. Non-timely filings will not be entertained absent a determination by the presiding officer that the petition or request should be granted or the contentions should be admitted, based on a balancing of the factors specified in 10 CFR 2.309(c)(1)(i)–(viii).

Attorney for licensee: Lara S. Nichols, Associate General Counsel, Duke Energy Corporation, 526 South Church Street—EC07H, Charlotte, NC 28202

Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information for Contention Preparation

A. This Order contains instructions regarding how potential parties to this proceeding may request access to documents containing Sensitive Unclassified Non-Safeguards Information (SUNSI).

B. Within 10 days after publication of this notice of hearing and opportunity to petition for leave to intervene, any potential party who believes access to SUNSI is necessary to respond to this notice may request such access. A ''potential party'' is any person who intends to participate as a party by demonstrating standing and filing an admissible contention under 10 CFR 2.309. Requests for access to SUNSI submitted later than 10 days after publication will not be considered absent a showing of good cause for the late filing, addressing why the request could not have been filed earlier.

C. The requestor shall submit a letter requesting permission to access SUNSI to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, and provide a copy to the Associate General Counsel for Hearings, Enforcement and Administration, Office of the General Counsel, Washington, DC 20555–0001. The expedited delivery or courier mail address for both offices is: U.S. Nuclear Regulatory Commission, 11555 Rockville Pike, Rockville, Maryland 20852. The e-mail address for the Office of the Secretary and the Office of the General Counsel are *Hearing.Docket@nrc.gov* and *OGCmailcenter@nrc.gov*, respectively.[1] The request must include the following information:

(1) A description of the licensing action with a citation to this **Federal Register** notice;

(2) The name and address of the potential party and a description of the potential party's particularized interest that could be harmed by the action identified in C.(1); and

(3) The identity of the individual or entity requesting access to SUNSI and the requestor's basis for the need for the information in order to meaningfully participate in this adjudicatory proceeding. In particular, the request must explain why publicly-available versions of the information requested would not be sufficient to provide the basis and specificity for a proffered contention;

D. Based on an evaluation of the information submitted under paragraph C.(3) the NRC staff will determine within 10 days of receipt of the request whether:

(1) There is a reasonable basis to believe the petitioner is likely to establish standing to participate in this NRC proceeding; and

(2) The requestor has established a legitimate need for access to SUNSI.

E. If the NRC staff determines that the requestor satisfies both D.(1) and D.(2) above, the NRC staff will notify the requestor in writing that access to SUNSI has been granted. The written notification will contain instructions on how the requestor may obtain copies of the requested documents, and any other conditions that may apply to access to those documents. These conditions may include, but are not limited to, the signing of a Non-Disclosure Agreement or Affidavit, or Protective Order[2] setting forth terms and conditions to prevent the unauthorized or inadvertent disclosure of SUNSI by each individual who will be granted access to SUNSI.

F. Filing of Contentions. Any contentions in these proceedings that are based upon the information received as a result of the request made for SUNSI must be filed by the requestor no later than 25 days after the requestor is granted access to that information. However, if more than 25 days remain between the date the petitioner is granted access to the information and the deadline for filing all other

[1] While a request for hearing or petition to intervene in this proceeding must comply with the filing requirements of the NRC's ''E-Filing Rule,'' the initial request to access SUNSI under these procedures should be submitted as described in this paragraph.

[2] Any motion for Protective Order or draft Non-Disclosure Affidavit or Agreement for SUNSI must be filed with the presiding officer or the Chief Administrative Judge if the presiding officer has not yet been designated, within 30 days of the deadline for the receipt of the written access request.

contentions (as established in the notice of hearing or opportunity for hearing), the petitioner may file its SUNSI contentions by that later deadline.

G. Review of Denials of Access.

(1) If the request for access to SUNSI is denied by the NRC staff either after a determination on standing and need for access, or after a determination on trustworthiness and reliability, the NRC staff shall immediately notify the requestor in writing, briefly stating the reason or reasons for the denial.

(2) The requestor may challenge the NRC staff's adverse determination by filing a challenge within 5 days of receipt of that determination with: (a) The presiding officer designated in this proceeding; (b) if no presiding officer has been appointed, the Chief Administrative Judge, or if he or she is unavailable, another administrative judge, or an administrative law judge with jurisdiction pursuant to 10 CFR 2.318(a); or (c) if another officer has been designated to rule on information access issues, with that officer.

H. Review of Grants of Access. A party other than the requestor may challenge an NRC staff determination granting access to SUNSI whose release would harm that party's interest independent of the proceeding. Such a challenge must be filed with the Chief Administrative Judge within 5 days of the notification by the NRC staff of its grant of access.

If challenges to the NRC staff determinations are filed, these procedures give way to the normal process for litigating disputes concerning access to information. The availability of interlocutory review by the Commission of orders ruling on such NRC staff determinations (whether granting or denying access) is governed by 10 CFR 2.311.[3]

I. The Commission expects that the NRC staff and presiding officers (and any other reviewing officers) will consider and resolve requests for access to SUNSI, and motions for protective orders, in a timely fashion in order to minimize any unnecessary delays in identifying those petitioners who have standing and who have propounded contentions meeting the specificity and basis requirements in 10 CFR part 2. Attachment 1 to this Order summarizes the general target schedule for processing and resolving requests under these procedures.

It is so ordered.

Dated at Rockville, Maryland, this 30th day of June 2011.

For the Nuclear Regulatory Commission.

Andrew L. Bates,

Acting Secretary of the Commission.

ATTACHMENT 1—GENERAL TARGET SCHEDULE FOR PROCESSING AND RESOLVING REQUESTS FOR ACCESS TO SENSITIVE UNCLASSIFIED NON-SAFEGUARDS INFORMATION IN THIS PROCEEDING

Day	Event/Activity
0	Publication of **Federal Register** notice of hearing and opportunity to petition for leave to intervene, including order with instructions for access requests.
10	Deadline for submitting requests for access to Sensitive Unclassified Non-Safeguards Information (SUNSI) with information: supporting the standing of a potential party identified by name and address; describing the need for the information in order for the potential party to participate meaningfully in an adjudicatory proceeding.
60	Deadline for submitting petition for intervention containing: (i) Demonstration of standing; (ii) all contentions whose formulation does not require access to SUNSI (+25 Answers to petition for intervention; +7 requestor/petitioner reply).
20	Nuclear Regulatory Commission (NRC) staff informs the requestor of the staff's determination whether the request for access provides a reasonable basis to believe standing can be established and shows need for SUNSI. (NRC staff also informs any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information.) If NRC staff makes the finding of need for SUNSI and likelihood of standing, NRC staff begins document processing (preparation of redactions or review of redacted documents).
25	If NRC staff finds no "need" or no likelihood of standing, the deadline for requestor/petitioner to file a motion seeking a ruling to reverse the NRC staff's denial of access; NRC staff files copy of access determination with the presiding officer (or Chief Administrative Judge or other designated officer, as appropriate). If NRC staff finds "need" for SUNSI, the deadline for any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information to file a motion seeking a ruling to reverse the NRC staff's grant of access.
30	Deadline for NRC staff reply to motions to reverse NRC staff determination(s).
40	(Receipt +30) If NRC staff finds standing and need for SUNSI, deadline for NRC staff to complete information processing and file motion for Protective Order and draft Non-Disclosure Affidavit. Deadline for applicant/licensee to file Non-Disclosure Agreement for SUNSI.
A	If access granted: Issuance of presiding officer or other designated officer decision on motion for protective order for access to sensitive information (including schedule for providing access and submission of contentions) or decision reversing a final adverse determination by the NRC staff.
A + 3	Deadline for filing executed Non-Disclosure Affidavits. Access provided to SUNSI consistent with decision issuing the protective order.
A + 28	Deadline for submission of contentions whose development depends upon access to SUNSI. However, if more than 25 days remain between the petitioner's receipt of (or access to) the information and the deadline for filing all other contentions (as established in the notice of hearing or opportunity for hearing), the petitioner may file its SUNSI contentions by that later deadline.
A + 53	(Contention receipt +25) Answers to contentions whose development depends upon access to SUNSI.
A + 60	(Answer receipt +7) Petitioner/Intervenor reply to answers.
>A + 60	Decision on contention admission.

[3] Requestors should note that the filing requirements of the NRC's E-Filing Rule (72 FR 49139; August 28, 2007) apply to appeals of NRC staff determinations (because they must be served on a presiding officer or the Commission, as applicable), but not to the initial SUNSI request submitted to the NRC staff under these procedures.

[FR Doc. 2011–16978 Filed 7–6–11; 8:45 am]
BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 40–3392; NRC–2011–0143]

Honeywell International, Inc., Metropolis Works; License Amendment Request and Request for a Hearing

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of amendment request and opportunity to request a hearing.

DATES: Requests for a hearing must be filed by September 6, 2011.

ADDRESSES: You can access publicly available documents related to this notice using the following methods:

- *NRC's Public Document Room (PDR):* The public may examine and have copied, for a fee, publicly available documents at the NRC's PDR, O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* Publicly available documents created or received at the NRC are available online in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html.* From this page, the public can gain entry into ADAMS, which provides text and image files of the NRC's public documents. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC's PDR reference staff at 1–800–397–4209, 301–415–4737, or by e-mail to *pdr.resource@nrc.gov.* The Honeywell Surface Impoundment Decommissioning Plan is available electronically under ADAMS Accession Number ML103400456.

FOR FURTHER INFORMATION CONTACT: Kevin S. Mattern, Project Manager; Conversion, Deconversion and Enrichment Branch, Division of Fuel Cycle Safety and Safeguards, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington DC 20555; *telephone:* 301–492–3221; *fax:* 301–492–3363; *e-mail: Kevin.Mattern@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The U.S. Nuclear Regulatory Commission (NRC or Commission) received, by letter, dated December 2, 2010, a license amendment application from Honeywell International, Inc. (Honeywell or the licensee), requesting review and approval of a surface impoundment decommissioning plan at its Metropolis Works Facility site located in Metropolis, Illinois. License No. SUB–526 authorizes the licensee to possess various quantities of natural uranium, depleted uranium, and other licensed material between atomic numbers 1–100 for use in its UF_6 conversion facility. Specifically, the amendment provides a plan to decommission four surface impoundments, known as Ponds B, C, D, and E. The amendment request seeks authorization allowing Honeywell to conduct remediation activities seeking a partial site release for unrestricted use of the four surface impoundments from its NRC license. In addition to the NRC, this facility is regulated by the Illinois Environmental Protection Agency (IEPA); and Honeywell will be required to seek separate approval from the IEPA regarding this action.

An NRC administrative review documented in a letter to Honeywell, dated March 17, 2011, found the application acceptable to begin a technical review. If the NRC approves the amendment, the approval will be documented in an amendment to NRC License No. SUB–526. However, before approving the proposed amendment, the NRC will need to make the findings required by the Atomic Energy Act of 1954 (the Act), as amended, and the NRC's regulations. These findings will be documented in a Safety Evaluation Report and an Environmental Assessment.

In its application, Honeywell committed to providing additional information in support of the NRC review. Honeywell will provide the supplemental treatability testing results of the pozzolan mix for cement stabilization by the end of September 2011. Honeywell will also provide the results of the riprap selection and evaluation by the end of March 2012. The NRC staff will consider the current submittal along with the information to be provided regarding cement stabilization and riprap selection in its review. The NRC will review this action principally using the guidance in NUREG 1757, Volumes 1–3, ''Consolidated Decommissioning Guidance.'' The staff will also consider guidance from NUREG–1623, ''Design of Erosion Protection for Long-Term Stabilization'' and NUREG/CR–6697, ''Development of Probabilistic RESRAD 6.0 and RESRAD–Build 3.0 Computer Codes,'' where appropriate. Ultimately, the staff will review the application for compliance with Title 10 of the *Code of Federal Regulations* (10 CFR) 20.1402, ''Radiological criteria for unrestricted use;'' 10 CFR 40.36, ''Financial assurance and recordkeeping for decommissioning;'' and 10 CFR 40.42, ''Expiration and termination of licenses, and decommissioning of sites and separate buildings or outdoor areas.''

II. Opportunity To Request a Hearing

Requirements for hearing requests and petitions for leave to intervene are found in 10 CFR 2.309, ''Hearing requests, petitions to Intervene, requirements for standing, and contentions.'' Interested persons should consult 10 CFR 2.309, which is available at the NRC's PDR, Room 01–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852 (or call the PDR at 1–800–397–4209 or 301–415–4737). The NRC regulations are also accessible online in the NRC's Library at *http://www.nrc.gov/reading-rm/adams.html.*

III. Petitions for Leave To Intervene

Any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. As required by 10 CFR 2.309, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding. The petition must provide the name, address, and telephone number of the petitioner; and specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order that may be entered in the proceeding on the petitioner's interest.

A petition for leave to intervene must also include a specification of the contentions that the petitioner seeks to have litigated in the hearing. For each contention, the petitioner must provide a specific statement of the issue of law or fact to be raised or controverted, as well as a brief explanation of the basis for the contention. Additionally, the petitioner must demonstrate that the issue raised by each contention is within the scope of the proceeding and is material to the findings the NRC must make to support the granting of a license amendment in response to the application. The petition must also include a concise statement of the alleged facts or expert opinions which support the position of the petitioner and on which the petitioner intends to

rely at hearing, together with references to the specific sources and documents on which the petitioner intends to rely. Finally, the petition must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact, including references to specific portions of the application for amendment that the petitioner disputes and the supporting reasons for each dispute, or, if the petitioner believes that the application for amendment fails to contain information on a relevant matter as required by law, the identification of each failure and the supporting reasons for the requestor's/petitioner's belief. Each contention must be one that, if proven, would entitle the requestor/petitioner to relief.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that person's admitted contentions, including the opportunity to present evidence and to submit a cross-examination plan for cross-examination of witnesses—consistent with the NRC's regulations, policies, and procedures. The Atomic Safety and Licensing Board (the Licensing Board) will set the time and place for any prehearing conferences and evidentiary hearings, and the appropriate notices will be provided.

Non-timely petitions for leave to intervene and contentions, amended petitions, and supplemental petitions will not be entertained absent a determination by the Commission, the Licensing Board, or a presiding officer that the petition should be granted and/or the contentions should be admitted based upon a balancing of the factors specified in 10 CFR 2.309(c)(1)(i)–(viii).

A State, county, municipality, Federally recognized Indian Tribe, or agencies thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(d)(2). The petition should state the nature and extent of the petitioner's interest in the proceeding. The petition should be submitted to the Commission by September 6, 2011. Non-timely filings will not be entertained absent a determination by the presiding officer that the petition or request should be granted or the contentions should be admitted, based on a balancing of the factors specified in 10 CFR 2.309(d)(1)(i)–(viii). The petition must be filed in accordance with the filing instructions in Section IV of this document, and should meet the requirements for petitions for leave to intervene set forth in this section, except that State and Federally recognized Indian tribes do not need to address the standing requirements in 10 CFR 2.309(d)(1) if the facility is located within its boundaries. The entities listed above could also seek to participate in a hearing as a nonparty pursuant to 10 CFR 2.315(c).

Any person who does not wish, or is not qualified, to become a party to this proceeding may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.315(a). A person making a limited appearance may make an oral or written statement of position on the issues, but may not otherwise participate in the proceeding. A limited appearance may be made at any session of the hearing or at any pre-hearing conference, subject to such limits and conditions as may be imposed by the Licensing Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission by September 6, 2011.

IV. Electronic Submissions (E-Filing)

All documents filed in NRC's adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to Intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c) must be filed in accordance with the NRC's E-Filing rule (72 FR 49139, August 28, 2007). The E-Filing process requires participants to submit and serve all adjudicatory documents over the Internet, or in some cases, to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least ten (10) days prior to the filing deadline, the participant should contact the Office of the Secretary by e-mail at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to request: (1) A digital ID certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a request or petition for hearing (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/apply-certificates.html.* System requirements for accessing the E-Submittal server are detailed in NRC's ''Guidance for Electronic Submission,'' which is available on the Agency's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may attempt to use other software not listed on the Web site, but should note that the NRC's E-Filing system does not support unlisted software; and the NRC Meta System Help Desk will not be able to offer assistance in using unlisted software.

If a participant is electronically submitting a document to the NRC in accordance with the E-Filing rule, the participant must file the document using the NRC's online, Web-based submission form. To serve documents through the Electronic Information Exchange, users will be required to install a Web browser plug-in from NRC's Web site. Further information on the Web-based submission form, including the installation of the Web browser plug-in, is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.*

Once a participant has obtained a digital ID certificate and a docket has been created, the participant may then submit a request for hearing or petition for leave to intervene. Submissions should be in PDF in accordance with NRC's guidance available on NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* A filing is considered complete at the time the documents are submitted through NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system timestamps the document and sends the submitter an e-mail notice confirming receipt. The E-Filing system also distributes an e-mail notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID

certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the agency's adjudicatory E-Filing system may seek assistance by contacting the NRC Meta System Help Desk through the ''Contact Us'' link located on the NRC Web site at *http://www.nrc.gov/site-help/e-submittals.html,* by e-mail at *MSHD.Resource@nrc.gov,* or by a toll-free call to 866–672–7640. The NRC Meta System Help Desk is available between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday, excluding Government holidays.

Participants who believe they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First-class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document to all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail; or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in NRC's electronic hearing docket which is available to the public at *http://ehd1.nrc.gov/EHD/,* unless excluded pursuant to an order of the Commission, or the presiding officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

Petitions for leave to intervene must be filed no later than 60 days from September 6, 2011. Non-timely filings will not be entertained absent a determination by the presiding officer that the petition or request should be granted or the contentions should be admitted, based on a balancing of the factors specified in 10 CFR 2.309(c)(1)(i)–(viii).

Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information for Contention Preparation

A. This Order contains instructions regarding how potential parties to this proceeding may request access to documents containing sensitive unclassified non-safeguards information (SUNSI).

B. Within 10 days after publication of this notice of hearing and opportunity to petition for leave to intervene, any potential party as defined in 10 CFR 2.4 who believes access to SUNSI is necessary to respond to this notice may request such access. A ''potential party'' is any person who intends to participate as a party by demonstrating standing and filing an admissible contention under 10 CFR 2.309. Requests for access to SUNSI submitted later than 10 days after publication will not be considered absent a showing of good cause for the late filing, addressing why the request could not have been filed earlier.

C. The requestor shall submit a letter requesting permission to access SUNSI to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, and provide a copy to the Associate General Counsel for Hearings, Enforcement and Administration, Office of the General Counsel, Washington, DC 20555–0001. The expedited delivery or courier mail address for both offices is: U.S. Nuclear Regulatory Commission, 11555 Rockville Pike, Rockville, Maryland 20852. The e-mail address for the Office of the Secretary and the Office of the General Counsel are *Hearing.Docket@nrc.gov* and *OGCmailcenter@nrc.gov,* respectively.[1] The request must include the following information:

(1) A description of the licensing action with a citation to this **Federal Register** notice;

(2) The name and address of the potential party and a description of the potential party's particularized interest that could be harmed by the action identified in C.(1); and

(3) The identity of the individual or entity requesting access to SUNSI and the requestor's basis for the need for the information in order to meaningfully participate in this adjudicatory proceeding. In particular, the request must explain why publicly-available versions of the information requested would not be sufficient to provide the basis and specificity for a proffered contention.

D. Based on an evaluation of the information submitted under paragraph C.(3) the NRC staff will determine within 10 days of receipt of the request whether:

(1) There is a reasonable basis to believe the petitioner is likely to establish standing to participate in this NRC proceeding; and

(2) The requestor has established a legitimate need for access to SUNSI.

E. If the NRC staff determines that the requestor satisfies both D.(1) and D.(2) above, the NRC staff will notify the requestor in writing that access to SUNSI has been granted. The written notification will contain instructions on how the requestor may obtain copies of the requested documents, and any other conditions that may apply to access to those documents. These conditions may include, but are not limited to, the signing of a Non-Disclosure Agreement or Affidavit, or Protective Order[2] setting forth terms and conditions to prevent the unauthorized or inadvertent disclosure of SUNSI by each individual who will be granted access to SUNSI.

F. Filing of Contentions. Any contentions in these proceedings that are based upon the information received as a result of the request made for SUNSI must be filed by the requestor no later than 25 days after the requestor is granted access to that information. However, if more than 25 days remain between the date the petitioner is granted access to the information and the deadline for filing all other contentions (as established in the notice of hearing or opportunity for hearing),

[1] While a request for hearing or petition to intervene in this proceeding must comply with the filing requirements of the NRC's ''E-Filing Rule,'' the initial request to access SUNSI under these procedures should be submitted as described in this paragraph.

[2] Any motion for Protective Order or draft Non-Disclosure Affidavit or Agreement for SUNSI must be filed with the presiding officer or the Chief Administrative Judge if the presiding officer has not yet been designated, within 30 days of the deadline for the receipt of the written access request.

the petitioner may file its SUNSI contentions by that later deadline.

G. Review of Denials of Access.

(1) If the request for access to SUNSI is denied by the NRC staff either after a determination on standing and need for access, or after a determination on trustworthiness and reliability, the NRC staff shall immediately notify the requestor in writing, briefly stating the reason or reasons for the denial.

(2) The requestor may challenge the NRC staff's adverse determination by filing a challenge within 5 days of receipt of that determination with: (a) The presiding officer designated in this proceeding; (b) if no presiding officer has been appointed, the Chief Administrative Judge, or if he or she is unavailable, another administrative judge, or an administrative law judge with jurisdiction pursuant to 10 CFR 2.318(a); or (c) if another officer has been designated to rule on information access issues, with that officer.

H. Review of Grants of Access. A party other than the requestor may challenge an NRC staff determination granting access to SUNSI whose release would harm that party's interest independent of the proceeding. Such a challenge must be filed with the Chief Administrative Judge within 5 days of the notification by the NRC staff of its grant of access.

If challenges to the NRC staff determinations are filed, these procedures give way to the normal process for litigating disputes concerning access to information. The availability of interlocutory review by the Commission of orders ruling on such NRC staff determinations (whether granting or denying access) is governed by 10 CFR 2.311.

I. The Commission expects that the NRC staff and presiding officers (and any other reviewing officers) will consider and resolve requests for access to SUNSI, and motions for protective orders, in a timely fashion in order to minimize any unnecessary delays in identifying those petitioners who have standing and who have propounded contentions meeting the specificity and basis requirements in 10 CFR Part 2. Attachment 1 to this Order summarizes the general target schedule for processing and resolving requests under these procedures.

V. Further Information

The ADAMS accession numbers for the documents related to this Notice are: Surface Impoundment Decommissioning Plan (ADAMS Accession Number ML103400456), Supplemental Information for the Surface Impoundment Decommissioning Plan Application (ADAMS Accession Number ML110620254), and Additional Supplemental Information for the Surface Impoundment Decommissioning Plan Application (ADAMS Accession Number ML110750232). Additional communications such as public meetings, teleconferences, letters, and e-mails were conducted between Honeywell and the NRC relating to this action (ADAMS Accession Numbers ML102640573, ML102850110, ML102800407, ML102950443, ML103120241, ML103120260, ML110460419, ML110590108, and ML110590827).

It is so ordered.

Dated at Rockville, Maryland, this 30th day of June 2011.

For the Nuclear Regulatory Commission.

Andrew L. Bates,

Acting Secretary of the Commission.

Attachment 1—General Target Schedule for Processing and Resolving Requests for Access to Sensitive Unclassified Non-Safeguards Information in This Proceeding

Day	Event/Activity
0	Publication of **Federal Register** notice of hearing and opportunity to petition for leave to intervene, including order with instructions for access requests.
10	Deadline for submitting requests for access to sensitive unclassified non-safeguards information (SUNSI) with information: supporting the standing of a potential party identified by name and address; describing the need for the information in order for the potential party to participate meaningfully in an adjudicatory proceeding.
60	Deadline for submitting petition for intervention containing: (i) Demonstration of standing; (ii) all contentions whose formulation does not require access to SUNSI (+25 Answers to petition for intervention; +7 requestor/petitioner reply).
20	Nuclear Regulatory Commission (NRC) staff informs the requestor of the staff's determination whether the request for access provides a reasonable basis to believe standing can be established and shows need for SUNSI. (NRC staff also informs any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information.) If NRC staff makes the finding of need for SUNSI and likelihood of standing, NRC staff begins document processing (preparation of redactions or review of redacted documents).
25	If NRC staff finds no "need" or no likelihood of standing, the deadline for requestor/petitioner to file a motion seeking a ruling to reverse the NRC staff's denial of access; NRC staff files copy of access determination with the presiding officer (or Chief Administrative Judge or other designated officer, as appropriate). If NRC staff finds "need" for SUNSI, the deadline for any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information to file a motion seeking a ruling to reverse the NRC staff's grant of access.
30	Deadline for NRC staff reply to motions to reverse NRC staff determination(s).
40	(Receipt +30) If NRC staff finds standing and need for SUNSI, deadline for NRC staff to complete information processing and file motion for Protective Order and draft Non-Disclosure Affidavit. Deadline for applicant/licensee to file Non-Disclosure Agreement for SUNSI.
A	If access granted: Issuance of presiding officer or other designated officer decision on motion for protective order for access to sensitive information (including schedule for providing access and submission of contentions) or decision reversing a final adverse determination by the NRC staff.
A + 3	Deadline for filing executed Non-Disclosure Affidavits. Access provided to SUNSI consistent with decision issuing the protective order.
A + 28	Deadline for submission of contentions whose development depends upon access to SUNSI. However, if more than 25 days remain between the petitioner's receipt of (or access to) the information and the deadline for filing all other contentions (as established in the notice of hearing or opportunity for hearing), the petitioner may file its SUNSI contentions by that later deadline.
A + 53	(Contention receipt +25) Answers to contentions whose development depends upon access to SUNSI.
A + 60	(Answer receipt +7) Petitioner/Intervenor reply to answers.
>A + 60	Decision on contention admission.

[FR Doc. 2011–16980 Filed 7–6–11; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2011–0119]

Office of New Reactors; Proposed Revision 4 to Standard Review Plan Section 8.1 on Electric Power—Introduction, Correction

AGENCY: Nuclear Regulatory Commission (NRC).

ACTION: Solicitation of public comment, correction of proposed comment date.

SUMMARY: This document amends a notice appearing in the **Federal Register** on May 31, 2011 (76 FR 31381), that announced the proposed Revision 4 to Standard Review Plan Section 8.1 on ''Electric Power—Introduction.'' The notice period for this notice closes on June 30, 2011. This action is necessary to reopen the notice period and extend the originally proposed end date for public comment from June 30, 2011, to August 31, 2011.

FOR FURTHER INFORMATION CONTACT: Mr. William F. Burton, Chief, Rulemaking and Guidance Development Branch, Division of New Reactor Licensing, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, D.C., 20555–0001; *telephone:* 301–415–6332, or *e-mail: William.Burton@nrc.gov.*

SUPPLEMENTARY INFORMATION: On Page 31381, in the second column, Date Information, second line, the proposed period for comment of 30 days from the date of publication is extended from June 30, 2011 to August 31, 2011.

Dated at Rockville, Maryland, this 29th day of June 2011.

For the Nuclear Regulatory Commission,

William F. Burton,

Chief, Rulemaking and Guidance Development Branch, Division of New Reactor Licensing, Office of New Reactors.

[FR Doc. 2011–17015 Filed 7–6–11; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2011–0144; Docket No. 70–7020]

Notice of Acceptance of Application for Special Nuclear Materials License From Sensor Concepts and Applications, Inc., Opportunity To Request a Hearing, and Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information for Contention Preparation

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of license application, opportunity to request a hearing and to petition for leave to intervene, and Commission order.

DATES: Requests for a hearing or Leave to Intervene must be filed by September 6, 2011. Any potential party as defined in Title 10 of the *Code of Federal Regulations* (10 CFR) 2.4 who believes access to sensitive unclassified non-safeguards information (SUNSI) is necessary to respond to this notice must request document access by July 18, 2011.

ADDRESSES: You may submit comments by any one of the following methods. Please include Docket ID NRC–2011–0144 in the subject line of your comments. Comments submitted in writing or in electronic form will be posted on the NRC Web site and on the Federal rulemaking Web site at *http://www.Regulations.gov.* Because your comments will not be edited to remove identifying or contact information, the NRC cautions you against including any information in your submission that you do not want to be publicly disclosed.

The NRC requests that you inform any party soliciting or aggregating comments received from other persons for submission to the NRC that the NRC will not edit their comments to remove identifying or contact information. Therefore, they should not include any information in their comments they do not want publicly disclosed.

You may submit comments by any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for documents filed under Docket ID NRC–2011–0144. Address questions about NRC dockets to Carol Gallagher at 301–492–3668, or via e-mail to *Carol.Gallagher@nrc.gov.*
- *Mail Comments to:* Cindy Bladey, Chief, Rules, Announcements, and Directives Branch (RADB), Office of Administration, *Mail Stop:* TWB–05–B01M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.
- *Fax Comments to:* RADB at 301–492–3446.

You can access to publicly available documents related to this notice may be obtained by using the following methods:

- *NRC's Public Document Room (PDR):* The public may examine and obtain copies for a fee of publicly available documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* Publicly available documents created or received at the NRC are available online in the NRC's Library at *http://www.nrc.gov/reading-rm/adams.html.* From this page, the public may gain entry into ADAMS, which provides text and image files of the NRC's public documents. If you do not have access to ADAMS, or if there are problems in accessing the documents located in ADAMS, contact the NRC's PDR reference staff at 1–800–397–4209, 301–415–4737, or by e-mail to *pdr.resource@nrc.gov.*

The public version of the Sensor Concepts and Applications, Inc's., (SCA) application is available electronically under ADAMS Accession Number ML102650097. The ADAMS Accession Number for the non-public version of the license application is ML102650199. The February 17, 2011, acceptance letter from the NRC's staff may be found under ADAMS Accession Number ML110450186.

FOR FURTHER INFORMATION CONTACT: Marilyn Diaz, Project Manager, Fuel Manufacturing Branch, Division of Fuel Cycle Safety and Safeguards, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, 11555 Rockville Pike, Mailstop: EBB2–C40M, Rockville, Maryland 20852. *Telephone:* 301–492–3172; *fax number:* 301–492–3363; *e-mail: Marilyn.Diaz@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The U.S. Nuclear Regulatory Commission (NRC or the Commission) has accepted for review an application for a new license for the possession and use of special nuclear material (SNM) for performance testing of new technologies under a project sponsored by the Domestic Nuclear Detection Office (DNDO) of the U.S. Department of Homeland Security (DHS). Sensor Concepts and Applications (SCA) requested the new license for a period

of 10 years. This license application, if approved, would authorize SCA to possess and use special nuclear materials under 10 CFR Part 70, ''Domestic Licensing of Special Nuclear Material.''

II. Discussion

In an application dated August 18, 2010, SCA Inc. requested a license to possess and use SNM to conduct tests of new technology of detection systems. The material will be used as test objects for concept demonstrations and characterization testing at the SCA facility. Following an administrative review, the NRC requested that SCA revise the application to include elements essential to the review. SCA submitted a revised license application dated November 12, 2010, and supplemental information on February 14, 2011. As documented in a letter to SCA dated February 17, 2011, the NRC staff found the revised license application acceptable to begin a detailed technical review. The application has been docketed in Docket No. 70–7020.

If the NRC approves the license application, the approval will be documented in the issuance of a new NRC License. However, before approving the license application and issuing the license, the NRC will need to make the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the NRC's regulations. These findings will be documented in a Safety Evaluation Report but because the licensed material will be used for research and development and testing contained within sealed sources, the application qualifies for a categorical exclusion, pursuant to 10 CFR 51.22(c)(14)(viii). Therefore, an environmental assessment or environmental impact statement will not be performed.

III. Opportunity To Request a Hearing

Requirements for submitting hearing requests and petitions for leave to intervene are found in 10 CFR 2.309, ''Hearing Requests, Petitions to Intervene, Requirements for Standing, and Contentions.'' Interested persons should consult 10 CFR 2.309, which is available at the NRC's PDR, located at One White Flint North, 11555 Rockville Pike, Room O1–F21, Rockville, MD 20852 (or call the PDR at 1–800–397–4209 or 301–415–4737). NRC regulations are also accessible electronically from the NRC's Library at *http://www.nrc.gov/reading-rm/adams.html.*

IV. Petition for Leave To Intervene

Any person whose interest may be affected by this proceeding, and who desires to participate as a party in the proceeding must file a written petition for leave to intervene. As required by 10 CFR 2.309, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding. The petition must provide the name, address, and telephone number of the petitioner; and specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Atomic Energy Act of 1954, as amended (the Act), to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order that may be entered in the proceeding on the petitioner's interest.

A petition for leave to intervene must also include a specification of the contentions that the petitioner seeks to have litigated in the hearing. For each contention, the petitioner must provide a specific statement of the issue of law or fact to be raised or controverted, as well as a brief explanation of the basis for the contention. Additionally, the petitioner must demonstrate that the issue raised by each contention is within the scope of the proceeding, and is material to the findings that the NRC must make to support the granting of a license in response to the application. The petition must also include a concise statement of the alleged facts or expert opinions which support the position of the petitioner, and on which the petitioner intends to rely at the Hearing—together with references to the specific sources and documents on which the petitioner intends to rely. Finally, the petition must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact, including references to specific portions of the license application that the petitioner disputes and the supporting reasons for each dispute, or, if the petitioner believes that the license application fails to contain information on a relevant matter as required by law, the identification of each failure, and the supporting reasons for the petitioner's belief. Each contention must be one that, if proven, would entitle the petitioner to relief.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that person's admitted contentions, including the opportunity to present evidence and to submit a cross-examination plan for cross-examination of witnesses, consistent with NRC's regulations, policies, and procedures. The Licensing Board will set the time and place for any pre-hearing conferences and evidentiary hearings, and the appropriate notices will be provided.

Petitions for leave to intervene must be submitted no later than 60 days from July 7, 2011. Non-timely petitions for leave to intervene and contentions, amended petitions, and supplemental petitions will not be entertained, absent a determination by the Commission, the Licensing Board or a Presiding Officer that the petition should be granted and/or the contentions should be admitted based upon a balancing of the factors specified in 10 CFR 2.309(c)(1)(i)–(viii).

A State, county, municipality, Federally recognized Indian Tribe, or agencies thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(d)(2). The petition should state the nature and extent of the petitioner's interest in the proceeding. The petition should be submitted to the Commission by September 6, 2011. The petition must be filed in accordance with the filing instructions in Section IV of this document, and should meet the requirements for petitions for leave to intervene set forth in this section, except that State and Federally recognized Indian tribes do not need to address the standing requirements in 10 CFR 2.309(d)(1) if the facility is located within its boundaries. The entities listed above could also seek to participate in a hearing as a non-party, pursuant to 10 CFR 2.315(c).

Any person who does not wish, or is not qualified, to become a party to this proceeding may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.315(a). A person making a limited appearance may make an oral or written statement of position on the issues, but may not otherwise participate in the proceeding. A limited appearance may be made at any session of the hearing or at any pre-hearing conference, subject to such limits and conditions as may be imposed by the Licensing Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission September 6, 2011.

V. Electronic Submissions (E-Filing)

All documents filed in NRC's adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and any document filed by interested Governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC E-Filing rule (72 FR 49139, August 28, 2007.) The E-Filing process requires participants to submit and serve all adjudicatory documents over the Internet—or in some cases, to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the petitioner/requestor should contact the Office of the Secretary by e-mail at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to request: (1) A digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a request or petition for hearing (even in instances in which the petitioner/requestor, or its counsel or representative, already holds an NRC-issued digital ID certificate.) Based on this information, the Secretary will establish an electronic docket for the hearing in this proceeding, if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/apply-certificates.html.* System requirements for accessing the E-Submittal server are detailed in the NRC's, ''Guidance for Electronic Submission,'' which is available on the agency's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may attempt to use other software not listed on the Web site, but should note that the NRC's E-Filing system does not support unlisted software; and the NRC's Meta System Help Desk will not be able to offer assistance in using unlisted software.

If a participant is electronically submitting a document to the NRC in accordance with the E-Filing rule, the participant must file the document using the NRC's online, Web-based submission form, including the installation of the Web browser plug-in, which is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.*

Once a petitioner/requestor has obtained a digital ID certificate and a docket has been created, the petitioner/requestor can then submit a request for hearing or petition for Leave to Intervene. Submissions should be in Portable Document Format (PDF) in accordance with the NRC's guidance available on the NRC public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* A filing is considered complete at the time the filer submits its documents through the Electronic Information Exchange (EIE) system. To be timely, an electronic filing must be submitted to the E-Filing system, no later than 11:59 p.m., Eastern Standard Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an e-mail notice confirming receipt of the document. The EIE system also distributes an e-mail notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a Hearing Request/Petition to Intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the agency's adjudicatory E-Filing system may seek assistance by contacting the NRC Meta System Help Desk through the ''Contact Us'' link located on the NRC Web site at *http://www.nrc.gov/site-help/e-submittals.html,* by e-mail at *MSHD.Resource@nrc.gov,* or by calling 1–800–672–7640. The NRC Meta System Help Desk is available between 8 a.m. and 8 p.m. Eastern Standard Time, Monday through Friday, excluding Federal holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file a motion, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First-class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, 16th Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemakings and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket, which is available to the public at *http://ehd1.nrc.gov/EHD/,* unless excluded pursuant to an order of the Commission or the presiding officer. Participants are requested not to include personal privacy information, such as Social Security numbers, home addresses, or home telephone numbers in their filings, unless an NRC regulation or other law requires submission of such information. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information for Contention Preparation

A. This Order contains instructions regarding how potential parties to this proceeding may request access to documents containing SUNSI.

B. Within 10 days after publication of this Notice of Acceptance of Application and Opportunity to Request a Hearing, any potential party who believes access to SUNSI is necessary to respond to this notice may request such access. A ''potential party'' is any person who intends to participate as a party by demonstrating standing and filing an admissible contention under 10 CFR 2.309. Requests for access to SUNSI submitted later than 10 days after publication will not be considered, absent a showing of good cause for the

late filing addressing why the request could not have been filed earlier.

C. The requester shall submit a letter requesting permission to access SUNSI to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, *Attention:* Rulemakings and Adjudications Staff; and provide a copy to the Associate General Counsel for Hearings, Enforcement and Administration, Office of the General Counsel, Washington, DC 20555–0001. The expedited delivery or courier mail address for both offices is: U.S. Nuclear Regulatory Commission, 11555 Rockville Pike, Rockville, Maryland 20852. The e-mail address for the Office of the Secretary and the Office of the General Counsel are *Hearing.Docket@nrc.gov* and *OGCmailcenter@nrc.gov,* respectively.[1] The request must include the following information:

(1) A description of the licensing action with a citation to this **Federal Register** notice;

(2) The name and address of the potential party and a description of the potential party's particularized interest that could be harmed by the action identified in C.(1);

(3) The identity of the individual or entity requesting access to SUNSI and the requester's basis for the need for the information in order to meaningfully participate in this adjudicatory proceeding. In particular, the request must explain why publicly-available versions of the information requested would not be sufficient to provide the basis and specificity for a proffered contention;

D. Based on an evaluation of the information submitted under paragraph C.(3), the NRC staff will determine within 10 days of receipt of the request whether:

(1) There is a reasonable basis to believe the petitioner is likely to establish standing to participate in this NRC proceeding; and

(2) The requestor has established a legitimate need for access to SUNSI.

E. If the NRC staff determines that the requestor satisfies both D.(1) and D.(2) above, the NRC staff will notify the requestor in writing that access to SUNSI has been granted. The written notification will contain instructions on how the requestor may obtain copies of the requested documents, and any other conditions that may apply to access those documents. These conditions may include, but are not limited to, the signing of a Non-Disclosure Agreement or Affidavit, or Protective Order[2] setting forth terms and conditions to prevent the unauthorized or inadvertent disclosure of SUNSI by each individual who will be granted access to SUNSI.

F. Filing of Contentions. Any contentions in these proceedings that are based upon the information received as a result of the request made for SUNSI must be filed by the requestor no later than 25 days after the requestor is granted access to that information. However, if more than 25 days remain between the date the petitioner is granted access to the information and the deadline for filing all other contentions (as established in the Notice of Hearing or Opportunity for Hearing), the petitioner may file its SUNSI contentions by that later deadline.

G. Review of Denials of Access.

(1) If the request for access to SUNSI is denied by the NRC's staff, either after a determination on standing and need for access or after a determination on trustworthiness and reliability, the NRC's staff shall immediately notify the requestor in writing, briefly stating the reason(s) for the denial.

(2) The requester may challenge the NRC staff's adverse determination by filing a challenge within 5 days of receipt of that determination with: (a) The presiding officer designated in this proceeding; (b) if no presiding officer has been appointed, the Chief Administrative Judge, or if he or she is unavailable, another administrative judge, or an administrative law judge with jurisdiction pursuant to 10 CFR 2.318(a); or (c) if another officer has been designated to rule on information access issues, with that officer.

H. Review of Grants of Access. A party other than the requester may challenge an NRC staff's determination granting access to SUNSI whose release would harm that party's interest independent of the proceeding. Such a challenge must be filed with the Chief Administrative Judge within 5 days of the notification by the NRC staff of its grant of access.

If challenges to the NRC staff's determinations are filed, these procedures give way to the normal process for litigating disputes concerning access to information. The availability of interlocutory review by the Commission of orders ruling on such NRC staff's determinations (whether granting or denying access) is governed by 10 CFR 2.311.[3]

I. The Commission expects that the NRC staff and presiding officers (and any other reviewing officers) will consider and resolve requests for access to SUNSI, and motions for protective orders, in a timely fashion in order to minimize unnecessary delays in identifying those petitioners who have standing and who have propounded contentions meeting the specificity and basis requirements in 10 CFR Part 2. Attachment 1 to this Order summarizes the general target schedule for processing and resolving requests under these procedures.

It is so ordered.

Dated at Rockville, Maryland, this 30th day of June 2011.

For the Commission.

Andrew L. Bates,

Acting Secretary of the Commission.

ATTACHMENT 1: GENERAL TARGET SCHEDULE FOR PROCESSING AND RESOLVING REQUESTS FOR ACCESS TO SENSITIVE UNCLASSIFIED NON-SAFEGUARDS INFORMATION IN THIS PROCEEDING

Day	Event/Activity
0	Publication of **Federal Register** Notice of Acceptance of Application and Opportunity to Request a Hearing, including order with instructions for access requests.
10	Deadline for submitting requests for access to Sensitive Unclassified Non-Safeguards Information (SUNSI) with information: supporting the standing of a potential party identified by name and address; describing the need for the information in order for the potential party to participate meaningfully in an adjudicatory proceeding.

[1] While a request for Hearing or Petition to Intervene in this proceeding must comply with the filing requirements of the NRC's ''E–Filing Rule,'' the initial request to access SUNSI under these procedures should be submitted as described in this paragraph.

[2] Any motion for Protective Order or draft Non-Disclosure Affidavit or Agreement for SUNSI must be filed with the presiding officer or the Chief Administrative Judge, if the presiding officer has not yet been designated, within 30 days of the deadline for the receipt of the written access request.

[3] Requesters should note that the filing requirements of the NRC's E–Filing Rule (72 FR 49139; August 28, 2007) apply to appeals of NRC staff's determinations (because they must be served on a presiding officer or the Commission, as applicable), but not to the initial SUNSI request submitted to the NRC staff under these procedures.

ATTACHMENT 1: GENERAL TARGET SCHEDULE FOR PROCESSING AND RESOLVING REQUESTS FOR ACCESS TO SENSITIVE UNCLASSIFIED NON-SAFEGUARDS INFORMATION IN THIS PROCEEDING—Continued

Day	Event/Activity
60	Deadline for submitting petition for intervention containing: (i) Demonstration of standing; and (ii) all contentions whose formulation does not require access to SUNSI (+25 Answers to petition for intervention; +7 petitioner/requestor reply).
20	The U.S. Nuclear Regulatory Commission's (NRC's) staff informs the requester of the staff's determination whether the request for access provides a reasonable basis to believe standing can be established and shows need for SUNSI. (The NRC's staff also informs any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information.) If the NRC's staff makes the finding of need for SUNSI and likelihood of standing, the NRC's staff begins document processing (preparation of redactions or review of redacted documents).
25	If the NRC's staff finds no ''need'' or no likelihood of standing, the deadline for petitioner/requester to file a motion seeking a ruling to reverse the NRC staff's denial of access; the NRC's staff files copy of access determination with the presiding officer (or Chief Administrative Judge or other designated officer, as appropriate). If the NRC's staff finds ''need'' for SUNSI, the deadline for any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information to file a motion seeking a ruling to reverse the NRC staff's grant of access.
30	Deadline for the NRC staff reply to motions to reverse the NRC staff determination(s).
40	(Receipt +30) If the NRC staff finds standing and need for SUNSI, deadline for the NRC staff to complete information processing and file motion for Protective Order and draft Non-Disclosure Affidavit. Deadline for applicant/licensee to file Non-Disclosure Agreement for SUNSI.
A	If access granted: Issuance of presiding officer or other designated officer decision on motion for protective order for access to sensitive information (including schedule for providing access and submission of contentions) or decision reversing a final adverse determination by the NRC staff.
A + 3	Deadline for filing executed Non-Disclosure Affidavits. Access provided to SUNSI consistent with decision issuing the protective order.
A + 28	Deadline for submission of contentions whose development depends upon access to SUNSI. However, if more than 25 days remain between the petitioner's receipt of (or access to) the information and the deadline for filing all other contentions (as established in the notice of hearing or opportunity for hearing), the petitioner may file its SUNSI contentions by that later deadline.
A + 53	(Contention receipt +25) Answers to contentions whose development depends upon access to SUNSI.
A + 60	(Answer receipt +7) Petitioner/Intervener reply to answers.
>A + 60	Decision on contention admission.

[FR Doc. 2011–16990 Filed 7–6–11; 8:45 am]

BILLING CODE 7590–01–P

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

Senior Executive Service Performance Review Board Membership

AGENCY: Occupational Safety and Health Review Commission.

ACTION: Annual notice.

SUMMARY: Notice is given under 5 U.S.C. 4314(c)(4) of the appointment of members to the Performance Review Board (PRB) of the Occupational Safety and Health Review Commission.

DATES: Membership is effective on July 7, 2011.

FOR FURTHER INFORMATION CONTACT: Debra A. Hall, Acting Executive Director, U.S. Occupational Safety and Health Review Commission, 1120 20th Street, NW., Washington, DC 20036, (202) 606–5397.

SUPPLEMENTARY INFORMATION: The Review Commission, as required by 5 U.S.C. 4314(c)(1) through (5), has established a Senior Executive Service PRB. The PRB reviews and evaluates the initial appraisal of a senior executive's performance by the supervisor, and makes recommendations to the Chairman of the Review Commission regarding performance ratings, performance awards, and pay-for-performance adjustments. In the case of an appraisal of a career appointee, more than half of the members shall consist of career appointees, pursuant to 5 U.S.C. 4314(c)(5). The names and titles of the PRB members are as follows:

- Debra A. Carr, Director, Division of Policy, Planning, and Program Development, Office of Federal Contract Compliance Programs, U.S. Department of Labor;
- Matthew T. Wallen, Director, Office of Public Assistance, Governmental Affairs and Compliance, Surface Transportation Board, U.S. Department of Transportation;
- Lola A. Ward, Director for the Office of Administration, National Transportation Safety Board.

Dated: June 29, 2011.

Thomasina V. Rogers,

Chairman.

[FR Doc. 2011–17002 Filed 7–6–11; 8:45 am]

BILLING CODE 7600–01–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: SF 2800, Application for Death Benefits Under the Civil Service Retirement System; and SF 2800A, Documentation and Elections in Support of Application for Death Benefits When Deceased Was an Employee at the Time of Death

AGENCY: U.S. Office of Personnel Management.

ACTION: 60-day notice and request for comments.

SUMMARY: The Retirement Services, Office of Personnel Management (OPM) offers the general public and other Federal agencies the opportunity to comment on a revised information collection request (ICR) 3206–0156, Application for Death Benefits Under the Civil Service Retirement System and Documentation and Elections in Support of Application for Death Benefits When Deceased Was an Employee at the Time of Death. As required by the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. chapter 35) as amended by the Clinger-Cohen Act (Pub. L. 104–106), OPM is soliciting comments for this collection. The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of 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.

DATES: Comments are encouraged and will be accepted until September 6, 2011. This process is conducted in accordance with 5 CFR 1320.1.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to U.S. Office of Personnel Management, Linda Bradford (Acting), Deputy Associate Director, Retirement Operations, Retirement Services, 1900 E Street, NW., Room 3305, Washington, DC 20415–3500, or sent via electronic mail to *Martha.Moore@opm.gov.*

FOR FURTHER INFORMATION CONTACT: A copy of this ICR, with applicable supporting documentation, may be obtained by contacting the Retirement Services Publications Team, Office of Personnel Management, 1900 E Street, NW., Room 4332, Washington, DC 20415, Attention: Cyrus S. Benson or sent via electronic mail to *Cyrus.Benson@opm.gov* or faxed to (202) 606–0910.

SUPPLEMENTARY INFORMATION: SF 2800, Application for Death Benefits under the Civil Service Retirement System, is needed to collect information so that OPM can pay death benefits to the survivors of Federal employees and annuitants. SF 2800A, Documentation and Elections in Support of Application for Death Benefits When Deceased Was an Employee at the Time of Death, is needed for deaths in service so that survivors can make the needed elections regarding military service.

Analysis

Agency: Retirement Operations, Retirement Services, Office of Personnel Management.

Title: Application for Death Benefits Under the Civil Service Retirement System and Documentation and Elections in Support of Application for Death Benefits When Deceased Was an Employee at the Time of Death.

OMB Number: 3206–0156.

Frequency: On occasion.

Affected Public: Individuals or Households.

Number of Respondents: SF 2800 = 68,000 and SF 2800A = 6,800.

Estimated Time per Respondent: 45 minutes.

Total Burden Hours: 56,100.

U.S. Office of Personnel Management.

John Berry,

Director.

[FR Doc. 2011–17080 Filed 7–6–11; 8:45 am]

BILLING CODE 6325–38–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: Marital Status Certification Survey, RI 25–7

AGENCY: U.S. Office of Personnel Management.

ACTION: 60-Day Notice and request for comments.

SUMMARY: The Retirement Services, Office of Personnel Management (OPM) offers the general public and other federal agencies the opportunity to comment on a revised information collection request (ICR) 3206–0033, Marital Status Certification Survey. As required by the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. chapter 35) as amended by the Clinger-Cohen Act (Pub. L. 104–106), OPM is soliciting comments for this collection. The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of 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.

DATES: Comments are encouraged and will be accepted until September 6, 2011. This process is conducted in accordance with 5 CFR 1320.1.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to U.S. Office of Personnel Management, Linda Bradford (Acting), Deputy Associate Director, Retirement Operations, Retirement Services, 1900 E Street, NW., Room 3305, Washington, DC 20415–3500, or sent via electronic mail to *Martha.Moore@opm.gov.*

FOR FURTHER INFORMATION CONTACT: A copy of this ICR, with applicable supporting documentation, may be obtained by contacting the Retirement Services Publications Team, Office of Personnel Management, 1900 E Street, NW., Room 4332, Washington, DC 20415, *Attention:* Cyrus S. Benson or sent via electronic mail to *Cyrus.Benson@opm.gov* or faxed to (202) 606–0910.

SUPPLEMENTARY INFORMATION: RI 25–7, Marital Status Certification Survey, is used to determine whether widows, widowers, and former spouses receiving survivor annuities from OPM have remarried before reaching age 55 and, thus, are no longer eligible for benefits.

Analysis

Agency: Retirement Operations, Retirement Services, Office of Personnel Management.

Title: Marital Status Certification Survey.

OMB Number: 3206–0033.

Frequency: On occasion.

Affected Public: Individuals or Households.

Number of Respondents: 24,000.

Estimated Time per Respondent: 15 minutes.

Total Burden Hours: 6,000.

U.S. Office of Personnel Management.

John Berry,

Director.

[FR Doc. 2011–17078 Filed 7–6–11; 8:45 am]

BILLING CODE 6325–38–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–64795; File No. S7–27–11]

Order Granting Temporary Exemptions Under the Securities Exchange Act of 1934 in Connection With the Pending Revision of the Definition of ''Security'' To Encompass Security-Based Swaps, and Request for Comment

AGENCY: Securities and Exchange Commission.

ACTION: Exemptive order; request for comment.

SUMMARY: The Securities and Exchange Commission (''Commission'' or ''SEC'') is issuing an order granting temporary exemptive relief from compliance with certain provisions of the Securities Exchange Act of 1934 (''Exchange Act'') in connection with the pending revision of the Exchange Act definition of ''security'' to encompass security-based swaps and is requesting comments on the temporary relief granted.

DATES: This exemptive order is effective July 1, 2011. Comments must be received on or before July 15, 2011.

ADDRESSES: Comments may be submitted, identified by File Number S7–27–11, by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form *(http://www.sec.gov/rules/other.shtml);* or
- Send an e-mail to *rule-comments@sec.gov*. Please include File Number S7–27–11 on the subject line; or
- Use the Federal Rulemaking Portal (*http://www.regulations.gov*). Follow the instructions for submitting comments.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090. All submissions should refer to File Number S7–27–11. This file number should be included on the subject line if e-mail is used. To help us process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec/gov/rules/other.shtml*). Comments are also available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. All comments received will be posted without charge; the Commission does not edit personal identifying information from submissions. You should only submit information that you wish to make publicly available.

FOR FURTHER INFORMATION CONTACT: In general, Joshua Kans, Senior Special Counsel, at (202) 551–5550; or Leah Drennan, Attorney-Adviser, at (202) 551–5507; in connection with the section 5 and 6 relief, Constance Kiggins, Special Counsel, at (202) 551–5701; Division of Trading and Markets, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–7010.

I. Introduction and Background

On July 21, 2010, President Barack Obama signed the Dodd-Frank Wall Street Reform and Consumer Protection Act (''Dodd-Frank Act'') into law.[1] Title VII of the Dodd-Frank Act (''Title VII'') establishes a regulatory regime applicable to the over-the-counter (''OTC'') derivatives markets by providing the Commission and the Commodity Futures Trading Commission (''CFTC'') with the authority to oversee these heretofore largely unregulated markets.[2] The Dodd-Frank Act provides that the CFTC will regulate ''swaps,'' the SEC will regulate ''security-based swaps,'' and the CFTC and the SEC jointly will regulate ''mixed swaps.''[3]

Title VII amends the Securities Exchange Act of 1934[4] (''Exchange Act'') to substantially expand the regulation of the security-based swap markets, establishing a new regulatory framework within which such markets can continue to evolve in a more transparent, efficient, fair, accessible, and competitive manner. Among other aspects, Title VII amends the Exchange Act to add new provisions concerning security-based swaps, including those related to: clearing; execution facilities; segregation requirements; antifraud prohibitions; position limits; transaction reporting; registration and regulation of security-based swap dealers and major security-based swap participants; and registration of clearing agencies that clear security-based swaps.[5]

The Title VII amendments generally are effective on July 16, 2011 (360 days after the enactment of the Dodd-Frank Act, referred to herein as the ''Effective Date''), unless a provision requires a rulemaking.[6] The Commission recently issued a release to provide guidance in connection with the effectiveness of Exchange Act provisions related to security-based swaps added by subtitle B of Title VII (which generally creates, and relates to, the regulatory regime for security-based swaps), and to provide temporary exemptions and other relief in connection with certain of those provisions.[7] Moreover, the Commission has proposed conditional exemptions under the Securities Act of 1933[8] (''Securities Act''), Exchange Act and the Trust Indenture Act of 1939[9] (''Trust Indenture Act'') for security-based swaps issued by certain clearing agencies.[10] Also, the Commission intends to provide temporary conditional exemptive relief for entities that provide certain clearing services for security-based swaps. In addition, the Commission will take other actions to address certain security-based swaps, such as providing guidance regarding—and where appropriate, temporary relief from—the various pre-Dodd Frank Act provisions that would otherwise apply to security-based swaps on the Effective Date, as well as extending existing temporary rules under the Securities Act, the Exchange Act, and the Trust Indenture Act for certain security-based swaps.[11]

This Order primarily addresses a change that the Title VII amendments will make to an already existing definition in the Exchange Act.[12]

[1] The Dodd-Frank Wall Street Reform and Consumer Protection Act, Public Law 111–203, 124 Stat. 1376 (2010).

[2] *See generally* Securities Exchange Act Release No. 64678 (June 15, 2011) (''Effective Date Release'').

[3] Section 712(d) of the Dodd-Frank Act provides that the Commission and the CFTC, in consultation with the Board of Governors of the Federal Reserve System (''Federal Reserve''), shall further define the terms ''swap,'' ''security-based swap,'' ''swap dealer,'' ''security-based swap dealer,'' ''major swap participant,'' ''major security-based swap participant,'' ''eligible contract participant,'' and ''security-based swap agreement.'' The Commission and the CFTC jointly have proposed to further define these terms. *See* Further Definition of ''Swap,'' ''Security-Based Swap,'' and ''Security-Based Swap Agreement''; Mixed Swaps; Security-Based Swap Agreement Recordkeeping, Securities Act Release No. 9204, Securities Exchange Act Release No. 64372 (Apr. 29, 2011), 76 FR 29818 (May 23, 2011); Further Definition of ''Swap Dealer,'' ''Security-Based Swap Dealer,'' ''Major Swap Participant,'' ''Major Security-Based Swap Participant'' and ''Eligible Contract Participant,'' Securities Exchange Act Release No. 63452 (Dec. 7, 2010), 75 FR 80174 (Dec. 21, 2010).

Moreover, section 712(a)(8) of the Dodd-Frank Act provides that the Commission and the CFTC, after consultation with the Federal Reserve, shall jointly promulgate such regulations regarding mixed swaps as may be necessary to carry out the purposes of Title VII. The Commission and the CFTC have jointly proposed such regulations. *See* 76 FR 29818.

[4] 15 U.S.C. 78a *et seq.*

[5] *See generally* Effective Date Release, note 2, *supra.*

[6] If a Title VII provision requires a rulemaking, the provision will go into effect not less than 60 days after the publication of the related final rule or on the Effective Date, whichever is later. *See* Sections 754 and 774 of the Dodd-Frank Act.

[7] Effective Date Release, note 2, *supra.*

[8] 15 U.S.C. 77a *et seq.*

[9] 15 U.S.C. 77aaa *et seq.*

[10] *See* Exemptions for Security-Based Swaps Issued by Certain Clearing Agencies, Securities Act Release No. 9222, Securities Exchange Act Release No. 64639, Trust Indenture Act Release No. 2474 (June 9, 2011). These proposed exemptions will not be in place as of the Effective Date.

[11] *See* SEC Announces Steps to Address One-Year Effective Date of Title VII of Dodd-Frank Act, available at *http://www.sec.gov/news/press/2011/2011-125.htm* (June 10, 2011).

[12] We also are providing guidance in connection with part I of subtitle A of Title VII, which includes certain provisions that relate to security-based swaps or to the Commission specifically. *See* part III, *infra.* The Exemptive Date Release addressed

Specifically, as of the Effective Date, the Exchange Act definition of ''security'' will expressly encompass security-based swaps. [13] In making this change, Congress intended for security-based swaps to be treated as securities under the Exchange Act and the underlying rules and regulations. Nonetheless, this expansion of the scope of the regulatory provisions of the Exchange Act raises certain complex issues of interpretation. Absent additional time to analyze those issues, and to consider whether to provide interpretive or operational guidance, these changes may lead to unnecessary market uncertainty.[14]

As is discussed in more detail below, we are addressing those issues in part through a temporary exemption from the application of the Exchange Act to security-based swaps, subject to certain exceptions to this exemption by which specific Exchange Act provisions nonetheless will apply to security-based swaps. Separate exemptions within this Order will address registered broker-dealers and exchange registration requirements. The overall approach is directed toward maintaining the *status quo* during the implementation process for the Dodd-Frank Act, by preserving the application of particular Exchange Act requirements that already are applicable in connection with instruments that will be ''security-based swaps'' following the Effective Date, but deferring the applicability of additional Exchange Act requirements in connection with those instruments explicitly being defined as ''securities'' as of the Effective Date.

The revision of the Exchange Act's ''security'' definition raises, among other things, issues related to the Exchange Act definition of ''broker,'' [15] particularly with regard to which activities (such as facilitating the central clearing of security-based swaps for customers) may lead to the requirement to register as a broker. The revision of the ''security'' definition also raises interpretive issues in the context of the Exchange Act definition of ''dealer'' in that, following the Effective Date, the definition of ''dealer'' under the Exchange Act will exclude security-based swap dealing activities only to the extent that these activities are with counterparties that constitute ''eligible contract participants.'' [16] In other words, while an entity's security-based swap activities involving eligible contract participants cannot cause the entity to be a ''dealer'' (though the entity may otherwise be a ''security-based swap dealer''), an entity's activities involving security-based swaps with counterparties that are not eligible contract participants could, depending on the facts and circumstances, still cause the entity to fall within the ''dealer'' definition. Separately, the Dodd-Frank Act has revised the definition of ''eligible contract participant,'' [17] and some market participants have raised concerns as to the proper interpretation of the revised ''eligible contract participant'' definition, and hence the proper interpretation of the new exclusion from the ''dealer'' definition.[18]

The expansion of the ''security'' definition, and hence the expansion of the scope of the regulatory provisions of the Exchange Act to security-based swaps, further raises other complex questions of interpretation that could warrant additional guidance by the Commission. These include questions as to how particular Exchange Act requirements may apply to security-based swap activities of registered broker-dealers.[19] We believe that it is appropriate to provide market participants with additional time to consider the potential impact on their businesses and the interpretive questions raised, and to provide the Commission with any related requests for guidance or relief, along with the underlying analysis.[20] Also, as is discussed below, application of the exchange registration requirements of sections 5 and 6 [21] of the Exchange Act to security-based swap activities will not be practical until certain rulemaking has been completed.[22]

In furtherance of the Dodd-Frank Act's stated objective of promoting financial stability in the U.S. financial system, the Commission intends to move forward deliberately in implementing the requirements of the Dodd-Frank Act, while minimizing unnecessary disruption and costs to the markets. Those include the disruptions and costs that may be expected to result if, as of the Effective Date, existing Exchange Act provisions were in general deemed to apply to security-based swap activities without additional time to consider the potential impact of the revision to the ''security'' definition.

Accordingly, for the reasons discussed in this Order, the Commission is granting temporary exemptive relief that is necessary or appropriate in the public interest, and consistent with the protection of investors, from compliance

subtitle B of Title VII, while part II of subtitle A generally creates, and relates to, the regulatory regime for swaps. *See* sections 721 through 754 of the Dodd-Frank Act.

[13] *See* Exchange Act section 3(a)(10), 15 U.S.C. 78c(a)(10), as revised by section 761 of the Dodd-Frank Act.

[14] The Commission has received a request for relief by a number of industry participants in connection with the revised scope of the Exchange Act (as well as in connection with the new Exchange Act provisions we have addressed in the Effective Date Release). *See* letter to the Commission from the American Bankers Association, Financial Services Roundtable, Futures Industry Association, Institute of International Bankers, International Swaps and Derivatives Association, Investment Company Institute, Securities Industry and Financial Markets Association and U.S. Chamber of Commerce, dated June 10, 2011 (''Trade Association Letter'').

[15] In relevant part, a ''broker'' is defined as a person ''in the business of effecting transactions in securities for the account of others.'' *See* Exchange Act section 3(a)(4), 15 U.S.C. 78c(a)(4). The Dodd-Frank Act did not modify this definition. As a result, absent an exemption or other relief, a person who meets this definition in connection with security-based swaps activities would be a broker and would be subject to the registration and other regulatory requirements applicable to brokers, absent an exception or exemption.

[16] As of the July 16 effectiveness of the Dodd-Frank Act amendments, the definition of ''dealer'' in Exchange Act Section 3(a)(5), 15 U.S.C. 78c(a)(5), will incorporate, in relevant part, ''any person engaged in the business of buying and selling securities (not including security-based swaps, other than security-based swaps with or for persons that are not eligible contract participants), for such person's own account.''

At that time, the term ''eligible contract participant'' will be incorporated into Exchange Act section 3(a)(65), 15 U.S.C. 78c(a)(65), and will refer to the definition of that term in section 1a of the Commodity Exchange Act, 7 U.S.C. 1a.

[17] Most significantly, the Dodd-Frank Act revised paragraph (A)(xi) of the ''eligible contract participant'' definition in the Commodity Exchange Act (which the Exchange Act cross-references). Prior to its amendment, one portion of that definition encompassed individuals with ''total assets'' in excess of $10 million (or $5 million in the case of certain risk management agreements). As revised, that portion of the ''eligible contract participant'' definition instead will apply to individuals with those same amounts ''invested on a discretionary basis.'' *See* Commodity Exchange Act section 1a(18)(A)(xi), 7 U.S.C. 1a(18)(A)(xi) (as amended and redesignated by section 721(a)(9) of the Dodd-Frank Act).

[18] *See* Trade Association Letter, note 14, *supra* (particularly citing issues as to the interpretation of the term ''discretionary basis'' in the definition of ''eligible contract participant'').

[19] *See id.* (citing, among other aspects, issues related to the application of certain margin and customer protection rules to security-based swap activities of registered broker-dealers).

[20] In granting this relief, the Commission notes in particular that the signatories to the Trade Association Letter, note 14, *supra,* have represented that within three months of the Effective Date they will provide the Commission with a request for permanent exemption from the application of securities laws that they believe are particularly inapposite in connection with security-based swap activities. The signatories to that letter also anticipated that Commission guidance would be necessary with respect to some of the issues that would arise from the change to the scope of the Exchange Act.

The Commission expects that any industry request for guidance or relief will also address implementation issues related to the applicable requirements. The Commission invites all interested persons to submit views about whether specific relief would be necessary or appropriate in the public interest, and consistent with the protection of investors.

[21] 15 U.S.C. 78e, 78f.

[22] *See* parts II.C and II.D, *infra.*

with certain provisions of the Exchange Act that otherwise would apply to security-based swap activities as of the Effective Date. Generally, section 36 of the Exchange Act authorizes the Commission to conditionally or unconditionally exempt, by rule, regulation, or order, any person, security, or transaction (or any class or classes of persons, securities, or transactions) from any provision or provisions of the Exchange Act or any rule or regulation thereunder, to the extent such exemption is necessary or appropriate in the public interest, and is consistent with the protection of investors.[23]

The temporary exemptive relief we are granting today in part combines an exemption from the application of the Exchange Act in connection with security-based swaps with specific exceptions from that exemption. As a result of these exceptions, certain provisions of the Exchange Act and underlying rules and regulations will apply to security-based swap activities.

For example, the instruments that (after the Effective Date) will constitute security-based swaps already are generally subject to certain antifraud and anti-manipulation provisions under the Exchange Act. This is because those instruments generally constitute ''security-based swap agreements'' under current law,[24] and the Exchange Act already provides that those security-based swap agreements are subject to certain specific antifraud and anti-manipulation provisions (including Exchange Act section 10(b)).[25] Accordingly, under the exemption, instruments that (before the Effective Date) were security-based swap agreements and (after the Effective Date) constitute security-based swaps will continue to be subject to the application of those Exchange Act antifraud and anti-manipulation provisions, as well as Securities Act antifraud provisions,[26] following the Effective Date. As discussed below, the exemption also is subject to certain other exceptions which will provide for the application of particular Exchange Act provisions to security-based swap activities (*e.g.,* ''broker'' and ''dealer'' registration provisions in certain circumstances, as well as Commission authority to act against broker-dealers and associated persons).[27]

In addition, we are providing targeted exemptive relief in connection with the application of Exchange Act requirements to registered broker-dealers,[28] as well as in connection with the exchange registration requirements of Exchange Act sections 5 and 6.[29] To promote legal certainty, moreover, we are providing temporary relief from the rescission provisions of Exchange Act section 29(b) [30] in connection with these exemptions.[31] Finally, we are providing additional guidance in connection with provisions of part I of subtitle A of Title VII.[32] The following tables summarize the scope—and limitations—of the relief we are granting (apart from the Exchange Act section 29(b) relief and the guidance related to part I of subtitle A of Title VII):

PART II.A—EXCHANGE ACT PROVISIONS THAT WILL APPLY TO PERSONS ENGAGING IN SECURITY-BASED SWAP ACTIVITIES NOTWITHSTANDING THE TEMPORARY EXEMPTION [33]

Nature of provisions	Exchange Act sections
Antifraud and anti-manipulation	Paragraphs (2) through (5) of section 9(a), and sections 10(b), 15(c)(1), 20(d) and 21A(a)(1).[34]
Dealer registration requirements	15(a)(1), but only in connection with security-based swaps with counterparties that are not eligible contract participants.[35]
Broker registration requirements	15(a)(1), but only with regard to members of central counterparties holding customer funds and securities in connection with security-based swaps.

[23] 15 U.S.C. 78mm. The Commission's exemptive authority under Exchange Act section 36 is not available for certain specified provisions of the Exchange Act added by Title VII that relate to security-based swaps, *see* section 36(c) of the Exchange Act, 15 U.S.C. 78mm(c). That limitation does not apply to the provisions for which the Commission is granting relief.

[24] Under the existing (pre-Dodd-Frank) framework, a ''security-based swap agreement'' is defined as a ''swap agreement'' in which a material term is based on the price, yield, value, or volatility of any security or any group or index of securities, or any interest therein. *See* section 206B of the Gramm-Leach-Bliley Act. Under existing law, moreover, the term ''swap agreement'' subsumes certain types of agreements for which certain ''material terms'' are ''subject to individual negotiation.'' *See* section 206A of the Gramm-Leach-Bliley Act. Thus, instruments that will be ''security-based swaps'' following the Effective Date in general currently are ''security-based swap agreements'' for purposes of the Exchange Act.

[25] Currently (prior to amendment by the Dodd-Frank Act), the Exchange Act provides that instruments that meet the definition of ''security-based swap agreement'' are subject to the following antifraud and anti-manipulation provisions: (a) Paragraphs (2) through (5) of Exchange Act section 9(a), 15 U.S.C. 78i(a), prohibiting the manipulation of security prices; (b) Exchange Act section 10(b), 15 U.S.C. 78j(b), (c) Exchange Act section 15(c)(1), 15 U.S.C. 78o(c)(1), which prohibits brokers and dealers from using manipulative or deceptive devices; (d) Exchange Act section 20(d), 15 U.S.C. 78t(d), providing for antifraud liability in connection with certain derivative transactions; and (e) Exchange Act section 21A(a)(1), 15 U.S.C. 78u–1(a)(1), related to the Commission's authority to impose civil penalties for insider trading violations. In addition, Exchange Act sections 16(a) and (b), 15 U.S.C. 78p(a) and (b) specifically apply to security-based swap agreements under current law.

Underlying rules prohibiting fraud, manipulation and insider trading (such as Exchange Act rule 10b–5, 17 CFR 240.10b–5, which prohibits the employment of manipulative or deceptive devices), also apply to security-based swap agreements. However, as currently (prior to amendment by the Dodd-Frank Act) provided by Exchange Act section 3A, 15 U.S.C. 78c–1, as well as provided by Exchange Act section 10(b), prophylactic reporting or recordkeeping requirements (such as Exchange Act rule 10b–10, 17 CFR 10b–10, regarding confirmation of transactions) do not apply to security-based swap agreements.

As of the Effective Date, Exchange Act antifraud and insider trading provisions still will apply to ''security-based swap agreements.'' The definition of ''security-based swap agreement,'' as revised by the Dodd-Frank Act, however, will no longer encompass those instruments that satisfy the ''security-based swap'' definition.

[26] The antifraud provisions of Securities Act section 17(a), 15 U.S.C. 77q(a), also apply to ''security-based swap agreements'' under current law.

[27] Also, as addressed below, the exemption does not address certain other Exchange Act provisions.

[28] *See* part II.B, *infra.*

[29] *See* parts II.C and II.D, *infra.*

[30] 15 U.S.C. 78cc(b).

[31] *See* part II.E, *infra.*

[32] *See* part III, *infra.*

PART II.A—EXCHANGE ACT PROVISIONS THAT WILL APPLY TO PERSONS ENGAGING IN SECURITY-BASED SWAP ACTIVITIES NOTWITHSTANDING THE TEMPORARY EXEMPTION [33]—Continued

Nature of provisions	Exchange Act sections
Authority to take actions against broker-dealers and associated persons.	15(b)(4), 15(b)(6).

[33] The general temporary exemption provided in this Order does not address the following additional provisions: securities registration, reporting, proxy, short-swing profits and related requirements (Exchange Act sections 12, 13, 14, 15(d) and 16); clearing agency registration requirements (Exchange Act section 17A); and certain provisions added by subtitle B of Title VII. We separately have addressed or are addressing certain of those other requirements in the context of security-based swaps. In addition, this exemption does not address certain provisions related to government securities (Exchange Act sections 3(a)(42)–(45) and 15C). Exchange registration provisions are the subject of separate exemptions in this Order. In particular, persons other than clearing agencies acting as central counterparties will be exempt from the exchange registration requirements of Exchange Act sections 5 and 6 solely in connection with security-based swap activities, while broker-dealers effecting or reporting security-based swap transactions on those exempt exchanges will be exempt from Exchange Act section 5. In addition, three existing central counterparties that clear CDS will be exempt from Exchange Act sections 5 and 6 (in connection with their ''forced trade'' procedures) subject to certain conditions, and members that use those central counterparties' clearance and risk management process to effect or report Cleared CDS transactions will be exempt from section 5 unconditionally.

[34] Underlying rules prohibiting fraud, manipulation or insider trading, such as Exchange Act rule 10b–5, also remain applicable (but not prophylactic reporting or recordkeeping requirements, such as Exchange Act rule 10b–10). This is consistent with the current application of antifraud and anti-manipulation provisions to security-based swap agreements, as provided by Exchange Act sections 3A and 10(b) (which generally prohibit the application of ''reporting or recordkeeping requirements, procedures, or standards as prophylactic measures against fraud, manipulation, or insider trading'' with respect to any security-based swap agreement''). In addition, all provisions of the Exchange Act related to the Commission's enforcement authority in connection with violations or potential violations of such provisions also remain applicable.

[35] This will be based on whether a person is an ''eligible contract participant'' as set forth in the definition of that term in effect on July 20, 2010 (prior to the Dodd-Frank Act).

PART II.B—ADDITIONAL EXCHANGE ACT PROVISIONS THAT WILL APPLY TO SECURITY-BASED SWAP ACTIVITIES AND POSITIONS OF REGISTERED BROKER-DEALERS NOTWITHSTANDING THE TEMPORARY EXEMPTION [36]

Nature of provisions	Exchange Act section or rule
Extension of credit	Section 7(c)
Extension of credit	Regulation T (12 CFR 220.1 *et seq.*).
Rulemaking authority over broker-dealers	Section 15(c)(3).
Net capital	Rule 15c3–1.
Reserves and custody of securities	Rule 15c3–3.
Books and records	Sections 17(a)–(b).
Records and reports	Rules 17a–3, 17a–4, 17a–5, 17a–8.
Quarterly security counts	Rule 17a–13.

[36] In general, these provisions will apply to security-based swap activities or positions of registered broker-dealers only to the extent that they are applicable to those activities and positions as of July 15, 2011. Exchange Act rule 15c3–3, however, also will fully apply to the activities and positions of a registered broker-dealer related to cleared security-based swaps, to the extent that the registered broker-dealer is a member of a clearing agency that functions as a central counterparty for security-based swaps, and holds customer funds or securities in connection with cleared security-based swaps.

II. Temporary Exemption in Connection With Certain Exchange Act Requirements

The Commission is issuing temporary exemptions to address the issues and concerns arising from the revision of the Exchange Act ''security'' definition and the application of the Exchange Act to security-based swaps. These include a temporary exemption for certain persons, along with a temporary exemption specific to broker-dealers; both of those exemptions will remain in effect until the compliance date for final rules that we may adopt further defining the terms ''security-based swap'' and ''eligible contract participant.'' [37] These also include temporary exemptions related to Exchange Act sections 5 and 6, and related to Exchange Act section 29(b), which, as addressed below, will have other durations.

A. Temporary Exemption From Certain Exchange Act Requirements in Connection With Security-Based Swaps

As the first part of the relief provided by this Order, the Commission is temporarily exempting certain persons from the application of certain Exchange Act provisions in connection with security-based swaps. As discussed below, this exemption will be subject to certain key exceptions by which particular statutory provisions (or underlying rules or regulations) or particular activities will not be exempted.

The temporary exemption will be available to any person that meets the definition of ''eligible contract participant'' that was in effect as of July 20, 2010 (the day prior to the enactment of the Dodd-Frank Act), other than a registered broker-dealer [38] or, except in limited circumstances, a self-regulatory organization.[39] The availability of this

[37] *See* SEC and CFTC joint proposing releases defining those terms, note 3, *supra.*

[38] A separate temporary exemption addresses the security-based swap activities of registered broker-dealers. *See* part II.B, *infra.*

[39] Registered securities associations can take advantage of this exemption in certain limited circumstances. In particular, the exemption will be available to any registered securities association solely with respect to its obligations under Exchange Act section 19(g)(1)(B), 15 U.S.C. 78s(g)(1)(B), to enforce compliance in connection with security-based swaps with provisions of its rules (and with provisions of the rules of the Municipal Securities Rulemaking Board) that do not apply to positions or activities involving security-based swaps as of July 15, 2011. Section 19(g)(1)(B) in relevant part requires national securities associations to enforce compliance with their own rules. As discussed below, *see* part II.B, *infra,* under the Commission's exemption registered broker-dealers will be required to comply with certain Exchange Act requirements in connection with security-based swaps, but not to the extent that those provisions or rules do not apply to the broker's or dealer's security-based swap positions or activities as of July 15, 2011. The application of this exemption to national securities associations is consistent with that approach.

Also, we expect the Financial Industry Regulatory Authority (''FINRA''), a national securities association that is a self-regulatory organization for registered broker-dealers, to file a proposed rule

Continued

temporary exemption will be limited to persons that meet the ''eligible contract participant'' definition in order to provide relief to persons currently participating in the security-based swap markets.[40]

Subject to exclusions discussed below, persons covered by the temporary exemption will be exempt from the provisions of the Exchange Act, and the applicable rules and regulations thereunder, solely in connection with their activities involving security-based swaps. The temporary exemption's scope is to be construed narrowly, and does not apply to a person's activities involving securities other than security-based swaps, even if those other securities-related activities also involve security-based swaps.[41]

As noted above, however, this temporary exemption does not extend to certain Exchange Act provisions and underlying rules and regulations.

First, for the reasons discussed above, the temporary exemption applicable to security-based swaps does not extend to the antifraud and anti-manipulation provisions of the Exchange Act, and underlying rules or regulations, that already apply to ''security-based swap agreements'' under current law. Thus, even with the temporary exemption, paragraphs (2) through (5) of section 9(a), section 10(b), section 15(c)(1), section 20(d) and section 21A(a)(1) of the Exchange Act[42] will apply to security-based swaps. Underlying rules prohibiting fraud, manipulation or insider trading, such as Exchange Act rule 10b–5 (but not prophylactic reporting or recordkeeping requirements such as the confirmation requirements of Exchange Act rule 10b–10) also will apply to security-based swaps. Consistent with the Commission's current authority, moreover, the temporary exemption will not affect the Commission's investigative, enforcement, and procedural authority related to those provisions and rules.[43]

The temporary exemption also does not extend to Exchange Act provisions related to security-based swaps that were added or amended by Subtitle B of Title VII of the Dodd-Frank Act. The Commission separately has addressed those new provisions and amendments[44] (apart from the change to the ''security'' definition that underpins the exemptions that are the subject of this Order).

In addition, even under the temporary exemption, the Exchange Act ''broker'' registration requirements will apply to broker activities involving security-based swaps by persons that are members of a clearing agency that functions as a central counterparty[45] (''CCP'') for security-based swaps, and that hold customer funds and securities in connection with security-based swaps. Based on the Commission's experience in granting, and representations made by recipients of, previous exemptive orders for CCPs, the Commission understands that there currently are no CCPs offering customer clearing of security-based swaps.[46] Apart from that limitation, and for the reasons discussed above, the exemption from registration requirements will extend to broker activity involving security-based swaps.[47]

Moreover, even under the temporary exemption, the Exchange Act ''dealer'' registration requirements will apply to security-based swap dealing activities unless those activities involve counterparties that meet the definition of ''eligible contract participant'' that was in effect as of July 20, 2010 (the day prior to the enactment of the Dodd-Frank Act). Accordingly, conducting security-based swap activities with counterparties that do not meet that July 20, 2010 definition of ''eligible contract participant'' could, depending on the facts and circumstances, still cause an entity to be a ''dealer'' under the Exchange Act. In light of market participants' concerns regarding interpretive issues resulting from the statutory changes to the ''eligible contract participant'' definition, the exemption is intended to appropriately implement the legislative goal of applying the ''dealer'' definition to security-based swap activities involving counterparties that are not eligible contract participants, while maintaining the *status quo* with respect to activities involving ''eligible contract participants'' as that term was defined on July 20, 2010.[48]

This temporary exemption further does not excuse compliance with certain additional provisions under the Exchange Act. The exemption does not apply to the exchange registration requirements of Exchange Act sections 5 and 6, as those provisions instead are being addressed by a separate conditional exemption described below.[49] This exemption further does not extend to: the requirements of Exchange Act sections 12, 13, 14, 15(d), and 16[50]; the Commission's administrative proceeding authority under Exchange Act sections 15(b)(4) and (b)(6)[51]; or to certain provisions

change related to the application of FINRA's rules to security-based swaps.

[40] The exemption relies on the pre-Dodd-Frank Act definition of ''eligible contract participant'' due to outstanding issues discussed above, *see* note 17, *supra,* and accompanying text, regarding the meaning of ''eligible contract participant'' under the Dodd-Frank Act.

[41] In other words, for example, if a person were to enter into an arrangement involving the purchase of a debt security in conjunction with the purchase of credit protection in the form of a credit default swap referencing that debt security, the person's credit default swap transaction would be subject the temporary exemption, but the person's purchase of the debt security would not.

[42] *See* note 25, *supra.*

[43] Thus, for example, the Commission retains the ability to investigate potential violations and bring enforcement actions in the federal courts as well as in administrative proceedings, and to seek the full panoply of remedies available in such cases.

[44] *See* Effective Date Release, note 2, *supra.*

[45] For these purposes, a ''central counterparty'' means a clearing agency that interposes itself between the counterparties to security-based swap transactions, acting functionally as the buyer to every seller and the seller to every buyer.

[46] The Commission has granted temporary conditional exemptions to facilitate CDS clearing in connection with requests on behalf of ICE Clear Europe Limited; Eurex Clearing AG; Chicago Mercantile Exchange Inc.; ICE Trust US LLC; and LIFFE A&M and LCH.Clearnet Ltd. *See* notes 71 and 76, *infra.*

To the extent that CCPs plan to offer customer clearing of security-based swaps during the duration of this exemption, the Commission will consider requests for relief from broker-related requirements by such CCPs on behalf of their participants, based on the applicable facts and circumstances.

[47] In light of the exemption from broker registration requirements and from the dealer registration requirements addressed below (but subject to the exemption's limitations associated with those requirements), non-U.S. persons that act as brokers or dealers solely in connection with security-based swaps involving U.S. counterparties need not rely on the exemptions from broker-dealer registration requirements that are set forth in Exchange Act rule 15a–6, 17 CFR 240.15a–6. Thus, non-U.S. persons will not have to comply with the requirements and conditions of rule 15a–6, including, for example, the requirement to use a registered U.S. broker-dealer to effect a transaction in a security-based swap, as provided in paragraph (a)(3) of the rule.

[48] In a similar way, the Commission has targeted the exemptive relief it previously granted in connection with section 6(*l*) of the Exchange Act, 15 U.S.C. 78f(l), which was added by the Dodd-Frank Act. This relief will permit persons that currently participate in the security-based swap markets, but that potentially may not be considered eligible contract participants under the definition as amended by Title VII of the Dodd-Frank Act, to continue to do so until the term ''eligible contract participant'' is further defined in final rulemaking. *See* Effective Date Release, note 2, *supra.*

[49] *See* parts II.C and II.D, *infra.*

[50] 15 U.S.C. 78*l,* 78m, 78n, 78o(d), 78p. These provisions address, among other things, securities registration, reporting by issuers and other persons, proxies and short-swing profits.

[51] Exchange Act sections 15(b)(4) and 15(b)(6), 15 U.S.C. 78o(b)(4) and (b)(6), grant the Commission authority to take action against brokers and dealers and associated persons in certain situations. Accordingly, while this exemption extends to certain persons that may otherwise act as brokers or dealers in the market for security-based swaps, such brokers or dealers may still be subject to actions under sections 15(b)(4) and (b)(6) of the Exchange Act.

In addition, such brokers or dealers may be subject to actions under Exchange Act section

related to government securities.[52] The temporary exemption further does not extend to the clearing agency registration requirement of Exchange Act section 17A,[53] as the Commission separately intends to provide targeted exemptive relief in connection with that requirement.

B. Temporary Exemption From Certain Exchange Act Requirements in Connection With Security-Based Swap Activities by Registered Broker-Dealers

In addition to the temporary exemption addressed above, the Commission separately is providing exemptive relief to registered broker-dealers in connection with the revised ''security'' definition and the application of existing Exchange Act provisions to security-based swaps. In granting this relief, we have sought to recognize concerns raised by market participants—*e.g.,* the application of current broker-dealer margin rules to security-based swap activities—while also being mindful that certain regulations applicable to broker-dealers play a critical role in promoting market integrity and protecting customers (including broker-dealer customers that are not involved in security-based swap transactions).

This temporary exemption will be available to any registered broker-dealer solely with respect to its activities and positions involving security-based swaps. In general—and subject to the additional provisions addressed below—this temporary exemption has the same scope as the temporary exemption addressed above, and is subject to the same exclusions. Thus, for example, security-based swap activity by registered broker-dealers will be subject to the same Exchange Act antifraud and anti-manipulation provisions as will be effective under the temporary exemption addressed above.

Moreover, we are limiting the scope of the exemption for registered broker-dealers in connection with certain Exchange Act provisions and rules that apply specifically to registered broker-dealers. In particular (and subject to additional limitations in connection with Exchange Act rule 15c3–3 as addressed below), registered broker-dealers will solely be exempt from those provisions and rules to the extent that those provisions or rules do not apply to the broker's or dealer's security-based swap positions or activities as of July 15, 2011—the day before the effectiveness of the change to the ''security'' definition. In other words, during the exemptive period the application of current law will remain unchanged, and those particular Exchange Act requirements will continue to apply to registered broker-dealers' security-based swap activities and positions to the same extent they apply currently. This approach is intended to help avoid undue market disruptions resulting from the change to the ''security'' definition, while at the same time preserving the current application of those particular provisions or rules to security-based swap activity by registered broker-dealers.

Thus, under this approach of preserving the *status quo,* no exemption will be provided in connection with the following requirements under the Exchange Act to the extent that those requirements currently apply to registered broker-dealer activities or positions involving instruments that will be security-based swaps (but registered broker-dealers will be exempted in connection with those requirements to the extent that the requirements do not already apply to activities or positions involving those instruments): [54]

- Section 7(c),[55] regarding the extension of credit by broker-dealers; and Regulation T,[56] a Federal Reserve Board regulation regarding broker-dealer extension of credit.
- Section 15(c)(3),[57] which provides the Commission with rulemaking authority in connection with broker-dealer financial responsibility; Exchange Act rule 15c3–1,[58] regarding broker-dealer net capital; and Exchange Act rule 15c3–3,[59] regarding broker-dealer reserves and custody of securities. In the case of Exchange Act rule 15c3–3, moreover, the exemption will not be applicable to the activities and positions of a registered broker-dealer related to cleared security-based swaps, to the extent that the registered broker-dealer is a member of a clearing agency that functions as a central counterparty for security-based swaps, and holds customer funds or securities in connection with cleared security-based swaps.[60]
- Section 17(a),[61] regarding broker-dealer obligations to make, keep and furnish information; section 17(b),[62] regarding broker-dealer records subject to examination; Exchange Act rules 17a–3 through 17a–5,[63] regarding records to be made and preserved by broker-dealers and reports to be made by broker-dealers; Exchange Act rule 17a–8,[64] regarding broker-dealer recordkeeping and reporting under the Bank Secrecy Act; and Exchange Act rule 17a–13,[65] regarding quarterly security counts to be made by certain exchange members and broker-dealers.

C. Temporary Exemptions From Sections 5 and 6 of the Exchange Act for Brokers, Dealers and Exchanges

Section 5 of the Exchange Act states that ''[i]t shall be unlawful for any broker, dealer, or exchange,[66] directly or indirectly, to make use of the mails or any means or instrumentality of interstate commerce for the purpose of using any facility of an exchange * * * to effect any transaction in a security, or to report any such transactions, unless such exchange (1) Is registered as a national securities exchange under section 6 of [the Exchange Act], or (2) is exempted from such registration * * * by reason of the limited volume

15(c)(1), 15 U.S.C. 78o(c)(1), which prohibits brokers and dealers from using manipulative or deceptive devices. Sections 15(b)(4), 15(b)(6) and 15(c)(1), of course, would not apply to persons subject to this exemption who do not act as broker-dealers or associated persons of broker-dealers.

[52] The exemption specifically does not extend to the Exchange Act provisions applicable to government securities, as set forth in section 15C, 15 U.S.C. 78o–5, and its underlying rules and regulations. The exemption also does not extend to related definitions found at paragraphs (42) through (45) of section 3(a), 15 U.S.C. 78c(a). The Commission does not have authority under section 36 to issue exemptions in connection with those provisions. *See* Exchange Act section 36(b), 15 U.S.C. 78mm(b).

[53] 15 U.S.C. 78q–1.

[54] Solely for purposes of this temporary exemption, in addition to the general requirements under the referenced Exchange Act sections, registered broker-dealers shall only be subject to the enumerated rules under the referenced Exchange Act sections in connection with security-based swaps.

[55] 15 U.S.C. 78g(c).

[56] 12 CFR 220.1 *et seq.*

[57] 15 U.S.C. 78o(c)(3).

[58] 17 CFR 240.15c3–1.

[59] 17 CFR 240.15c3–3.

[60] This is consistent with the exclusion from the temporary exemption addressed above with regard to the broker registration requirement. *See* note 45, *supra,* and accompanying text.

[61] 15 U.S.C. 78q(a).

[62] 15 U.S.C. 78q(b).

[63] 17 CFR 240.17a–3 through 17a–5

[64] 17 CFR 240.17a–8.

[65] 17 CFR 240.17a–13.

[66] Section 3(a)(1) of the Exchange Act, 15 U.S.C. 78c(a)(1), defines ''exchange'' to mean ''any organization, association, or group of persons, whether incorporated or unincorporated, which constitutes, maintains, or provides a market place or facilities for bringing together purchasers and sellers of securities or for otherwise performing with respect to securities the functions commonly performed by a stock exchange as that term is generally understood, and includes the market place and the market facilities maintained by such an exchange.'' Rule 3b–16 under the Exchange Act, 17 CFR 240.3b–16, defines certain terms used in the statutory definition of exchange. *See* Securities Exchange Act Release No. 40760 (Dec. 8, 1998), 63 FR 70844 (Dec. 22, 1998) (''Regulation ATS Adopting Release'') (adopting Rule 3b–16 in addition to Regulation ATS).

of transactions effected on such exchange * * *.'' Section 6 of the Exchange Act sets forth a procedure whereby an exchange may register as a national securities exchange.[67]

Certain persons, particularly those that would meet the statutory definition of security-based swap execution facility (''SB SEF''),[68] may today engage in activities that would subject them to the restrictions and requirements of sections 5 and 6 of the Exchange Act as of the Effective Date, once security-based swaps are included within the definition of ''security.'' The Commission has proposed, but not acted on, registration requirements for SB SEFs. Therefore, the Commission is using its authority under section 36 of the Exchange Act to provide a temporary exemption from the requirement to register as a national securities exchange in sections 5 and 6 of the Exchange Act to any person, other than a clearing agency acting as a central counterparty in security-based swaps,[69] that, solely due to its activities relating to security-based swaps, would fall within the definition of exchange and thus be required to register as an exchange. Persons who can take advantage of this exemption include those entities that would meet the statutory SB SEF definition,[70] but that otherwise would not be subject to the requirements under sections 5 and 6 of the Exchange Act.

This temporary exemption will remain in effect until the earliest compliance date set forth in any of the final rules regarding the registration of SB SEFs. It specifically will permit security-based swaps to continue to be traded on or through entities (other than central counterparties) following the Effective Date, until the registration requirements and other provisions applicable to SB SEFs have been implemented. As noted above, this temporary exemption is available to persons (other than central counterparties) that meet the definition of exchange solely because of their activities relating to transactions in security-based swaps. Thus, to the extent that a person otherwise satisfies the definition of ''exchange'' in section 3(a)(1) of the Exchange Act and the criteria of rule 3b–16 under the Exchange Act, it must register with the Commission as a national securities exchange under section 6 of the Exchange Act and the rules and regulations thereunder or comply with the terms of another exemption.

In addition, absent an exemption, section 5 of the Exchange Act would prohibit brokers and dealers from effecting transactions in security-based swaps on an exchange that is not a national securities exchange, even if that exchange was operating in reliance on the exemption addressed above. The Commission therefore is using its authority under section 36 of the Exchange Act to provide a temporary exemption to brokers and dealers that effect transactions in security-based swaps on an exchange that is operating without registering as a national securities exchange in reliance on that exemption. Temporarily exempting brokers and dealers that effect transactions in security-based swaps on such an exchange from this restriction in section 5 will facilitate brokers' and dealers' continued use of such facilities without the disruptions and costs that might be expected to result from the application of those provisions prior to the earliest compliance date of final rules regarding the registration of SB SEFs. Without also exempting brokers and dealers from this section 5 requirement, the Commission's temporary exemption of persons that meet the definition of exchange with respect to the trading of security-based swaps would be ineffective, because brokers and dealers would not be permitted to effect transactions on those exchanges. A broker or dealer is exempt from the prohibition in section 5 pursuant to this temporary exemption solely to the extent that it effects transactions in security-based swaps on an exchange operating in reliance on the exemption addressed above, or reports security-based swap transactions on such an exempted exchange.

D. Exemption From Sections 5 and 6 for Certain CCPs

The Commission is also exercising its authority under section 36 of the Exchange Act to extend specific existing exemptions from the exchange registration requirements of sections 5 and 6 of the Exchange Act provided to three central counterparties—ICE Trust U.S. LLC (''ICE Trust''), Chicago Mercantile Exchange Inc. (''CME''), and ICE Clear Europe, Limited (''ICE Clear Europe'') (collectively, ''CDS CCPs'')[71]—that clear ''Cleared CDS.''[72] These exemptions will remain in effect until the earliest compliance date set forth in any of the final rules regarding the registration of SB SEFs.

As described in the Temporary Cleared CDS Exemptions,[73] as part of the clearing and risk management

[67] *See generally* Exchange Act section 6(a) and the rules thereunder. Section 6 of the Exchange Act also sets forth various requirements to which a national securities exchange is subject. *See, e.g.,* Exchange Act section 6(b).

[68] *See* Exchange Act section 3(a)(77), 15 U.S.C. 78c(a)(77).

[69] The status of central counterparties in security-based swaps is addressed in part II.D, *infra.*

[70] While the Exchange Act currently does not prohibit registered alternative trading systems from trading security-based swaps, after the Effective Date any alternative trading system that meets the definition of SB SEF would no longer be permitted to do so absent an exemption or registration as a national securities exchange or SB SEF. *See* section 763 of the Dodd-Frank Act, adding Exchange Act section 3D(a)(1), 15 U.S.C. 78c–4(a)(1) (''[n]o person may operate a facility for the trading or processing of security-based swaps, unless the facility is registered as a security-based swap execution facility or as a national securities exchange under this section'') and Securities Exchange Act Release No. 34–63825 (Feb. 2, 2011), 76 FR 10948 (Feb. 28, 2011) (''SB SEF Proposing Release'') at note 10 (''The Commission views [Section 3D(a)(1) of the Exchange Act] as applying only to facilities that meet the definition of ''security-based swap execution facility'' in Section 3(a)(77) of the Exchange Act). The Commission has granted temporary relief from the requirements of section 3D(a)(1) of the Exchange Act to allow alternative trading systems and other entities trading security-based swaps to continue to trade security-based swaps until the exemption expires. *See* Effective Date Release, note 2, *supra.* Following the expiration of the temporary exemption, any entity trading security-based swaps that meets the definition of SB SEF would be required to register as a national securities exchange or a SB SEF.

[71] *See generally* Securities Exchange Act Release Nos. 60372 (July 23, 2009), 74 FR 37748 (July 29, 2009); 61973 (April 23, 2010), 75 FR 22656 (April 29, 2010); and 63389 (November 29, 2010), 75 FR 75520 (December 3, 2010) (temporary exemptions in connection with CDS clearing by ICE Clear Europe); 59578 (March 13, 2009), 74 FR 11781 (March 19, 2009); 61164 (December 14, 2009), 74 FR 67258 (December 18, 2009); 61803 (March 30, 2010), 75 FR 17181 (April 5, 2010); and 63388 (November 29, 2010), 75 FR 75522 (December 3, 2010) (temporary exemptions in connection with CDS clearing by CME); 59527 (March 6, 2009), 74 FR 10791 (March 12, 2009); 61119 (December 4, 2009), 74 FR 65554 (December 10, 2009); 61662 (March 5, 2010), 75 FR 11589 (March 11, 2010), 63387 (November 29, 2010), 75 FR 75502 (December 3, 2010) (temporary exemptions in connection with CDS clearing by ICE Trust) (collectively, ''Temporary Cleared CDS Exemptions'').

[72] ''Cleared CDS'' means a credit default swaps that is a security-based swap that is submitted (or offered, purchased, or sold on terms providing for submission) to a CDS CCP, and that is offered only to, purchased only by, and sold only to persons that meet the pre Dodd-Frank definition of eligible contract participant. In addition, to be a Cleared CDS, either: (i) The reference entity, the issuer of the reference security, or the reference security is one of the following: (A) an entity reporting under the Exchange Act, providing Securities Act rule 144A(d)(4) (17 CFR 230.144A(d)(4)) information, or about which financial information is otherwise publicly available; (B) a foreign private issuer whose securities are listed outside the United States and that has its principal trading market outside the United States; (C) a foreign sovereign debt security; (D) an asset-backed security, as defined in Regulation AB, issued in a registered transaction with publicly available distribution reports; or (E) an asset-backed security issued or guaranteed by the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, or the Government National Mortgage Association; or (ii) the reference index is an index in which 80% or more of the index's weighting is comprised of the entities or securities described in subparagraph (i).

[73] *See, e.g.,* 74 FR at 37748 (ICE Clear Europe); 74 FR at 65560 (ICE Trust); 74 FR at 67262 (CME).

processes, each CDS CCP calculates, based on prices or quotations submitted by its participants, an end-of-day settlement price for each contract in which any of its participants has a cleared position.[74] As part of this process, each CDS CCP has periodically used a ''forced trade'' mechanism to require clearing members at randomly selected times to execute certain CDS trades.[75] This mechanism, which is designed to promote the integrity of the price-submission process, involves bringing together buyers and sellers of CDS. Therefore, absent an exemption, this activity would cause each CDS CCP to meet the definition of ''exchange'' under the Exchange Act, thereby triggering the applicability of sections 5 and 6. Accordingly, the Commission, in connection with previous exemptions from clearing agency registration under section 17A of the Exchange Act, also provided each CDS CCP a temporary conditional exemption from the exchange registration requirements of Sections 5 and 6 of the Exchange Act. Following the Effective Date, the CDS CCPs will not require further exemptions from section 17A.[76]

As part of these Temporary Cleared CDS Exemptions, the Commission also temporarily exempted each CDS CCP's participants that were brokers or dealers from the prohibitions of Section 5, to the extent that they use a CDS CCP to effect or report any transaction in Cleared CDS in connection with the CDS CCP's calculation of settlement prices for open positions in Cleared CDS. The definition of ''Cleared CDS'' used here is consistent with the Temporary Cleared CDS Exemptions.[77]

Consistent with our findings in previous exemptive orders, and with the discussion in this Order, and particularly in light of the risk management and systemic benefits in continuing to facilitate CDS clearing by CDS CCPs during the transition period before full implementation of Title VII, the Commission is extending the temporary conditional exemptions of the CDS CCPs from the registration requirements of sections 5 and 6 of the Exchange Act. The Commission also finds that it is necessary or appropriate in the public interest and is consistent with the protection of investors to extend the temporary exemption of any broker or dealer effecting any transaction in a security, or reporting any such transaction, on a CDS CCP with respect to section 5 of the Exchange Act. These exemptions are solely with respect to the ''forced trade'' mechanism used to calculate settlement prices for Cleared CDS. The exemption for CDS CCPs, moreover, is subject to the following terms and conditions:[78]

First, each CDS CCP, in order to rely on the exemption, is required to report to the Commission the following information with respect to its calculation of settlement prices for Cleared CDS within 30 days of the end of each quarter, and to preserve such reports during the life of the enterprise and of any successor enterprise: (a) The total dollar volume of transactions executed during the quarter, broken down by reference entity, security, or index; and (b) the total unit volume and/or notional amount executed during the quarter, broken down by reference entity, security, or index. Reporting of this information will assist the Commission in carrying out its responsibility to supervise and regulate the securities markets.

Second, each CDS CCP, as a condition to relying on the exemption, is required to establish and maintain adequate safeguards and procedures to protect participants' confidential trading information. Such safeguards and procedures include: (a) Limiting access to the confidential trading information of participants to those employees of the CDS CCP who are operating the systems or are responsible for their compliance with this exemption or any other applicable rules; and (b) establishing and maintaining standards controlling employees of the CDS CCP trading for their own accounts. The CDS CCP is required to establish and maintain adequate oversight procedures to ensure that the safeguards and procedures established pursuant to this condition are followed. This condition is designed to prevent any misuse of trading information that may be available to a CDS CCP in connection with the ''forced trade'' mechanism. This should strengthen confidence in CCPs, thus promoting participation.

Third, each CDS CCP, as a condition to relying on the exemption, is required to directly or indirectly make available to the public on terms that are fair and reasonable and not unreasonably discriminatory: (a) All end-of-day settlement prices and any other prices with respect to Cleared CDS that it may establish to calculate mark-to-market margin requirements for its clearing members; and (b) any other pricing or valuation information with respect to Cleared CDS as is published or distributed by the CDS CCP. This condition is appropriate to maintain

[74] As part of the clearing process, eligible trades are submitted to the CDS CCP for novation, which results in the bilateral contract being extinguished and replaced by two new contracts where the CDS CCP is the buyer to the seller and the seller to the buyer. ''Novation'' is a process through with the original obligation between a buyer and seller is discharged through the substitute of the CCP as functionally the seller to buyer and buyer to seller, creating new substitute contracts. *See, e.g.,* Committee on Payment and Settlement Systems, Technical Committee of the International Organization of Securities Commissioners, Recommendations for Central Counterparties (Nov. 2004) at 66.

[75] *See* Letter from Russell D. Sacks, on behalf of ICE Clear Europe, to Elizabeth Murphy, Secretary, Commission, Nov. 29, 2010; Letter from Ann K. Shuman, Managing Director and Deputy General Counsel, CME, to Elizabeth Murphy, Secretary, Commission, Nov. 29, 2010; *See* Letter from Kevin McClear, ICE Trust, to Elizabeth Murphy, Secretary, Commission, Nov. 29, 2010.

[76] Title VII of the Dodd-Frank Act provides that a depository institution or derivatives clearing organization registered with the Commodity Futures Trading Commission under the Commodity Exchange Act that is required to be registered as a clearing agency is deemed to be registered as a clearing agency solely for the purpose of clearing security-based swaps to the extent that, before July 21, 2010: (A) the depository institution cleared swaps as a multilateral clearing organization, or (B) the derivative clearing organization cleared swaps pursuant to an exemption from registration as a clearing agency. *See* section 763(b) of the Dodd-Frank Act (adding new Section 17A(*l*) to the Exchange Act, 15 U.S.C. 78q–1(1)) (''Deemed Registered Provision''). The Deemed Registered Provision, along with other general provisions of Title VII of the Dodd-Frank Act, becomes effective on July 16, 2011. *See* Effective Date Release, note 2, *supra.*

CME, ICE Clear Europe, and ICE Trust satisfy the requirements of the Deemed Registered Provision and thus will no longer need temporary exemptions from registration as a clearing agency under Section 17A of the Exchange Act. However, because the Deemed Registered Provision does not apply with respect to sections 5 and 6 of the Exchange Act, the CDS CCPs would, absent an exemption, have to either register as national securities exchanges or discontinue use of their forced trading mechanisms.

A fourth CCP, Eurex Clearing AG (''Eurex''), also received from the Commission temporary exemptions from sections 5, 6, and 17A of the Exchange Act in relation to its CDS clearing activities. *See, e.g.,* Exchange Act Release No. 63390 (November 29, 2010). Unlike the CDS CCPs, Eurex will not be deemed registered with the Commission because it is neither a depository institution nor a derivatives clearing organization registered with the Commodity Futures Trading Commission under the Commodity Exchange Act. Eurex will not be registered with the Commission as a clearing agency for security-based swaps as of July 16, 2011. Thus, the Commission is not granting Eurex an exemption from sections 5 and 6 of the Exchange Act with respect to any activities relating to security-based swaps. In addition, the Commission previously extended a temporary exemption from section 17A (but not sections 5 and 6) in connection with CDS clearing by LIFFE A&M and LCH.Clearnet Ltd., but that exemption has since expired. *See* Securities Exchange Act Release No. 59164 (Dec. 24, 2008), 74 FR 139 (Jan. 2, 2009).

[77] *See, e.g.,* Securities Exchange Act Release No. 63387 (Nov. 29, 2010), 75 FR 75502, 75504 n. 18 (Dec. 3, 2010).

[78] These terms and conditions are the same as the terms and conditions of the existing exemptive relief that is being extended. Therefore, the CDS CCPs should already be complying with these conditions.

transparency by continuing to make this useful pricing data available to the public on terms that are fair and reasonable and not unreasonably discriminatory.

Finally, each CDS CCP, as a condition to relying on the exemption, is required to implement policies and procedures designed to ensure compliance with these terms and conditions, and to conduct periodic internal reviews related to its compliance program.

E. Section 29(b) of the Exchange Act

Section 29(b) of the Exchange Act generally provides that contracts made in violation of any provision of the Exchange Act, or the rules thereunder, shall be void ''(1) as regards the rights of any person who, in violation of any such provision, * * * shall have made or engaged in the performance of any such contract, and (2) as regards the rights of any person who, not being a party to such contracts, shall have acquired any right thereunder with actual knowledge of the facts by reason of which the making or performance of such contracts in violation of any such provision * * * .'' The Commission does not believe that section 29(b) would apply to provisions for which the Commission has provided exemptive relief. To make this clear to all market participants, however, and to eliminate any possible legal uncertainty or market disruption, the Commission is granting temporary exemptive relief from section 29(b).

In particular, the Commission is exercising its authority under section 36 of the Exchange Act to temporarily exempt any security-based swap contract entered into on or after the Effective Date from being void or considered voidable by reason of section 29 of the Exchange Act on the basis that any person that is a party to the security-based swap contract is alleged to have violated any of the provisions for which the Commission has provided exemptive relief herein, until the compliance date for final rules that we may adopt further defining the terms ''security-based swap'' and ''eligible contract participant.'' This temporary exemption will remain in effect until the time the underlying exemptive relief expires.[79]

The legal uncertainty that would result if, for the period in which these temporary exemptions are effective, contracts entered into after the Effective Date could be voided under section 29(b), would undermine the purposes of these exemptions and lead to unnecessary disruption and wasteful litigation.

As previously discussed, as of the Effective Date, persons effecting transactions in security-based swaps, or engaged in acts, practices, and courses of business involving security-based swaps, will be subject to the general antifraud and anti-manipulation provisions of the federal securities laws that were in place before the enactment of the Dodd-Frank Act. Persons would retain all available rights as a result of any violation of these general antifraud and anti-manipulation provisions.

III. Guidance Related to Part I of Subtitle A

We also are providing guidance regarding the status, as of the Effective Date, of certain provisions of part I of subtitle A of Title VII (''Part I'') that address security-based swaps. Our recent Effective Date Release[80] separately provided guidance and targeted exemptive relief in connection with the status of those Exchange Act provisions related to security-based swaps that were added or amended by subtitle B of Title VII.

As discussed in the Effective Date Release, while certain Title VII provisions applicable to security-based swaps in general will be effective as of the Effective Date, there are a number of reasons why—as of that date—particular provisions will not be effective or compliance with particular provisions will not be required. For example, if a provision requires a rulemaking, that provision will not go into effect until after the final rulemaking.[81] If a provision expressly or implicitly applies only to ''registered'' persons, then persons will not have to comply with the provision until the related registration processes for such persons have been established by final Commission rules, and such persons have become registered.[82] Other Title VII provisions require or permit compliance by market participants as a result of, or in response to, Commission action other than rulemaking, and thus do not impose a compliance obligation upon market participants in the absence of such Commission action.[83] Also, certain Title VII provisions authorize or direct the Commission or another agency to take specified action that may impose compliance obligations upon market participants;[84] thus, while these provisions will become effective on the Effective Date, they will not require compliance by market participants until the relevant action has been undertaken.

The table below lists each provision of Part I, and identifies provisions for which compliance will be required on the Effective Date. The table also identifies provisions for which compliance is predicated on some other action (*e.g.,* registration, adoption of final rules, or other action by the Commission or another agency) and thus will not be required as of that date. The table further addresses certain provisions with which compliance will be required on a date other than the Effective Date, as specified by law.

The Commission does not believe it is necessary to grant, and thus is not granting, temporary relief from compliance with those Part I provisions for which compliance will be required on the Effective Date, for the reasons discussed below.

[79] The temporary exemption and the broker-dealer specific exemption addressed above will remain in effect until the compliance date for final rules that we may adopt further defining the terms ''security-based swap'' and ''eligible contract participant.'' The exemption from the exchange registration requirements of sections 5 and 6 will remain in effect until the earliest compliance date set forth in any of the final rules regarding registration of SB SEFs.

[80] *See* note 2, *supra.*

[81] *See* section 754 of the Dodd-Frank Act. In particular, the Dodd-Frank Act provides that if a Part I provision requires a rulemaking, the provision will go into effect the later of ''not less than'' 60 days after publication of the related final rule or July 16.

[82] *See, e.g.,* section 716(b)(2) of the Dodd-Frank Act (providing that the term ''swaps entity'' means any swap dealer, security-based swap dealer, major swap participant, or major security-based swap participant that is registered under the Commodity Exchange Act or the Exchange Act).

[83] *See, e.g.,* section 714 of the Dodd-Frank Act (permitting, pursuant to an exemption or rule, a dually registered futures commission merchant and broker-dealer to hold futures, and options on futures, in a portfolio margining account carried as a securities account pursuant to a portfolio margining program approved by the CFTC and to hold cash and securities in a portfolio margining account carried as a futures account pursuant to a portfolio margining program approved by the Commission).

[84] *See, e.g.,* section 712(a)(8) of the Dodd-Frank Act (requiring the Commission and the CFTC, after consultation with the Board of Governors, to prescribe jointly such regulations regarding mixed swaps as may be necessary to carry out the purposes of Title VII).

TABLE—PART I OF SUBTITLE A OF TITLE VII OF THE DODD-FRANK ACT.

Dodd-Frank Act section	Compliance date		Authorizes/directs/limits commission and/or CFTC action [86]	Relief granted
	Upon effective date (July 16, 2011)	Upon registration, publication of final rules, or other action [85]		
711: Definitions	✓			No [87]
712(a): Review of regulatory authority—consultation			✓	N/A [88]
712(b)(1)–(2): Review of regulatory authority—consultation; limitation.			✓	N/A [89]
712(b)(3): Review of regulatory authority—consultation; prohibitions.	✓			No [90]
712(c): Objection to Commission regulation			✓	N/A [91]
712(d): Joint rulemaking			✓	N/A [92]
712(e): Global rulemaking timeframe			✓	N/A [93]
712(f): Rules and registration before final effective dates			✓	N/A [94]
713(a)-(b): Portfolio margining conforming changes		✓		N/A [95]
713(c): Portfolio margining conforming changes—duty of CFTC			✓	N/A [96]
714: Abusive swaps			✓	N/A [97]
715: Authority to prohibit participation in swaps activities			✓	N/A [98]
716(a)–(j): Prohibition against federal government bailouts of swaps entities.		✓		N/A[99]
716(k)–(l): Prohibition against federal government bailouts of swaps entities; rules and authority.			✓	N/A [100]
716(m): Prohibition against federal government bailouts of swaps entities; ban on proprietary trading.		✓		No [101]
717(a)–(b): New product approval CFTC—SEC process—amendments to the Commodity Exchange Act.			✓	N/A [102]
717(c)–(d), 718: Determining the Status of Novel Derivative Products.	✓			N/A[103]
719: Studies			✓	N/A [104]
720: Memorandum			✓	N/A [105]

[85] These provisions do not require compliance by market participants on the Effective Date unless the relevant Commission action already has been undertaken.

[86] A number of Title VII provisions expressly (or implicitly) apply only to ''registered'' persons. As discussed above, until the related registration processes for such persons have been established by final Commission or other rules, and such persons have become registered pursuant to such rules, they will not be required to comply with these Title VII provisions. Similarly, if a Title VII provision requires a rulemaking, such provision will not necessarily go into effect on the Effective Date, but instead will go into effect ''not less than'' 60 days after publication of the related final rule or on July16, 2011, whichever is later. *See* section 754 of the Dodd-Frank Act, 7 U.S.C. 1a note. Provisions for which compliance is not required as of the Effective Date for some other reason, such as another effective date specified by law, are also included in this column and noted below.

[87] Section 711 of the Dodd-Frank Act provides that certain definitions in subtitle A of Title VII have the meaning given in section 1a of the Commodity Exchange Act, 7 U.S.C. 1a.

[88] Section 712(a) of the Dodd-Frank Act requires the Commission and the CFTC to consult and coordinate with each other before commencing rulemaking or issuing orders in certain Title VII areas and also specifies certain requirements and parameters regarding such activity by the Commission and the CFTC.

[89] Sections 712(b)(1) and (2) of the Dodd-Frank Act relate to the authority of the Commission and the CFTC under Title VII.

[90] Section 712(b)(3) of the Dodd-Frank Act provides that, unless otherwise authorized by Title VII and except for enforcement of, and examination for compliance with, its rules on capital adequacy, no futures association registered under section 17 of the Commodity Exchange Act, 7 U.S.C. 21, may regulate security-based swaps and no national securities associations registered under section 15A of the Exchange Act, 15 U.S.C. 78o–3, may regulate swaps. This provision will require compliance as of the Effective Date.

[91] Section 712(c) of the Dodd-Frank Act outlines a process by which the Commission and the CFTC may request by filing a petition in court, under certain circumstances, that a rule published by the other be set aside.

[92] Section 712(d) of the Dodd-Frank Act requires certain joint rulemaking by the Commission and the CFTC and prescribes certain requirements for such joint rulemaking, as well as for interpretations and guidance by the Commission and the CFTC. It also requires the CFTC to share information with the Commission about security-based swap agreements that are not cleared.

[93] Section 712(e) of the Dodd-Frank Act requires the Commission and the CFTC, unless otherwise provided in Title VII or an amendment thereto, to promulgate rules required under Title VII not later than the Effective Date.

[94] Section 712(f) of the Dodd-Frank Act details actions the Commission and the CFTC are permitted to take to prepare for the effective dates of the provisions of the Dodd-Frank Act.

[95] Sections 713(a) and (b) of the Dodd-Frank Act provide that, pursuant to an exemption or rule, a dually registered futures commission merchant and broker-dealer may hold futures, and options on futures, in a portfolio margining account carried as a securities account pursuant to a portfolio margining program approved by the CFTC and may hold cash and securities in a portfolio margining account carried as a futures account pursuant to a portfolio margining program approved by the Commission. Persons cannot comply with this provision in the absence of an appropriate exemption or rule.

[96] Section 713(c) of the Dodd-Frank Act amends the Commodity Exchange Act to require to CFTC to exercise its authority to ensure that securities held in a portfolio margining account carried as a futures account are customer property and the owners of those accounts are customers for the purposes of the Bankruptcy Code, 11 U.S.C. 1 *et seq.*

[97] Section 714 of the Dodd-Frank Act provides that the Commission, the CFTC, or both may collect information as may be necessary concerning the markets for swaps and security-based swaps and issue a report regarding abusive swaps and security-based swaps that the Commission or the CFTC determine are detrimental to the stability of a financial market or participants in a financial market.

[98] Section 715 of the Dodd-Frank Act provides that, if the Commission or the CFTC determine that a foreign country's swap or security-based swap regulation undermines the stability of the United States financial system, either the Commission or the CFTC, in consultation with the Secretary of the Treasury, may prohibit an entity domiciled in the foreign country from participating in the United States in swap or security-based swap activities.

[99] Section 716(a) of the Dodd-Frank Act prohibits any ''swaps entity'' from receiving Federal assistance with respect to any swap, security-based swap, or other activity of the swaps entity. Section 716(h) of the Dodd-Frank Act provides that the prohibition in section 716(a) of the Dodd-Frank Act ''shall be effective 2 years following the date on which this Act is effective.'' In addition, the term ''swaps entity'' is defined in section 716(b)(2) of the Dodd-Frank Act to mean a swap dealer, security-based swap dealer, major swap participant, or major security-based swap participant that is registered under the Commodity Exchange Act or the Exchange Act, meaning that the prohibition in section 716(a) of the Dodd-Frank is not applicable unless a registration regime exists for such persons under either the Commodity Exchange Act or Exchange Act.

Many of the other provisions of section 716 of the Dodd-Frank Act relate to the prohibition in section 716(a) of the Dodd-Frank Act and thus will not require compliance until such prohibition is in effect. *See, e.g.,* section 716(e) of the Dodd-Frank Act (limiting the scope of the prohibition in section 716(a) of the Dodd-Frank Act). Other provisions of section 716 of the Dodd-Frank Act relate to the applicability of the term ''swaps entity'' and thus will not require compliance until persons can become ''swaps entities,'' which requires registration regimes to be in place. *See, e.g.,* sections 716(g) and (*l*) of the Dodd-Frank Act (limiting the applicability of the term ''swaps entity'' and detailing certain liquidation and other requirements for certain swaps entities, respectively).

[100] Section 716(k) of the Dodd-Frank Act states that, ''[i]n prescribing rules, the prudential regulator for a swaps entity shall consider'' certain factors. Section 716(l) of the Dodd-Frank Act provides the Financial Stability Oversight Council authority to make certain determinations regarding swaps entities.

[101] Section 716(m) of the Dodd-Frank Act requires insured depository institutions to comply with the prohibition on proprietary trading in derivatives in section 619 of the Dodd-Frank Act, which adds new section 13 to the Bank Holding Company Act of 1956, 12 U.S.C. 1841 *et seq.* (''BHC Act''). Section 13 of the BHC Act, 12 U.S.C. 1851, pursuant to section 13(c)(1) thereof, 12 U.S.C. 1851(c)(1), takes effect on the earlier of 12 months after final rules are issued under section 13(b) of the BHC Act, 12 U.S.C. 1851(b), or 2 years after the date of enactment of the Dodd-Frank Act. As a general matter, a banking entity must bring its activities and investments into compliance with section 13 of the BHC Act not later than 2 years after that section becomes effective. Section 716(m) of the Dodd-Frank Act thus does not impose any compliance obligations until insured depository institutions are required to comply with section 13 of the BHC Act.

[102] Section 717(a) of the Dodd-Frank Act amends section 2(a)(1)(C) of the Commodity Exchange Act, 7 U.S.C. 2a(1)(C), to provide that the CFTC shall have jurisdiction over certain accounts, agreements, and transactions that the Commission has exempted under section 36(a)(1) of the Exchange Act, 15 U.S.C. 78mm(a)(1), with the condition that the CFTC exercise concurrent jurisdiction over such accounts, agreements, and transactions. Section 717(b) of the Dodd-Frank Act adds new section 3B of the Exchange Act, 15 U.S.C. 78c–2, which provides that an agreement, contract, or transaction (or class thereof) that is exempted by the CFTC pursuant to section 4(c)(1) of the Commodity Exchange Act, 7 U.S.C. 6(c)(1), with the condition that the Commission exercise concurrent jurisdiction over it shall be deemed a security for purposes of the securities laws and includes certain details regarding the applicability of the federal securities laws to such deemed securities. These provisions relate to the jurisdiction and authority of the Commission and the CFTC and do not themselves impose compliance obligations upon market participants. Action by the Commission or the CFTC to which these provisions are applicable however, could result in compliance obligations for market participants. For example, an agreement, contract, or transaction that is deemed a security as a result of section 717(b) of the Dodd-Frank Act would, as a security, be subject to the requirements of the federal securities laws.

[103] Section 718 of the Dodd-Frank Act creates a process through which a person filing a proposal to list or trade a novel derivative product that may have elements of both securities and contracts of sale of a commodity for future delivery (or options on such contracts or options on commodities) may concurrently provide notice and a copy of such filing to the Commission and the CFTC and details the specific requirements of the process and obligations of the Commission and the CFTC pursuant to the process. Market participants are not obligated to make submissions pursuant to this provision. Sections 717(c) and (d) of the Dodd-Frank Act make related amendments to section 19(b) of the Exchange Act, 15 U.S.C. 78s(b), and section 5c(c)(1) of the Commodity Exchange Act, 7 U.S.C. 7a–2(c)(1), respectively.

[104] Section 719 of the Dodd-Frank Act requires the Commission and the CFTC to undertake a number of studies.

[105] Section 720 of the Dodd-Frank Act includes two provisions requiring the CTFC and the Federal Energy Regulatory Commission to negotiate a memorandum of understanding.

IV. Solicitation of Comments

The Commission intends to monitor closely the transition of the derivatives markets to regulated markets and to determine to what extent, if any, additional regulatory action may be necessary. The Commission is soliciting public comment on all aspects of these exemptions, including:

1. Does the approach set forth by these exemptions—including the approach of continuing to apply certain regulatory requirements that already are applicable to instruments that will be security-based swaps following the Effective Date, but not adding new regulatory requirements in connection with those instruments—appropriately serve the goals of providing for the effective implementation of the Dodd-Frank Act without causing unwarranted market disruption during the implementation process? Would alternative approaches be more effective?

2. Are there other provisions of the Exchange Act as amended by the Dodd-Frank Act for which temporary exemptive relief should be granted? Alternatively, are there particular provisions, for which relief has been granted here, that do not warrant an exemption? Please provide section references and provide a detailed explanation of why granting such an exemption, or terminating an existing exemption, would be necessary or appropriate in the public interest, and consistent with the protection of investors.

3. What should be the appropriate duration of the temporary exemptions granted in this Order?

4. Should any additional conditions be placed on any of these exemptions, or should any conditions that have been placed on any of these exemptions be removed or modified? If so, which exemptions? Please explain and provide specific examples.

V. Conclusion

For the reasons discussed above, the Commission finds that the temporary exemptions provided in this Order are necessary or appropriate in the public interest, and are consistent with the protection of investors, to avoid unnecessary disruption and uncertainty among participants in activities involving security-based swaps, and to provide for the orderly implementation of the requirements of the Dodd-Frank Act. Accordingly,

It Is Hereby Ordered, pursuant to section 36 of the Exchange Act, that, until the compliance date for final rules that we may adopt further defining the terms ''security-based swap'' and ''eligible contract participant,'' the following exemptions from Exchange Act requirements will apply:

(a) Temporary exemption in connection with security-based swap activity:

(1) Persons eligible. The exemption in paragraph (a)(2) of this exemption is available to any person that meets the definition of eligible contract participant as set forth in section 1a(12) of the Commodity Exchange Act (as in effect on July 20, 2010), other than:

(i) A broker or dealer registered under section 15(b) of the Exchange Act (other than paragraph (11) thereof);[106] or

(ii) A self-regulatory organization, as defined in section 3(a)(26) of the Exchange Act; provided, however, that this temporary exemption shall be available to a registered securities association solely with respect to its obligations under section 19(g)(1)(B) of the Exchange Act to enforce compliance with provisions of its rules (and

[106] Registered broker-dealers are addressed in paragraph (b) of this exemption.

provisions of the rules of the Municipal Securities Rulemaking Board) that do not apply to positions or activities involving security-based swaps as of July 15, 2011.

(2) General scope of exemption. Subject to the exclusions in paragraph (a)(3) of this exemption, such person shall be exempt from the provisions of the Exchange Act, and the rules and regulations thereunder, solely in connection with the person's activities involving security-based swaps.

(3) Exclusions from exemption. The exemption in paragraph (a)(2) of this exemption does not extend to the following provisions under the Exchange Act, and the applicable rules or regulations thereunder:

(i) Antifraud and anti-manipulation provisions. The antifraud and anti-manipulation provisions of sections 9(a)(2)–(5), 10(b), 15(c)(1), 20(d) and 21A(a)(1) of the Exchange Act, as well as underlying rules prohibiting fraud, manipulation or insider trading (but not prophylactic reporting or recordkeeping requirements), and any provision of the Exchange Act related to the Commission's enforcement authority in connection with violations or potential violations of such provisions.

(ii) Provisions added or amended by subtitle B of Title VII of the Dodd-Frank Act. All Exchange Act provisions related to security-based swaps added or amended by subtitle B of Title VII of the Dodd-Frank Act, including the amended definition of ''security'' in section 3(a)(10) of the Exchange Act.

(iii) Provisions applicable to certain securities brokers. The broker registration requirements of section 15(a)(1) of the Exchange Act, and the other requirements of the Exchange Act and the rules and regulations thereunder that apply to a broker that is not registered with the Commission; provided, however, that this exclusion shall apply only to broker activities by persons that are members of a clearing agency that functions as a central counterparty for security-based swaps and that hold customer funds or securities in connection with security-based swaps. Otherwise, paragraph (a)(2) of this exemption will be available in connection with broker activities involving security-based swaps by persons other than registered broker-dealers or self-regulatory organizations. For these purposes, the term ''central counterparty'' means a clearing agency that interposes itself between the counterparties to security-based swap transactions, acting functionally as the buyer to every seller and the seller to every buyer.

(iv) Provisions applicable to certain securities dealers. The dealer registration requirements of section 15(a)(1) of the Exchange Act, and the other requirements of the Exchange Act and the rules and regulations thereunder that apply to a dealer that is not registered with the Commission; provided, however, that this exclusion shall not apply, and paragraph (a)(2) of this exemption will be available, in connection with dealing activities involving security-based swaps with counterparties that meet the definition of eligible contract participant as set forth in section 1a(12) of the Commodity Exchange Act (as in effect on July 20, 2010).

(v) Additional provisions. The following additional provisions under the Exchange Act, or the rules and regulations thereunder:

(A) Paragraphs (42), (43), (44), and (45) of Section 3(a);

(B) Section 5;

(C) Section 6;[107]

(D) Section 12;

(E) Section 13;

(F) Section 14;

(G) Paragraphs (4) and (6) of Section 15(b);

(H) Section 15(d);

(I) Section 15C;

(J) Section 16; and

(K) Section 17A.

(b) Temporary exemption specific to security-based swap activities by registered brokers and dealers.

(1) In general. Subject to paragraph (b)(2) of this exemption, a broker or dealer registered under section 15(b) of the Exchange Act (other than paragraph (11) thereof) shall be exempt from the provisions of the Exchange Act and the rules and regulations thereunder specified in paragraph (a)(2) (subject to the exclusions in paragraph (a)(3) of this exemption) solely with respect to security-based swaps.

(2) Limited exemption in connection with certain provisions and rules. A registered broker or dealer shall be exempt from the following provisions and rules in connection with security-based swaps solely to the extent that those provisions or rules do not apply to the broker's or dealer's security-based swap positions or activities as of July 15, 2011; provided, however, that the exemption from rule 15c3–3 under the Exchange Act shall not be available for activities and positions of the registered broker or dealer related to cleared security-based swaps, to the extent that the registered broker or dealer is a member of a clearing agency that functions as a central counterparty for security-based swaps, and holds customer funds or securities in connection with cleared security-based swaps:[108]

(i) Section 7(c);

(ii) Section 15(c)(3);

(iii) Section 17(a);

(iv) Section 17(b);

(v) Regulation T, 12 CFR 220.1 *et seq.;*

(vi) Rule 240.15c3–1;

(vii) Rule 240.15c3–3;

(viii) Rule 240.17a–3;

(ix) Rule 240.17a–4;

(x) Rule 240.17a–5;

(xi) Rule 240.17a–8; and

(xii) Rule 240.17a–13.

It Is Hereby Further Ordered, pursuant to section 36 of the Exchange Act, that, until the earliest compliance date set forth in any of the final rules regarding registration of security-based swap execution facilities, the following exceptions from Exchange Act requirements will apply:

(a) Temporary exemption from sections 5 and 6 of the Exchange Act.

(1) Any person other than a clearing agency acting as a central counterparty in security-based swaps shall be exempt from the requirements to register as a national securities exchange under sections 5 and 6 of the Exchange Act and the rules and regulations thereunder solely in connection with the person's activities involving security-based swaps.

(2) A broker or dealer shall be exempt from section 5 of the Exchange Act solely in connection with the broker's or dealer's activities involving security-based swaps that it effects or reports on an exchange that is exempted from registration pursuant to paragraph (a)(1) of this exemption.

(3) Each CDS CCP shall be exempt from the requirements of sections 5 and 6 of the Exchange Act and the rules and regulations thereunder solely in connection with its calculation of mark-to-market prices for open positions in Cleared CDS, subject to the following conditions:

(i) Each CDS CCP shall report the following information with respect to the calculation of mark-to-market prices for Cleared CDS to the Commission within 30 days of the end of each quarter, and preserve such reports during the life of the enterprise and of any successor enterprise:

(A) The total dollar volume of transactions executed during the

[107] Exchange Act sections 5 and 6 are addressed in a separate exemption in this Order.

[108] Solely for purposes of this temporary exemption, in addition to the general requirements under the referenced Exchange Act sections, registered broker-dealers shall only be subject to the enumerated rules under the referenced Exchange Act sections in connection with security-based swaps.

quarter, broken down by reference entity, security, or index; and

(B) The total unit volume and/or notional amount executed during the quarter, broken down by reference entity, security, or index;

(ii) The CDS CCP shall establish and maintain adequate safeguards and procedures to protect members' confidential trading information. Such safeguards and procedures shall include:

(A) Limiting access to the confidential trading information of members to those employees of the CDS CCP who are operating the system or responsible for its compliance with this exemption or any other applicable rules; and

(B) Establishing and maintaining standards controlling employees of the CDS CCP trading for their own accounts. The CDS CCP must establish and maintain adequate oversight procedures to ensure that the safeguards and procedures established pursuant to this condition are followed; and

(iii) Each CDS CCP shall directly or indirectly make available to the public on terms that are fair and reasonable and not unreasonably discriminatory:

(A) All end-of-day settlement prices and any other prices with respect to Cleared CDS that it may establish to calculate mark-to-market margin requirements for its clearing members; and

(B) Any other pricing or valuation information with respect to Cleared CDS as is published or distributed by the CDS CCP.

(4) Any member of an CDS CCP shall be exempt from the requirements of section 5 of the Exchange Act solely to the extent such member uses any facility of the CDS CCP to effect any transaction in Cleared CDS, or to report any such transaction, in connection with the CDS CCP's clearance and risk management process for Cleared CDS.

(b) Definitions.

(1) For purposes of this exemption, the term ''central counterparty'' means a clearing agency that interposes itself between the counterparties to security-based swap transactions, acting functionally as the buyer to every seller and the seller to every buyer.

(2) For purposes of this exemption, the term ''CDS CCP'' shall mean ICE Trust U.S. LLC, Chicago Mercantile Exchange Inc., and ICE Clear Europe, Limited.

(3) For purposes of this exemption, the term ''Cleared CDS'' shall mean a credit default swap that is a security-based swap that is submitted (or offered, purchased, or sold on terms providing for submission) to a CDS CCP, that is offered only to, purchased only by, and sold only to persons that meet the definition of eligible contract participant as set forth in section 1a(12) of the Commodity Exchange Act (as in effect on July 20, 2010), and in which:

(i) The reference entity, the issuer of the reference security, or the reference security is one of the following:

(A) An entity reporting under the Exchange Act, providing Securities Act rule 144A(d)(4) information, or about which financial information is otherwise publicly available;

(B) A foreign private issuer whose securities are listed outside the United States and that has its principal trading market outside the United States;

(C) A foreign sovereign debt security;

(D) An asset-backed security, as defined in Regulation AB, issued in a registered transaction with publicly available distribution reports; or

(E) An asset-backed security issued or guaranteed by the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, or the Government National Mortgage Association; or

(ii) The reference index is an index in which 80% or more of the index's weighting is comprised of the entities or securities described in subparagraph (i).

It Is Hereby Further Ordered, pursuant to section 36 of the Exchange Act, that no contract entered into on or after July 16, 2011 shall be void or considered voidable by reason of section 29(b) of the Exchange Act because any person that is a party to the contract violated a provision of the Exchange Act for which the Commission has provided exemptive relief herein, until such time as the underlying exemptive relief expires.

By the Commission.

Dated: July 1, 2011.

Elizabeth M. Murphy,

Secretary.

[FR Doc. 2011–17040 Filed 7–6–11; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–64779; File No. SR–BX–2011–041]

Self-Regulatory Organizations; NASDAQ OMX BX, Inc.; Notice of Filing and Immediate Effectiveness of a Proposal To Extend a Pilot Program That Permits BOX to Have No Minimum Size Requirement for Orders Entered Into the Price Improvement Period (PIP) Process Until July 18, 2012

June 30, 2011.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on June 29, 2011, NASDAQ OMX BX, Inc. (''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been substantially prepared by the Exchange. The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act,[3] and Rule 19b–4(f)(6) thereunder,[4] which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange proposes to amend proposes to amend [sic] the Supplementary Material to Chapter V, Section 18 (The Price Improvement Period ''PIP'') of the Rules of the Boston Options Exchange Group, LLC (''BOX'') to extend a pilot program that permits BOX to have no minimum size requirement for orders entered into the PIP process (''PIP Pilot Program''). The text of the proposed rule change is available at the Exchange's principal office, at *http://www.nasdaqomx.com,* at the Commission's Public Reference Room, and at the Commission's Web site at *http://www.sec.gov.*

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to extend the PIP Pilot Program under the BOX Rules for

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6).

twelve (12) additional months. The PIP Pilot Program allows BOX to have no minimum size requirement for orders entered into the PIP process.[5] BOX has committed to provide certain data to the Commission during the PIP Pilot Program.[6] The proposed rule change retains the text of Supplementary Material .01 to Section 18 of Chapter V of the BOX Rules and seeks to extend the operation of the PIP Pilot Program until July 18, 2012.

The Exchange notes that the PIP Pilot Program guarantees Participants the right to trade with their customer orders that are less than 50 contracts. In particular, any order entered into the PIP is guaranteed an execution at the end of the auction at a price at least equal to the national best bid or offer. In further support of this proposed rule change, and as required by the Original PIP Pilot Program Approval Order, the Exchange represents that BOX has been submitting to the Exchange and to the Commission a PIP Pilot Program Report, offering detailed data from, and analysis of, the PIP Pilot Program. Although BOX is submitting the reports, the Exchange notes that it is also responsible for the timeliness and the accuracy of the information.

To aid the Commission in its evaluation of the PIP Pilot Program, BOX has represented to the Exchange that BOX will provide the following additional information each month: (1) The number of orders of 50 contracts or greater entered into the PIP auction; (2) The percentage of all orders of 50 contracts or greater sent to BOX that are entered into BOX's PIP auction; (3) The spread in the option, at the time an order of 50 contracts or greater is submitted to the PIP auction; (4) Of PIP trades for orders of fewer than 50 contracts, the percentage done at the National Best Bid or Offer (''NBBO'') plus $.01, plus $.02, plus $.03, etc.; (5) Of PIP trades for orders of 50 contracts or greater, the percentage done at the NBBO plus $.01, plus $.02, plus $.03, etc.; (6) The number of orders submitted by Order Flow Providers (''OFPs'') when the spread was $.05, $.10, $.15, etc. For each spread, BOX will specify the percentage of contracts in orders of fewer than 50 contracts submitted to BOX's PIP that were traded by: (a) The OFP that submitted the order to the PIP; (b) BOX Market Makers assigned to the class; (c) other BOX Participants; (d) Public Customer Orders (including Customer PIP Orders (''CPOs'')); and (e) unrelated orders (orders in standard increments entered during the PIP). For each spread, BOX will also specify the percentage of contracts in orders of 50 contracts or greater submitted to BOX's PIP that were traded by: (a) The OFP that submitted the order to the PIP; (b) BOX Market Makers assigned to the class; (c) other BOX Participants; (d) Public Customer Orders (including CPOs); and (e) unrelated orders (orders in standard increments entered during PIP); (7) For the first Wednesday of each month: (a) the total number of PIP auctions on that date; (b) the number of PIP auctions where the order submitted to the PIP was fewer than 50 contracts; (c) the number of PIP auctions where the order submitted to the PIP was 50 contracts or greater; (d) the number of PIP auctions (for orders of fewer than 50 contracts) with 0 participants (excluding the initiating participant), 1 participant (excluding the initiating participant), 2 participants (excluding the initiating participant), 3 participants (excluding the initiating participant), 4 participants (excluding the initiating participant), etc., and (e) the number of PIP auctions (for orders of 50 contracts or greater) with 0 participants (excluding the initiating participant), 1 participant (excluding the initiating participant), 2 participants (excluding the initiating participant), 3 participants (excluding the initiating participant), 4 participants (excluding the initiating participant), etc.; and (8) For the third Wednesday of each month: (a) The total number of PIP auctions on that date; (b) the number of PIP auctions where the order submitted to the PIP was fewer than 50 contracts; (c) the number of PIP auctions where the order submitted to the PIP was 50 contracts or greater; (d) the number of PIP auctions (for orders of fewer than 50 contracts) with 0 participants (excluding the initiating participant), 1 participant (excluding the initiating participant), 2 participants (excluding the initiating participant), 3 participants (excluding the initiating participant), 4 participants (excluding the initiating participant), etc., and (e) the number of PIP auctions (for orders of 50 contracts or greater) with 0 participants (excluding the initiating participant), 1 participant (excluding the initiating participant), 2 participants (excluding the initiating participant), 3 participants (excluding the initiating participant), 4 participants (excluding the initiating participant), etc.

2. Statutory Basis

The Exchange believes that the proposal is consistent with the requirements of Section 6(b) of the Act,[7] in general, and Section 6(b)(5) of the Act,[8] in particular, in that it is designed to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism for a free and open market and a national market system and, in general, to protect investors and the public interest. The Exchange believes that the data demonstrates that there is sufficient investor interest and demand to extend the PIP Pilot Program for an additional twelve (12) months. The Exchange represents that the Pilot Program is designed to provide investors with real and significant price improvement regardless of the size of the order.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[9] and Rule 19b–4(f)(6) thereunder.[10] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) by its terms,

[5] The Pilot Program is currently set to expire on July 18, 2011. *See* Securities Exchange Act Release No. 62512 (July 16, 2010), 75 FR 43223 (July 23, 2010) (SR–BX–2010–046). *See also* Securities and Exchange Act Release Nos. 60337 (July 17, 2009), 74 FR 36805 (July 24, 2009) (SR–BX–2009–38); 58942 (November 13, 2008), 73 FR 70394 (November 20, 2008) (SR–BSE–2008–49); 58195 (July 18, 2008), 73 FR 43801 (July 28, 2008) (SR–BSE–2008–39); 55999 (July 2, 2007), 72 FR 37549 (July 10, 2007) (SR–BSE–2007–27); 54066 (June 29, 2006), 71 FR 38434 (July 6, 2006) (SR–BSE–2006–24); 52149 (July 28, 2005), 70 FR 44704 (August 3, 2005) (SR–BSE–2005–22); 49068 (January 13, 2004), 69 FR 2775 (January 20, 2004) (SR–BSE–2002–15) (''Original PIP Pilot Program Approval Order''); and 51821 (June 10, 2005), 70 FR 35143 (June 16, 2005) (SR–BSE–2004–51) (Order Approval Relating to the Trading of Market Orders on the Boston Options Exchange).

[6] *See* Securities Exchange Act Release No. 51821 (June 10, 2005), 70 FR 35143 (June 16, 2005) (SR–BSE–2004–51).

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

[9] 15 U.S.C. 78s(b)(3)(A)(iii).

[10] 17 CFR 240.19b–4(f)(6).

become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective upon filing with the Commission pursuant to Section 19(b)(3)(A) of the Act[11] and Rule 19b–4(f)(6)(iii) thereunder.[12]

The Exchange has requested that the Commission waive the 30-day operative delay period. The Commission believes that waiver of the 30-day operative delay period is consistent with the protection of investors and the public interest because such waiver will allow the PIP Pilot program to continue without interruption. Accordingly, the Commission designates the proposed rule change operative upon filing with the Commission.[13]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.[14]

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov*. Please include File Number SR–BX–2011–041 on the subject line.

Paper Comments

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

All submissions should refer to File Number SR–BX–2011–041. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BX–2011–041 and should be submitted on or before July 28, 2011.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Cathy H. Ahn,

Deputy Secretary.

[FR Doc. 2011–16950 Filed 7–6–11; 8:45 am]

BILLING CODE 8011–01–P

[11] 15 U.S.C. 78s(b)(3)(A).

[12] 17 CFR 240.19b–4(f)(6)(iii). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has met this requirement.

[13] For purposes only of waiving the operative delay for this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[14] 15 U.S.C. 78s(b)(3)(C).

[15] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–64789; File No. SR–NASDAQ–2011–087]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Modify Its Co-Location Fee Schedule To Establish Fees for Access to Market Data Feeds From the Toronto Stock Exchange and the TSX Venture Exchange

July 1, 2011.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on June 23, 2011, The NASDAQ Stock Market LLC (''NASDAQ'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange proposes to modify its co-location fee schedule to establish fees for access to market data feeds from the Toronto Stock Exchange (''TSX'') and the TSX Venture Exchange (''TSXV'').

The Exchange will implement the proposed change on July 1, 2011. The text of the proposed rule change is available at *http://nasdaq.cchwallstreet.com/*, at the Exchange's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to modify NASDAQ's co-location fee schedule to establish fees for access to market data feeds from TSX and TSXV. The Exchange proposes: (1) A one-time fee of $1,000 for the installation of telecommunications connectivity for selected TSX and TSXV real-time market data feeds, along with (2) a per-month connectivity fee of $300 if a client wishes to receive the TSX and TSXV Level 1 Feed; a per-month connectivity fee of $1,000 if a client wishes to receive the TSX and TSVX Level 2 Feed; a per-month connectivity fee of $100 if a client wishes to receive the TSX Quantum Level 1 Feed; and a per-month connectivity fee of $300 if a client wishes to receive the TSX Quantum Level 2 Feed.

The Exchange is making the TSX market data feeds [sic] available as a convenience to customers and notes that receipt of these feeds is completely voluntary. The Exchange also notes that such feeds may be freely obtained from other vendors for use by customers in the datacenter. These fees are similar to fees already charged by NASDAQ for receipt of market data from other exchanges in the data center. See also the market data connectivity fees for SIAC, the Chicago Mercantile Exchange, and the BATS Exchange on the Exchange's co-location fee schedule.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[3] in general, and with Section 6(b)(4) of the Act,[4] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system which the Exchange operates or controls.

The Exchange operates in a highly competitive market in which exchanges offer co-location services as a means to facilitate the trading activities of those members who believe that co-location enhances the efficiency of their trading. Accordingly, fees charged for co-location services are constrained by the active competition for the order flow of such members. If a particular exchange charges excessive fees for co-location services, affected members will opt to terminate their co-location arrangements with that exchange, and adopt a possible range of alternative strategies, including co-locating with a different exchange, placing their servers in a physically proximate location outside the exchange's data center, or pursuing trading strategies not dependent upon co-location. Accordingly, the exchange charging excessive fees would stand to lose not only co-location revenues but also revenues associated with the execution of orders routed to it by affected members. The Exchange believes that this competitive dynamic imposes powerful restraints on the ability of any exchange to charge unreasonable fees for co-location services.

It should be noted, however, that the costs associated with operating a co-location facility, like the costs of operating the electronic trading facility with which the co-location facility is associated, are primarily fixed costs, and in the case of co-location are primarily the costs of renting or owning data center space and retaining a staff of technical personnel. Accordingly, the Exchange establishes a range of co-location fees with the goal of covering these fixed costs, covering less significant marginal costs, such as the cost of electricity, and to the extent the costs are covered, earns [sic] a profit. Because fixed costs must be allocated among all customers, the Exchange's fee schedule reflects an effort to assess a range of relatively low fees for specific aspects of co-location services, which, in the aggregate, will allow the Exchange to cover its costs and earn a profit; [sic] to the extent the costs are covered.

In the case the [sic] proposed fees for installation and connectivity to select TSX and TSXV real-time market data feeds, the proposed fees cover the costs charged by Nasdaq Technology Services for establishing and maintaining the telecommunication networks to obtain and republish these market data feeds. The fees are based on anticipated bandwidth needed to accommodate a particular feed. The proposed fees also allow the Exchange earn [sic] a profit; [sic] to the extent the costs are covered. The Exchange notes that it is not the exclusive method to obtain market data connectivity. The Exchange believes that it is reasonable to use fees assessed on this basis as a means to recoup NASDAQ's share of the costs associated with the proposed market data feeds, provide a convenience for the customers, and to the extent the costs are covered, provide the Exchange a profit.

The Exchange notes that its installation and monthly connectivity rates proposed for TSX and TSXV market data feeds are similar to connectivity fees imposed by other vendors. The Exchange also notes that the fees charged by the Exchange are generally lower or comparable to prices charged by other exchanges or unregulated vendors for similar services. For instance, NYSE is charging charges [sic] fees of $500 to $5,750 for selected CME market data feeds and charges a $950 installation fee.[5]

Furthermore, because the proposed co-location services are entirely voluntary and available to all members, the Exchange's fees for proposed co-location services are equitably allocated and non-discriminatory. In addition, the market data feeds may be obtained from other sources.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.[6] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

[3] 15 U.S.C. 78f.

[4] 15 U.S.C. 78f(b)(4).

[5] *See http://www.nyxdata.com/doc/50210.*

[6] 15 U.S.C. 78s(b)(3)(A)(ii).

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–NASDAQ–2011–087 on the subject line.

Paper Comments

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

All submissions should refer to File Number SR–NASDAQ–2011–087. This file number should be included on the subject line if e-mail is used.

To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml).* Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal offices of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NASDAQ–2011–087, and should be submitted on or before July 28, 2011.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[7]

Cathy H. Ahn,

Deputy Secretary.

[FR Doc. 2011–17062 Filed 7–6–11; 8:45 am]

BILLING CODE 8011–01–P

[7] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–64791; File No. SR–EDGX–2011–18]

Self-Regulatory Organizations; EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Make Available Without Charge the EDGX Book Feed and To Add a Description of the EDGX Book Feed to New Rule 13.8

July 1, 2011.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on June 29, 2011, EDGX Exchange, Inc. (the ''Exchange'' or ''EDGX'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange proposes to make available without charge the EDGX book feed (''EDGX Book Feed''), an EDGX data feed that displays depth of book information. The Exchange also proposes to add a description of the EDGX Book Feed to new Rule 13.8. The text of the proposed rule change is attached as Exhibit 5 and is available on the Exchange's Web site at *http://www.directedge.com,* at the Exchange's principal office, and at the Public Reference Room of the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to describe the availability of the EDGX Book Feed, a data feed that contains all orders for securities trading on the Exchange. The EDGX Book Feed is available to all EDGX members equally at no charge, and offers all firms real-time data concerning EDGX's depth of book. EDGX makes the EDGX Book Feed available to all market participants via subscription through an established connection to EDGX through extranets, direct connection, and service bureaus. The EDGX Book Feed is available in multicast and unicast formats.

The EDGX Book Feed contains the following data elements: all displayed orders for listed securities trading on EDGX, order executions, order cancellations, order modifications, order identification numbers, and administrative messages.

By making the EDGX Book Feed data available, EDGX enhances market transparency and fosters competition among orders and markets. Member firms may use the EDGX Book Feed to more accurately price their orders based on EDGX's view of the depth of book information, such as all displayed limit orders at any point in time. Additionally, Members can track their own orders from order entry to execution.

The Exchange proposes to add the definition of EDGX Book Feed to new Rule 13.8(a). In addition, the Exchange proposes to add to Rule 13.8(b) the process by which a Member can obfuscate their unique order identification number on the EDGX Book Feed for subsequent replenishments of reserve orders per Market Participant Identifier (''MPID'') for all logical ports or specific logical ports, as designated by the Member. In order to do so, and have a randomly generated order identification number applied to the replenishment of Member's reserve orders, the Member would contact Member Services via e-mail or phone. Such feature would be enabled the next trading day by the Exchange for the Member-selected MPID for all logical ports or specific logical ports until further instructions are received by Member Services from the Member. The Exchange believes that the random order identification number would help deter other market participants from being able to trace the life of a specific order, including short-

term price movements and trading patterns.

At this time, EDGX does not have plans to charge an additional fee associated with the receipt of the EDGX Book Feed. Should EDGX determine to charge fees associated with the EDGX Book Feed, EDGX will submit a proposed rule change to the Commission in order to implement those fees.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the objectives of Section 6 of the Act,[3] in general, and furthers the objectives of Section 6(b)(5),[4] in particular, as it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. EDGX believes that this proposal is in keeping with those principles by promoting increased transparency through the dissemination of the EDGX Book Feed and by codifying its availability.

In addition, EDGX is making a voluntary decision to make this data available. EDGX is not required by the Act in the first instance to make the data available, unlike the best bid and offer which must be made available under the Act. EDGX chooses to make the data available as proposed in order to improve market quality, to attract order flow, and to increase transparency. Once this filing becomes effective, EDGX will be required to continue making the data available until such time as EDGX changes its rule.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

[3] 15 U.S.C. 78f.

[4] 15 U.S.C. 78f(b)(5).

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[5] and Rule 19b–4(f)(6)(iii) thereunder.[6]

A proposed rule change filed under Rule 19b–4(f)(6)[7] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b4(f)(6)(iii),[8] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked that the Commission waive the 30-day pre-operative waiting period contained in Rule 19b–4(f)(6)(iii).[9] The Exchange has requested such waiver because it believes that such waiver is consistent with the protection of investors and the public interest because it would permit EDGX to immediately provide the information regarding the EDGX Book Feed access requirements to market participants. Specifically, the Exchange believes that, because the EDGX Book Feed is already available, strictly voluntary, and free to receive, waiver is consistent with the protection of investors and the public interest. For these reasons, the Commission sees no reason to delay implementation of the proposed rule change. The Commission believes it is consistent with the protection of investors and the public interest to waive the 30-day operative delay, and hereby grants such waiver.[10]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

[5] 15 U.S.C. 78s(b)(3)(A).

[6] 17 CFR 240.19b–4(f)(6)(iii).

[7] 17 CFR 240.19b–4(f)(6).

[8] 17 CFR 240.19b–4(f)(6)(iii).

[9] *Id.*

[10] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule change's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–EDGX–2011–18 on the subject line.

Paper Comments

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

All submissions should refer to File Number SR–EDGX–2011–18. This file number should be included on the subject line if e-mail is used.

To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml).* Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal offices of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–EDGX–2011–18, and should be submitted on or before July 28, 2011.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Cathy H. Ahn,

Deputy Secretary.

[FR Doc. 2011–17033 Filed 7–6–11; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–64785; File No. SR–NYSE–2011–27]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Deleting NYSE Rule 351(a)–(d) and Supplementary Material .10 and .13, Adopting the Text of FINRA Rule 4530, and Making Certain Conforming Changes

June 30, 2011.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the ''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that June 20, 2011, New York Stock Exchange LLC (''NYSE'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been substantially prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to delete NYSE Rule 351(a)–(d) and Supplementary Material .10 and .13, adopt the text of FINRA Rule 4530, and make certain conforming changes. The text of the proposed rule change is available at the Exchange, the Commission's Public Reference Room, and *http://www.nyse.com.*

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to delete NYSE Rule 351(a)–(d) and Supplementary Material .10 and .13, adopt the text of FINRA Rule 4530, and make certain conforming changes.

Background

On July 30, 2007, FINRA's predecessor, the National Association of Securities Dealers, Inc. (''NASD''), and NYSE Regulation, Inc. (''NYSER'') consolidated their member firm regulation operations into a combined organization, FINRA.[4] Pursuant to Rule 17d–2 under the Act, NYSE, NYSER and FINRA entered into an agreement (the ''Agreement'') to reduce regulatory duplication for their members by allocating to FINRA certain regulatory responsibilities for certain NYSE rules and rule interpretations (''FINRA Incorporated NYSE Rules''). NYSE Amex LLC (''NYSE Amex'') became a party to the Agreement effective December 15, 2008.[5]

As part of its effort to reduce regulatory duplication and relieve firms that are members of FINRA, NYSE and NYSE Amex of conflicting or unnecessary regulatory burdens, FINRA is now engaged in the process of reviewing and amending the NASD and FINRA Incorporated NYSE Rules in order to create a consolidated FINRA rulebook.[6]

In connection with the rule consolidation efforts between the Exchange and FINRA, the Commission has recently approved FINRA Rule 4530,[7] which is modeled after NYSE Rule 351(a)–(d) and NASD Rule 3070.[8] FINRA Rule 4530 requires member firms to: (1) Report to FINRA certain specified events and quarterly statistical and summary information regarding written customer complaints; and (2) file with FINRA copies of certain criminal actions, civil complaints and arbitration claims. FINRA uses the information for regulatory purposes to identify and initiate investigations of firms, offices and associated persons that may pose a risk. In most cases, the requirements of FINRA Rule 4530 are based on similar requirements in the NASD and NYSE rules.

Proposed Rule Change

The Exchange proposes to adopt the text of FINRA Rule 4530 as NYSE Rule 4530, with certain technical changes. For consistency with Exchange rules, the Exchange proposes to change all references to ''members'' to ''member organizations'' and add a definition of ''person associated with a member organization.'' The Exchange proposes to delete NYSE Rule 351(a)–(d) and Supplementary Material .10 and .13 and make conforming amendments in NYSE Rules 342, 401A, and 476A, which contain references to NYSE Rule 351, and delete an unnecessary cross-reference in NYSE Rule 311. The Exchange proposes to make NYSE Rule 4530 effective on the same date as FINRA makes FINRA Rule 4530 effective.[9]

[11] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* Securities Exchange Act Release No. 62970 (Sept. 22, 2010), 75 FR 59771 (Sept. 28, 2010) (order approving SR–FINRA–2010–37).

[5] *See* Securities Exchange Act Release Nos. 56148 (July 26, 2007), 72 FR 42146 (August 1, 2007) (order approving the Agreement); 56147 (July 26, 2007), 72 FR 42166 (August 1, 2007) (SR–NASD–2007–054) (order approving the incorporation of certain NYSE Rules as ''Common Rules''); and 60409 (July 30, 2009), 74 FR 39353 (August 6, 2009) (order approving the amended and restated Agreement, adding NYSE Amex LLC as a party). Paragraph 2(b) of the Agreement sets forth procedures regarding proposed changes by FINRA, NYSE or NYSE Amex to the substance of any of the Common Rules.

[6] FINRA's rulebook currently has three sets of rules: (1) NASD Rules, (2) FINRA Incorporated NYSE Rules, and (3) consolidated FINRA Rules. The FINRA Incorporated NYSE Rules apply only to those members of FINRA that are also members of the NYSE (''Dual Members''), while the consolidated FINRA Rules apply to all FINRA members. For more information about the FINRA rulebook consolidation process, *see* FINRA Information Notice, March 12, 2008.

[7] *See* Securities Exchange Act Release No. 63260 (November 5, 2010), 75 FR 69508 (November 12, 2010) (SR–FINRA–2010–034). *See also* Securities Exchange Act Release No. 64560 (May 27, 2011), 76 FR 32246 (June 3, 2011) (SR–FINRA–2011–024).

[8] NYSE Rule 351(e) and NYSE Rule Interpretation 351(e)/01 (Reports of Investigation) govern trade investigation reporting requirements. NYSE Rules 351(f), 351.11 and 351.12 govern the annual attestation requirement of the research analyst conflict of interest rules. These provisions will be addressed as part of the supervision rules and research analyst conflict of interest rules, respectively. See Regulatory Notice 08–24 (Proposed Consolidated FINRA Rules Governing Supervision and Supervisory Controls) and Regulatory Notice 08–55 (FINRA Requests Comment on Proposed Research Registration and Conflict of Interest Rules) NYSE Rule 351(e) and (f) are addressed by a separate FINRA harmonization proposal. NYSE Rules 351(a)–(d) would be marked as ''Reserved'' until such time as NYSE Rule 351 is fully harmonized with FINRA rules.

[9] *See* FINRA Regulatory Notice 11–06. The implementation date is currently scheduled for July 1, 2011. NYSE Amex also has submitted a companion rule filing amending its rules in accordance with FINRA's rule changes. *See* SR–NYSEAmex–2011–42.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Act,[10] in general, and furthers the objectives of Section 6(b)(5),[11] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and a national market system. Specifically, the Exchange believes that the proposed rule changes support the objectives of the Act by providing greater harmonization between NYSE Rules and FINRA Rules of similar purpose, resulting in less burdensome and more efficient regulatory compliance. To the extent the Exchange has proposed changes that differ from the FINRA version of the Rules, such changes are technical in nature and do not change the substance of the proposed NYSE Rules.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[12] and Rule 19b–4(f)(6) thereunder.[13] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6)(iii) thereunder.

A proposed rule change filed under Rule 19b–4(f)(6)[14] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[15] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing.[16]

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–NYSE–2011–27 on the subject line.

Paper Comments

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

All submissions should refer to File Number SR–NYSE–2011–27. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549–1090. Copies of the filing will also be available for inspection and copying at the NYSE's principal office and on its Internet Web site at *http://www.nyse.com.* All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSE–2011–27 and should be submitted on or before July 28, 2011.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Cathy H. Ahn,

Deputy Secretary.

[FR Doc. 2011–16933 Filed 7–6–11; 8:45 am]

BILLING CODE 8011–01–P

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(5).

[12] 15 U.S.C. 78s(b)(3)(A)(iii).

[13] 17 CFR 240.19b–4(f)(6).

[14] *Id.*

[15] 17 CFR 240.19b–4(f)(6)(iii). In addition, Rule 19b–4(f)(6)(iii) requires that a self-regulatory organization submit to the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[16] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

[17] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–64784; File No. SR–NYSEAMEX–2011–42]

Self-Regulatory Organizations; NYSE Amex LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Deleting NYSE Amex Equities Rule 351(a)–(d) and Supplementary Material .10 and .13, Adopting the Text of FINRA Rule 4530, and Making Certain Conforming Changes

June 30, 2011.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the ''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that on June 20, 2011, NYSE Amex LLC (the ''Exchange'' or ''NYSE Amex'') filed with the Securities and Exchange Commission

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

(the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been substantially prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to delete NYSE Amex Equities Rule 351(a)–(d) and Supplementary Material .10 and .13, adopt the text of FINRA Rule 4530, and make certain conforming changes. The text of the proposed rule change is available at the Exchange, the Commission's Public Reference Room, and *http://www.nyse.com.*

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to delete NYSE Amex Equities Rule 351(a)–(d) and Supplementary Material .10 and .13, adopt the text of FINRA Rule 4530, and make certain conforming changes.

Background

On July 30, 2007, FINRA's predecessor, the National Association of Securities Dealers, Inc. (''NASD''), and NYSE Regulation, Inc. (''NYSER'') consolidated their member firm regulation operations into a combined organization, FINRA.[4] Pursuant to Rule 17d–2 under the Act, NYSE, NYSER and FINRA entered into an agreement (the ''Agreement'') to reduce regulatory duplication for their members by allocating to FINRA certain regulatory responsibilities for certain NYSE rules and rule interpretations (''FINRA Incorporated NYSE Rules''). NYSE Amex became a party to the Agreement effective December 15, 2008.[5]

As part of its effort to reduce regulatory duplication and relieve firms that are members of FINRA, NYSE and NYSE Amex of conflicting or unnecessary regulatory burdens, FINRA is now engaged in the process of reviewing and amending the NASD and FINRA Incorporated NYSE Rules in order to create a consolidated FINRA rulebook.[6]

In connection with the rule consolidation efforts between the Exchange and FINRA, the Commission has recently approved FINRA Rule 4530,[7] which is modeled after NYSE Rule 351(a)–(d) and NASD Rule 3070.[8] FINRA Rule 4530 requires member firms to: (1) Report to FINRA certain specified events and quarterly statistical and summary information regarding written customer complaints; and (2) file with FINRA copies of certain criminal actions, civil complaints and arbitration claims. FINRA uses the information for regulatory purposes to identify and initiate investigations of firms, offices and associated persons that may pose a risk. In most cases, the requirements of FINRA Rule 4530 are based on similar requirements in the NASD, NYSE and NYSE Amex rules.

Proposed Rule Change

The Exchange proposes to adopt the text of FINRA Rule 4530 as NYSE Amex Equities Rule 4530, with certain technical changes. For consistency with Exchange rules, the Exchange proposes to change all references to ''members'' to ''member organizations'' and add a definition of ''person associated with a member organization.'' The Exchange proposes to delete NYSE Amex Equities Rule 351(a)–(d) and Supplementary Material .10 and .13 and make conforming amendments in NYSE Amex Equities Rules 342, 401A, and 476A, which contain references to NYSE Amex Equities Rule 351, and delete an unnecessary cross-reference in NYSE Amex Equities Rule 311. The Exchange proposes to make NYSE Amex Equities Rule 4530 effective on the same date as FINRA makes FINRA Rule 4530 effective.[9]

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Act,[10] in general, and furthers the objectives of Section 6(b)(5),[11] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and a national market system. Specifically, the Exchange believes that the proposed rule changes support the objectives of the Act by providing greater harmonization between NYSE Amex Rules and FINRA Rules of similar purpose, resulting in less burdensome and more efficient regulatory compliance. To the extent the Exchange has proposed changes that differ from the FINRA version of the Rules, such changes are technical in nature and do not change the substance of the proposed NYSE Amex Rules.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not

[4] *See* Securities Exchange Act Release No. 62970 (Sept. 22, 2010), 75 FR 59771 (Sept. 28, 2010) (order approving SR–FINRA–2010–37).

[5] *See* Securities Exchange Act Release Nos. 56148 (July 26, 2007), 72 FR 42146 (August 1, 2007) (order approving the Agreement); 56147 (July 26, 2007), 72 FR 42166 (August 1, 2007) (SR–NASD–2007–054) (order approving the incorporation of certain NYSE Rules as ''Common Rules''); and 60409 (July 30, 2009), 74 FR 39353 (August 6, 2009) (order approving the amended and restated Agreement, adding NYSE Amex LLC as a party). Paragraph 2(b) of the Agreement sets forth procedures regarding proposed changes by FINRA, NYSE or NYSE Amex to the substance of any of the Common Rules.

[6] FINRA's rulebook currently has three sets of rules: (1) NASD Rules, (2) FINRA Incorporated NYSE Rules, and (3) consolidated FINRA Rules. The FINRA Incorporated NYSE Rules apply only to those members of FINRA that are also members of the NYSE (''Dual Members''), while the consolidated FINRA Rules apply to all FINRA members. For more information about the FINRA rulebook consolidation process, *see* FINRA Information Notice, March 12, 2008.

[7] *See* Securities Exchange Act Release No. 63260 (November 5, 2010), 75 FR 69508 (November 12, 2010) (SR–FINRA–2010–034). *See also* Securities Exchange Act Release No. 64560 (May 27, 2011), 76 FR 32246 (June 3, 2011) (SR–FINRA–2011–024).

[8] NYSE Amex Equities Rule 351(e) and NYSE Amex Equities Rule Interpretation 351(e)/01 (Reports of Investigation) govern trade investigation reporting requirements. NYSE Amex Equities Rules 351(f), 351.11 and 351.12 govern the annual attestation requirement of the research analyst conflict of interest rules. These provisions will be addressed as part of the supervision rules and research analyst conflict of interest rules, respectively. *See* Regulatory Notice 08–24 (Proposed Consolidated FINRA Rules Governing Supervision and Supervisory Controls) and Regulatory Notice 08–55 (FINRA Requests Comment on Proposed Research Registration and Conflict of Interest Rules). NYSE Amex Equities Rules 351(a)–(d) would be marked as ''Reserved'' until such time as NYSE Amex Equities Rule 351 is fully harmonized with FINRA rules.

[9] *See* FINRA Regulatory Notice 11–06. The implementation date is currently scheduled for July 1, 2011. NYSE also has submitted a companion rule filing amending its rules in accordance with FINRA's rule changes. *See* SR–NYSE–2010–27.

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(5).

necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [12] and Rule 19b-4(f)(6) thereunder.[13] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6)(iii) thereunder.

A proposed rule change filed under Rule 19b–4(f)(6) [14] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b4(f)(6)(iii),[15] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing.[16]

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

[12] 15 U.S.C. 78s(b)(3)(A)(iii).

[13] 17 CFR 240.19b–4(f)(6).

[14] *Id.*

[15] 17 CFR 240.19b–4(f)(6)(iii). In addition, Rule 19b–4(f)(6)(iii) requires that a self-regulatory organization submit to the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[16] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–NYSEAMEX–2011–42 on the subject line.

Paper Comments

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

All submissions should refer to File Number SR–NYSEAMEX–2011–42. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549–1090. Copies of the filing will also be available for inspection and copying at the NYSE's principal office and on its Internet Web site at *http://www.nyse.com.* All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEAMEX–2011–42 and should be submitted on or before July 28, 2011.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Cathy H. Ahn,

Deputy Secretary.

[FR Doc. 2011–16932 Filed 7–6–11; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–64783; File No. SR–NYSEAMEX–2011–41]

Self-Regulatory Organizations; NYSE Amex LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Deleting the Text of Rule 409(f)—NYSE Amex Equities and Adopting the Text of FINRA Rule 2232

June 30, 2011.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that on June 17, 2011, NYSE Amex LLC (the ''Exchange'' or ''NYSE Amex'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been substantially prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to delete the text of Rule 409(f)—NYSE Amex Equities and adopt the text of FINRA Rule 2232. The text of the proposed rule change is available at the Exchange, the Commission's Public Reference Room, and *http://www.nyse.com.*

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

[17] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a *et seq.*

[3] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to delete the text of Rule 409(f)—NYSE Amex Equities and adopt the text of FINRA Rule 2232.

Background

On July 30, 2007, FINRA's predecessor, the National Association of Securities Dealers, Inc. (''NASD''), and NYSE Regulation, Inc. (''NYSER'') consolidated their member firm regulation operations into a combined organization, FINRA.[4] Pursuant to Rule 17d–2 under the Act, New York Stock Exchange, LLC (''NYSE''), NYSER and FINRA entered into an agreement (the ''Agreement'') to reduce regulatory duplication for their members by allocating to FINRA certain regulatory responsibilities for certain NYSE rules and rule interpretations (''FINRA Incorporated NYSE Rules''). NYSE Amex became a party to the Agreement effective December 15, 2008.[5]

As part of its effort to reduce regulatory duplication and relieve firms that are members of FINRA, NYSE and NYSE Amex of conflicting or unnecessary regulatory burdens, FINRA is now engaged in the process of reviewing and amending the NASD and FINRA Incorporated NYSE Rules in order to create a consolidated FINRA rulebook.[6]

Rule 409(f)—NYSE Amex Equities and FINRA Rule 2232

In connection with the rule consolidation efforts between the Exchange and FINRA, the Commission has recently approved FINRA Rule 2232,[7] which is modeled after NYSE Rule 409(f), NASD Rule 2230 and NASD IM–2110–6.[8] FINRA Rule 2232 requires member firms, at or before the completion of any transaction in any security effected for or with an account of a customer, to give or send to such customer written notification (''confirmation'') in conformity with the requirements of Rule 10b–10 under the Act. A confirmation given or sent pursuant to FINRA Rule 2232 must further disclose (1) with respect to any transaction in any NMS stock, as defined in Rule 600 of SEC Regulation NMS, or any security subject to the reporting requirements of the FINRA Rule 6600 Series, other than direct participation programs as defined in FINRA Rule 6420, the settlement date of the transaction; and (2) with respect to any transaction in a callable equity security, that (A) the security is a callable equity security and (B) a customer may contact the member for more information concerning the security.

The Exchange proposes to delete the text of Rule 409(f)—NYSE Amex Equities[9] and adopt the text of FINRA Rule 2232 as Rule 2232—NYSE Amex Equities, with certain technical changes. Specifically, for consistency with Exchange rules, the Exchange proposes to change all references to ''members'' to ''member organizations.'' The Exchange proposes that these changes, including new Rule 2232—NYSE Amex Equities, be effective on the same date as FINRA makes FINRA Rule 2232 effective.[10]

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Act[11] in general, and furthers the objectives of Section 6(b)(5),[12] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and a national market system. Specifically, the Exchange believes that the proposed rule change supports the objectives of the Act by providing greater harmonization between NYSE Amex Rules and FINRA Rules of similar purpose, resulting in less burdensome and more efficient regulatory compliance. To the extent the Exchange has proposed changes that differ from the FINRA version of the Rules, such changes are technical in nature and do not change the substance of the proposed NYSE Amex Rules.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[13] and Rule 19b–4(f)(6) thereunder.[14] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6)(iii) thereunder.

A proposed rule change filed under Rule 19b–4(f)(6) normally does not become operative prior to 30 days after

[4] *See* Securities Exchange Act Release No. 62970 (Sept. 22, 2010), 75 FR 59771 (Sept. 28, 2010) (order approving SR–FINRA–2010–37).

[5] *See* Securities Exchange Act Release Nos. 56148 (July 26, 2007), 72 FR 42146 (August 1, 2007) (order approving the Agreement); 56147 (July 26, 2007), 72 FR 42166 (August 1, 2007) (SR–NASD–2007–054) (order approving the incorporation of certain NYSE Rules as ''Common Rules''); and 60409 (July 30, 2009), 74 FR 39353 (August 6, 2009) (order approving the amended and restated Agreement, adding NYSE Amex LLC as a party). Paragraph 2(b) of the Agreement sets forth procedures regarding proposed changes by FINRA, NYSE or NYSE Amex to the substance of any of the Common Rules.

[6] FINRA's rulebook currently has three sets of rules: (1) NASD Rules, (2) FINRA Incorporated NYSE Rules, and (3) consolidated FINRA Rules. The FINRA Incorporated NYSE Rules apply only to those members of FINRA that are also members of the NYSE (''Dual Members''), while the consolidated FINRA Rules apply to all FINRA members. For more information about the FINRA rulebook consolidation process, *see* FINRA Information Notice, March 12, 2008.

[7] *See* Securities Exchange Act Release No. 63150 (October 21, 2010), 75 FR 66173 (October 27, 2010) (SR–FINRA–2009–058). *See also* Securities Exchange Act Release No. 63561(December 16, 2010), 75 FR 80556 (December 22, 2010) (SR–FINRA–2010–066).

[8] NYSE Rule 409(f) currently provides that confirmation of all transactions in securities admitted to dealings on the Exchange, sent by members or member organizations to their customers, shall clearly set forth with a suitable legend the settlement date of each transaction.

[9] Rule 409(f)—NYSE Amex Equities would be marked as ''Reserved'' until such time as NYSE Rule 409 is fully harmonized with FINRA rules. The Exchange notes that FINRA has proposed a rule change that would result in the deletion of the remaining text of FINRA Incorporated NYSE Rule 409. *See* Securities Exchange Act Release No. 59921(May 14, 2009), 74 FR 23912 (May 21, 2009) (SR–FINRA–2009–028).

[10] *See* FINRA Regulatory Notice 10–62. The implementation date is currently scheduled for June 17, 2011. NYSE also has submitted a companion rule filing amending its rules in accordance with FINRA's rule changes. *See* SR–NYSE–2011–26.

[11] 15 U.S.C. 78f(b).

[12] 15 U.S.C. 78f(b)(5).

[13] 15 U.S.C. 78s(b)(3)(A)(iii).

[14] 17 CFR 240.19b–4(f)(6).

the date of the filing.[15] However, pursuant to Rule 19b–4(f)(6)(iii), the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest.[16] The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. In its filing, the Exchange notes that the proposal to add new Rule 2232—NYSE Amex Equities is substantially similar to the rule that the Commission approved for FINRA,[17] and the proposal conforms the Exchange's Rules with those of FINRA, in furtherance of the consolidation of the member firm regulation functions of NYSE Amex Equities, NYSE, and FINRA. For this reason, the Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest, and designates the proposed rule change to be operative upon filing with the Commission.[18]

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–NYSEAMEX–2011–41 on the subject line.

Paper Comments

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

All submissions should refer to File Number SR–NYSEAMEX–2011–41. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3.p.m. Copies of the filing will also be available for inspection and copying at the NYSE's principal office and on its Internet Web site at *http://www.nyse.com.* All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEAMEX–2011–41 and should be submitted on or before July 28, 2011.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

Cathy H. Ahn,

Deputy Secretary.

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BILLING CODE 8011–01–P

[15] *Id.*

[16] 17 CFR 240.19b–4(f)(6)(iii). In addition, Rule 19b–4(f)(6)(iii) requires that a self-regulatory organization submit to the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[17] *See note* 6, *supra.*

[18] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

[19] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–64782; File No. SR–NYSE–2011–26]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Deleting the Text of NYSE Rule 409(f) and Adopting the Text of FINRA Rule 2232 and Deleting the Rule Interpretations to NYSE Rule 346

June 30, 2011.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the ''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that June 17, 2011, New York Stock Exchange LLC (''NYSE'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been substantially prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes (1) To delete the text of NYSE Rule 409(f) and adopt the text of FINRA Rule 2232 and (2) delete the Rule Interpretations to NYSE Rule 346. The text of the proposed rule change is available at the Exchange, the Commission's Public Reference Room, and *http://www.nyse.com.*

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a *et seq.*

[3] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to (1) Delete the text of NYSE Rule 409(f) and adopt the text of FINRA Rule 2232 and (2) delete the Rule Interpretations to NYSE Rule 346.

Background

On July 30, 2007, FINRA's predecessor, the National Association of Securities Dealers, Inc. (''NASD''), and NYSE Regulation, Inc. (''NYSER'') consolidated their member firm regulation operations into a combined organization, FINRA.[4] Pursuant to Rule 17d–2 under the Act, NYSE, NYSER and FINRA entered into an agreement (the ''Agreement'') to reduce regulatory duplication for their members by allocating to FINRA certain regulatory responsibilities for certain NYSE rules and rule interpretations (''FINRA Incorporated NYSE Rules''). NYSE Amex LLC (''NYSE Amex'') became a party to the Agreement effective December 15, 2008.[5]

As part of its effort to reduce regulatory duplication and relieve firms that are members of FINRA, NYSE and NYSE Amex of conflicting or unnecessary regulatory burdens, FINRA is now engaged in the process of reviewing and amending the NASD and FINRA Incorporated NYSE Rules in order to create a consolidated FINRA rulebook.[6]

NYSE Rule 409(f) and FINRA Rule 2232

In connection with the rule consolidation efforts between the Exchange and FINRA, the Commission has recently approved FINRA Rule 2232,[7] which is modeled after NYSE Rule 409(f), NASD Rule 2230 and NASD IM–2110–6.[8] FINRA Rule 2232 requires member firms, at or before the completion of any transaction in any security effected for or with an account of a customer, to give or send to such customer written notification (''confirmation'') in conformity with the requirements of Rule 10b–10 under the Act. A confirmation given or sent pursuant to FINRA Rule 2232 must further disclose (1) With respect to any transaction in any NMS stock, as defined in Rule 600 of SEC Regulation NMS, or any security subject to the reporting requirements of the FINRA Rule 6600 Series, other than direct participation programs as defined in FINRA Rule 6420, the settlement date of the transaction; and (2) with respect to any transaction in a callable equity security, that (A) the security is a callable equity security and (B) a customer may contact the member for more information concerning the security.

The Exchange proposes to delete the text of NYSE Rule 409(f)[9] and adopt the text of FINRA Rule 2232 as NYSE Rule 2232, with certain technical changes. Specifically, for consistency with Exchange rules, the Exchange proposes to change all references to ''members'' to ''member organizations.'' The Exchange also proposes to delete the text of Commentary .20 to Rule 411, which will no longer be applicable after the deletion of the text of NYSE Rule 409(f). The Exchange proposes that these changes, including new NYSE Rule 2232, be effective on the same date as FINRA makes FINRA Rule 2232 effective.[10]

Rule Interpretations to NYSE Rule 346

The Exchange has previously submitted a proposed rule change with the Commission that deleted NYSE Rule 346 (Limitations—Employment and Association with Members and Member Organizations) and adopted new Rule 3270 (Outside Business Activities of Registered Persons) to correspond with rule changes filed by FINRA and approved by the Commission.[11] As such, the Exchange also proposes to delete the Rule Interpretations to NYSE Rule 346 in their entirety, which were also deleted by FINRA when it deleted its Incorporated NYSE Rule 346. To harmonize Exchange Rule Interpretations with FINRA's rule, the Exchange proposes that this change be immediately effective upon filing.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Act,[12] in general, and furthers the objectives of Section 6(b)(5),[13] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and a national market system. Specifically, the Exchange believes that the proposed rule change supports the objectives of the Act by providing greater harmonization between NYSE Rules and FINRA Rules of similar purpose, resulting in less burdensome and more efficient regulatory compliance. To the extent the Exchange has proposed changes that differ from the FINRA version of the Rules, such changes are technical in nature and do not change the substance of the proposed NYSE Rules. Additionally, the proposed deletion of the Rule Interpretations to NYSE Rule 346 would result in the removal of interpretations to an NYSE Rule that no longer exists and would therefore eliminate any potential confusion among members or member organizations regarding the applicability of such Rule Interpretations.

[4] *See* Securities Exchange Act Release No. 62970 (Sept. 22, 2010), 75 FR 59771 (Sept. 28, 2010) (order approving SR–FINRA–2010–37).

[5] *See* Securities Exchange Act Release Nos. 56148 (July 26, 2007), 72 FR 42146 (August 1, 2007) (order approving the Agreement); 56147 (July 26, 2007), 72 FR 42166 (August 1, 2007) (SR–NASD–2007–054) (order approving the incorporation of certain NYSE Rules as ''Common Rules''); and 60409 (July 30, 2009), 74 FR 39353 (August 6, 2009) (order approving the amended and restated Agreement, adding NYSE Amex LLC as a party). Paragraph 2(b) of the Agreement sets forth procedures regarding proposed changes by FINRA, NYSE or NYSE Amex to the substance of any of the Common Rules.

[6] FINRA's rulebook currently has three sets of rules: (1) NASD Rules, (2) FINRA Incorporated NYSE Rules, and (3) consolidated FINRA Rules. The FINRA Incorporated NYSE Rules apply only to those members of FINRA that are also members of the NYSE (''Dual Members''), while the consolidated FINRA Rules apply to all FINRA members. For more information about the FINRA rulebook consolidation process, *see* FINRA Information Notice, March 12, 2008.

[7] *See* Securities Exchange Act Release No. 63150 (October 21, 2010), 75 FR 66173 (October 27, 2010) (SR–FINRA–2009–058). *See also* Securities Exchange Act Release No. 63561 (December 16, 2010), 75 FR 80556 (December 22, 2010) (SR–FINRA–2010–066).

[8] NYSE Rule 409(f) currently provides that confirmation of all transactions in securities admitted to dealings on the Exchange, sent by members or member organizations to their customers, shall clearly set forth with a suitable legend the settlement date of each transaction.

[9] NYSE Rule 409(f) would be marked as ''Reserved'' until such time as NYSE Rule 409 is fully harmonized with FINRA rules. The Exchange notes that FINRA has proposed a rule change that would result in the deletion of the remaining text of FINRA Incorporated NYSE Rule 409. *See* Securities Exchange Act Release No. 59921 (May 14, 2009), 74 FR 23912 (May 21, 2009) (SR–FINRA–2009–028).

[10] *See* FINRA Regulatory Notice 10–62. The implementation date is currently scheduled for June 17, 2011. NYSE Amex also has submitted a companion rule filing amending its rules in accordance with FINRA's rule changes. *See* SR–NYSEAmex–2011–41.

[11] *See* Securities Exchange Act Release No. 64131 (March 28, 2011), 76 FR 18285 (April 1, 2011) (SR–NYSE–2011–12). *See also* Securities Exchange Act Release No. 62762 (August 23, 2010), 75 FR 53362 (August 31, 2010) (order approving SR–FINRA–2009–042).

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(5).

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [14] and Rule 19b–4(f)(6) thereunder.[15] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6)(iii) thereunder.

A proposed rule change filed under Rule 19b–4(f)(6) normally does not become operative prior to 30 days after the date of the filing.[16] However, pursuant to Rule 19b–4(f)(6)(iii),[17] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. In its filing, the Exchange notes that the proposal to add new NYSE Rule 2232 is substantially similar to the rule that the Commission approved for FINRA,[18] and the proposal conforms the Exchange's Rules with those of FINRA, in furtherance of the consolidation of the member firm regulation functions of NYSE, NYSE Amex Equities, and FINRA. Furthermore, the proposed deletion of the Rule Interpretations to NYSE Rule 346 would remove interpretations to an NYSE Rule that no longer exists and would therefore eliminate any potential confusion among members or member organizations regarding the applicability of such Rule Interpretations. For these reasons, the Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest, and designates the proposed rule change to be operative upon filing with the Commission.[19]

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–NYSE–2011–26 on the subject line.

Paper Comments

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

All submissions should refer to File Number SR–NYSE–2011–26. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing will also be available for inspection and copying at the NYSE's principal office and on its Internet Web site at *http://www.nyse.com.* All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSE–2011–26 and should be submitted on or before July 28, 2011.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

Cathy H. Ahn,

Deputy Secretary.

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[14] 15 U.S.C. 78s(b)(3)(A)(iii).

[15] 17 CFR 240.19b–4(f)(6).

[16] *Id.*

[17] 17 CFR 240.19b–4(f)(6)(iii). In addition, Rule 19b–4(f)(6)(iii) requires that a self-regulatory organization submit to the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[18] *See* note 6, supra.

[19] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[20] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–64781; File No. SR–BATS–2011–009]

Self-Regulatory Organizations; BATS Exchange, Inc.; Notice of Filing of Amendment No. 2 and Order Granting Accelerated Approval to Proposed Rule Change, as Modified by Amendment Nos. 1 and 2 Thereto, to Create, on a Six-Month Pilot Basis, a Directed Order Program

June 30, 2011.

I. Introduction

On March 16, 2011, BATS Exchange, Inc. (the ''Exchange'' or ''BATS'') 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 proposal to establish, on a six-month pilot basis, a directed order (''Directed Order'') program on its options facility (''BATS

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

Options''). On March 24, 2011, BATS filed Amendment No. 1 to the proposed rule filing. The proposed rule change, as modified by Amendment No. 1, was published for comment in the **Federal Register** on April 1, 2011.[3] The Commission received 13 comment letters from 8 commenters on the proposal,[4] and a letter from BATS responding to the comment letters.[5] On June 2, 2011, BATS filed Amendment No. 2 to the proposed rule change.[6] The Commission is publishing this notice to solicit comments on Amendment No. 2 from interested persons, and is approving the proposal, as modified by Amendment Nos. 1 and 2, on an accelerated basis, for a six-month pilot period ending January 30, 2012.

II. Description of the Proposed Rule Change, as Modified by Amendment Nos. 1 and 2

The Exchange proposes to allow members of BATS Options (''Options Members'') to direct orders to BATS Options market makers under certain conditions. Specifically, the proposal would establish two new order types—a ''Directed Order'' and a ''Market Maker Price Improving Order'' (MMPIO). A Directed Order would be an order directed by an Options Member to one or more BATS Options market makers for possible execution against the MMPIO of the BATS Options market maker(s).[7] To direct an order to a particular BATS Options market maker, the Options Member must be on a list of eligible Options Members provided to the Exchange by the BATS Options market maker.[8]

To be eligible to receive a Directed Order, a BATS Options market maker must enter a MMPIO. The MMPIO would contain both a displayed price, as well as a better non-displayed price at which the market maker is willing to trade with a Directed Order. The MMPIO would be ranked on the BATS Options book at its displayed price. The non-displayed price would not be entered on the BATS Options book, but instead would be converted to a buy or sell order at the non-displayed price in response to a Directed Order directed to the market maker, up to the full displayed size of the MMPIO. Thus, an incoming marketable non-Directed Order would execute against the market maker's displayed quote, not its non-displayed better price. To be able to participate in an execution against a Directed Order: (i) The market maker must be quoting on BATS with a MMPIO that contains a displayed price at the NBBO at the time the Directed Order arrives on BATS; (ii) the non-displayed price of the MMPIO must be at a price better than the NBB (for sell Directed Orders) or the NBO (for buy Directed Orders) and marketable against the Directed Order;[9] and (iii) as noted above, the Directed Order must have come from an Options Member on the market maker's list of eligible Options Members.

If the above conditions in (i), (ii), and (iii) are met, and if there are no other non-displayed orders at prices equal to or better than the non-displayed price of the MMPIO, the Directed Order will trade with the MMPIO up to the full size of the MMPIO. If there are non-displayed orders on the BATS Options book at prices equal to or better than the non-displayed price of the MMPIO, those other non-displayed orders will in all cases have priority over the non-displayed price of the MMPIO. In such circumstances, the MMPIO may still execute at its non-displayed price against the Directed Order to the extent of any remaining contracts of the Directed Order. If a Directed Order is directed to more than one BATS Options market maker, such Directed Order will execute in price/time priority based on the non-displayed price of such orders, to the extent the Directed Order can execute against any MMPIO.[10]

BATS notes that, if an Options Member notifies a BATS Options market maker of its intention to submit a Directed Order so that the BATS Options market maker could change its quotation to match the NBB or NBO immediately prior to submission of the Directed Order, the parties would be engaging in conduct inconsistent with just and equitable principles of trade in violation of BATS Rules 3.1 and 18.4(f). In addition, BATS notes that a BATS Options market maker who becomes aware of a customer order from an affiliated broker-dealer or desk within the same broker-dealer and acts on such information to change its quotations to match the NBB or NBO immediately prior to submission of a Directed Order would be in violation of the BATS Rule 22.10, ''Limitations on Dealings.'' BATS represents that it will proactively conduct surveillance for such conduct and enforce against such violations.[11]

BATS proposes to establish its Directed Order program on a six-month pilot basis. BATS represents that, during the pilot period, it will study the impact of the rules and will provide the Commission with monthly reports detailing its ongoing review of the pilot. Such reports would include statistics with respect to:

- The number of Directed Orders submitted to BATS Options;

[3] *See* Securities Exchange Act Release No. 64132 (March 28, 2011), 76 FR 18280 (''Notice'').

[4] *See* Letters to Elizabeth M. Murphy, Secretary, Commission, from Jennifer M. Lamie, Assistant General Counsel, Legal Division, Chicago Board Options Exchange (''CBOE''), dated June 29, 2011 (''CBOE II Letter''); Tom Wittman, The NASDAQ OMX PHLX, Inc. and The NASDAQ Options Market (together ''Nasdaq''), dated June 24, 2011 (''Nasdaq II Letter''); Janet L. McGinness, SVP & Corporate Secretary, Legal & Government Affairs, NYSE Euronext, dated June 17, 2011 (''NYSE Euronext II Letter''); Michael J. Simon, Secretary, International Securities Exchange, LLC (''ISE''), dated June 17, 2011 (''ISE II Letter''); Anthony D. McCormick, Chief Executive Officer, BOX Options Exchange Group, LLC (''BOX'')), dated June 13, 2011 (''BOX II Letter''); Angelo Evangelou, Assistant General Counsel, Legal Division, CBOE, dated April 27, 2011 (''CBOE I Letter''); John C. Nagel, Managing Director and General Counsel, Asset Management and Markets, Citadel LLC, dated April 25, 2011 (''Citadel Letter''); Andrew Stevens, Legal Counsel, IMC Chicago, LLC d/b/a IMC Financial Markets, dated April 21, 2011 (''IMC Letter''); Janet L. McGinness, SVP & Corporate Secretary, Legal & Government Affairs, NYSE Euronext, dated April 21, 2011 (''NYSE Euronext I Letter''); Kurt Eckert, Principal, Wolverine Trading, LLC, dated April 21, 2011 (''Wolverine Letter''); Tom Wittman, Nasdaq, dated April 21, 2011 (''Nasdaq I Letter''); Michael J. Simon, Secretary, ISE, dated April 21, 2011 (''ISE I Letter''); and Anthony D. McCormick, Chief Executive Officer, BOX, dated March 29, 2011 (''BOX I Letter'').

[5] *See* Letter to Elizabeth M. Murphy, Secretary, Commission, from Jeromee Johnson, BATS, dated June 2, 2011 (''BATS Letter'').

[6] In response to comments received on the proposed rule change, as modified by Amendment No. 1 thereto, the Exchange filed Amendment No. 2 to revise the proposed rule change to permit BATS Options Members to send Directed Orders to more than one BATS Options market maker.

[7] As originally proposed, Options Members could only send Directed orders to one BATS Options market maker. In Amendment No. 2, BATS revised the proposal to permit Options Members to send Directed Orders to more than one BATS Options market maker.

[8] BATS Rule 21.1(d)(14).

[9] The non-displayed price also must be at least one cent better than the NBB or NBO, as applicable.

[10] *See* Amendment No. 2.

[11] One commenter on the proposal believes that the proposed rule change does not address whether it would be permissible for a BATS Options market maker to share the details of its MMPIO, whether existing or prospective, with an order flow provider (affiliated or otherwise) so that the order flow provider could make routing decisions based on this information. *See* NYSE Euronext I Letter at 5–6. If a BATS Options market maker informs an order entry firm of its intention to modify its quotation or details about its MMPIO so that the BATS Options Member could send a Directed Order to the BATS Options market maker, BATS would view this as pre-arranged trading and would consider this to be a violation of BATS Rules 3.1 (just and equitable principles of trade) and 18.4(f) (misuse of material non-public information). *See* E-mail to David Hsu, Assistant Director, Division of Trading and Markets, Commission, from Anders Franzon, BATS, dated June 27, 2011. If the order entry firm was an affiliate or a desk within the same firm as the BATS Options market maker, and the BATS Options market maker shared information regarding its planned quoting activities or details about the market maker's MMPIO, then BATS would consider this to be a violation of BATS Rule 22.10 (Limitation on Dealings). *Id.*

• The number of MMPIOs submitted to BATS Options;

• Information regarding the types of market participants that sent Directed Orders;

• The number of Market Makers that participated in the directed order program;

• The percentage of time that Market Makers participating in the directed order program were at the NBBO when a Directed Order arrived at BATS Options;

• The number of orders, excluding MMPIOs, against which an incoming Directed Order executed;

• The proportion of each Directed Order that was executed against a MMPIO;

• The percentage of Directed Orders that received price improvement over the NBBO;

• The average amount of price improvement for Directed Orders; and

• Data related to the quality of the best bid and offer on BATS Options.

III. Summary of Comments

The Commission received 13 comment letters from 8 commenters opposing the proposal.[12] These commenters generally argue that, because Directed Orders will not be exposed to meaningful competition, the proposal will disincent market makers from quoting aggressively and negatively impact the price at which the Directed Orders are executed.[13]

Several commenters argue that the lack of a requirement that the Directed Order be exposed to all market participants or be subject to a separate auction mechanism will prevent other market participants from any opportunity to provide further price improvement to the Directed Order, and thus harm the Directed Order.[14] Several commenters argue that other market participants will not be able to effectively compete with a BATS Options market maker with a MMPIO because, although other market participants also can enter orders that have a non-displayed price on the BATS book at a price equal to or better than the non-displayed price of the MMPIO,[15] that non-displayed price would be at risk to all incoming marketable orders, not just Directed Orders from a select list of eligible customers.[16] Commenters further argue that other market participants are at a further competitive disadvantage *vis-à-vis* BATS options market makers with MMPIOs in one cent MPV options because BATS Options market makers would be able to enter MMPIOs with non-displayed prices in penny increments, but other market participants could not enter orders with non-displayed prices in penny increments.[17] Several commenters argue that BATS Options market makers will be able to enter MMPIOs with better non-displayed prices than other competing market participants, thus effectively resulting in 100 percent internalization of Directed Orders (assuming the participating market maker is always willing to provide prices better than the NBBO) without the opportunity for exposure.[18] In addition, a few commenters argue that price discovery will be negatively impacted by the perpetuation of a two-tiered market for customers—one market reflecting publicly available prices and sizes, and another market reflecting a non-public pool of liquidity available for only certain approved customers.[19]

In response to commenters, BATS countered that certain order flow sending firms today have order flow, which by its very nature, is more valuable to some market participants than the flow of other order flow sending firms.[20] BATS notes market makers already retain the discretion to pay certain firms non-transparent payment for order flow amounts.[21] BATS asserts that its proposal similarly retains that existing discretion for market makers, but provides a mechanism for such payments, or at least a portion of such payments, to be provided in a transparent fashion to the Directed Order in the form of price improvement over the NBBO.[22] According to BATS, the proposal puts in place a structure by which *all* members can both compete for that flow by contributing to price and size discovery for the entire market and reward that flow with price improvement above and beyond the NBBO.[23]

Further, BATS notes that BATS Options market makers must enter orders that assume the risk of trading with all participants at NBBO, and must commit to price improvement over the NBBO without knowing the details of the particular order and being guaranteed an allocation.[24] BATS notes that other directed order programs on other exchanges do not impose this

[12] *See supra* note 4. In addition, the Commission notes that in response to an earlier Directed Order proposal filed and later withdrawn by the Exchange (SR–BATS–2010–034) that was substantially similar to the instant proposal (the ''Prior Proposal''), one commenter had stated that the proposal would be beneficial to retail investors by providing firms with competitive opportunities to seek price improvement on client option orders. *See* Letter to Elizabeth M. Murphy, Secretary, Commission, from Christopher Nagy, Managing Director, Order Strategy, TD Ameritrade, dated December 23, 2010 (''Ameritrade Letter'').

[13] *See* BOX I Letter at 1; BOX II Letter at 1–2; CBOE I Letter at 2; Citadel Letter at 2; IMC Letter at 2; ISE I Letter at 3; ISE II Letter at 3; Nasdaq I Letter at 3; NYSE Euronext I Letter at 3; NYSE Euronext II Letter at 4; and Wolverine Letter at 1.

[14] *See* BOX I Letter at 1–2; CBOE I Letter at 2–3; CBOE II Letter at 3–5; IMC Letter at 2; ISE I Letter at 4; Nasdaq I Letter at 3; NYSE Euronext I Letter at 4, and NYSE Euronext II Letter at 3–4. *See also* BOX II Letter at 2 (arguing that, if BATS Options market makers receive Directed Orders from only their list of eligible Options Members, the ''cost of that enjoyment should be the requirement that directed orders be exposed on the market or subject to a specific auction mechanism so that customers enjoy the greatest amount of opportunity for price improvement'') and IMC Letter at 2 (stating that the structure of the BATS Directed Order program ''unduly limits competition as such does not contribute to price discovery.''). In addition, BOX states that, because the proposal permits only BATS Options market maker(s) designated by the Options Member to compete for the Directed Order, and such designation is at the discretion of the Options Member, a ''substantial conflict of interest may arise,'' incenting BATS Options market makers to significantly increase payment for order flow payments so that they can be the sole destination for the Option Member's customer orders. *See* BOX II Letter at 1–2. This commenter also argues that, although the rule would allow an Options Member to submit Directed Orders to multiple BATS Options Market Makers, competition for the order is still limited because the order would be exposed to some—but not all—market participants. *See* BOX II Letter at 1–2.

[15] In options with a five or ten cent minimum price variation (''MPV''), other market participants would be able to enter a non-displayed price using a Price Improving Order to compete with MMPIOs for Directed Orders. A Price Improving Order would receive priority over MMPIOs at the same non-displayed price. However, the non-displayed price of a Price Improving Order would be available to all incoming marketable orders, in contrast to the non-displayed price of an MMPIO, which would only be available to incoming Directed Orders.

[16] *See, e.g.,* CBOE I Letter at 2; CBOE II Letter at 4; Citadel Letter at 2; IMC Letter at 2; ISE I Letter at 3; ISE Letter II at 1–2; Nasdaq I Letter at 2, Nasdaq II Letter at 1, and NYSE Euronext II Letter at 4.

[17] *See* CBOE I Letter at 2; CBOE II Letter at 2; Citadel Letter at 2; IMC Letter at 2; and Nasdaq I Letter at 2. These commenters believe that, because the orders of these market participants would be displayed in options with a one cent MPV, they would be at greater risk of being executed against informed order flow. On the other hand, because MMPIOs may be entered in increments as small as one cent and are not displayed, BATS Options market makers with MMPIOs are not subject to the same risk. *Id. See also* NYSE Euronext II Letter at 4.

[18] *See* Citadel Letter at 2–3; Nasdaq I Letter at 2–3; and Nasdaq II Letter at 2.

[19] *See* Citadel Letter at 2; ISE I Letter at 2; and Wolverine Letter at 2. *See also* CBOE I Letter at 3 and CBOE II Letter at 2, wherein CBOE argues that the MMPIO is inconsistent with Rule 602 of Regulation NMS, 17 CFR 242.602 (the ''Quote Rule''), because the BATS proposal would only require the MMPIO to be firm for pre-selected Directed Order participants (as opposed to all incoming interest received by BATS).

[20] *See* BATS Letter at 6–7.

[21] *See* Notice, *supra* note 3, at 18283.

[22] *Id.*

[23] *See* BATS Letter at 6–7.

[24] *See* BATS Letter at 3–4.

requirement to provide price improvement.[25] In addition, BATS argues that by not providing allocation guarantees, the proposed Directed Order program provides incentives to BATS Options market makers as well as Options Members to aggressively quote, both at the NBBO and at non-displayed prices better than the NBBO.[26]

Several commenters state that, because Directed Orders on BATS are not exposed to all market participants, BATS Options market makers will not be motivated to offer more than the minimum amount of price improvement ($0.01) to a customer.[27] In its response letter, BATS states that the proposed rule does not cap the price improvement opportunities available to Options Members in the price-time priority market of BATS Options; rather the proposed rule merely provides a minimum amount of price improvement that must be offered to a Directed Order.[28] Another commenter, however, argues that although the BATS proposal does not cap price improvement, the lack of competition at the non-displayed prices combined with the burden of quoting at the NBBO will depress the amount of price improvement offered by BATS Options market makers.[29]

Commenters further argue that the proposal will disincent market makers that do not have arrangements with Options Members from aggressively quoting and posting liquidity.[30] According to one of these commenters, BATS Options market makers to whom orders are not directed would have little to no incentive to quote at the NBBO because they would not be rewarded with trade executions, as Directed Orders would execute against non-displayed interest one increment better rather than the NBBO.[31] Another commenter also contends that, if the proposed rule change is approved, market participants that do not receive Directed Orders would be forced to quote less aggressively to account for adverse selection because MMPIOs would cherry-pick the most desirable order flow from the market with private hidden quotes.[32] As a result, according to this commenter, market liquidity would be damaged and average publicly quoted spreads would widen in some options contracts, particularly those that trade with wider than average spreads.[33]

Some commenters argue that the proposal would result in inferior executions for customer orders when a BATS Options market maker with a MMPIO at the best price is not selected by an Options Member to receive its Directed Order.[34] One of these commenters argues that the proposal is inconsistent with the Act because, if two MMPIOs have different non-displayed prices, a Directed Order could be directed to the MMPIO with the inferior price, resulting in a trade-through of a better price that is available to other participants.[35] BATS acknowledges that this factual scenario could be the case, but states that in the same way that the Directed Order proposal empowers BATS Options market makers to select which order flow providing firms to whom they wish to offer price improvement for the customers of that firm, the proposal also empowers Options Members to select which market making firms they wish to preference.[36] BATS believes that this is an important distinction that provides Options Members with competitive opportunities to seek price improvement on customer orders.[37] Further, BATS has amended its proposal to clarify that Options Members can enter into arrangements with, and elect to direct an order to, multiple market makers.[38] In such case, the incoming Directed Order would execute against the Directed Order market maker with the best non-displayed price (assuming that the Directed Order would execute against an MMPIO).

IV. Discussion and Commission Findings

After careful consideration of the proposal and the comments received, the Commission finds that the proposed rule change, as amended, is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange[39] and, in particular, the requirements of Section 6 of the Act.[40] Specifically, the Commission finds that the proposed rule change, as amended, is consistent with Section 6(b)(5) of the Act,[41] which requires, among other things, that the rules of a national securities exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest and are not designed to permit unfair discrimination between customers, issuers, brokers or dealers.

The Commission notes that the proposed rule change is designed to enhance opportunities in the market for BATS Options market makers to provide, and Options Members to obtain, price improvement for their customer orders. Specifically, to be eligible to trade with a Directed Order, the proposal requires a BATS Options market maker to have entered a MMPIO with a displayed price equal to the NBB (for sell Directed Orders) or the NBO (for buy Directed Orders), as well as a non-displayed price at least one cent better than the NBB or NBO, as applicable.[42] Thus, the Directed Order would receive price improvement over the NBB or NBO, as applicable. However, as discussed above, commenters expressed concern that the lack of exposure of the Directed Orders would negatively impact quote competition and deny other market participants meaningful opportunities to provide further price improvement to a Directed Order.[43]

The Commission has carefully considered the arguments expressed by

[25] *Id.*

[26] *See* Notice, *supra* note 3, at 18282.

[27] *See* BOX I Letter at 2; NYSE Euronext I Letter at 4 and NYSE Euronext II Letter at 4. *See also* Citadel Letter at 2.

[28] *See* BATS Letter at 6.

[29] *See* ISE II Letter at 2–3.

[30] *See* BOX I Letter at 1 and Wolverine Letter at 1. *See also* BOX II Letter at 2 (arguing that the high probability that an Options Member will designate only one BATS Options market maker to receive a Directed Order will mean internalization rates are likely to reach 100 percent and have the ''additional effect of discouraging competition on the regular order book across all of the options market, resulting in further degradation of NBBO spreads, to the detriment of all customers.''); ISE Letter at 6 (stating that the lack of competition for a Directed Order would result in a 100 percent execution guarantee for BATS Options market makers, which would be a significant departure from Commission policy that limits the level of allocation guarantees at 40 percent of the order to assure that such guarantees do not remove the incentive for other market participants to compete); NYSE Euronext II Letter at 5 (arguing similarly).

[31] *See* Wolverine Letter at 1.

[32] *See* Citadel Letter at 2.

[33] *See id.*

[34] *See* BOX II Letter at 2; Nasdaq I Letter at 1; Nasdaq Letter II at 2–3; NYSE Euronext I Letter at 2; and NYSE Euronext II Letter at 5.

[35] *See* Nasdaq I Letter at 1. *See also* NYSE Euronext II Letter at 5.

[36] *See* BATS Letter at 4–5.

[37] *See id.*

[38] *See* Amendment No. 2.

[39] In approving this proposed rule change the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[40] 15 U.S.C. 78f.

[41] 15 U.S.C. 78f(b)(5).

[42] BATS Rule 21.1(d)(13).

[43] *See supra* notes 14–33 and accompanying text.

commenters and by the Exchange. The Commission recognizes the concerns expressed and the difficult issues involved. The Commission believes that order exposure generally is beneficial to options markets in that it provides an incentive to options market makers to provide liquidity and therefore plays an important role in ensuring competition in the options markets.[44] The Commission also recognizes, however, the importance of providing effective opportunities for customer order flow in listed options to receive executions at prices better than the NBBO. In evaluating the proposal, the Commission has weighed the relative merits of each for the options markets.

On the options markets, specialists and market makers often compete for order flow by offering cash or non-cash inducements, known as payment for order flow (''PFOF''),[45] to brokers to send their orders to a particular market maker or exchange.[46] PFOF arrangements are prevalent in today's market.[47] These arrangements likely impact the incentives for market makers (or others) to quote aggressively to trade with order flow covered by such PFOF arrangements because market participants know that the market makers will be able to trade with some or all of the captured order flow as long as they match the NBBO (whether by displaying quotes that match the NBBO set by others or by matching better quotes elsewhere pursuant to mechanisms that provide market makers with the opportunity to step-up and trade with orders that are exposed for one second).

The BATS proposal offers an alternative mechanism to enable market makers to compete for order flow by providing better prices directly to customers[48] rather than through payments to the customer's broker.[49] The proposal allows market makers to differentiate between orders from traders that are relatively more informed about the short-term direction of prices (*e.g.,* professional traders) and orders from less informed traders (*e.g.,* retail investors). In this way, it may enable BATS Options market makers to provide better prices to less informed order flow that they otherwise would not be willing or able to provide if they had to make those prices available to all incoming order flow.[50] The Commission recognizes that other exchanges have adopted different mechanisms that include an order exposure element to provide price improvement to customer orders.[51] The Commission questions, however, the extent to which these mechanisms are utilized. In the context of this options market structure, the Commission believes that the proposal to provide an alternative mechanism for BATS options market makers to provide executions for customer orders at prices better than the NBBO is consistent with the Act.[52]

In response to commenters' concerns that the proposal would perpetuate a two-tiered market for customers—one market reflecting publicly available prices and sizes, and another reflecting a non-public pool of liquidity available for only certain approved customers[53]—the Commission notes that the Act does not prohibit exchange members or other broker-dealers from discriminating among customers, so long as their activities are not otherwise inconsistent with the federal securities laws.[54] The Commission also notes that the Act does not require exchanges to preclude discrimination by broker-dealers. Indeed, the Commission notes that broker-dealers commonly differentiate between customers based on the nature

[44] *See* Securities Exchange Act Release No. 63955 (February 24, 2011), 76 FR 11533 at 11540 (March 2, 2011) (SR–ISE–2010–73).

[45] The Commission has defined PFOF broadly as ''any monetary payment, service, property, or other benefit that results in remuneration, compensation, or consideration to a broker or dealer from any broker or dealer, national securities exchange, registered securities association, or exchange member in return for the routing of customer orders by such broker or dealer to any broker or dealer, national securities exchange, registered securities association, or exchange member for execution, including but not limited to: research, clearance, custody, products or services; reciprocal agreements for the provision of order flow; adjustment of a broker or dealer's unfavorable trading errors; offers to participate as underwriter in public offerings; stock loans or shared interest accrued thereon; discounts, rebates, or any other reductions of or credits against any fee to, or expense or other financial obligation of, the broker or dealer routing a customer order that exceeds that fee, expense or financial obligation.'' 17 CFR 240.10b–10(d)(9).

[46] Under a typical payment for order flow arrangement, a specialist or market maker offers an order entry firm cash or other economic inducement to route its customer orders to that specialist's or market maker's exchange because the specialist or market maker knows it will be able to trade with a portion of all incoming orders, including those from firms with which it has payment for order flow arrangements. For further discussion of PFOF and its impact on the options markets, *see* Securities Exchange Act Release No. 49175 (February 3, 2004), 69 FR 6124 (February 9, 2004).

[47] Reports under Rule 606 of Regulation NMS indicate that nearly all retail broker-dealers participate in PFOF arrangements. Regulation NMS Rule 606 reports posted by broker-dealers for the fourth quarter of 2010 indicate PFOF amounts that generally are around $0.30 per contract and can range up to $0.85 per contract.

[48] *See also* discussion of Ameritrade Letter on the Prior Proposal, *supra* note 12.

[49] The Commission views the BATS proposal as an alternative mechanism to PFOF, as it provides a means to benefit customers directly through price improvement, rather than the customer's broker through PFOF. The Commission is approving the BATS proposal in the context of the existence of PFOF arrangements in the options markets. Should such arrangements no longer be present in the options market, the Commission expects the Exchange to re-evaluate, and the Commission may re-evaluate, whether the Directed Order program is appropriate.

The Commission acknowledges, however, that the BATS proposal does not preclude an Options Member from separately entering into a PFOF arrangement with a BATS Options market maker but believes that, even if such arrangements occur, executions occurring pursuant to this proposal would receive prices better than the NBBO, thus providing a direct benefit to customers in the form of price improvement.

[50] It is well known in academic literature and industry practice that prices tend to move against market makers after trades with informed traders, often resulting in losses for market makers. *See* Stoll, H. R., ''The supply of dealer services in securities of markets,'' *Journal of Finance* 33 (1978), at 1133–51; Glosten, L. and P. Milgrom, ''Bid ask and transaction prices in a specialist market with heterogeneously informed agents,'' *Journal of Financial Economics* 14 (1985), at 71–100; and Copeland, T., and D. Galai, ''Information effects on the bid-ask spread,'' *Journal of Finance* 38 (1983), at 1457–69. Thus, there is a strong economic rationale for market makers not providing informed traders price improvement. Uninformed investors end up bearing the cost of these market maker losses through wider spreads that market makers need to quote to uninformed investors due to informed order flow. *Id.*

[51] The Commission notes that market makers on two other exchanges are not required to provide price improvement to Directed Orders using their price improvement auctions, whereas the BATS Directed Order program requires that a BATS Options market maker provide price improvement when entering the MMPIO over the NBBO to be able to trade with the Directed Order. *See* BOX Rules, Chapters V, Section 18 (The Price Improvement Period) and VI, Section 5(c) (Obligations of Market Makers) and ISE Rules 723 (Price Improvement Mechanism for Crossing Transactions) and 811 (Directed Orders). The Commission further notes that orders are not exposed for possible price improvement on other exchanges with ''preferenced'' order programs. Under the ''preferenced'' order programs on other exchanges, orders are sent to certain market makers, who, if quoting at the NBBO at the time the preferenced order is received, are guaranteed up to 40% of the order at that price, after resting customer orders at that price, if any, are executed. *See, e.g.,* CBOE Rule 8.13; ISE Rule 713, Supplementary Material .03; NYSE Amex Rule 964NY and 964.1NY.

[52] In response to comments that, because Directed Orders on BATS are not exposed to all market participants, BATS Options market makers would not be motivated to offer more than the minimum amount of price improvement to a customer, the Commission notes that, under the proposed rule, as amended, an Options Member may encourage competition for its Directed Orders by submitting them to more than one BATS Options market maker that has put that member on its eligible customer list, thereby potentially encouraging such market makers to provide more than a minimum amount of price improvement.

[53] *See supra* note 19 and accompanying text.

[54] The Commission further notes that it does not agree with the comment that an MMPIO is inconsistent with the Quote Rule (*see supra* note 19). An MMPIO is firm and available to all market makers at its displayed price. The non-displayed price of a MMPIO, however, is not communicated to market participants and thus is not a bid or offer for which a market maker is required to be firm pursuant to the Quote Rule.

and profitability of their business. Further, in general, investors as a class tend to have an opinion on the long-term prospects of a company, and are less informed about the intraday price movements that affect the profitability of market makers. Thus, market makers often view less informed order flow as desirable, and there is intense competition for this order flow. Allowing market makers to differentiate between customers may further encourage market makers to provide price improvement to less informed customer order flow, which would inure to the benefit of investors. One of the core principles of the Act, and Section 6(b)(5) thereof, is the protection of investors. Accordingly, the Commission does not believe that it would be inconsistent with the Act for the Exchange to provide, under the circumstances and facts set forth in this proposal, BATS Options market makers the ability to differentiate between customers in providing price improvement in the form of MMPIOs.[55]

The Exchange has proposed that the Directed Order program operate on a six-month pilot basis so that the Commission and the Exchange can monitor the effects of the pilot on the markets and investors, and consider appropriate adjustments, as necessary. To help the Commission and the Exchange evaluate the Directed Order program during the pilot, the Exchange proposes to provide to the Commission monthly data regarding price improvement and competition in the Directed Order program.[56] In addition, the Exchange has also represented to the Commission that it will provide a regulatory study regarding how it tests to determine whether the appropriate information barriers are in place to protect against an order flow provider giving a market maker advance notice of an incoming Directed Order or a BATS Options market maker providing information regarding its planned quoting activities or details about its MMPIO to an order flow provider. Approving the proposal on a pilot basis and requiring submission of monthly data will allow the Commission to analyze the Directed Order program and its impact, if any, on the marketplace.

V. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change, as modified by Amendment Nos. 1 and 2, is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form *http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–BATS–2011–009 on the subject line.

Paper Comments

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

All submissions should refer to File Number SR–BATS–2011–009. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BATS–2011–009 and should be submitted on or before July 28, 2011.

VI. Accelerated Approval of Proposed Rule Change, as Modified by Amendment Nos. 1 and 2

Amendment No. 2 revised the proposed rule change to permit Options Members to send Directed Orders to more than one BATS Options market maker. Amendment No. 2 also amended the proposed rule change to state that if a Directed Order is directed to more than one BATS Options market maker, such Directed Order will execute in price/time priority based on the non-displayed price of such orders, to the extent the Directed Order can execute against any MMPIO. These revisions are designed to respond to certain of the commenters' concerns regarding competition in the Directed Order program and clarify aspects of the proposal. In addition, the Commission notes that the proposed revisions may encourage an Options Member to submit a Directed Order to more than one BATS Options market maker, thereby potentially encouraging such market makers to compete with respect to the amount of price improvement they provide. Accordingly, the Commission finds good cause, pursuant to Section 19(b)(2) of the Act,[57] for approving the proposed rule change, as modified by Amendment Nos. 1 and 2, prior to the 30th day after the date of publication of notice in the **Federal Register**.

VII. Conclusion

It Is Therefore Ordered, pursuant to Section 19(b)(2) of the Exchange Act,[58] that the proposed rule change (SR–BATS–2011–009), as modified by Amendment Nos. 1 and 2, be, and hereby is, approved on an accelerated basis, for a pilot period ending January 30, 2012.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[59]

Cathy H. Ahn,

Deputy Secretary.

[FR Doc. 2011–16922 Filed 7–6–11; 8:45 am]

BILLING CODE 8011–01–P

[55] *See, e.g.,* Securities Exchange Act Release No. 64097 (March 18, 2011), 76 FR 16650 (March 24, 2011) (SR–BX–2010–079) (eliminating the anonymity of Directed Orders on a permanent basis). In its order approving a proposal to remove anonymity from the BOX Directed Order process, the Commission stated that it ''does not believe that it would be inconsistent with the federal securities laws for the Exchange to provide, under the circumstances set forth in this proposal, the means for its Market Makers to differentiate between customers in providing price improvement or other non-required advantages to certain customers.''

[56] *See supra* Section II for the statistics to be provided by the Exchange in monthly reports detailing its ongoing review of the pilot.

[57] 15 U.S.C. 78s(b)(2).

[58] 15 U.S.C. 78s(b)(2).

[59] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–64792; File No. SR–EDGA–2011–19]

Self-Regulatory Organizations; EDGA Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Make Available Without Charge the EDGA Book Feed and To Add a Description of the EDGA Book Feed to New Rule 13.8

July 1, 2011.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on June 29, 2011, EDGA Exchange, Inc. (the ''Exchange'' or ''EDGA'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange proposes to make available without charge the EDGA book feed (''EDGA Book Feed''), an EDGA data feed that displays depth of book information. The Exchange also proposes to add a description of the EDGA Book Feed to new Rule 13.8. The text of the proposed rule change is attached as Exhibit 5 and is available on the Exchange's Web site at *http://www.directedge.com,* at the Exchange's principal office, and at the Public Reference Room of the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to describe the availability of the EDGA Book Feed, a data feed that contains all orders for securities trading on the Exchange. The EDGA Book Feed is available to all EDGA members equally at no charge, and offers all firms real-time data concerning EDGA's depth of book. EDGA makes the EDGA Book Feed available to all market participants via subscription through an established connection to EDGA through extranets, direct connection, and service bureaus. The EDGA Book Feed is available in multicast and unicast formats.

The EDGA Book Feed contains the following data elements: all displayed orders for listed securities trading on EDGA, order executions, order cancellations, order modifications, order identification numbers, and administrative messages.

By making the EDGA Book Feed data available, EDGA enhances market transparency and fosters competition among orders and markets. Member firms may use the EDGA Book Feed to more accurately price their orders based on EDGA's view of the depth of book information, such as all displayed limit orders at any point in time. Additionally, Members can track their own orders from order entry to execution.

The Exchange proposes to add the definition of EDGA Book Feed to new Rule 13.8(a). In addition, the Exchange proposes to add to Rule 13.8(b) the process by which a Member can obfuscate their unique order identification number on the EDGA Book Feed for subsequent replenishments of reserve orders per Market Participant Identifier (''MPID'') for all logical ports or specific logical ports, as designated by the Member. In order to do so, and have a randomly generated order identification number applied to the replenishment of Member's reserve orders, the Member would contact Member Services via email or phone. Such feature would be enabled the next trading day by the Exchange for the Member-selected MPID for all logical ports or specific logical ports until further instructions are received by Member Services from the Member. The Exchange believes that the random order identification number would help deter other market participants from being able to trace the life of a specific order, including short-term price movements and trading patterns.

At this time, EDGA does not have plans to charge an additional fee associated with the receipt of the EDGA Book Feed. Should EDGA determine to charge fees associated with the EDGA Book Feed, EDGA will submit a proposed rule change to the Commission in order to implement those fees.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the objectives of Section 6 of the Act,[3] in general, and furthers the objectives of Section 6(b)(5),[4] in particular, as it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. EDGA believes that this proposal is in keeping with those principles by promoting increased transparency through the dissemination of the EDGA Book Feed and by codifying its availability.

In addition, EDGA is making a voluntary decision to make this data available. EDGA is not required by the Act in the first instance to make the data available, unlike the best bid and offer which must be made available under the Act. EDGA chooses to make the data available as proposed in order to improve market quality, to attract order flow, and to increase transparency. Once this filing becomes effective, EDGA will be required to continue making the data available until such time as EDGA changes its rule.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78f.

[4] 15 U.S.C. 78f(b)(5).

unsolicited written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [5] and Rule 19b–4(f)(6)(iii) thereunder.[6]

A proposed rule change filed under Rule 19b–4(f)(6) [7] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b4(f)(6)(iii),[8] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked that the Commission waive the 30-day pre-operative waiting period contained in Rule 19b-4(f)(6)(iii).[9] The Exchange has requested such waiver because it believes that such waiver is consistent with the protection of investors and the public interest because it would permit EDGA to immediately provide the information regarding the EDGA Book Feed access requirements to market participants. Specifically, the Exchange believes that, because the EDGA Book Feed is already available, strictly voluntary, and free to receive, waiver is consistent with the protection of investors and the public interest. For these reasons, the Commission sees no reason to delay implementation of the proposed rule change. The Commission believes it is consistent with the protection of investors and the public interest to waive the 30-day operative delay, and hereby grants such waiver.[10]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

[5] 15 U.S.C. 78s(b)(3)(A).

[6] 17 CFR 240.19b–4(f)(6)(iii).

[7] 17 CFR 240.19b–4(f)(6).

[8] 17 CFR 240.19b–4(f)(6)(iii).

[9] *Id.*

[10] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule change's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–EDGA–2011–19 on the subject line.

Paper Comments

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

All submissions should refer to File Number SR–EDGA–2011–19. This file number should be included on the subject line if e-mail is used.

To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml).* Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal offices of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–EDGA–2011–19, and should be submitted on or before July 28, 2011.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Cathy H. Ahn,

Deputy Secretary.

[FR Doc. 2011–17034 Filed 7–6–11; 8:45 am]

BILLING CODE 8011–01–P

[11] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–64780; File No. SR–NYSEArca–2011–40]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending Certain Rules and Adding New Rules so That They Remain Substantially Similar to Corresponding Financial Industry Regulatory Authority Rules in Accordance With a Rule 17d–2 Agreement

June 30, 2011.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on June 20, 2011, NYSE Arca, Inc. (the ''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend certain rules and add new rules so that they remain substantially similar to corresponding Financial Industry Regulatory Authority (''FINRA'') rules in accordance with a Rule 17d–2 agreement between the two self-regulatory organizations. The text of the proposed rule change is available at the Exchange, the Commission's Public Reference Room, and *http://www.nyse.com.*

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of,

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend certain rules and add new rules so that they remain substantially similar to corresponding FINRA [4] rules for purposes of a Rule 17d–2 agreement between the two SROs.[5]

Background

SEC Rule 17d–2 [6] permits SROs to propose joint plans for the allocation of regulatory responsibilities, other than financial responsibility rules, with respect to their common members. Under paragraph (c) of Rule 17d–2, the Commission may declare such a plan effective if, after providing for appropriate notice and comment, it determines that the plan is necessary or appropriate in the public interest and for the protection of investors, to foster cooperation and coordination among the SROs, to remove impediments to, and foster the development of, a national market system and a national clearance and settlement system, and is in conformity with the factors set forth in Section 17(d) of the Securities Exchange Act of 1934, as amended (the ''Act''). Upon effectiveness of a plan filed pursuant to Rule 17d–2, an SRO is relieved of those regulatory responsibilities for common members that are allocated by the plan to another SRO.

The Commission has issued an order granting approval and declaring effective a plan filed by NYSE Arca and NASD (together the ''Parties'') dated February 9, 2007 (''the Plan'') under which regulatory responsibility for Common Rules is allocated to NASD.[7] ''Common Rules'' are defined as NYSE Arca Equities rules that are substantially similar to NASD rules in that NYSE Arca's rule would not require NASD to develop one or more new examination standards, modules, procedures, or criteria in order to analyze the application of the rule, or a dual member's activity, conduct or output in relation to such rule. The Plan includes an attachment, ''NYSE Arca Rules Certification for 17d–2 Agreement with NASD,'' that lists Common Rules.

Proposed Rule Change

In accordance with Paragraph 2 of the Plan, the Exchange has undertaken a review of the Common Rules. In order to maintain the current list of Common Rules under the Plan, the Exchange proposes to amend certain its rules or add new NYSE Arca Equities rules so that they remain substantially similar to corresponding FINRA rules as described below.[8]

NYSE Arca Equities Rule 2.21(a) and (i) would be amended to delete references to filing paper registration forms for registration categories not available electronically on CRD because such categories no longer exist and thus all NYSE Arca Equities registration forms are filed electronically, as is the case with FINRA registrations pursuant to FINRA Rule 1010(c). NYSE Arca Equities Rule 2.21(i) also would be amended to change the period for filing Form U5 from 10 to 30 days to conform it with FINRA's Form U5 filing period in Article VI, Section 3(a) of FINRA's Bylaws.

NYSE Arca Equities Rule 2.21(d)(1)(B) would be amended to delete references to any discretion for NYSE Arca with respect to compliance with continuing education requirements to be consistent with NASD Rule 1120.

NYSE Arca Equities Rule 2.21(e), which concerns outside business activities, would be deleted and the text of FINRA Rule 3270 would be adopted as new NYSE Arca Equities Rule 3270.[9]

NYSE Arca Equities Rules 2.21(g) and (h), which concerns gifts and gratuities, would be deleted and the text of FINRA Rule 3220 would be adopted as new NYSE Arca Equities Rule 3220.

NYSE Arca Equities Rule 2.21(j) would be amended to remove the requirement for approval of officers, for which FINRA does not have a corresponding requirement, and to remove an outdated reference to a change in continuing education requirements.

NYSE Arca Equities Rule 6.6, which addresses frontrunning block transactions, would be amended to change the number of shares that would trigger application of the Rule from 5,000 to 10,000 shares to make it consistent with FINRA's requirements under NASD IM–2110–3.

NYSE Arca Equities Rule 6.16, which addresses trading ahead of customer orders, would be deleted and the text of NASD IM–2110–2 would be inserted in that Rule. The Exchange would also add new NYSE Arca Equities Rule 6.16A, which would insert the text of NASD Rule 2111, which concerns trading ahead of customer market orders.[10]

NYSE Arca Equities Rule 9.1(a), which concerns an ETP Holder's registration, would be amended to conform it with Article IV, Section 1(c) of FINRA's By-Law, which requires that a member's registration to be kept current by supplementary amendments.

NYSE Arca Equities Rules 9.1(f) and 9.10, which concern sharing in customer accounts and assumption of customer losses, would be deleted and the text of FINRA Rule 2150 would be adopted as new NYSE Arca Equities Rule 2150.

NYSE Arca Equities Rule 9.15, which concerns customer account statements, would be deleted and the text of NASD Rule 2340(a) and (b) and the relevant definitions from paragraph (d) of that Rule would be adopted as new NYSE Arca Equities Rule 9.15.

NYSE Arca Equities Rules 9.21(a) through 9.25, which concern advertising and sales literature, would be deleted and the text of NASD Rule 2210 would be adopted as new NYSE Arca Equities Rule 9.21.

The Exchange would also adopt FINRA Rule 2010, which concerns

[4] FINRA was formerly known as the National Association of Securities Dealers, Inc. or ''NASD'' and is the successor entity with respect to the Rule 17d–2 agreement discussed herein.

[5] *See* Securities Exchange Act Release No. 55505 (March 22, 2007), 72 FR 14628 (March 28, 2007).

[6] *See* 17 CFR 240.17d–2.

[7] *See* Securities Exchange Act Release No. 55505 (March 22, 2007), 72 FR 14628 (March 28, 2007). The Parties first entered into a Rule 17d–2 agreement in 1977, which thereafter was amended several times. *See* Securities Exchange Act Release No. 54394 (August 31, 2006), 71 FR 52827 n. 14 (September 7, 2006) (''2006 Release'').

[8] Because the Parties will only be adding to, deleting from, or confirming changes to NYSE Arca rules in the Certification in conformance with the definition of Common Rules, the modifications to the Certification need not be filed with the Commission as an amendment to the Plan. *See* 2006 Release at 52829. If the Commission approves [sic] the proposed rule change, NYSE Arca will submit the updated list of Common Rules to FINRA for its confirmation in accordance with the Plan.

[9] NYSE Arca Equities rule numbers that would no longer be used would be marked ''Reserved.''

[10] The SEC has approved FINRA Rule 5320, which harmonizes NASD IM–2110–2 and NASD Rule 2111 with New York Stock Exchange LLC (''NYSE'') Rule 92. *See* Securities Exchange Act Release No. 63895 (February 11, 2011), 76 FR 9386 (February 17, 2011) (SR–FINRA–2009–090). The anticipated implementation date of FINRA Rule 5320 is September 12, 2011. *See* FINRA Regulatory Notice 11–24 (May 12, 2011). The Exchange, along with its affiliates, NYSE and NYSE Amex LLC, will be submitting a rule filing to adopt the text of FINRA Rule 5320 as part of its rules and implement the change concurrently with FINRA. The proposed amendment to NYSE Arca Equities Rule 6.16 and the addition of Rule 6.16A will serve to harmonize NYSE Arca Equities' requirements with FINRA's requirements in the interim period until the September 12, 2011 implementation.

standards of commercial honor and just and equitable principles of trade, and FINRA Rule 2020, which concerns the use of manipulative, deceptive, or other fraudulent devices, as NYSE Arca Equities Rules 2010 and 2020, respectively.

Finally, the Exchange proposes certain non-substantive technical changes. For consistency with Exchange rules, the Exchange proposes to change all references from ''members'' to ''ETP Holders'' and from ''Pacific Exchange'' to ''NYSE Arca'' and to cross-reference to its own rules where appropriate, rather than NASD or FINRA rules.[11] Finally, the Exchange has determined to include references to security futures, direct participation programs, and collateralized mortgage obligations in proposed NYSE Arca Equities Rule 9.21, which concerns advertising and sales literature; although the Exchange currently does not trade such products, it has determined to maintain such references for the sake of consistency with FINRA rules.

2. Statutory Basis

The proposed rule change is consistent with the Act,[12] in general, and furthers the objectives of Section 6(b)(5) of the Act,[13] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and a national market system.

The Exchange believes that the proposed rule change supports the objectives of the Act by providing greater harmonization between NYSE Arca Equities Rules and FINRA Rules of similar purpose, resulting in less burdensome and more efficient regulatory compliance for dual members of both SROs. To the extent the Exchange has proposed changes that differ from the FINRA version of the rules, such changes are technical in nature and do not change the substance of the proposed NYSE Arca Equities rules.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, it has become effective pursuant to Section 19(b)(3)(A) of the Act[14] and Rule 19b–4(f)(6) thereunder.[15]

A proposed rule change filed under Rule 19b–4(f)(6)[16] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[17] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing in order to avoid regulatory gaps between the FINRA and NYSE Arca Equities rules.

The Commission believes that waiver of the operative delay would enable the Exchange to harmonize its rules with FINRA's rules without delay to support the objectives of the Rule 17d–2 Plan, which provides that the Common Rules of NYSE Arca Equities and FINRA are to be substantially similar. The Commission designates the proposal operative upon filing.[18]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–NYSEArca–2011–40 on the subject line.

Paper Comments

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

All submissions should refer to File Number SR–NYSEArca–2011–40. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street, NE.,

[11] For example, in proposed NYSE Arca Equities Rule 6.16(a), the Exchange proposes to cross-reference proposed NYSE Arca Equities Rule 2010, rather than FINRA Rule 2010, and in proposed NYSE Arca Equities Rule 6.16A(d), the Exchange proposes to cross-reference its definition of ''institutional account'' in NYSE Arca Equities Rule 9.2(a)(3), which is substantially the same as FINRA's definition.

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(5).

[14] 15 U.S.C. 78s(b)(3)(A).

[15] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[16] 17 CFR 240.19b–4(f)(6).

[17] 17 CFR 240.19b–4(f)(6)(iii).

[18] For purposes only of waiving the operative delay for this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2011–40 and should be submitted on or before July 28, 2011.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

Cathy H. Ahn,

Deputy Secretary.

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[19] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–64796; File No. S7–28–11]

Order Pursuant to Section 36 of the Securities Exchange Act of 1934 Granting Temporary Exemptions From Clearing Agency Registration Requirements Under Section 17A(b) of the Exchange Act for Entities Providing Certain Clearing Services for Security-Based Swaps

July 1, 2011.

I. Introduction

Title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 (''Dodd-Frank Act''),[1] amends the Securities Exchange Act of 1934 (''Exchange Act'') to provide for the comprehensive regulation of security-based swaps [2] by the Securities and Exchange Commission (''Commission'').[3] Among other things, Title VII seeks to ensure that, wherever possible and appropriate, derivatives contracts formerly traded exclusively in the over-the-counter (''OTC'') market are centrally cleared.[4] One of the key ways in which the Dodd-Frank Act seeks to mitigate risk in the security-based swap market is by requiring that entities that clear and settle security-based swaps be registered with the Commission. Specifically, section 763(b) of the Dodd-Frank Act adds a new section 17A(g) to the Exchange Act, which directs entities that use instrumentalities of interstate commerce to perform clearing agency functions for security-based swaps to register with the Commission.[5]

Section 763(b) of the Dodd-Frank Act also directs the Commission, by adding new sections 17A(i) and (j) of the Exchange Act, to adopt rules for the implementation of the registration requirement in new section 17A(g). The Title VII amendments for which rules are not required generally are effective on July 16, 2011 (360 days after enactment of the Dodd-Frank Act, referred to herein as the ''Effective Date''). Provisions that require rules for implementation become effective not less than 60 days after publication of the related final rule or on July 16, 2011, whichever is later.[6]

Section 17A(j) of the Exchange Act requires the Commission to adopt rules governing persons that are registered as clearing agencies for security-based swaps under the Exchange Act.[7] Section 17A(i) of the Exchange Act provides that, to be registered and to maintain registration as a clearing agency that clears security-based swap transactions, a clearing agency must comply with such standards as the Commission may establish by rule.[8] Consistent with these provisions, as well as provisions in Title VIII of the Dodd-Frank Act,[9] the Commission on March 3, 2011 proposed rules regarding registration of clearing agencies and the operation and governance of clearing agencies, including clearing agencies that clear security-based swaps.[10] Pursuant to section 774 of the Dodd-Frank Act, discussed above, compliance with section 17A(g) of the Exchange Act will not be required as of the Effective Date because sections 17A(i) and (j) require rulemaking to implement the registration requirement pursuant to section 17A(g) of clearing agencies that clear security-based swap transactions.[11] Instead compliance with section 17A(g) of the Exchange Act will be required not less than 60 days after the publication of final rules relating to registration of clearing agencies that clear security-based swaps pursuant to sections 17A(i) and (j) of the Exchange Act.

In contrast to section 17A(g) of the Exchange Act, the registration requirement of section 17A(b) of the Exchange Act, which applies to all clearing agencies, will apply to security-based swap clearing agencies when the provision of the Dodd-Frank Act that amends the definition of ''security'' under the Exchange Act to include security-based swaps becomes effective, *i.e.,* on the Effective Date.[12]

[1] Public Law 111–203.

[2] Section 761(a)(6) of the Dodd-Frank Act defines a ''security-based swap'' as any agreement, contract, or transaction that is a ''swap,'' as defined in section 1a(47) of the Commodity Exchange Act, 7 U.S.C. 1a(47), that is based on an index that is a narrow-based security index, a single security, or a loan, including any interest therein or on the value thereof; or the occurrence, nonoccurrence, or extent of the occurrence of an event relating to a single issuer of a security or the issuers of securities in a narrow-based security index, provided that such event directly affects the financial statements, financial condition, or financial obligations of the issuer. *See* section 3(a)(68) of the Securities Exchange Act of 1934 (''Exchange Act''), 15 U.S.C. 78c(a)(68) (as added by section 761(a)(6) of the Dodd-Frank Act). Section 712(d) of the Dodd-Frank Act provides that the Commission and the Commodity Futures Trading Commission (''CFTC''), in consultation with the Board of Governors of the Federal Reserve System, shall, among other things, jointly further define the terms ''swap'' and ''security-based swap.'' *See* SEC Release No. 9204 (April 29, 2011), 76 FR 32880 (June 7, 2011) (proposing product definitions contained in Title VII of the Dodd-Frank Act).

[3] Section 761(a)(2) of the Dodd-Frank Act includes security-based swaps in the definition of ''security'' in section 3(a)(10) of the Exchange Act, 15 U.S.C. 78c. *See also* section 768(a)(1) of the Dodd-Frank Act (amending section 2(a)(1) of the Securities Act of 1933, 15 U.S.C. 77b(a)(1), to include security-based swaps in the definition of ''security'').

[4] *See, e.g.,* Report of the Senate Committee on Banking, Housing, and Urban Affairs regarding The Restoring American Financial Stability Act of 2010, S. Rep. No. 111–176 at 34 (stating that ''[s]ome parts of the OTC market may not be suitable for clearing and exchange trading due to individual business needs of certain users. Those users should retain the ability to engage in customized, uncleared contracts while bringing in as much of the OTC market under the centrally cleared and exchange-traded framework as possible.'').

[5] Public Law 111–203 § 763(b).

[6] *See* section 774 of the Dodd-Frank Act, 15 U.S.C. 77b note. *See also* Exchange Act Release No. 64678 (June 15, 2011), granting temporary exemptions and other temporary relief, together with information on compliance dates for new provisions of the Exchange Act applicable to security-based swaps.

[7] Public Law 111–203 § 763(b).

[8] *Id.*

[9] Title VIII of the Dodd-Frank Act, entitled the Payment, Clearing, and Settlement Supervision Act of 2010 (''Clearing Supervision Act''), establishes an enhanced supervisory and risk control system for systemically important clearing agencies and other financial market utilities (''FMUs''). It provides that the Commission may prescribe regulations containing risk management standards, taking into consideration relevant international standards and existing prudential requirements, for any designated clearing entities it regulates. *See* section 805(a)(2) of the Clearing Supervision Act. Those regulations may govern: ''(A) the operations related to payment, clearing, and settlement activities of such designated clearing entities; and (B) the conduct of designated activities by such financial institutions.'' 12 U.S.C. 5464(a)(2).

[10] Securities Exchange Act Release No. 64017 (March 3, 2011), 76 FR 14472 (March 16, 2011) (File No. S7–08–11) (the ''Clearing Agency Proposing Release'').

[11] Securities Exchange Act Release No. 64678 (June 15, 2011) 76 FR 36287 (June 22, 2011) (File No. S7–24–11) (Temporary Exemptions and Other Temporary Relief, Together With Information on Compliance Dates for New Provisions of the Securities Exchange Act of 1934 Applicable to Security-Based Swaps).

[12] *See* section 761(a)(2) of the Dodd-Frank Act (amending section 3(a)(10) of the Exchange Act, 15 U.S.C. 78c(a)(10)).

Accordingly, absent relief by the Commission, any entity that functions as a clearing agency for security-based swaps would be required to register with the Commission pursuant to section 17A(b)(1) of the Exchange Act as of the Effective Date.[13]

The Commission notes that the term ''clearing agency'' under section 3(a)(23)(A) of Exchange Act is defined broadly to include any person who:

- Acts as an intermediary in making payments or deliveries or both in connection with transactions in securities;
- Provides facilities for the comparison of data regarding the terms of settlement of securities transactions, to reduce the number of settlements of securities transactions, or for the allocation of securities settlement responsibilities;
- Acts as a custodian of securities in connection with a system for the central handling of securities whereby all securities of a particular class or series of any issuer deposited within the system are treated as fungible and may be transferred, loaned, or pledged by bookkeeping entry, without physical delivery of securities certificates (such as a securities depository); or
- Otherwise permits or facilitates the settlement of securities transactions or the hypothecation or lending of securities without physical delivery of securities certificates (such as a securities depository).[14]

Based on this broad definition, the Commission indicated in the ''Clearing Agency Proposing Release'' that it preliminarily believes that certain service providers that facilitate security-based swap contract management may meet the clearing agency definition.[15] The Clearing Agency Proposing Release has only recently been issued and the Commission is still considering these services in the context of the Clearing Agency Proposing Release and the comments received on the proposing release. Specifically, the Commission indicated it preliminarily believes that Collateral Management Services, Trade Matching Services, and Tear Up and Compression Services (as defined below), if engaged in by security-based swap market participants, would qualify these participants as clearing agencies and therefore trigger the statutory requirement to register as clearing agencies:[16]

- *''Collateral Management Services'':* Collateral management generally involves calculating collateral requirements and facilitating the transfer of collateral between counterparties. In the Clearing Agency Proposing Release, the Commission stated that entities that calculate net payment obligations among counterparties for security-based swaps and provide instructions for payments, including with respect to quarterly interest, credit events, and upfront fees, are likely acting as intermediaries in making payments or deliveries or both in connection with transactions in securities.
- *''Trade Matching Services'':* Trade matching generally is the process whereby an intermediary compares each market participant's trade data regarding the terms of settlement of securities transactions, in order to reduce the number of settlements of securities transactions, or to allocate securities settlement responsibilities. This includes activities of an intermediary that captures trade information regarding a securities transaction and performs an independent comparison of that information that results in the issuance of binding matched terms to the transaction.[17]
- *''Tear Up and Compression Services'':*[18] Based on discussions between the Commission staff and market participants, the Commission understands that tear up and compression service providers generally operate in the following manner:
  - The providers execute an algorithm seeking to reduce the gross notional value of trades and the total number of trades but do not alter the counterparty risk or market risk associated with the trades beyond specified parameters.
  - When using a tear up and compression service, the users send all transactions they are willing to terminate to the service. Each user sets tolerances for counterparty exposures it is willing to absorb and how much money it is willing to pay in trade termination costs. The submitted transactions are matched using an algorithm and tolerances specified by the user.
  - The service then proposes terminations across all parties who participated, including payments for termination. The users consider the proposal, check their own records, and, if they choose to accept the proposal, fax or otherwise notify their acceptance to the service. If the service receives acceptances from all users, the transaction is considered binding, and the relevant transactions are considered terminated.
  - The users generally exchange payments and confirmations outside the service. The tear up and compression service provider sends the completed files to a third party service provider for matching, and the ''torn up'' transactions are terminated in bulk at the security-based swap data repository, which maintains a record of which parties terminated the ''torn up'' trades.

The Commission is using its authority under section 36 of the Exchange Act[19] to provide a conditional temporary exemption, until the compliance date for the final rules relating to registration of clearing agencies that clear security-based swaps pursuant to sections 17A(i) and (j) of the Exchange Act, from the registration requirement in section 17A(b)(1) of the Exchange Act to any clearing agency that may be required to register with the Commission solely as a result of providing Collateral Management Services, Trade Matching Services, Tear Up and Compression Services, and/or substantially similar services for security based swaps (the ''Exempted Activities''). As discussed below, the Commission believes that such action is necessary and appropriate in the public interest and consistent with the protection of investors because this conditional temporary exemption would avoid the potential for disruption

[13] Section 17A(b)(1) provides (with limited exceptions) that it shall be unlawful for any clearing agency, unless registered in accordance with this subsection, directly or indirectly, to make use of the mails or any means or instrumentality of interstate commerce to perform the functions of a clearing agency with respect to any security. 15 U.S.C. 78q–1(b)(1). Upon the effective date of section 761(a)(2), security-based swaps will be included in the definition of a security in section 3(a)(10). *See supra* note 3.

[14] 15 U.S.C. 78c(a)(23)(A).

[15] *See* Securities Exchange Act Release No. 64017, *supra* note 9.

[16] The Commission stresses that the functions highlighted herein and in the Clearing Agency Proposing Release are not an exhaustive list and urges each security-based swap service provider to consider whether its functions place it within the clearing agency definition.

[17] *See also* Exchange Act Release No. 39829 (April 6, 1998), 63 FR 17943 (April 13, 1998) (File No. S7–10–98) (''A vendor that provides a matching service will actively compare trade and allocation information and will issue the affirmed confirmation that will be used in settling the transaction.'').

[18] Tear-up or multilateral portfolio trade compression services for OTC derivatives seek to eliminate unnecessary or duplicative trades from the market while maintaining a market participant's overall exposure or risk in the market. This allows dealers to reduce operational risk, freeing up liquidity and capital. By reducing the gross notional outstanding of OTC derivatives in normal times, portfolio trade compression provides effective measures to address the risk to individual dealers associated with uncoordinated, disorderly close-out transactions of the positions of a defaulting major dealer. Compression is offered by several vendors, and major market participants are now engaged in regular compression exercises. *See* Financial Stability Board, *Implementing OTC Derivatives Market Reforms,* (October 25, 2010), *available at http://www.Financialstabilityboard.org/publications/r_101025.pdf.*

[19] 15 U.S.C. 78mm.

of these important services to investors pending the implementation of the registration framework and related standards and operational requirements contemplated under sections 17A(g), (i), and (j) of the Exchange Act, and pending further consideration of the appropriate regulatory treatment of persons conducting Exempted Activities. The Commission also believes that the temporary conditional exemption is necessary and appropriate because it will provide legal certainty to the security-based swap market and security-based swap market participants.

II. Discussion

Our action today provides a temporary exemption, until the compliance date for the final rules relating to registration of clearing agencies that clear security-based swaps pursuant to sections 17A(i) and (j) of the Exchange Act, from section 17A(b)(1) of the Exchange Act to persons conducting Exempted Activities. This temporary exemption is subject to a condition that is designed to provide greater information regarding persons that are using this exemption to conduct Exempted Activities and the nature of these activities.[20] Specifically, entities relying on the temporary exemption must provide notice to the Commission with identifying information consisting of the full legal name of the person, a description of the person's corporate structure, contact person and contact information. Such indentifying information is needed to provide the Commission with information regarding who is seeking to use the exemption and how to contact such persons. In addition, they must provide the Commission with a detailed description of the Exempted Activities they conduct, including the nature of services performed, number and nature of parties to whom services are provided, and the volume of transactions conducted in connection with the services performed for each of the last two years. The Commission is requiring this information in order to better understand the types of services that are being provided pursuant to this exemption and the role such services play in the security-based swap market. The notice must be provided to the Commission within twenty-one days of relying on this exemption. The Commission believes twenty-one days should provide sufficient time for an entity to prepare the information required in the notice, including a detailed description of the Exempted Activities it provides.

In light of the condition to this exemptive order and the temporary duration of the relief, the Commission believes this exemption should help to facilitate the aim of the Dodd-Frank Act to ensure that clearing functions are appropriately utilized to reduce risk in the OTC market for derivatives.[21] Entities that conduct Exempted Activities can play an important role in facilitating risk reduction in the security-based swap market, including by helping to reduce the outstanding number of trades and providing useful operational functions for clearing security-based swaps. Persons conducting Exempted Activities, to the extent they are required to register under section 17A(g), will need time to consider and come into compliance with requirements yet to be adopted by the Commission pertaining to clearing agencies that clear security-based swaps. As a result, absent the exemption granted by this order, the ability of such entities to continue to provide these services may be disrupted, resulting in potential lapses in the provision of these services.[22]

The exemption will be effective until the compliance date for the final rules relating to registration of clearing agencies that clear security-based swaps pursuant to sections 17A(i) and (j) of the Exchange Act. This limited duration will permit the Commission to implement the statutory provisions pertaining to the registration of clearing agencies that clear security-based swaps without disrupting existing services. It will also permit the Commission to gain more information concerning the number and types of entities that conduct Exempted Activities, to learn more about how those activities contribute to a national system for the clearance and settlement of security-based swap transactions, and to evaluate the appropriate regulatory treatment of those entities. The limited duration of the exemption will also permit the entities conducting Exempted Activities to review their operations, procedures and processing requirements in the context of the new requirements stemming from the Dodd-Frank Act.

III. Solicitation of Comments

The Commission requests comment on this exemption for clearing agencies that may be required to register with the Commission solely as a result of their conducting the Exempted Activities. The Commission is soliciting public comment on all aspects of this exemption, including whether the condition to the temporary exemption is appropriate or alternatively whether the Commission should consider modifying this condition in the future. Why or why not? Should other conditions apply? If so, what conditions and why?

Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/other.shtml*);
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number S7–28–11 on the subject line; or
- Use the Federal eRulemaking Portal (*http://www.regulations.gov/*). Follow the instructions for submitting comments.

Paper Comments

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

All submissions should refer to File Number S7–28–11. This file number should be included on the subject line if e-mail is used. To help us process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/other.shtml*). Comments are also available for public inspection and copying in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 1 a.m. and 3 p.m. All comments received will be posted without change; we do not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

[20] The Paperwork Reduction Act of 1993 (''PRA''), 44 U.S.C. 3501 *et seq.,* defines a ''collection of information'' as ''the obtaining, causing to be obtained, soliciting or requiring the disclosure to third parties or the public, of facts or opinions by or for an agency, regardless of form or format, calling for * * * answers to identical questions posed to, or identical reporting or recordkeeping requirements imposed on, ten or more persons * * *.'' 44 U.S.C. 3502(3)(A). The Commission preliminarily does not believe that the reporting and recordkeeping provisions in this Order contain ''collection of information requirements'' within the meaning of the PRA because fewer than ten persons are expected to rely on the exemption based on our discussions with industry participants regarding entities engaged in Exempted Activities.

[21] *See supra* note 4 and accompanying text.

[22] Entities that act as central counterparties for security-based swaps will need to be registered with the Commission as clearing agencies. However, the entities that currently perform the vast majority of central counterparty services with respect to security-based swaps will be deemed registered with the Commission pursuant to Exchange Act section 17A(l). *See* Public Law 111–203 § 763(b).

IV. Conclusion

It is hereby ordered, pursuant to section 36(a) of the Exchange Act, that, until the compliance date for final rules issued by the Commission pursuant to sections 17A(i) and (j) of the Exchange Act relating to registration of clearing agencies that clear security-based swaps:

Any person that would otherwise be required to register with the Commission as a clearing agency under section 17A(b)(1) of the Exchange Act solely as a result of conducting Exempted Activities with respect to security based swaps shall be exempt from section 17A(b)(1) of the Exchange Act, provided that such person shall submit, within twenty-one days of relying on this exemption, a notice to the Commission [23] that includes the full legal name of the person, a description of the person's corporate structure, contact person and contact information, and a detailed description of the Exempted Activities for security-based swaps conducted by the person, including the nature of services performed, number and nature of parties to whom services are provided, and the volume of transactions conducted in connection with the services performed for each of the last two years.

By the Commission.

Elizabeth M. Murphy,

Secretary.

[FR Doc. 2011–17053 Filed 7–6–11; 8:45 am]

BILLING CODE 8011–01–P

[23] Any such notice should be sent to: Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549, and be noted as regarding this ''File No. S7–28–11.''

DEPARTMENT OF STATE

[Public Notice 7518]

30-Day Notice of Proposed Information Collections: ECA/P/V Youth and Leadership Survey Questions

ACTION: Notice of request for public comment and submission to OMB of proposed collection of information.

SUMMARY: The Department of State has submitted the following information collection requests to the Office of Management and Budget (OMB) for approval in accordance with the Paperwork Reduction Act of 1995.

- *Title of Information Collection:* ECA/P/V Youth and Leadership Programs: Pre Program Survey Questions.
- *OMB Control Number:* None.
- *Type of Request:* New Collection.
- *Originating Office:* Bureau of Educational and Cultural Affairs, Office of Policy and Evaluation, Evaluation Division (ECA/P/V).
- *Form Number:* SV2011–0019.
- *Respondents:* Participants in ECA exchange programs that focus on youth and leadership. Specifically the programs that bring students to the United States. For the purposes of this collection ''youth'' is defined solely as high-school aged.
- *Estimated Number of Respondents:* 1,500 annually.
- *Estimated Number of Responses:* 1,500 annually.
- *Average Hours per Response:* 20 minutes.
- *Total Estimated Burden:* 500 hours annually.
- *Frequency:* On Occasion.
- *Obligation To Respond:* Voluntary.
- *Title of Information Collection:* ECA/P/V Youth and Leadership Programs: Post Program Survey Questions.
- *OMB Control Number:* None.
- *Type of Request:* New Collection.
- *Originating Office:* Bureau of Educational and Cultural Affairs, Office of Policy and Evaluation, Evaluation Division (ECA/P/V).
- *Form Number:* SV2011–0020.
- *Respondents:* Participants in ECA exchange programs that focus on youth and leadership. Specifically the programs that bring students to the United States. For the purposes of this collection ''youth'' is defined solely as high-school aged.
- *Estimated Number of Respondents:* 1,500 annually.
- *Estimated Number of Responses:* 1,500 annually.
- *Average Hours per Response:* 25 minutes.
- *Total Estimated Burden:* 625 hours annually.
- *Frequency:* On Occasion.
- *Obligation To Respond:* Voluntary.
- *Title of Information Collection:* ECA/P/V Youth and Leadership Programs: Follow-up Program Survey Questions.
- *OMB Control Number:* None.
- *Type of Request:* New Collection.
- *Originating Office:* Bureau of Educational and Cultural Affairs, Office of Policy and Evaluation, Evaluation Division (ECA/P/V).
- *Form Number:* SV2011–0021.
- *Respondents:* Participants in ECA exchange programs that focus on youth and leadership. Specifically the programs that bring students to the United States. For the purposes of this collection ''youth'' is defined solely as high-school aged.
- *Estimated Number of Respondents:* 1,500 annually.
- *Estimated Number of Responses:* 1,500 annually.
- *Average Hours per Response:* 25 minutes.
- *Total Estimated Burden: 625* hours annually.
- *Frequency:* On Occasion.
- *Obligation To Respond:* Voluntary.

DATES: Submit comments to the Office of Management and Budget (OMB) for up to 30 days from July 7, 2011.

ADDRESSES: Direct comments to the Department of State Desk Officer in the Office of Information and Regulatory Affairs at the Office of Management and Budget (OMB). You may submit comments by the following methods:

- *E-mail: oira_submission@omb.eop.gov.* You must include the DS form number, information collection title, and OMB control number in the subject line of your message.
- *Fax:* 202–395–5806. Attention: Desk Officer for Department of State.

FOR FURTHER INFORMATION CONTACT: You may obtain copies of the proposed information collection and supporting documents from Michelle Hale, ECA/P/V, SA–5, C2 Floor, Department of State, Washington, DC 20522–0582, who may be reached on 202–632–6312 or at *HaleMJ2@state.gov.*

SUPPLEMENTARY INFORMATION: We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary to properly perform our functions.
- Evaluate the accuracy of our estimate of the burden of the proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond,

Abstract of Proposed Collections

These information collections will allow ECA/P/V to conduct pre-program, post-program and follow-up surveys of exchange participants from various ECA exchange programs that are focused on youth and leadership using pre-approved questions. For the purposes of this collection ''youth'' is defined solely as high-school aged. Collecting this data will allow ECA/P/V to help inform the overall effectiveness of ECA youth and leadership programs, by gathering data to be used for program support, such as planning and design, as well as to help monitor the program's performance. Respondents are the exchange

participants who participate in youth and leadership programs through ECA.

• ECA/P/V: Youth and Leadership Programs: Pre Program Survey Questions: This collection will cover pre-program surveys.

• ECA/P/V: Youth and Leadership Programs: Post Program Survey Questions: This collection will cover post program surveys

• ECA/P/V: Youth and Leadership Programs: Follow-up Program Survey Questions: This collection will cover follow-up program surveys.

Methodology

ECA/P/V estimates that at least 90% of the data collected through these information collections will be done so electronically via a web-based surveying system for ease of use. Non-electronic means such as paper surveys will be used when electronic means are not technically feasible.

Additional Information

These three collections together represent the full spectrum of the performance measurement process (*i.e.* a pre-program, post-program, and follow-up program surveying), and data collected across these collections will be used to monitor ECA's youth and leadership programs. The proposed questions have been designed to appear across these collections as appropriate, and therefore it is imperative that these questions remain unchanged so as to continue our vital performance measurement work.

Dated: June 27, 2011.

Julianne Paunescu,

Acting Director of the Office of Policy and Evaluation, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2011–17095 Filed 7–6–11; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 7475]

30-Day Notice of Proposed Information Collection: U.S. National Commission for UNESCO Laura W. Bush Traveling Fellowship

ACTION: Notice of request for public comment and submission to OMB of proposed collection of information.

SUMMARY: The Department of State has submitted the following information collection request to the Office of Management and Budget (OMB) for approval in accordance with the Paperwork Reduction Act of 1995.

• *Title of Information Collection:* U.S. National Commission for UNESCO Laura W. Bush Traveling Fellowship

• *OMB Control Number:* 1405–0180

• *Type of Request:* Extension of a Currently Approved Collection

• *Originating Office:* Bureau of International Organization Affairs, Office of UNESCO Affairs, Executive Secretariat U.S. National Commission for UNESCO (IO/UNESCO)

• *Form Number:* DS–7646

• *Respondents:* U.S. college and university students applying for a Fellowship

• *Estimated Number of Respondents:* 100

• *Estimated Number of Responses:* 100

• *Average Hours per Response:* 10

• *Total Estimated Burden:* 1000 hours

• *Frequency:* On occasion

• *Obligation To Respond:* Required to Obtain or Retain a Benefit

DATES: Submit comments to the Office of Management and Budget (OMB) for up to 30 days from July 7, 2011.

ADDRESSES: Direct comments to the Department of State Desk Officer in the Office of Information and Regulatory Affairs at the Office of Management and Budget (OMB). You may submit comments by the following methods:

• *E-mail: oira_submission@omb.eop.gov.* You must include the DS form number, information collection title, and OMB control number in the subject line of your message.

• *Fax:* 202–395–5806. *Attention:* Desk Officer for the Department of State.

FOR FURTHER INFORMATION CONTACT: You may obtain copies of the proposed information, collection, details regarding applying for this privately funded fellowship, and supporting documents from Eric Woodard, Executive Director, U.S. National Commission for UNESCO, who may be reached at 202–663–0024 or at *WoodardEW@state.gov.*

SUPPLEMENTARY INFORMATION: We are soliciting public comments to permit the Department to:

• Evaluate whether the proposed information collection is necessary for the proper performance of our functions.

• Evaluate the accuracy of our estimate of the burden of the proposed collection, including the validity of the methodology and assumptions used.

• Enhance the quality, utility, and clarity of the information to be collected.

• Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of technology.

Abstract of Proposed Collection

Fellowship applicants, U.S. citizen students at U.S. colleges and universities, will submit descriptions of self-designed proposals for brief travel abroad to conduct work that is consistent with UNESCO's substantive mandate to contribute to peace and security by promoting collaboration among nations through education, the sciences, culture, and communications in order to further universal respect for justice, for the rule of law and for the human rights and fundamental freedoms which are affirmed for the peoples of the world, without distinction of race, sex, language or religion, by the Charter of the United Nations. The fellowship is funded through private donations. The information will be reviewed for the purpose of identifying the most meritorious proposals, as measured against the published evaluation criteria.

Methodology

The U.S. Department of State, Bureau of International Organization Affairs, Office of UNESCO Affairs, Executive Secretariat U.S. National Commission for UNESCO (IO/UNESCO) will collect this information via electronic submission.

Dated: June 29, 2011.

Eric Woodard,

Executive Director, U.S. National Commission for UNESCO, Bureau of International Organization Affairs, U.S. Department of State.

[FR Doc. 2011–17096 Filed 7–6–11; 8:45 am]

BILLING CODE 4710–19–P

DEPARTMENT OF STATE

[Public Notice 7517]

Bureau of Educational and Cultural Affairs (ECA) Request for Grant Proposals: Global Connections and Exchange Program: U.S.-Russia Virtual Science Challenge for Youth

Announcement Type: Cooperative Agreement.

Funding Opportunity Number: ECA/PE/C/PY–12–02.

Catalog of Federal Domestic Assistance Number: 19.415.

Application Deadline: August 31, 2011.

Executive Summary: The Youth Programs Division, Office of Citizen Exchanges, of the Bureau of Educational and Cultural Affairs announces an open competition for the new U.S.-Russia Virtual Science Challenge for Youth under the Global Connections and

Exchange Program. Public and private non-profit organizations meeting the provisions described in Internal Revenue Code section 26 U.S.C. 501(c)(3) may submit proposals to conduct a program that will use connective technologies to increase scientific collaboration between American and Russian secondary school students. Bi-national teams will work together in a joint project to solve a global science problem using online tools, videoconferencing, virtual workshops, and other advanced methods of communication. The projects may culminate in a virtual science fair attended by students around the world. The engagement of private sector partners and specific plans to create a sustainable program after the fair also distinguish this program.

I. Funding Opportunity Description

Authority: Overall grant making authority for this program is contained in the Mutual Educational and Cultural Exchange Act of 1961, Public Law 87–256, as amended, also known as the Fulbright-Hays Act. The purpose of the Act is ''to enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries * * *; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations * * * and thus to assist in the development of friendly, sympathetic and peaceful relations between the United States and the other countries of the world.'' The funding authority for the program above is provided through legislation.

Purpose: The U.S.-Russia Virtual Science Challenge for Youth will link teams of secondary school students in Russia and the United States that involve approximately 20 students in each country in a program designed to promote science education and expertise. The program will feature two key components: (1) An online, interactive project between Russian and American high school students that includes virtual meetings and workshops facilitated by experts in the private and public sectors and the mentoring of bi-national teams of students in science; and (2) an international virtual science fair that enables these bi-national teams to present the results of their collaboration around a pre-determined science problem, and to compete for recognition.

This program is part of the Global Connections and Exchange (GCE) Program for secondary school Internet connectivity and curriculum development. Students and teachers receive specialized training and develop skills to participate in online collaborative activities. GCE programs empower youth to use technology to tackle universal issues and engage participants in dialogue with the international community. Through this exchange of information, students are able to expand their world vision and gain perspectives that will help them succeed in the international arena.

This particular project is being presented under the auspices of the U.S.-Russia Bilateral Presidential Commission. Under the leadership of President Obama and President Medvedev and coordinated by Secretary Clinton and Foreign Minister Lavrov, the Commission is dedicated to identifying areas of cooperation and pursuing joint projects and actions that strengthen strategic stability, international security, economic well-being, and the development of ties between the Russian and American people. The Virtual Science Challenge falls within the purview of the Education, Sports and Cultural Exchanges working group. Learn more about the Bilateral Presidential Commission at *http://www.state.gov/p/eur/rls/fs/130616.htm.*

Goals: A successful program will:

- Provide high school students with a real-life example of what they can accomplish through international scientific collaboration;
- Offer a dynamic opportunity for youth to engage in scientific inquiry and applied science, to share their activities in a virtual science fair, and to learn about other students' efforts in science and technology;
- Promote mutual understanding and sustainable partnerships between American and Russian high school students, teachers, and their schools;
- Showcase the innovative technology available for conducting a virtual collaboration between the two countries;
- Expand the network of science students in the two participating countries.

Applicants are strongly urged to:

- Garner private sector support. The Bureau encourages the expansion of the scope of this program beyond what it is able to fund. Private sector monies and in-kind offerings may be used to increase the number of cities and schools that can participate in the program, to increase the number of students that participate, or to utilize more sophisticated platforms for virtual collaboration.
- Utilize existing networks where feasible. This effort may include involving paired city or state programs between Russia and the United States and/or online forums such as GLOBE (*http://www.globe.gov*). The purpose is to leverage existing connections and build upon them to allow for deeper connections among real and virtual communities.
- Develop a model for scientific collaboration that outlives this program. The Bureau encourages the creation of sustainable programming that enables the lessons learned during its implementation to be shared with other educators for similar programs around the world.

Program Guidelines

Applicants must identify the U.S. and Russian organizations with which they are proposing to collaborate to recruit and select participants overseas and support them in program activities. Applicants should also involve a well-established Russian institution or organization that has a science focus and good reputation for collaboration. Proposals should contain letters of commitment or support from partner organizations. A description of any previous cooperative activities with these partner organizations must be included in the proposal, along with information about their mission, activities, and accomplishments in conducting educational projects online. Applicants should clearly outline and describe the roles and responsibilities of all partner organizations in terms of project logistics, management and oversight.

Participants: The participants will be secondary school students (aged 15–18) from Russia and the United States who are paired on bi-national teams. Students on the same team within a country must be co-located in the same school or in neighboring schools in the same city. For example, one team might be composed of four students from a city in the Russia Far East and four students from a city on the west coast of the United States. Applicants should present their rationale for city and school selection as well as their proposed plan for composing the bi-national teams. Approximately 40 students total will participate; applicants are welcome to involve more students. With justification, applicants may propose the size and number of teams they wish, but no fewer than four bi-national teams.

This program is designed to reach out to a range of students. The scientific content should be accessible to intelligent, dedicated students but should not be at a level where only exceptionally advanced science students can participate. That said, a

desirable outcome is a cadre of students who have an active interest in applied science and who may serve as role models for other youth in their countries.

Teachers/Mentors: Each bi-national team will have at least one teacher or mentor in each country. The mentors for each team, individually or collectively, should demonstrate knowledge of science, the technological applications to be used, and English. The teachers and mentors will facilitate online discussions and ensure that the Russian and American students are working together to develop their scientific projects for the Virtual Science Challenge. They will facilitate the students' participation in the virtual science fair and would accompany students if they travel to their partner community in the other country.

The language of the collaboration and the science fair will be English, so all participants must be proficient.

Components

(1) Online, Interactive Program

Bi-national teams of Russian and American high school students will work together online on a pre-determined science problem that is of mutual interest and concern. The science problem may be determined by the applicant and by the selected schools. The problem must be common for all teams. Their activities will be guided by teachers or mentors and may be incorporated into the school curriculum or stand as an extracurricular activity. The applicant's program design should indicate how many hours of activity per week are expected. The grant recipient should plan to create an online space dedicated to this program or use an existing platform.

The joint Russian-American teams will explore the parameters of the problem, form theories, perform research, share their findings, test hypotheses, and analyze the results. These activities will necessarily be undertaken by the students as individuals, as teams within their own school or community, and online with their teammates in the other country through a variety of means that may range from message boards to a 3D virtual world. These efforts will be punctuated by virtual workshops on topics related to their scientific inquiry facilitated by experts in the private sector.

The implementing organization should establish milestones to mark occasions when the teams can publicly share the results of their work to date, starting in spring 2012.

(2) International Virtual Science Fair

To represent the students' collaboration, the participating bi-national teams will share their research and proposed solutions to the science problem with the other teams and with interested students around the world through an international online science fair. Applicants must present their plans for marketing the fair and attracting a participatory audience. Applicants are encouraged to involve the U.S.–Russian teams involved in this project in an existing science fair or forum.

The fair will be primarily focused on presenting the teams' collaborative projects, but there will also be a competitive aspect. The fair will also engage the observers by inviting online debate and commentary regarding the projects.

While physical exchanges between the United States and Russia are not envisioned to be part of this project, the one- or two-way exchange of students and their mentors that allows them to collaborate in person during three-week visits to the partner country are allowed. Any applicant proposing such exchanges must clearly detail their intentions and the source of the funding.

Competitive proposals will include the following:

- A proposed timeline detailing potential activities, milestones for the public presentation of results, and project goals;
- A description of how the teams will be formed and how the participants—both secondary school students and their teachers/mentors—in Russia and the United States will be selected;
- A description of the online collaborative activities, including the workshops, seminars, and other activities facilitated by science experts;
- An outline of the international virtual science fair, including an overview of the platform, how projects will be presented, how students in other countries will be engaged, and how the winning team(s) will be recognized;
- A plan that demonstrates how the participants can maintain contacts initiated during the program and how the tools and methods used in this program can be harnessed to allow these and other U.S. and foreign students to collaborate and communicate beyond the life of this grant;
- Letters of commitment from private sector partners to support the program;
- A description of the applicant organization's relevant expertise in the project area, work in the two countries, and experience managing similar programs;
- Resumes of experienced staff who have demonstrated a commitment to implement and monitor projects and ensure outcomes;
- A comprehensive plan to evaluate whether the program achieves the specific objectives described in the narrative;
- A plan for how the project might be sustained in Russia and replicated in other countries after this year of activities.

In a cooperative agreement, the Department is substantially involved in program activities above and beyond routine monitoring. ECA's activities and responsibilities for this program are as follows:

- Review and approval of all program publicity and other materials;
- Liaison with the U.S. Embassy and country desk officers at the Department of State;
- Collaborating with the award recipient on outreach to private sector partners for supplemental activities;
- Final approval of participants;
- Working with the award recipient to publicize the program through various media outlets; and
- Monitoring and evaluating the program as necessary, through site visits and/or debriefing sessions.

II. Award Information

Type of Award: Cooperative Agreement.

Fiscal Year Funds: FY 2012.

Approximate Total Funding: $150,000, pending the availability of funds.

Approximate Number of Awards: One.

Anticipated Award Date: November 15, 2011.

Anticipated Project Completion Date: August 31, 2013.

III. Eligibility Information

III.1. Eligible Applicants

Applications may be submitted by public and private non-profit organizations meeting the provisions described in Internal Revenue Code section 26 U.S.C. 501(c)(3).

III.2. Cost Sharing or Matching Funds

There is no minimum or maximum percentage required for this competition. However, the Bureau encourages applicants to provide maximum levels of cost sharing and funding in support of its programs.

When cost sharing is offered, it is understood and agreed that the applicant must provide the amount of

cost sharing as stipulated in its proposal and later included in an approved agreement. Cost sharing may be in the form of allowable direct or indirect costs. For accountability, you must maintain written records to support all costs which are claimed as your contribution, as well as costs to be paid by the Federal government. Such records are subject to audit. The basis for determining the value of cash and in-kind contributions must be in accordance with OMB Circular A–110, (Revised), Subpart C.23—Cost Sharing and Matching. In the event you do not provide the minimum amount of cost sharing as stipulated in the approved budget, ECA's contribution will be reduced in like proportion.

III.3. Other Eligibility Requirements

(a.) Bureau grant guidelines require that organizations with less than four years experience in conducting international exchanges be limited to $60,000 in Bureau funding. ECA anticipates making one award in an amount of $150,000 to support program and administrative costs required to implement this exchange program. Therefore, organizations with less than four years experience in conducting international exchanges are ineligible to apply under this competition. The Bureau encourages applicants to provide maximum levels of cost sharing and funding in support of its programs.

IV. Application and Submission Information

Note: Please read the complete announcement before sending inquiries or submitting proposals. Once the RFGP deadline has passed, Bureau staff may not discuss this competition with applicants until the proposal review process has been completed.

IV.1. Contact Information To Request an Application Package

Please contact the Youth Programs Division, ECA/PE/C/PY, SA–5, 3rd floor, U.S. Department of State, 2200 C Street, NW., Washington, DC 20037, (202) 632–6079, *PiersonCompeauHM@state.gov* to request a Solicitation Package. Please refer to the Program name and Funding Opportunity Number ECA/PE/C/PY–12–02 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 ECA Program Officer Carolyn Lantz and refer to the Funding Opportunity Number ECA/PE/C/PY–12–02 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 Data 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 grant activities. For award recipients, the names of directors and/or senior executives (current officers, trustees, and key employees), as well as the one-page description of grant activities, will be transmitted by the State Department to OMB, along with other information required by the Federal Funding Accountability and Transparency Act (FFATA), and will be made available to the public by the Office of Management and Budget on its USASpending.gov Web site as part of ECA's FFATA reporting requirements.

If your organization is a private nonprofit which has not received a grant or cooperative agreement from ECA in the past three years, or if your organization received nonprofit status from the IRS within the past four years, you must submit the necessary documentation to verify nonprofit status as directed in the PSI document. Failure to do so will cause your proposal to be declared technically ineligible.

IV.3d. Please take into consideration the following information when preparing your proposal narrative:

IV.3d.1. Adherence to All Regulations Governing The J Visa

The Office of Citizen Exchanges of the Bureau of Educational and Cultural Affairs is the official program sponsor of the exchange program covered by this RFGP, and an employee of the Bureau will be the ''Responsible Officer'' for the program under the terms of 22 CFR Part 62, which covers the administration of the Exchange Visitor Program (J visa program). Under the terms of 22 CFR Part 62, organizations receiving awards

(either a grant or cooperative agreement) under this RFGP will be third parties ''cooperating with or assisting the sponsor in the conduct of the sponsor's program.'' The actions of recipient organizations shall be ''imputed to the sponsor in evaluating the sponsor's compliance with'' 22 CFR Part 62. Therefore, the Bureau expects that any organization receiving an award under this competition will render all assistance necessary to enable the Bureau to fully comply with 22 CFR Part 62 *et seq.*

The Bureau of Educational and Cultural Affairs places critically important emphases on the secure and proper administration of Exchange Visitor (J visa) Programs and adherence by recipient organizations and program participants to all regulations governing the J visa program status. Therefore, proposals should *explicitly state in writing* that the applicant is prepared to assist the Bureau in meeting all requirements governing the administration of Exchange Visitor Programs as set forth in 22 CFR Part 62. If your organization has experience as a designated Exchange Visitor Program Sponsor, the applicant should discuss their record of compliance with 22 CFR Part 62 *et seq.,* including the oversight of their Responsible Officers and Alternate Responsible Officers, screening and selection of program participants, provision of pre-arrival information and orientation to participants, monitoring of participants, proper maintenance and security of forms, record-keeping, reporting and other requirements.

It is acknowledged that virtual exchanges such as those included in this program are not included in the J–1 visa regulations governing exchange students coming to the United States.

The Office of Citizen Exchanges of ECA will be responsible for issuing any 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.

IV.3d.2. Diversity, Freedom and Democracy Guidelines

Pursuant to the Bureau's authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social, and cultural life. ''Diversity'' should be interpreted in the broadest sense and encompass differences including, but not limited to ethnicity, race, gender, religion, geographic location, socio-economic status, and disabilities. Applicants are strongly encouraged to adhere to the advancement of this principle both in program administration and in program content. Please refer to the review criteria under the 'Support for Diversity' section for specific suggestions on incorporating diversity into your proposal. Public Law 104–319 provides that ''in carrying out programs of educational and cultural exchange in countries whose people do not fully enjoy freedom and democracy,'' the Bureau ''shall take appropriate steps to provide opportunities for participation in such programs to human rights and democracy leaders of such countries.'' Public Law 106–113 requires that the governments of the countries described above do not have inappropriate influence in the selection process. Proposals should reflect advancement of these goals in their program contents, to the full extent deemed feasible.

IV.3d.3. Program Monitoring and Evaluation

Proposals must include a plan to monitor and evaluate the project's success, both as the activities unfold and at the end of the program. The Bureau recommends that your proposal include a draft survey questionnaire or other technique plus a description of a methodology to use to link outcomes to original project objectives. The Bureau expects that the recipient organization will track participants or partners and be able to respond to key evaluation questions, including satisfaction with the program, learning as a result of the program, changes in behavior as a result of the program, and effects of the program on institutions (institutions in which participants work or partner institutions). The evaluation plan should include indicators that measure gains in mutual understanding as well as substantive knowledge.

Successful monitoring and evaluation depend heavily on setting clear goals and outcomes at the outset of a program. Your evaluation plan should include a description of your project's objectives, your anticipated project outcomes, and how and when you intend to measure these outcomes (performance indicators). The more that outcomes are ''smart'' (specific, measurable, attainable, results-oriented, and placed in a reasonable time frame), the easier it will be to conduct the evaluation. You should also show how your project objectives link to the goals of the program described in this RFGP.

Your monitoring and evaluation plan should clearly distinguish between program *outputs* and *outcomes. Outputs* are products and services delivered, often stated as an amount. Output information is important to show the scope or size of project activities, but it cannot substitute for information about progress towards outcomes or the results achieved. Examples of outputs include the number of people trained or the number of seminars conducted. *Outcomes,* in contrast, represent specific results a project is intended to achieve and is usually measured as an extent of change. Findings on outputs and outcomes should both be reported, but the focus should be on outcomes.

We encourage you to assess the following four levels of outcomes, as they relate to the program goals set out in the RFGP (listed here in increasing order of importance):

1. Participant satisfaction with the program and exchange experience.
2. Participant learning, such as increased knowledge, aptitude, skills, and changed understanding and attitude. Learning includes both substantive (subject-specific) learning and mutual understanding.
3. Participant behavior, concrete actions to apply knowledge in work or community; greater participation and responsibility in civic organizations; interpretation and explanation of experiences and new knowledge gained; continued contacts between participants, community members, and others.
4. Institutional changes, such as increased collaboration and partnerships, policy reforms, new programming, and organizational improvements.

Please note: Consideration should be given to the appropriate timing of data collection for each level of outcome. For example, satisfaction is usually captured as a short-term outcome, whereas behavior and institutional changes are normally considered longer-term outcomes.

Overall, the quality of your monitoring and evaluation plan will be judged on how well it (1) Specifies intended outcomes; (2) gives clear descriptions of how each outcome will be measured; (3) identifies when particular outcomes will be measured; and (4) provides a clear description of the data collection strategies for each outcome (*i.e.,* surveys, interviews, or focus groups). (Please note that evaluation plans that deal only with the first level of outcomes [satisfaction] will be deemed less competitive under the present evaluation criteria.)

Recipient organizations will be required to provide reports analyzing their evaluation findings to the Bureau in their regular program reports. All data collected, including survey responses and contact information, must be maintained for a minimum of three years and provided to the Bureau upon request.

IV.3e. Please take the following information into consideration when preparing your budget:

IV.3e.1. Applicants must submit SF–424A Budget Information Non-Construction Programs along with a comprehensive budget for the entire program. There must be a summary budget as well as breakdowns reflecting both administrative and program budgets. Applicants may provide separate sub-budgets for each program component, phase, location, or activity to provide clarification.

Please refer to the Solicitation Package for complete budget guidelines and formatting instructions.

IV.3F. Application Deadline and Methods of Submission:

Application Deadline Date: Wednesday, August 31, 2011.

Reference Number: ECA/PE/C/PY–12–02.

Methods of Submission: Applications may be submitted in one of two ways:

(1) In hard-copy, via a nationally recognized overnight delivery service (*i.e.,* Federal Express, UPS, Airborne Express, or U.S. Postal Service Express Overnight Mail, etc.), or

(2) Electronically through *http://www.grants.gov*.

Along with the Project Title, all applicants must enter the above Reference Number in Box 11 on the SF–424 contained in the mandatory Proposal Submission Instructions (PSI) of the solicitation document.

IV.3f.1. Submitting Printed Applications

Applications must be shipped no later than the above deadline. Delivery services used by applicants must have in-place, centralized shipping identification and tracking systems that may be accessed via the Internet and delivery people who are identifiable by commonly recognized uniforms and delivery vehicles. Proposals shipped on or before the above deadline but received at ECA more than seven days after the deadline will be ineligible for further consideration under this competition. Proposals shipped after the established deadlines are ineligible for consideration under this competition. ECA will *not* notify you upon receipt of application. It is each applicant's responsibility to ensure that each package is marked with a legible tracking number and to monitor/confirm delivery to ECA via the Internet. Delivery of proposal packages *may not* be made via local courier service or in person for this competition. Faxed documents will not be accepted at any time. Only proposals submitted as stated above will be considered.

Important note: When preparing your submission please make sure to include one extra copy of the completed SF–424 form and place it in an envelope addressed to ECA/EX/PM.

The original and six copies of the application should be sent to:

Program Management Division, ECA–IIP/EX/PM, Ref.: ECA/PE/C/PY–12–02, SA–5, Floor 4, Department of State, 2200 C Street, NW., Washington, DC 20037.

With the submission of the proposal package, please also e-mail the Executive Summary, Proposal Narrative, and Budget sections of the proposal, as well as any attachments essential to understanding the program, in Microsoft Word, Excel, and/or PDF, to the program officer at *LantzCS@state.gov.* The Bureau will provide these files electronically to the Public Affairs Section at the U.S. Embassy in Moscow for their review.

IV.3f.2. Submitting Electronic Applications

Applicants have the option of submitting proposals electronically through Grants.gov (*http://www.grants.gov*). Complete solicitation packages are available at Grants.gov in the Find portion of the system.

Please Note: ECA bears no responsibility for applicant timeliness of submission or data errors resulting from transmission or conversion processes for proposals submitted via Grants.gov.

Please follow the instructions available in the 'Get Started' portion of the site (*http://www.grants.gov/GetStarted*).

Several of the steps in the Grants.gov registration process could take several weeks. Therefore, applicants should check with appropriate staff within their organizations immediately after reviewing this RFGP to confirm or determine their registration status with Grants.gov.

Once registered, the amount of time it can take to upload an application will vary depending on a variety of factors including the size of the application and the speed of your Internet connection. In addition, validation of an electronic submission via Grants.gov can take up to two business days.

Therefore, we strongly recommend that you not wait until the application deadline to begin the submission process through Grants.gov.

The Grants.gov Web site includes extensive information on all phases/aspects of the Grants.gov process, including an extensive section on frequently asked questions, located under the ''For Applicants'' section of the Web site. ECA strongly recommends that all potential applicants review thoroughly the Grants.gov Web site, well in advance of submitting a proposal through the Grants.gov system. ECA bears no responsibility for data errors resulting from transmission or conversion processes.

Direct all questions regarding Grants.gov registration and submission to:

Grants.gov Customer Support.

Contact Center Phone: 800–518–4726.

Business Hours: Monday–Friday, 7 a.m.–9 p.m. Eastern Time.

E-mail: support@Grants.gov.

Applicants have until midnight (12 a.m.), Washington, DC time of the closing date to ensure that their entire application has been uploaded to the Grants.gov site. *There are no exceptions to the above deadline. Applications uploaded to the site after midnight of the application deadline date will be automatically rejected by the grants.gov system, and will be technically ineligible.*

Please refer to the Grants.gov Web site, for definitions of various ''application statuses'' and the difference between a submission receipt and a submission validation. Applicants will receive a validation e-mail from grants.gov upon the successful submission of an application. Again, validation of an electronic submission via Grants.gov can take up to two business days. *Therefore, we strongly recommend that you not wait until the application deadline to begin the submission process through Grants.gov.* ECA will *not* notify you upon receipt of electronic applications.

It is the responsibility of all applicants submitting proposals via the Grants.gov Web portal to ensure that proposals have been received by Grants.gov in their entirety, and ECA bears no responsibility for data errors resulting from transmission or conversion processes.

IV.3g. Intergovernmental Review of Applications: Executive Order 12372 does not apply to this program.

V. Application Review Information

V.1. Review Process

The Bureau will review all proposals for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines stated herein and in the Solicitation Package. All eligible proposals will be reviewed by the program office, as well as the Public Diplomacy section overseas, where appropriate. Eligible proposals will be subject to compliance with Federal and Bureau regulations and guidelines and forwarded to Bureau grant panels for advisory review. Proposals may also be reviewed by the Office of the Legal Adviser or by other Department elements. Final funding decisions are at the discretion of the Department of State's Assistant Secretary for Educational and Cultural Affairs. Final technical authority for assistance awards (cooperative agreements) resides with the Bureau's Grants Officer.

Review Criteria

Technically eligible applications will be competitively reviewed according to the criteria stated below.

1. *Quality of the Program Idea:* Proposals should exhibit originality, substance, precision, and relevance to the Bureau's mission.

2. *Program Planning/Ability to Achieve Program Objectives:* Proposals should clearly convey a feasible plan that supports program goals. The substance of the online activities and the fair should be described in detail. A detailed agenda and relevant work plan should adhere to the program overview and guidelines described above. Reviewers will assess how objectives will be achieved and make sure that the timetable is feasible for completion of major tasks.

3. *Support of Diversity:* Proposals should demonstrate substantive support of the Bureau's policy on diversity. Geographic, gender, and socio-economic diversity should be reflected in the selection of schools and participants.

4. *Institutional Capacity/Track Record:* Proposed personnel and institutional resources in both the United States and Russia should be appropriate to achieve the program goals. Proposals should exhibit experience among the staff in implementing web-based educational projects at the high school level. Reviewers will assess the organization's institutional record of successful programs, including responsible fiscal management and full compliance with all reporting requirements as determined by the Bureau's Grants Division. The Bureau will consider the past performance of prior recipients and the demonstrated potential of new applicants.

5. *Long-term Activities/Sustainability:* Proposals should provide a plan for continued activities (without Bureau support) ensuring that Bureau supported programs are not isolated events.

6. *Program Evaluation:* Proposals should include a plan to evaluate the activity's success, both as the activities unfold and at the end of the program. Draft survey questionnaires or other techniques, plus descriptions of methodologies that link outcomes to original project objectives, are strongly recommended.

7. *Cost-Effectiveness/Cost Sharing:* The overhead and administrative components of the proposal, including salaries and honoraria, should be kept as low as possible. All other items should be necessary and appropriate. Proposals should maximize cost-sharing through other private sector support as well as institutional direct funding contributions.

VI. Award Administration Information

VI.1a. Award Notices

Final awards cannot be made until funds have been appropriated by Congress, allocated and committed through internal Bureau procedures. Successful applicants will receive an Federal Assistance Award (FAA) from the Bureau's Grants Office. The FAA and the original proposal with subsequent modifications (if applicable) shall be the only binding authorizing document between the recipient and the U.S. Government. The FAA will be signed by an authorized Grants Officer, and mailed to the recipient's responsible officer identified in the application.

Unsuccessful applicants will receive notification of the results of the application review from the ECA program office coordinating this competition.

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. Quarterly program and financial reports.

2. A final program and financial report no more than 90 days after the expiration of the award.

3. 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.

4. A SF–PPR, Performance Progress Report Cover Sheet with all program reports.

Award recipients will be required to provide reports analyzing their evaluation findings to the Bureau in their regular program reports. (Please refer to IV. Application and Submission Instructions (IV.3.d.3) above for Program Monitoring and Evaluation information.)

All data collected, including survey responses and contact information, must be maintained for a minimum of three years and provided to the Bureau upon request.

All reports must be sent to the ECA Grants Officer and ECA Program Officer listed in the final assistance award document.

VII. Agency Contacts

For questions about this announcement, contact: Carolyn Lantz, U.S. Department of State, Youth Programs Division, ECA/PE/C/PY, SA–5, 3rd floor, 2200 C Street, NW., Washington, DC 20037, Telephone (202) 632–6421, Fax, (202) 632–9355, E- mail: *LantzCS@state.gov.*

All correspondence with the Bureau concerning this RFGP should reference the above title and ECA/PE/C/PY–12–02.

Please read the complete announcement before sending inquiries or submitting proposals. Once the RFGP deadline has passed, Bureau staff may not discuss this competition with applicants until the proposal review process has been completed.

VIII. Other Information

Notice: The terms and conditions published in this RFGP are binding and may not be modified by any Bureau representative. Explanatory information provided by the Bureau that contradicts published language will not be binding. Issuance of the RFGP does not constitute an award commitment on the part of the Government. The Bureau reserves the right to reduce, revise, or increase proposal budgets in accordance with the needs of the program and the availability of funds. Awards made will be subject to periodic reporting and evaluation requirements per section VI.3 above.

Dated: June 29, 2011.

Ann Stock,

Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. 2011–17098 Filed 7–6–11; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 7520]

Culturally Significant Object Imported for Exhibition Determinations: ''Titian's Woman in a Blue Dress 'La Bella' ''

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236–3 of August 28, 2000, I hereby determine that the object to be included in the exhibition ''Titian's Woman in a Blue Dress 'La Bella','' imported from abroad for temporary exhibition within the United States, is of cultural significance. The object is imported pursuant to a loan agreement with the foreign owner or custodian. I also determine that the exhibition or display of the exhibit object at the Kimbell Art Museum, Fort Worth, Texas, from on or about July 22, 2011, until on or about September 18, 2011, the Nevada Museum of Art, Reno, Nevada, from on or about September 23, 2011, until on or about November 20, 2011, the Portland Art Museum, Portland, Oregon, from on or about November 25, 2011, until on or about January 29, 2012, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these Determinations be published in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: For further information, including a description of the exhibit object, contact Paul W. Manning, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (*telephone:* 202–632–6469). The mailing address is U.S. Department of State, SA–5, L/PD, Fifth Floor (Suite 5H03), Washington, DC 20522–0505.

Dated: June 29, 2011.

Ann Stock,

Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2011–17102 Filed 7–6–11; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 7519]

Culturally Significant Objects Imported for Exhibition Determinations: ''Warhol: The Headlines''

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236–3 of August 28, 2000, I hereby determine that the objects to be included in the exhibition ''Warhol: The Headlines,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at the National Gallery of Art, Washington, DC, from on or about September 25, 2011, until on or about January 2, 2012, at The Andy Warhol Museum, Pittsburgh, Pennsylvania, from on or about October 14, 2012, until on or about January 6, 2013, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit objects, contact Paul W. Manning, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (*telephone:* 202–632–6469). The mailing address is U.S. Department of State, SA–5, L/PD, Fifth Floor (Suite 5H03), Washington, DC 20522–0505.

Dated: June 29, 2011.

Ann Stock,

Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2011–17104 Filed 7–6–11; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Delegation of Authority No. 337]

Delegation by the Deputy Secretary of State Regarding Department Representation on the Investment Working Group Established by the SelectUSA Executive Order

By virtue of the authority vested in the Secretary by the laws of the United States, including the State Department Basic Authorities Act, as amended (22 U.S.C. 2651a), and delegated to me pursuant to Delegation of Authority 245–1, I hereby delegate to the Under Secretary for Economic, Energy, and Agricultural Affairs and Assistant Secretary for Economic, Energy, and Business Affairs, to the extent authorized by law, the authority to represent the Department on the Federal Interagency Investment Working Group established by the SelectUSA Executive Order of June 15, 2011. The Under Secretary or Assistant Secretary shall exercise this authority in consultation with other Department officials, bureaus, and offices as appropriate.

Any act, executive order, regulation, or procedure subject to, or affected by, this delegation shall be deemed to be such act, executive order, regulation, or procedure as amended from time to time.

Notwithstanding this delegation of authority, the Secretary, the Deputy Secretary, or the Deputy Secretary for Management and Resources may at any time exercise any authority or function delegated by this delegation of authority.

This delegation of authority shall be published in the **Federal Register**.

Dated: June 24, 2011.

Thomas R. Nides,

Deputy Secretary of State, Department of State.

[FR Doc. 2011–17094 Filed 7–6–11; 8:45 am]

BILLING CODE 4710–07–P

TRADE AND DEVELOPMENT AGENCY

Notice of Request for Extension of a Currently Approved Information Collection

AGENCY: United States Trade and Development Agency.

ACTION: Request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), this notice announces the U.S. Trade and Development Agency's intention to request an extension for a currently approved information collection for Evaluation of USTDA Performance. USTDA invites general public and other Federal agencies to take this opportunity to comment on the following proposed information collection. Comments are invited on: (1) 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) 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) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to Carolyn Hum, *Administrative Officer.* All comments received will be available for public inspection during regular business hours at the same address.

DATES: Comments on this notice must be received by September 6, 2011 to be assured of consideration.

FOR ADDITIONAL INFORMATION CONTACT: Contact Carolyn Hum, Administrative Officer, *Attn:* PRA, U.S. Trade and Development Agency, 1000 Wilson Blvd., Suite 1600, Arlington, VA 22209–3901; *Tel.:* (703) 875–4357, Fax: (703) 875–4009; *E-mail: PRA@ustda.gov.*

SUPPLEMENTARY INFORMATION:

Summary Collection Under Review

Type of Request: Extension of a currently approved information collection.

Expiration Date of Previous Approval: 12/31/2011.

Title: Evaluation of USTDA Performance.

Form Number: USTDA 1000E–2011a.

Frequency of Use: annually for duration of project.

Type of Respondents: Business or other for profit; Not-for-profit institutions; Farms; Federal Government.

Estimated Number of Responses: 3,000 per year.

Estimated Total Annual Burden on Respondents: 1,000 hours per year.

Federal Cost: $416,289

Authority for Information Collection: Government Performance and Results Act of 1993 103 Public Law 62; 107 Stat. 285.

Abstract: USTDA and contractors will collect information from various stakeholders on USTDA-funded activities regarding development impact and/or commercial objectives as well as evaluate success regarding GPRA and OMB PART objectives.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record.

Dated: June 27, 2011.

Carolyn Hum,

Administrative Officer.

[FR Doc. 2011–16989 Filed 7–6–11; 8:45 am]

BILLING CODE 8040–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2011–29]

Petition for Exemption; Summary of Petition Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for exemption received.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Title 14 Code of Federal Regulations (CFR). The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received by July 27, 2011.

ADDRESSES: You may send comments identified by Docket Number FAA–2011–0130 using any of the following methods:

- *Government-wide rulemaking Web site:* Go to *http://www.regulations.gov* and follow the instructions for sending your comments electronically.
- *Mail:* Send comments to the Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12–140, Washington, DC 20590.
- *Fax:* Fax comments to the Docket Management Facility at 202–493–2251.
- *Hand Delivery:* Bring comments to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy: We will post all comments we receive, without change, to *http://www.regulations.gov*, including any personal information you provide. Using the search function of our docket Web site, anyone can find and read the comments received into any of our dockets, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, *etc.*). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

Docket: To read background documents or comments received, go to *http://www.regulations.gov* at any time or to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: David Staples, 202–267–4058, Keira Jones, 202–267–4025, or Tyneka L. Thomas, 202–267–7626, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on June 30, 2011.

Dennis R. Pratte,

Acting Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2011–0130.

Petitioner: Davonair, Inc.

Section of 14 CFR Affected: 14 CFR 135.183.

Description of Relief Sought: The petitioner requests to operate their Cessna C–208B single-engine airplane in part 135 passenger carrying operations over water, beyond gliding distance from land. The petitioner requests relief due to Air Traffic Control (ATC) procedures that place the airplane at fixes and altitudes from which single

engine aircraft cannot reach land in the event of engine failure.

[FR Doc. 2011–16979 Filed 7–6–11; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2011–32]

Petition for Exemption; Summary of Petition Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for exemption received.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of 14 CFR. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATE: Comments on this petition must identify the petition docket number involved and must be received on or before July 27, 2011.

ADDRESSES: You may send comments identified by Docket Number FAA–2011–0580 using any of the following methods:

- *Government-wide rulemaking Web site:* Go to *http://www.regulations.gov* and follow the instructions for sending your comments electronically.
- *Mail:* Send comments to the Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12–140, Washington, DC 20590.
- *Fax:* Fax comments to the Docket Management Facility at 202–493–2251.
- *Hand Delivery:* Bring comments to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy: We will post all comments we receive, without change, to *http://www.regulations.gov*, including any personal information you provide. Using the search function of our docket Web site, anyone can find and read the comments received into any of our dockets, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

Docket: To read background documents or comments received, go to *http://www.regulations.gov* at any time or to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mark Forseth, ANM–113, (425) 227–2796, Federal Aviation Administration, 1601 Lind Avenue, SW., Renton, WA 98057–3356, or Frances Shaver, ARM–200, (202) 267–4059, Federal Aviation Administration, Office of Rulemaking, 800 Independence Ave, SW., Washington, DC 20591. This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on June 30, 2011.

Dennis R. Pratte,

Acting Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2011–0580.

Petitioner: Aviation Partners, Inc..

Section of 14 CFR Affected: 25.671(c)(2).

Description of Relief Sought: The petitioner requests relief from the requirement that an airplane be capable of continued safe flight and landing, following a dual hydraulic-system failure or any single failure in combination with a probable hydraulic failure. The relief sought would apply to the petitioner's Dassault Falcon 900 airplanes equipped with Aviation Partners, Inc. blended winglets.

[FR Doc. 2011–17017 Filed 7–6–11; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2011–30]

Petition for Exemption; Summary of Petition Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for exemption received.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of 14 CFR. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATE: Comments on this petition must identify the petition docket number involved and must be received on or before July 27, 2011.

ADDRESSES: You may send comments identified by Docket Number FAA–2011–0457 using any of the following methods:

- *Government-wide rulemaking Web site:* Go to *http://www.regulations.gov* and follow the instructions for sending your comments electronically.
- *Mail:* Send comments to the Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12–140, Washington, DC 20590.
- *Fax:* Fax comments to the Docket Management Facility at 202–493–2251.
- *Hand Delivery:* Bring comments to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy: We will post all comments we receive, without change, to *http://www.regulations.gov*, including any personal information you provide. Using the search function of our docket Web site, anyone can find and read the comments received into any of our dockets, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

Docket: To read background documents or comments received, go to *http://www.regulations.gov* at any time or to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: David Staples, 202–267–4058, Keira Jones, 202–267–4025, or Tyneka L. Thomas, 202–267–7626, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on June 30, 2011.

Dennis R. Pratte,

Acting Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2011–0457.

Petitioner: Gama Charters, Inc.

Section of 14 CFR Affected: 14 CFR 135.151(h).

Description of Relief Sought: Gama Charters, Inc. requests relief to operate Gulfstream G350/450/550 type aircraft with Controller Pilot Data Link Communications (DLC) capability that were manufactured after December 6, 2010 without meeting the datalink recording requirements of § 135.151(h).

[FR Doc. 2011–16981 Filed 7–6–11; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2011–0009]

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 of the Code of Federal Regulations (CFR), this document provides the public notice that by a document dated April 21, 2011, the Nevada Northern Railway Museum has petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR 215.303. FRA assigned the petition Docket Number FRA–2011–0009.

The Nevada Northern Railway Museum seeks a waiver of compliance from certain provisions of the Railroad Freight Car Safety Standards, 49 CFR 215.303, which requires stenciling.

This request is for the following 11 cars:

3 Cabooses (NN 3, 5, and 22)
3 Flat Cars (NN 23, 100, and SP 78177)
5 Hopper Cars (WSOR 102, 128, 134, 158, and 159)

The Nevada Northern Railway Museum states that these cars are operated in irregular ''photo'' freights. Specifically, these cars operate on the Nevada Northern Railway Museum's 30 miles of track which is isolated from the general railroad system and they never leave the petitioner's property.

The Nevada Northern Railway Museum states that these cars are completely restored with a sound car body. The cars will not be interchanged with any other railroad, and will be operated at a speed limit of 25 miles per hour.

These cars are painted and stenciled to reflect its historic appearance. Stenciling the car to meet Section 215.303 requirements would detract from the historical and educational impression these cars are intended to preserve.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *http://www.regulations.gov* and in person at the Department of Transportation's Docket Operations Facility, 1200 New Jersey Ave., SE., W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Web site: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue, SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by August 22, 2011 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

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

Issued in Washington, DC on June 30, 2011.

Robert C. Lauby,

Deputy Associate Administrator for Regulatory & Legislative Operations.

[FR Doc. 2011–17007 Filed 7–6–11; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[NHTSA Docket No. NHTSA–2011–0097]

National Emergency Medical Services Advisory Council Teleconference Meeting

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

ACTION: Notice.

SUMMARY: The NHTSA announces a teleconference meeting of NEMSAC to be held on August 10, 2011, from 2 p.m. to 4 p.m. EDT. This notice announces the date, time, and call-in information for the meeting, which will be open to the public. The purpose of NEMSAC is to serve as a nationally recognized council of Emergency Medical Services (EMS) representatives and consumers to provide advice and recommendations regarding EMS to DOT's NHTSA and the Federal Interagency Committee on EMS.

DATES: The teleconference meeting will be held on August 10, 2011, from 2 p.m. to 4 p.m. EDT. A public comment period will take place on August 10, 2011, from 3:30 p.m. to 3:45 p.m. EDT.

Registration: This public meeting will be held via teleconference only. Members of the public who wish to attend must register online at *https://www1.gotomeeting.com/register/523300112.*

If you experience difficulty registering online, please contact Noah Smith at *Noah.Smith@dot.gov* or (202) 366–5030 for assistance. There will be limited call-in lines, so please register early. Pre-registration is necessary to enable proper arrangements.

FOR FURTHER INFORMATION CONTACT: Drew Dawson, Director, Office of Emergency Medical Services, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE., NTI–140, Washington, DC 20590; Telephone number (202) 366–9966; E-mail *Drew.Dawson@dot.gov.*

SUPPLEMENTARY INFORMATION: Notice of this meeting is given under the Federal Advisory Committee Act (FACA), Public Law 92–463, as amended (5 U.S.C. App.

1 *et seq.*) The NEMSAC will hold a meeting on Wednesday, August 10, 2011, from 2 p.m. to 4 p.m., via teleconference. The agenda of the NEMSAC Teleconference Meeting on August 10, 2011, tentatively includes:

(1) Opening Remarks—Chair and Designated Federal Officer
(2) Introduction of Members
(3) Progress Reports from Committee Chairs
(4) Update on the Culture of Safety Project
(5) Public Comment Period
(6) Next Steps and Future Meetings

Members of the public who wish to make comments on August 10, 2011, between 3:30 p.m. and 3:45 p.m. EDT are requested to register in advance. In order to allow for as many comments as possible, speakers are requested to limit their remarks to 3 minutes. For those wishing to submit written or oral comments, please contact Noah Smith at *Noah.Smith@dot.gov* or 202–366–5030.

Minutes of the NEMSAC Meeting will be available to the public online at *www.ems.gov.*

Issued on: July 1, 2011.

Jeffrey P. Michael,

Associate Administrator for Research and Program Development.

[FR Doc. 2011–17019 Filed 7–6–11; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. FD 35532]

Virginia Port Authority—Acquisition Exemption—Norfolk and Portsmouth Belt Line Railroad Company

Virginia Port Authority (VPA), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire from the Norfolk and Portsmouth Belt Line Railroad Company (NPBL) certain physical assets of a rail line and the associated right-of-way, between a point on NPBL's track known as West Junction westward and across Hampton Boulevard to a point of connection with VPA track, located on Sewell's Point in the City of Norfolk, Va., a distance of approximately 1.18 miles (approximately 5,700 feet).[1] According to VPA, NPBL will retain a permanent, exclusive, and irrevocable freight easement to provide freight service on the entire line.[2]

VPA states that it has agreed upon a Real Estate Purchase Agreement, a deed, and an Operating Agreement (the agreements) with NPBL for the proposed transaction. According to VPA, it is the recipient of grant funds from the Virginia Department of Rail and Public Transportation and it is acquiring the property for construction of new rail yard on the Sewells Point property. VPA also states that the agreements do not contain any provision that would limit interchange with a third party.

VPA certifies that its projected annual revenues as a result of this transaction will not exceed those that would qualify it as a Class III rail carrier and further certifies that its projected annual revenues will not exceed $5 million.

VPA states that it expects to consummate the proposed transaction immediately after the Board's decision on its motion to dismiss. The earliest this transaction may be consummated is July 21, 2011, the effective date of the exemption (30 days after the exemption is filed).

If the notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the transaction. Petitions for stay must be filed no later than July 14, 2011 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 35532, must be filed with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Thomas W. Wilcox, 1054 31st Street, NW., Suite 200, Washington, DC 20007.

Board decisions and notices are available on our Web site at *http://www.stb.dot.gov.*

Decided: June 29, 2011.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2011–16811 Filed 7–6–11; 8:45 am]

BILLING CODE 4915–01–P

[1] VPA indicates that NPBL does not use mileposts for this section of its track.

[2] A motion to dismiss this notice of exemption on the grounds that the transaction does not require authorization from the Board was concurrently filed with this notice of exemption. The motion will be addressed in a subsequent Board decision. In its motion to dismiss, VPA states that it is a political subdivision of the Commonwealth of Virginia.

DEPARTMENT OF THE TREASURY

Departmental Offices; Privacy Act of 1974, as Amended

AGENCY: Departmental Offices, Treasury.

ACTION: Notice of proposed Privacy Act System of Records.

SUMMARY: In accordance with the Privacy Act of 1974, as amended, the Departmental Offices, U.S. Department of the Treasury (''Treasury''), on behalf of itself and the Consumer Financial Protection Bureau (''CFPB''), gives notice of the establishment of a new Privacy Act System of Records.

DATES: Comments must be received no later than August 8, 2011. The new Database will be effective August 16, 2011, unless the comments received result in a contrary determination.

ADDRESSES: Comments should be sent to Claire Stapleton, Consumer Financial Protection Bureau implementation team, 1801 L Street, NW., Washington, DC 20036. Comments will be made available for inspection upon written request. Treasury will make such comments available for public inspection and copying in Treasury's Library, Room 1428, Main Treasury Building, 1500 Pennsylvania Avenue, NW., Washington, DC 20220, on official business days between the hours of 10 a.m. and 5 p.m. Eastern Time. You can make an appointment to inspect comments by telephoning (202) 622–0990. All comments, including attachments and other supporting materials, will become part of the public record and subject to public disclosure. You should submit only information that you wish to make publicly available.

FOR FURTHER INFORMATION CONTACT: Claire Stapleton, Consumer Financial Protection Bureau implementation team, 1801 L Street, NW., Washington, DC 20036, (202) 435–7220.

SUPPLEMENTARY INFORMATION: The Dodd-Frank Wall Street Reform and Consumer Protection Act (''Act''), Public Law 111–203, Title X, established the CFPB. Once fully operational, the CFPB will administer, enforce and implement Federal consumer financial law, and, among other powers, will have authority to protect consumers from unfair, deceptive, and abusive practices when obtaining consumer financial products or services. The Act grants Treasury certain ''interim authority'' to help stand up the agency.

The new system of records described in this notice, Treasury/DO .321–Consumer Financial Protection Bureau Implementation Team External Affairs

Database, will maintain records relating to all external affairs communications, including, without limitation, personally identifiable information regarding CFPB employees who participate in external affairs events and individuals who request CFPB participation in external affairs events. The CFPB implementation team, which includes both Treasury and CFPB personnel, will maintain the records covered by this notice.

The report of the new database of records has been submitted 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, pursuant to Appendix I to OMB Circular A–130, ''Federal Agency Responsibilities for Maintaining Records About Individuals,'' dated November 30, 2000, and the Privacy Act, 5 U.S.C. 552a(r).

Dated: June 23, 2011.

Melissa Hartman,

Deputy Assistant Secretary for Privacy, Transparency, and Records.

TREASURY/DO .321

SYSTEM NAME:

Consumer Financial Protection Bureau Implementation Team External Affairs Database.

SYSTEM LOCATION:

Consumer Financial Protection Bureau implementation team, 1801 L Street, NW., Washington, DC 20036.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered by this system include all individuals involved in the CFPB's external affairs communications, including CFPB employees who engage in external affairs communications, and representatives of the media, non-profit organizations or the private sector or others who request the CFPB's participation in external events or otherwise participate in the CFPB's external affairs communications.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records in the system will include external affairs communications information, such as: (1) Contact information (name, business phone number, email address) for individuals who are involved in the CFPB implementation team's external affairs communications; (2) lists of assignments, biographies, speaking engagements, and interviews; (3) communications between CFPB implementation team staff and media representatives; and (4) information about CFPB implementation team staff who ask the CFPB implementation team to publish information/articles about them.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Law 111–203, Title X, Sections 1012, 1066, codified at 12 U.S.C. 5492, 5586.

PURPOSE(S):

The purpose of the system is to enable the CFPB implementation team to communicate with the American public about its mission and activities. The information will be used to facilitate CFPB implementation team's external affairs activities, including external contacts with the media, non-profits, and the private sector. The information collected will also facilitate CFPB implementation team events and press conferences.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records may be disclosed to:

(1) Appropriate agencies, entities, and persons when: (a) Treasury or the CFPB suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (b) Treasury or the CFPB 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 Treasury or the CFPB 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 Treasury's or the CFPB's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm;

(2) A contractor or agent who needs to have access to this system or records to perform an assigned activity;

(3) The U.S. The Department of Justice (''DOJ'') for its use in providing legal advice to the Treasury or the CFPB or in representing the Treasury or the CFPB in a proceeding before court, adjudicative body, or other administrative body before which the Treasury or CFPB is authorized to appear, where the use of such information by the DOJ is deemed by the Treasury or CFPB to be relevant and necessary to the litigation, and such proceeding names as a party or interests:

(a) The Treasury or any component thereof;

(b) The CFPB;

(c) Any employee of the Treasury or the CFPB in his or her official capacity;

(d) Any employee of the Treasury or the CFPB in his or her individual capacity where DOJ has agreed to represent the employee; or

(e) The United States, where the Treasury or the CFPB determines that litigation is likely to affect the Treasury or any of its components or the CFPB;

(4) Third parties to the extent necessary to facilitate an external affairs activity;

(5) A court, magistrate, or administrative tribunal, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings when Treasury or the CFPB is a party to the proceeding or has a significant interest in the proceeding;

(6) A grand jury pursuant either to a federal or state grand jury subpoena, or to a prosecution request that such record be released for the purpose of its introduction to a grand jury, where the subpoena or request has been specifically approved by a court;

(7) Congressional offices in response to an inquiry made at the request of the individual to whom the record pertains; and

(8) Members of the media or other recipients of the CFBP's external affairs communications to inform them about attendees and invited guests of CFPB media events and press briefings.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPENSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records maintained in this system are stored electronically and in file folders. Paper copies of individual records are made by the authorized CFPB implementation team staff.

RETRIEVABILITY:

Records are retrievable by the name of the individual or organization, date of received inquiry or request, assigned file number, or email address.

SAFEGUARDS:

Access to electronic records is restricted to authorized personnel who have been issued non-transferrable access codes and passwords. Other records are maintained in locked file cabinets or rooms with access limited to those personnel whose official duties require access.

RETENTION AND DISPOSAL:

Computer and paper records will be maintained indefinitely until a records

disposition schedule is approved by the National Archives Records Administration.

SYSTEM MANAGER(S) AND ADDRESS:

Consumer Financial Protection Bureau implementation team, 1801 L Street, NW., Washington, DC 20036.

NOTIFICATION PROCEDURE:

Individuals seeking notification and access to any record contained in this Database, or seeking to contest its content, may inquire in writing in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix A. Address such requests to: Director, Disclosure Services, Department of Treasury, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

RECORD ACCESS PROCEDURES:

See ''Notification Procedures'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification Procedures'' above.

RECORD SOURCE CATEGORIES:

Information in this system is obtained directly from: the individual who is the subject of these records, and/or the agency or organization that the individual represents; the CFPB implementation team staff involved in external affairs operations.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 2011–17024 Filed 7–6–11; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF THE TREASURY

Departmental Offices; Privacy Act of 1974, as Amended

AGENCY: Departmental Offices, 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, gives notice of a proposed new system of records entitled ''Treasury/DO .226—Validating EITC Eligibility with State Data Pilot Project Records.''

DATES: Comments must be received no later than August 8, 2011. This new system of records will be effective August 8, 2011 unless the Department receives comments which would result in a contrary determination.

ADDRESSES: Comments should be sent to the Office of the Fiscal Assistant Secretary, Department of the Treasury, 1500 Pennsylvania Ave., NW., Room 2112, Washington, DC 20220. You may send your comments by electronic mail to *carl.maryott@treasury.gov*. In general, the Department will make all comments available in their original format, including any business or personal information provided such as names, addresses, electronic mail addresses, or telephone numbers, for public inspection and photocopying in the Department's library, Room 1428, Main Department Building, 1500 Pennsylvania Avenue, NW., Washington, DC, 20220, on official business days between the hours of 10 a.m. and 5 p.m. You can make an appointment to inspect comments by calling (202) 622–0990. All comments, including attachments and other supporting materials, received are part of the public record and are subject to public disclosure. You should submit only information that you wish to make available publicly.

FOR FURTHER INFORMATION CONTACT: Carl Maryott, Senior Financial Program Specialist, Office of the Fiscal Assistant Secretary, Department of the Treasury, (202) 622–1795 (*carl.maryott@treasury.gov*).

SUPPLEMENTARY INFORMATION: The Department of the Treasury (Departmental Offices and the Internal Revenue Service) is conducting a pilot project funded by the Partnership Fund for Program Integrity Innovation (Partnership Fund). The Partnership Fund was established by the Consolidated Appropriations Act, 2010 (Pub. L. 111–117, 123 Stat. 3034, 3171–3172) to fund pilot projects to improve delivery of Federal assistance programs administered through State and local governments, or where Federal-State cooperation could be beneficial. Congress appropriated funds to the Office of Management and Budget (OMB) and authorized it to transfer such funds to appropriate agencies to carry out pilot projects and to provide for the evaluation of such projects. The Department submitted a pilot concept to OMB to assess the usefulness of State-administered benefits data in validating Earned Income Tax Credit (EITC) eligibility, including the identification of individuals who are eligible for but have not claimed the EITC.

The Department proposes to obtain State-administered benefits data for a prior calendar year from up to five States. The pilot would evaluate whether State-administered benefits data could identify both ineligible individuals who receive improper EITC payments and eligible individuals who are not claiming the EITC. The assessment will be conducted separate from, but parallel to, normal Federal EITC operations. The Department will not use the data collected from States to intervene in the current tax filing season to stop improper EITC payments to ineligible individuals or attempt to initiate new claims for eligible individuals. Data from the pilot will not be used to adjust or correct a tax return.

The Department's Internal Revenue Service (IRS) will match the data collected from the States against data contained in IRS databases. The data matching analysis will be conducted in two stages. The first stage will entail automated database matching between information contained in IRS databases and the State-administered benefits data collected from the States to identify the positive and negative EITC eligibility matches. In the second stage, the results of the first stage will be validated by selecting a sample of the positive and negative matches and conducting interviews and individual case file research with State personnel to determine the extent to which the automated database matching may have generated false positives and false negatives. This two stage process will ensure the credibility of the automated results by confirming actual family circumstances and will allow for the development of the most reliable data matching protocol that could be used nationally to improve EITC eligibility determinations and reduce improper tax refund payments.

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 OMB.

The system of records entitled ''Treasury/DO .226—Validating EITC Eligibility with State Data Pilot Project Records '' is published in its entirety below.

Dated: June 23, 2011.

Melissa Hartman,

Deputy Assistant Secretary for Privacy, Transparency, and Records.

Treasury/DO .226

SYSTEM NAME:

Validating EITC Eligibility with State Data Pilot Project Records –Treasury/DO.

SYSTEM LOCATION:

Office of the Fiscal Assistant Secretary, Department of the Treasury, Washington, DC.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who file for State-administered public assistance benefits in States participating in the Department's pilot program.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records include information pertaining to the Department of the Treasury's pilot project ''Assessing State Data for Validating EITC Eligibility.'' Records include, but are not limited to, the application[s] for State-administered benefits, including subsequent recertification documentation and other documents supporting eligibility for State-administered benefit programs. The records may contain taxpayer names, Taxpayer Identification Numbers, social security numbers, and other representative authorization information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Consolidated Appropriations Act, 2010 (Pub. L. 111–117, 123 Stat. 3034, 3171–3172); 5 U.S.C. 301; 31 U.S.C. 321.

PURPOSE:

The purpose of this system is to determine whether data maintained by up to five States in their public assistance and other databases can assist in identifying both ineligible individuals who receive improper Earned Income Tax Credit payments and eligible individuals who are not claiming the EITC.

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 Department determines that the purpose of the disclosure is compatible with the purpose for which the Department collected the records, and no privilege is asserted.

(1) Disclose to the appropriate State agencies responsible for validating results of the data matching initiative with specific individual case file research.

(2) Provide information to a Congressional Office in response to an inquiry made at the request of the individual to whom the records pertain.

(3) Disclose information to a contractor, including a consultant hired by Treasury, to the extent necessary for the performance of a contract.

(4) 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.

(5) Disclose information to the National Archives and Records Administration (''NARA'') for use in its records management inspections and its role as an Archivist.

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, social security number, employer identification number, or similar number assigned by the IRS.

SAFEGUARDS:

Access to electronic records is restricted to authorized personnel who have been issued non-transferrable access codes and passwords. Other records are maintained in locked file cabinets or rooms with access limited to those personnel whose official duties require access. The facilities have 24-hour on-site security.

RETENTION AND DISPOSAL:

Electronic and paper records will be maintained indefinitely until a records disposition schedule is approved by the National Archives and Records Administration.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Assistant Secretary for Fiscal Operations and Policy, Office of the Fiscal Assistant Secretary, Department of the Treasury, 1500 Pennsylvania Ave., NW., Washington, DC 20220.

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 A. 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 A. Inquiries should be addressed to Director, Disclosure Services, Department of the Treasury, 1500 Pennsylvania Ave., NW., Washington, DC 20220.

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 States' department for public assistance and health services, and/or the departments of revenue for the States participating in the pilot project.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 2011–17029 Filed 7–6–11; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

FEDERAL RESERVE BOARD

FEDERAL DEPOSIT INSURANCE CORPORATION

DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

Agency Information Collection Activities; Submission for OMB Review; Joint Comment Request

AGENCIES: Office of the Comptroller of the Currency (OCC), Treasury; Board of Governors of the Federal Reserve System (Board); Federal Deposit Insurance Corporation (FDIC); and Office of Thrift Supervision (OTS), Treasury.

ACTION: Notice of information collection to be submitted to OMB for review and approval under the Paperwork Reduction Act of 1995.

SUMMARY: In accordance with the requirements of the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. chapter 35), the OCC, the Board, the FDIC, and the OTS (the ''agencies'') may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of

Management and Budget (OMB) control number. The agencies, under the auspices of the Federal Financial Institutions Examination Council (FFIEC), on February 8, 2011, requested public comment for 60 days on their proposal to require savings associations currently filing the Thrift Financial Report (TFR) to convert to filing the Consolidated Reports of Condition and Income (Call Report) beginning with the reporting period ending on March 31, 2012 (76 FR 7082).

In addition, the Board published a notice of its intent to require savings and loan holding companies (SLHCs) to submit to the Board all regulatory reports that are currently required to be filed by bank holding companies (BHCs), beginning with the reporting period ending on March 31, 2012 (76 FR 7091). The Board is considering the comments it received on the notice of its intent for SLHC reporting and will issue its proposal for reporting by SLHCs on or after July 21, 2011, which is the date that supervision of SLHCs is transferred from the OTS to the Board.

The TFR and the Call Report are currently approved collections of information. Seven comment letters were received on the proposal. In addition, the agencies met with two commenters as described later in this notice. After considering the comments received on the proposal, the agencies hereby give notice of their plan to proceed with the proposed conversion to the Call Report and will submit the proposal to OMB for review and approval.

DATES: Comments must be submitted on or before August 8, 2011.

ADDRESSES: Interested parties are invited to submit written comments to any or all of the agencies. All comments, which should refer to the OMB control number(s), will be shared among the agencies. As described later in this notice, the OTS will be abolished on July 21, 2011 and its functions transferred to the other agencies. Hence, comments submitted on or after July 21, 2011 should be addressed to any or all of the agencies other than OTS.

OCC: You should direct all written comments to: Communications Division, Office of the Comptroller of the Currency, Mailstop 2–3, Attention: 1557–0081, 250 E Street, SW., Washington, DC 20219. In addition, comments may be sent by fax to (202) 874–5274, or by electronic mail to *regs.comments@occ.treas,gov*. You may personally inspect and photocopy comments at the OCC, 250 E Street, SW., Washington, DC 20219. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 874–4700. Upon arrival, visitors will be required to present valid government-issued photo identification and to submit to security screening in order to inspect and photocopy comments.

Board: You may submit comments, which should refer to ''Consolidated Reports of Condition and Income (FFIEC 031 and 041),'' by any of the following methods:

- *Agency Web Site: http://www.federalreserve.gov*. Follow the instructions for submitting comments on the *http://www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm*.
- *Federal eRulemaking Portal: http://www.regulations.gov*. Follow the instructions for submitting comments.
- *E-mail: regs.comments@federalreserve.gov*. Include reporting form number in the subject line of the message.
- *FAX:* (202) 452–3819 or (202) 452–3102.
- *Mail:* Jennifer J. Johnson, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, NW., Washington, DC 20551.

All public comments are available from the Board's Web site at *http://www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm* as submitted, unless modified for technical reasons. Accordingly, your comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper in Room MP–500 of the Board's Martin Building (20th and C Streets, NW.) between 9 a.m. and 5 p.m. on weekdays.

FDIC: You may submit comments, which should refer to ''Consolidated Reports of Condition and Income, 3064–0052,'' by any of the following methods:

- *Agency Web Site: http://www.fdic.gov/regulations/laws/federal/propose.html*. Follow the instructions for submitting comments on the FDIC Web site.
- *Federal eRulemaking Portal: http://www.regulations.gov*. Follow the instructions for submitting comments.
- *E-mail: comments@FDIC.gov*. Include ''Consolidated Reports of Condition and Income, 3064–0052'' in the subject line of the message.
- *Mail:* Gary A. Kuiper, (202) 898–3877, Counsel, Attn: Comments, Room F–1072, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429.
- *Hand Delivery:* Comments may be hand delivered to the guard station at the rear of the 550 17th Street Building (located on F Street) on business days between 7 a.m. and 5 p.m.

Public Inspection: All comments received will be posted without change to *http://www.fdic.gov/regulations/laws/federal/propose.html* including any personal information provided. Comments may be inspected at the FDIC Public Information Center, Room E–1002, 3501 Fairfax Drive, Arlington, VA 22226, between 9 a.m. and 5 p.m. on business days.

OTS: You may submit comments, identified by ''1550–0023 (TFR: Conversion to Call Report),'' by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov*. Follow the instructions for submitting comments.
- *E-mail address: infocollection.comments@ots.treas.gov*. Please include ''1550–0023 (TFR: Conversion to Call Report)'' in the subject line of the message and include your name and telephone number in the message.
- *Fax:* (202) 906–6518.
- *Mail:* Information Collection Comments, Chief Counsel's Office, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, Attention: ''1550–0023 (TFR: Conversion to Call Report).''
- *Hand Delivery/Courier:* Guard's Desk, East Lobby Entrance, 1700 G Street, NW., from 9:00 a.m. to 4:00 p.m. on business days, Attention: Information Collection Comments, Chief Counsel's Office, *Attention:* ''1550–0023 (TFR: Conversion to Call Report).''

Instructions: All submissions received must include the agency name and OMB Control Number for this information collection. All comments received will be posted without change to the OTS Internet Site at *http://www.ots.treas.gov/pagehtml.cfm?catNumber=67&an=1*, including any personal information provided.

Docket: For access to the docket to read background documents or comments received, go to *http://www.ots.treas.gov/pagehtml.cfm?catNumber=67&an=1*. In addition, you may inspect comments at the Public Reading Room, 1700 G Street, NW., by appointment. To make an appointment for access, call (202) 906–5922, send an e-mail to *public.info@ots.treas.gov*, or send a facsimile transmission to (202) 906–7755. (Prior notice identifying the materials you will be requesting will assist us in serving you.) The OTS schedules appointments on business days between 10 a.m. and 4 p.m. In most cases, appointments will be

available the next business day following the date we receive a request.

Additionally, commenters may send a copy of their comments to the OMB desk officer for the agencies by mail to the Office of Information and Regulatory Affairs, U.S. Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street, NW., Washington, DC 20503, or by fax to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: For further information about the proposal discussed in this notice, please contact any of the agency clearance officers whose names appear below.

In addition, copies of the reporting forms and instructions for the FFIEC 031, Consolidated Reports of Condition and Income for a Bank with Domestic and Foreign Offices, can be obtained at the FFIEC's Web site (*http://www.ffiec.gov/forms031.htm*).

Copies of the reporting forms and instructions for the FFIEC 041, Consolidated Reports of Condition and Income for a Bank with Domestic Offices Only, can be obtained at the FFIEC's Web site (*http://www.ffiec.gov/forms041.htm*).

Copies of the reporting forms and instructions for the TFR can be obtained at the OTS's Web site (*http://www.ots.treas.gov/?p=ThriftFinancialReports*).

OCC: Mary Gottlieb, OCC Clearance Officer, (202) 874–5090, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 250 E Street, SW., Washington, DC 20219.

Board: Cynthia Ayouch, Acting Federal Reserve Board Clearance Officer, (202) 452–3829, Division of Research and Statistics, Board of Governors of the Federal Reserve System, 20th and C Streets, NW., Washington, DC 20551. Telecommunications Device for the Deaf (TDD) users may call (202) 263–4869.

FDIC: Gary A. Kuiper, Counsel, (202) 898–3877, Legal Division, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429.

OTS: Ira L. Mills, OTS Clearance Officer, at *Ira.Mills@ots.treas.gov,* (202) 906–6531, or facsimile number (202) 906–6518, Regulations and Legislation Division, Chief Counsel's Office, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

SUPPLEMENTARY INFORMATION: The agencies are proposing to revise the reporting panel for the Call Report and to cease collection of data through all schedules of the TFR beginning with the reporting period ending on March 31, 2012. The Call Report is currently an approved collection of information for the OCC, the Board, and the FDIC. The TFR is currently an approved collection of information for the OTS.

1. *Report Title:* Consolidated Reports of Condition and Income (Call Report).

Form Number: Call Report: FFIEC 031 (for banks with domestic and foreign offices) and FFIEC 041 (for banks with domestic offices only).

Frequency of Response: Quarterly.

Affected Public: Business or other for-profit.

OCC

OMB Number: 1557–0081.

Current

Estimated Number of Respondents: 1,427 national banks.

Estimated Time per Response: 53.38 burden hours.

Estimated Total Annual Burden: 304,693 burden hours.

Proposed

Estimated Number of Respondents: 2,091 (1,427 national banks and 664 federal savings associations).

Estimated Time per Response: National banks: 53.38 burden hours per quarter to file.

Federal savings associations: 53.38 burden hours per quarter to file and 188 burden hours for the first year to convert systems and conduct training.

Estimated Total Annual Burden: National banks: 304,693 burden hours to file.

Federal savings associations: 141,777 burden hours to file; plus 124,832 burden hours for the first year to convert systems and conduct training.

Total: 571,302 burden hours.

Board

OMB Number: 7100–0036.

Current

Estimated Number of Respondents: 826 state member banks.

Estimated Time per Response: 55.19 burden hours.

Estimated Total Annual Burden: 182,348 burden hours.

Proposed

No change.

FDIC

OMB Number: 3064–0052.

Current

Estimated Number of Respondents: 4,687 insured state nonmember banks.

Estimated Time per Response: 40.47 burden hours.

Estimated Total Annual Burden: 758,732 burden hours.

Proposed

Estimated Number of Respondents: 4,747 (4,687 insured state nonmember banks and 60 state savings associations).

Estimated Time per Response: State nonmember banks: 40.47 burden hours per quarter to file.

State savings associations: 40.47 burden hours per quarter to file and 188 burden hours for the first year to convert systems and conduct training.

Estimated Total Annual Burden: State nonmember banks: 758,732 burden hours to file.

State savings associations: 9,713 burden hours to file; plus 11,280 burden hours for the first year to convert systems and conduct training.

Total: 779,725 burden hours.

The estimated time per response for the Call Report is an average that varies by agency because of differences in the composition of the institutions under each agency's supervision (*e.g.,* size distribution of institutions, types of activities in which they are engaged, and existence of foreign offices). The average reporting burden for the Call Report is estimated to range from 17 to 700 hours per quarter, depending on an individual institution's circumstances.

2. *Report Title:* Thrift Financial Report (TFR).

Form Number: OTS 1313 (for savings associations).

Frequency of Response: Quarterly; Annually.

Affected Public: Business or other for-profit.

OTS

OMB Number: 1550–0023.

Current

Estimated Number of Respondents: 724 savings associations.

Estimated Time per Response: 60.3 hours average for quarterly schedules and 2.0 hours average for schedules required only annually plus recordkeeping of an average of one hour per quarter.

Estimated Total Annual Burden: 178,973 burden hours.

Proposed

Estimated Number of Respondents: Not applicable.

Estimated Time per Response: Not applicable.

Estimated Total Annual Burden: Not applicable.

The burden estimates in this notice above are for the quarterly filings of the TFR and the Call Report. In addition to those filings, savings associations would incur an initial burden of converting systems and training staff to prepare and file the Call Report in place of the TFR

as proposed. Accordingly, the burden estimates above in this notice for savings associations also include the time to convert to filing the Call Report, including necessary systems changes and training staff on Call Report preparation and filing, which is estimated to average 188 hours.

As a general statement, larger institutions and those with more complex operations would expend a greater number of hours than smaller institutions and those with less complex operations. An institution's use of service providers for the information and accounting support of key functions, such as credit processing, transaction processing, deposit and customer information, general ledger, and reporting should result in lower burden hours for converting to the Call Report. Institutions with staff having experience in preparing and filing the Call Report should incur lower initial burden hours for converting to the Call Report from the TFR.

A summary of the estimated initial burden hours for savings associations regarding the proposed conversion to the Call Report from the TFR is presented below.

Estimated Initial Burden of Proposal:

Estimated Number of Institutions: 724 savings associations.

Estimated Time per Institution: 188 burden hours.

Estimated Total Burden: 136,112 burden hours.

General Description of Reports

These information collections are mandatory pursuant to: 12 U.S.C. 161 (for national banks), 12 U.S.C. 324 (for state member banks), 12 U.S.C. 1817 (for insured state nonmember commercial and savings banks), and 12 U.S.C. 1464 (for savings associations). At present, except for selected data items, the Call Report and TFR are not given confidential treatment.

Abstract

Institutions submit Call Report and TFR data to the agencies each quarter for the agencies' use in monitoring the condition, performance, and risk profile of individual institutions and the bank and savings association industries as a whole. Call Report and TFR data provide the most current statistical data available for evaluating institutions' corporate applications, for identifying areas of focus for both on-site and off-site examinations, and for monetary and other public policy purposes. The agencies use Call Report and TFR data in evaluating interstate merger and acquisition applications to determine, as required by law, whether the resulting institution would control more than ten percent of the total amount of deposits of insured depository institutions in the United States. Call Report and TFR data also are used to calculate all institutions' deposit insurance and Financing Corporation assessments, and national banks' and savings associations' assessments.

Effect of Recent Legislation

The Dodd-Frank Wall Street Reform and Consumer Protection Act, Public Law 111–203 (the Dodd-Frank Act) was enacted into law on July 21, 2010. Title III of the Dodd-Frank Act abolishes the OTS, provides for its integration with the OCC effective as of July 21, 2011 (the ''transfer date''), and transfers the OTS's functions to the OCC, the Board, and the FDIC. Under Title III of the Dodd-Frank Act, all functions of the OTS relating to federal savings associations and rulemaking authority for all savings associations are transferred to the OCC. All functions of the OTS relating to state-chartered savings associations (other than rulemaking) are transferred to the FDIC. All functions of the OTS relating to supervision of SLHCs (including rulemaking) are transferred to the Board.

After careful review, the agencies believe that having common financial reports and reporting processes among all FDIC-insured entities would be more efficient and would lead to more uniform comparisons of financial condition, performance, and trends among regulated institutions. For these reasons, the OTS is proposing to eliminate the TFR, and the agencies are proposing to require savings associations to adopt the reporting routines and processes required of all other FDIC-insured banks and savings institutions.

Section 5(v)(1) of the Home Owners' Loan Act (12 U.S.C. 1464 (v)(1)) does not contain a specific requirement for collection of financial information from savings associations in the TFR format. Rather, the statute provides broad authority for the OTS to determine the requirements of periodic reports and information needs. Therefore, there is no statutory impediment to requiring savings associations to convert from the TFR to the Call Report.

Current Actions

I. Overview

On February 8, 2011, the agencies proposed to implement changes to savings associations' data reporting requirements beginning with the reporting period ending on March 31, 2012 (76 FR 7082). These changes are intended to provide data needed for reasons of safety and soundness or other public purposes. The proposed changes would require savings associations to cease filing the TFR and commence filing the Call Report beginning on the March 31, 2012, report date. After considering the comments received on the proposal, the agencies plan to proceed with the proposed conversion from the TFR to the Call Report for savings associations beginning on the March 31, 2012, report date.

II. Proposal To Require Savings Associations To File Call Report

A. Discussion of Comments

The agencies collectively received comments from five savings associations and from two bank/thrift trade associations regarding the agencies' February 8, 2011 proposal to convert to the Call Report from the TFR. None of the commenters took exception to the general proposal to have savings associations currently regulated by the OTS begin reporting regulatory financial data using the Call Report instead of the TFR sometime after the transfer date of July 21, 2011. However, there were comments received on some specific aspects of the proposed report conversion. Below is a discussion of the more specific comments.

The comments received from the individual savings associations all related to the proposal to eliminate the collection of data on Schedule Consolidated Maturity/Rate (Schedule CMR), and with it, the elimination of the OTS Interest Rate Risk Model (OTS IRR Model). One savings association supported Schedule CMR elimination noting that it used an internal model to monitor interest rate risk and it was a burden to reconcile the results of its own model to that of the OTS IRR Model. Four savings associations commented that they supported continuation of Schedule CMR since they relied on the OTS IRR Model to help monitor interest rate risk.

In making the final determination about Schedule CMR and the OTS IRR Model, the agencies carefully considered these comments as well as comments received by the OTS in response to its 2007 Advance Notice of Proposed Rulemaking (72 FR 64003, November 14, 2007) [1] regarding a possible conversion to the Call Report. The majority of comments received by the OTS in response to the 2007 proposal supported elimination of the

[1] Link to November 14, 2007 proposal published at 72 FR 64003: *http://www.ots.treas.gov/_files/commenttopics/8f697712–0718–411f-a004–470f790edf80.pdf.*

IRR Model and collection of Schedule CMR. The reasons cited by savings associations supporting the elimination of Schedule CMR were based on the burden of generating the data necessary to complete that schedule and the fact that they had adopted other models to help measure and monitor interest rate risk.

The agencies also considered that existing rules, regulations, and overall supervisory approaches for savings associations will be realigned to parallel those applied to all other FDIC-insured institutions. Specifically with regard to monitoring interest rate risk, savings associations will be expected to have their own resources to measure and monitor interest rate risk. This measurement should address earnings at risk as well as capital at risk to interest rate movements, as described in the agencies' 2010 Advisory on Interest Rate Risk Management (Interagency Advisory). The Web links for the general interest rate risk management policies and guidelines of the agencies (other than the OTS) are as follows:

http://www.ffiec.gov/press/pr042398.htm
http://www.fdic.gov/news/news/press/2010/pr1002.pdf
http://www.fdic.gov/regulations/laws/rules/5000–4200.html
http://www.fdic.gov/regulations/safety/manual/section7–1_toc.html
http://www.federalreserve.gov/boarddocs/SRLETTERS/1996/sr9613.htm
http://www.federalreserve.gov/BoardDocs/SupManual/trading/200901/3000p2.pdf
http://www.occ.gov/news-issuances/bulletins/2010/bulletin-2010–1a.pdf
http://www.occ.gov/news-issuances/bulletins/1998/bulletin-1998–20.html
http://www.occ.gov/static/publications/handbook/irr.pdf

The OTS IRR Model does not provide measurement of both earnings at risk and capital at risk to interest rate movements, so extending reporting of Schedule CMR would not facilitate savings associations' movement toward full compliance with the Interagency Advisory. Numerous vendors and other sources are available to assist institutions in establishing processes to fully measure interest rate risk exposure, as evidenced by existing commercial and state-chartered savings banks of all asset sizes that effectively measure and monitor interest rate risk independently of, but subject to supervisory oversight by, their regulator. After considering all the issues, the agencies have decided to proceed with the elimination of Schedule CMR as proposed beginning with the March 31, 2012 reporting period.

The February 8, 2011 notice also proposed that the filing of Schedule CMR for the remainder of 2011 would be optional for savings associations that have a ''1'' or ''2'' rating for their most recent composite rating under the Uniform Financial Institutions Rating System (UFIRS), a ''1'' or ''2'' rating for their most recent UFIRS Sensitivity component rating, and the means to adequately monitor and assess interest rate risk through internal processes pursuant to current regulatory guidance and expectations.

The agencies decided to modify the proposed 2011 optional filing of Schedule CMR for these savings associations. Rather than making the filing of Schedule CMR optional for savings associations that have a ''1'' or ''2'' rating for their most recent UFIRS composite rating, a ''1'' or ''2'' rating for their most recent UFIRS Sensitivity component rating, and the means to adequately monitor and assess interest rate risk through internal processes, savings associations that meet these criteria should *not* file Schedule CMR after the end of the June 30, 2011 reporting period. All other savings associations must continue to file Schedule CMR through the December 31, 2011 reporting period.

Additional comments were received from two bank/thrift trade associations. Both of the trade associations requested a one-year extension for the conversion of the TFR to the Call Report from the proposed implementation date of the reporting period ending March 31, 2012, to an implementation date of the reporting period ending March 31, 2013. The trade associations cited various burden concerns as a general basis for the one-year extension request.

The agencies met with representatives from the two trade associations on May 11, 2011, to discuss in more detail their comments regarding the report conversion proposal. Both trade associations reiterated the concerns expressed in their comment letters. In the comment letters and during the May 11, 2011, meeting, both trade associations mentioned the coinciding burden associated with the Board's notice of intent to require SLHCs to begin filing the same regulatory reports required of BHCs. The Board is considering the comments received on its notice of intent and plans to issue a proposal for comment regarding SLHC reporting on or after the July 21, 2011, transfer date.

The agencies carefully considered the trade associations' comments regarding the TFR-to-Call Report conversion proposal. The agencies realize the report conversion is a key consideration of the thrift industry and have already taken several measures to help address these concerns and ease the conversion from the TFR to the Call Report.

One of the most significant measures to assist with the report conversion process is the transfer of the entire OTS Financial Reporting Division (FRD) staff to the FDIC effective with the transfer date. The FRD staff currently responds to savings association TFR questions and is the primary contact for savings associations with questions regarding TFR content issues as well as technical filing issues. The FRD staff currently has caseloads of savings associations and the transfer of FRD staff as a unit will help provide savings associations with consistency by having the same points of contact throughout the report conversion process. Experienced Call Report staff will also be readily available to assist institutions with report content and filing issues throughout the transition and on an ongoing basis.

In addition, on February 3, 2011, the OTS announced it would curtail all proposed changes to the TFR for 2011 that would increase the differences between the TFR and the Call Report (Final Notice 76 FR 6191).[2] This decision was made to help reduce the burden of the proposed report conversion.

Also to help savings associations with the conversion to the Call Report, the OTS published on February 15, 2011,[3] a ''mapping'' of data items reported on the TFR to comparable items reported on the Call Report. The mapping further identified the Call Report data items that are not reported in the TFR. The mapping schema is available on the OTS's Web site at *http://www.ots.treas.gov/_files/4830092.pdf.* The mapping schema was also placed on the FFIEC's Web site under Call Report Forms at *http://www.ffiec.gov/ffiec_report_forms.htm.*

The two trade associations expressed appreciation for the mapping between the reports mentioned above. They also commented that there were a large number of data items that did not map between the two reports. The trade associations observed the large number was primarily attributable to the greater number of data items currently collected on the Call Report compared to the number of data items collected on the

[2] Link to the February 3, 2011, Final Notice published at 76 FR 6191: *http://www.ots.treas.gov/_files/4830087.pdf.*

[3] Link to CEO Letter 379: *http://www.ots.treas.gov/_files/25379.pdf.*

TFR. Further, the trade associations indicated the large number of data items that do not map between the reports may be evidence that the proposed report conversion could prove difficult for savings associations.

The agencies believe the number of data items that do not map between the two reports reflects: (1) a larger number of data items reported on the Call Report than on the TFR; and (2) the greater number of large, complex institutions reporting information using the Call Report rather than the TFR.

As of March 31, 2011, there were 7,574 FDIC-insured banks and savings institutions—724 were savings associations reporting data to the OTS using the TFR and the remainder (6,850) were FDIC-insured commercial banks and state-chartered savings banks reporting data to their respective regulatory agency using the Call Report. Of the 724 savings associations, four had assets greater than $50 billion, and none had assets greater than $100 billion. Of the 6,850 institutions, 32 had assets greater than $50 billion, and four had assets greater than $100 billion.

The fact that the thrift industry (TFR filers) is generally smaller and has fewer large, complex institutions than the other banks and savings institutions insured by the FDIC as a group (Call Report filers), has allowed the OTS to obtain needed supervisory information from individual savings associations rather than add data items to the TFR. This was especially the case where information was needed for activities unique to certain larger, more complex thrift institutions.

In contrast, obtaining similar information for supervisory purposes through the Call Report was more efficient for Call Report filers since there was likely a greater number of institutions engaged in complex activities. This was due to the fact there are approximately nine times the number of Call Report filers as there are TFR filers. In addition, there are a greater number of large institutions filing the Call Report.

The inclusion in the Call Report of schedules from which to obtain information from complex activities, for example securitization activities, as opposed to the collection of similar information outside the TFR collection process for savings associations, resulted in a large number of items that did not map from the Call Report to the TFR. Call Report items designed to collect information from institutions engaged in complex activities would not need to be reported for the vast majority of savings associations.

Further, the Call Report uses an asset size-based approach to some schedules whereby institutions exceeding a certain asset size are required to report additional data. The asset size thresholds in many Call Report schedules are either $300 million or $1 billion. As of March 31, 2011, 64 percent of savings associations had assets less than $300 million; 86 percent of savings associations had assets less than $1 billion. Hence, the additional reporting required of larger institutions in many Call Report schedules would not apply to the majority of savings associations.

For these reasons, the agencies believe focusing on the number of Call Report data items that do not map to the TFR may lead to the inaccurate conclusion that the proposed conversion to the Call Report from the TFR would impose significant additional burden on all savings associations.

The two trade associations also commented that the burden estimates, specifically the estimates under the heading ''Initial Burden Estimates,'' in the February 8, 2011 notice announcing the proposed reporting conversion, underestimate the actual number of hours that may be required for the conversion.

The initial burden estimates in the February 8, 2011 notice were based on a telephone survey conducted by the OTS of certain savings associations that changed charters from an OTS-supervised institution to a commercial bank or a non-OTS supervised state savings bank during the period from January 1, 2008, through June 30, 2010. Hence, these institutions had to convert from reporting on the TFR to reporting on the Call Report. Their actual experience implementing a report conversion from the TFR to the Call Report was thought to be valuable information for estimating the initial burden for this proposal.

A total of 22 OTS-supervised savings associations changed charters during the period reviewed. Six of the 22 savings associations changed charters to facilitate an acquisition or merger into another institution. Two of the 22 savings associations engaged in trust activities only. Of the remaining 14 savings associations, nine were contacted by the OTS and asked for their estimate of the total hours expended—including systems work and training for the new reporting—in converting from the TFR to the Call Report.

The estimates included two extremes. One institution estimated zero hours were expended on the report conversion. This institution indicated they used a service provider for general ledger and other reporting purposes that had both TFR filers and Call Report filers as clients. Hence, the conversion to the Call Report was very simple and required zero hours by the institution to implement the report conversion.

At the other extreme was one institution's estimate of 720 hours (600 hours for the TFR-to-Call Report conversion and 120 hours for the TFR Schedule HC-to-bank holding company conversion). However, this institution experienced significant growth through acquisitions in the two years prior to its charter change. Hence, some of the hours estimated for report conversion may have been attributable to systems coordination among acquired entities. Nevertheless, this institution's estimate was included in the calculation of the average number of hours used to estimate the initial burden of report conversion.[4]

It is typical in calculating averages to exclude extremes from the low end and the high end. For conservatism, only the estimate of zero hours was excluded in calculating the average number of estimated hours for initial burden published in the February 8, 2011 notice. Further, some institutions could not specifically differentiate between the hours spent on the TFR-to-Call Report conversion and the hours spent on the holding company report conversion. These institutions either did not separately track hours for each process or viewed the conversion for both reports as one effort. Again for conservatism, we elected to include total hours estimated from institutions (hours related to the TFR-to-Call Report conversion plus hours related to the holding company report conversion) for estimating the initial burden hours included in the February 8, 2011 notice.

As presented in the notice published February 8, 2011, the average number of hours estimated for converting from the TFR to the Call Report was 188 hours. The agencies believe this is a fair estimate of the initial burden of the proposal.

The trade associations also commented that the conversion from the TFR to the Call Report, as proposed, would be burdensome on the systems of savings associations and that vendors of software for generating and reporting Call Reports may have difficulty helping savings associations with the report conversion. It was further stated by one of the commenters that ''each savings

[4] Excluding the two extremes, the range of hours was 40 hours to 360 hours. If both the high-end and low-end extremes were excluded, the average number of estimated burden hours would be 130 hours.

association would have to evaluate each reporting line item, find where in their institution the information may be obtained, and create systems and procedures to provide the required information.''

The agencies carefully reviewed the service providers currently used by savings associations to help manage information and operation systems. The FDIC also surveyed several Call Report software filing vendors to help determine the overall difficulty of the proposed conversion from a vendor perspective.

As stated in the February 8, 2011 notice, there are currently nine vendors offering software meeting the technical specifications for producing Call Report data files that are able to be processed by the FFIEC's Central Data Repository (CDR).[5] Based on an analysis by the OTS, approximately 60 percent of savings associations use one of the nine vendors to generate their general ledgers. Another 20 percent of savings associations use one of the nine vendors as their service provider for a system other than their general ledger, such as systems for customer information files, loan processing and underwriting, loan servicing, or asset/liability management.

Based on a survey of Call Report software vendors, these vendors already have a mapping of data items between the Call Report and the TFR. Hence, it does not appear that individual savings associations would generally need to conduct their own systems mapping of TFR data items to comparable Call Report items for filing the Call Report. The agencies believe this survey finding, together with the large percentage of savings associations already using the services of vendors familiar with both the TFR and the Call Report, would appear to help mitigate the overall difficulty of the proposed conversion.

One of the trade associations commented there will be costs associated with the report conversion and these costs may rise dramatically if the conversion implementation occurs as proposed. The agencies agree there will be costs associated with the report conversion. The OTS developed TFR reporting software and provided that software free-of-charge to savings associations to file the TFR. In contrast, Call Report filers typically use commercially available software to file the Call Report.

However, the agencies do not agree the costs may rise dramatically if the conversion implementation occurs as proposed. Inquiries were made of vendors regarding the costs of reporting software, both initial costs and ongoing costs, as part of the survey of Call Report software vendors discussed above. The survey results indicated the costs of the Call Report filing software are not significant and average approximately $1,000 for the initial set-up and $1,000 per year depending on institution asset size.[6] Further, vendors indicated that the method used to obtain the filing software is simple and straightforward. Moreover, since most savings associations already use some services from vendors that also provide Call Report filing software, the efforts needed by vendors to provide Call Report filing software to the majority of savings associations is limited.

The agencies carefully considered all of the burden issues raised by the two trade associations as reasons for requesting a one-year delay of the report conversion implementation. Based on the agencies' analyses of burden issues and surveys or discussions with service providers and savings association executives, the agencies have decided to proceed with the conversion of the TFR to the Call Report beginning with the reporting period ending March 31, 2012, as proposed.

The agencies also considered that existing rules, regulations, and overall examination and supervisory approaches for savings associations will be realigned to parallel those applied to all other FDIC-insured banks and savings institutions. Many of these rules, regulations, and examination and supervisory approaches rely on information gathered from the Call Report. Moreover, the primary models, monitoring tools and data reports used in conducting off-site financial monitoring and onsite examinations—such as the Uniform Bank Performance Report (UBPR)—are produced from Call Report data. Hence, to help ensure that overall supervision and supervisory evaluations are consistent among all FDIC-insured banks and savings institutions, the agencies believe it is vital to have all FDIC-insured banks and savings institutions use the same supervisory financial report and filing processes beginning in 2012.

There were several other comments submitted by the two trade associations. Both trade associations requested the agencies allow early adoption of the Call Report by savings associations. The agencies considered this request and have agreed to allow savings associations to adopt the Call Report early for report dates following the transfer date of July 21, 2011.[7] The agencies request that savings associations planning to file a Call Report in 2011 for the last two reporting periods, or the last reporting period, should notify their primary federal regulator (and state regulator where applicable) and the FRD analyst assigned to their institution at least two weeks before the Call Report due date which is 30 calendar days after the quarter-end report date. This will allow for the necessary systems adjustments to the CDR for Call Report collection and processing. Once a savings association has elected to adopt the Call Report early in 2011, it must continue to file the Call Report for the remainder of the early adoption period, and such Call Reports will be subject to all applicable data standards and requirements.

One trade association requested the agencies consider allowing institutions to file Call Reports based on their fiscal years rather than the requirement to file on a calendar year basis as currently required. According to data collected in the Call Report on institutions' fiscal years, there are about 200 current Call Report filers with fiscal years that do not align with the calendar year. The agencies know of no institutions—including those with fiscal years that do not align with the calendar year—for which filing the Call Report using the calendar year presents filing problems. Therefore, all institutions will be requested to file the Call Report on a calendar year basis.

The agencies encourage feedback regarding their progress with the report conversion process. Savings associations should feel free to contact their FRD analyst, supervisory caseload manager, regional director, or contacts listed on this notice about report conversion issues.

[5] The list of these nine vendors can be found on the last page of the FFIEC's most recent quarterly Call Report Supplemental Instructions found at *http://www.ffiec.gov/ffiec_report_forms.htm.* In addition, individual institutions may choose to develop their own Call Report preparation software that meets these technical specifications.

[6] These costs may vary depending on asset size as indicated, as well as modules, options, or additional services requested.

[7] Savings associations that adopt the Call Report early in 2011 should not file TFR Schedule CMR unless required to do so by their primary regulator. In most cases, the filing of Schedule CMR for savings associations that early adopt the Call Report would be required if the institution does not yet have the means to adequately measure and monitor interest rate risk. Additionally, savings associations that adopt the Call Report early in 2011, would still need to submit all other existing OTS regulatory reports and would be required by the Board to file TFR Schedule HC through the December 31, 2011 reporting period. As mentioned above in this notice, the Board is considering the comments received on its notice of intent and plans to issue a proposal for comment regarding SLHC reporting on or after the July 21, 2011, transfer date.

Further, the agencies will continue to meet with savings association managers through various venues. During these meetings, managers are encouraged to discuss issues related to the implementation of the report conversion.

B. Report Preparation Training

Converting to the Call Report may require OTS-regulated savings associations to obtain specific training for their staff concerning the preparation and completion of the Call Report. Such training is offered on a regular basis by independent trade and professional organizations.

As stated above, the agencies have provided a ''mapping'' of TFR items to Call Report items to help reduce the initial burden of report conversion. As also stated in the February 8, 2011 notice, there are some differences between the Call Report and TFR, examples of which are described below. Given these and other reporting differences, savings associations are encouraged to familiarize themselves with the Call Report instructions and to seek training opportunities for report preparation staff as soon as possible. Web links to the Call Report forms and instructions are provided above in this notice.

Some reporting differences between the TFR and the Call Report include the following:

1. In the TFR, data are reported for the quarter ending on the report date in Schedule SO—Consolidated Statement of Operations, the Summary of Changes in Savings Association Equity Capital in Schedule SI—Supplemental Information, Schedule VA—Consolidated Valuation Allowances and Related Data, and Schedule CF—Consolidated Cash Flow Information. In the comparable schedules of the Call Report, data are reported on a calendar year-to-date basis, regardless of an institution's fiscal year-end.

2. Previously submitted TFRs can be amended only for 135 days after the end of the quarter for which an amended report is being filed electronically. In general, amendments to previously submitted Call Reports can be filed for up to five years after the report date, including amendments required by an institution's primary federal bank supervisory authority when a report as previously submitted contains significant errors with respect to the categorization of data items or material errors with respect to the recognition and measurement of an event or transaction.

3. In the Average Balance Sheet Data section of TFR Schedule SI—Supplemental Information, savings associations report average balance sheet data for the quarter that, at a minimum, must be computed based on balances at month-end. However, savings associations may choose to compute these data based on other than month-end balances, such as daily or weekly balances. In Call Report Schedule RC–K—Quarterly Averages, institutions must report averages on a daily or weekly basis only.

4. Savings associations can report specific valuation allowances in TFR Schedule VA–Consolidated Valuation Allowances and Related Data. Comparable reporting is not available in the Call Report. For example, for Call Report purposes, institutions take and report charge-offs on individual loans rather than creating specific valuation allowances.

The agencies are also participating in various conferences and tele-briefings to help assist savings associations with the transition to the Call Report. The members of the FFIEC's Task Force on Reports are also available to answer questions that savings associations have on the Call Report. Additionally, questions regarding the Call Report can be directed to the sources listed at the bottom of the following Financial Institution Letter: *http://www.fdic.gov/news/news/financial/2011/fil11019.html*.

C. Timing

Savings associations currently regulated by the OTS would begin filing the Call Report as of the March 31, 2012, report date. Savings associations are permitted to convert early to the Call Report for report dates following the transfer date of July 21, 2011, as described above in this notice. However, as described above in this notice, savings associations that early adopt the Call Report would still need to submit Schedule HC of the TFR along with all other existing OTS regulatory reports through the December 31, 2011, reporting period. The agencies request that savings associations planning to begin filing the Call Report in 2011 notify their primary federal regulator (and state regulator where applicable) and the FRD analyst assigned to their institution at least two weeks before the Call Report due date, which is 30 calendar days after the quarter-end report date. Savings associations would file the same Call Report required of commercial banks and state-chartered savings banks not currently regulated by the OTS. Web links to the Call Report forms and instructions are provided above in this notice.

Savings associations that do not convert to the Call Report prior to the March 31, 2012, report date will continue to submit TFRs, including Schedules HC and CMR (unless an institution meets the requirements discussed above in this notice to discontinue reporting Schedule CMR after the end of the June 30, 2011 reporting period), and all other existing OTS regulatory reports through the December 31, 2011, reporting period, using the processing, editing, and validating system currently in use, which is the Electronic Filing System established by the OTS.

D. Filing Process

OTS-regulated savings associations use OTS-developed proprietary software to file TFRs. Call Reports for other FDIC-insured institutions are filed one of two ways, both using institution-acquired software. These two filing processes are described below:

1. An institution may use computer software to prepare its report and then submit the report directly to the CDR, an Internet-based system for data collection at *https://cdr.ffiec.gov/CDR/*; or

2. The institution may complete its reports in paper form and arrange with a software vendor or another party to convert its paper reports into an electronic format that can be processed by the CDR. The software vendor or another party then must electronically submit the data file containing the bank's Call Report to the CDR.

A list of providers offering software meeting the technical specifications for producing Call Report data files that are able to be processed by the CDR can be found on the last page of the FFIEC's most recent quarterly Call Report Supplemental Instructions found at *http://www.ffiec.gov/ffiec_report_forms.htm.* In addition, individual institutions may choose to develop their own Call Report preparation software that meets these technical specifications. The agencies will provide specific information on the requirements to those institutions interested in pursuing this option.

In summary, after considering the comments received on the proposal, the agencies plan to proceed with the reporting changes proposed and will submit the proposal to OMB for review and approval.

Request for Comment

Public comment is requested on all aspects of this joint notice. Comments are invited on:

(a) Whether the proposed revisions to the collections of information that are the subject of this notice are necessary

for the proper performance of the agencies' functions, including whether the information has practical utility;

(b) The accuracy of the agencies' estimates of the burden of the information collections as they are proposed to be revised, including the validity of the methodology and assumptions used;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of information collections 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.

Comments submitted in response to this joint notice will be shared among the agencies. All comments will become a matter of public record.

Dated: June 29, 2011.

Michele Meyer,

Assistant Director, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency.

Board of Governors of the Federal Reserve System, dated: June 30, 2011.

Jennifer J. Johnson,

Secretary of the Board.

Dated at Washington, DC, this 1st day of July 2011.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

Dated: July 1, 2011.

Ira L. Mills,

Paperwork Clearance Officer, Office of Chief Counsel, Office of Thrift Supervision.

[FR Doc. 2011–17100 Filed 7–6–11; 8:45 am]

BILLING CODE 4810–33–P; 6210–01–P; 6714–01–P; 6720–01–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

[Docket ID OCC–2011–0012]

Guidance on Deposit-Related Consumer Credit Products

AGENCY: Office of the Comptroller of the Currency, Treasury (OCC).

ACTION: Extension of comment period.

SUMMARY: On June 8, 2011, the OCC published in the **Federal Register** a proposed guidance with request for comment to clarify the OCC's application of the principles of safe and sound banking practices in connection with deposit-related consumer credit products such as automated overdraft protection and direct deposit advance programs.

Due to the complexity of the proposed guidance, and to allow parties more time to consider its potential impact, the OCC has determined that an extension of the comment period until August 7, 2011 is appropriate. This action will allow interested persons additional time to analyze the proposed guidance and prepare their comments.

DATES: Comments must be submitted on or before August 7, 2011.

ADDRESSES: Because paper mail in the Washington, DC area and at the OCC is subject to delay, commenters are encouraged to submit comments by e-mail, if possible. Please use the title ''Guidance on Deposit-Related Consumer Credit Products'' to facilitate the organization and distribution of the comments. You may submit comments by any of the following methods:

- *E-mail: regs.comments@occ.treas.gov.*
- *Mail:* Office of the Comptroller of the Currency, 250 E Street, SW., Mail Stop 2–3, Washington, DC 20219.
- *Fax:* (202) 874–5274.
- *Hand Delivery/Courier:* 250 E Street, SW., Mail Stop 2–3, Washington, DC 20219.

Instructions: You must include ''OCC'' as the agency name and ''Docket ID OCC–2011–0012'' in your comment. In general, OCC will enter all comments received into the docket and publish them on the Regulations.gov Web site without change, including any business or personal information that you provide such as name and address information, e-mail addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not enclose any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

You may review comments and other related materials that pertain to this notice by any of the following methods:

- *Viewing Comments Personally:* You may personally inspect and photocopy comments at the OCC, 250 E Street, SW., Washington, DC. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 874–4700. Upon arrival, visitors will be required to present valid government-issued photo identification and to submit to security screening in order to inspect and photocopy comments.
- *Docket:* You may also view or request available background documents and project summaries using the methods described above.

FOR FURTHER INFORMATION CONTACT: Michael S. Bylsma, Director, Community and Consumer Law Division, (202) 874–5750; Grovetta Gardineer, Deputy Comptroller for Compliance Policy, (202) 874–4428; or Kevin Russell, Director, Retail Credit Risk, (202) 874–5170, Office of the Comptroller of the Currency, 250 E Street, SW., Washington, DC 20219.

SUPPLEMENTARY INFORMATION: On June 8, 2011, the proposed guidance was published in the **Federal Register**.[1] The proposed guidance would detail the principles that the OCC expects national banks to follow in connection with any deposit-related consumer credit product to address potential operational, reputational, compliance, and credit risks. The request for comment stated that the public comment period would close on July 8, 2011.[2]

Pursuant to Title III of the Dodd-Frank Wall Street Reform and Consumer Protection Act, effective July 21, 2011, all functions of the Office of Thrift Supervision (OTS) and the Director of the OTS relating to Federal savings associations is transferred to the OCC. As a result, the OCC will assume responsibilities for the ongoing examination, supervision, and regulation of Federal savings associations. Any final guidance on deposit-based credit products in effect for national banks on or after July 21, 2011 will also apply to Federal savings associations.

The OCC has received requests from the public for an extension of the comment period. In order to allow parties, particularly Federal savings associations, additional time to consider the impact of the proposal, the OCC is extending the deadline for submitting comments on the proposed guidance from July 8, 2011 to August 7, 2011.

Dated: June 30, 2011.

John Walsh,

Acting Comptroller of the Currency.

[FR Doc. 2011–16942 Filed 7–6–11; 8:45 am]

BILLING CODE 4810–33–P

[1] *See* 76 FR 33,409.

[2] *See id.*

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Part II

Regulatory Information Service Center

Introduction to the Unified Agenda of Federal Regulatory and Deregulatory Actions

REGULATORY INFORMATION SERVICE CENTER

Introduction to the Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: Regulatory Information Service Center.

ACTION: Introduction to the Unified Agenda of Federal Regulatory and Deregulatory Actions.

SUMMARY: The Regulatory Flexibility Act requires that agencies publish semiannual regulatory agendas in the **Federal Register** describing regulatory actions they are developing that may have a significant economic impact on a substantial number of small entities (5 U.S.C. 602). Executive Order 12866 ''Regulatory Planning and Review,'' signed September 30, 1993 (58 FR 51735), and Office of Management and Budget memoranda implementing section 4 of that Order establish minimum standards for agencies' agendas, including specific types of information for each entry.

The Unified Agenda of Federal Regulatory and Deregulatory Actions (Unified Agenda) helps agencies fulfill these requirements. All Federal regulatory agencies have chosen to publish their regulatory agendas as part of the Unified Agenda.

Editions of the Unified Agenda prior to fall 2007 were printed in their entirety in the **Federal Register**. Beginning with the fall 2007 edition, the Internet is the basic means for conveying regulatory agenda information to the maximum extent legally permissible. The complete Unified Agenda for spring 2011, which contains the regulatory agendas for 58 Federal agencies, is available to the public at *http://reginfo.gov*.

The spring 2011 Unified Agenda publication appearing in the **Federal Register** consists of agency regulatory flexibility agendas, in accordance with the publication requirements of the Regulatory Flexibility Act. Agency regulatory flexibility agendas contain only those Agenda entries for rules that are likely to have a significant economic impact on a substantial number of small entities and entries that have been selected for periodic review under section 610 of the Regulatory Flexibility Act.

ADDRESSES: Regulatory Information Service Center (MI), General Services Administration, One Constitution Square, 1275 First Street, NE., 651A, Washington, DC 20417.

FOR FURTHER INFORMATION CONTACT: For further information about specific regulatory actions, please refer to the agency contact listed for each entry.

To provide comment on or to obtain further information about this publication, contact: John C. Thomas, Executive Director, Regulatory Information Service Center (MI), General Services Administration, One Constitution Square, 1275 First Street NE., 642, Washington, DC 20417, (202) 482–7340. You may also send comments to us by e-mail at: *RISC@gsa.gov*.

SUPPLEMENTARY INFORMATION:

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Agency Agendas

Cabinet Departments

Department of Agriculture
Department of Commerce
Department of Defense
Department of Education
Department of Energy
Department of Health and Human Services
Department of Homeland Security
Department of the Interior
Department of Labor
Department of Transportation
Department of the Treasury

Other Executive Agencies

Environmental Protection Agency
General Services Administration
Small Business Administration

Joint Authority

Department of Defense/General Services Administration/National Aeronautics and Space Administration (Federal Acquisition Regulation)

Independent Regulatory Agencies

Consumer Product Safety Commission
Federal Communications Commission
Federal Deposit Insurance Corporation
Federal Reserve System
Nuclear Regulatory Commission
Securities and Exchange Commission

Introduction to the Unified Agenda of Federal Regulatory and Deregulatory Actions

I. What Is the Unified Agenda?

The Unified Agenda provides information about regulations that the Government is considering or reviewing. The Unified Agenda has appeared in the **Federal Register** twice each year since 1983 and has been available online since 1995. To further the objective of using modern technology to deliver better service to the American people for lower cost, beginning with the fall 2007 edition, the Internet is the basic means for conveying regulatory agenda information to the maximum extent legally permissible. The complete Unified Agenda is available to the public at *http://reginfo.gov*. The online Unified Agenda offers flexible search tools and will soon offer access to the entire historic Unified Agenda database.

The spring 2011 Unified Agenda publication appearing in the **Federal Register** consists of agency regulatory flexibility agendas, in accordance with the publication requirements of the Regulatory Flexibility Act. Agency regulatory flexibility agendas contain only those Agenda entries for rules that are likely to have a significant economic impact on a substantial number of small entities and entries that have been selected for periodic review under section 610 of the Regulatory Flexibility Act. Printed entries display only the fields required by the Regulatory Flexibility Act. Complete agenda information for those entries appears, in a uniform format, in the online Unified Agenda at *http://reginfo.gov*.

These publication formats meet the publication mandates of the Regulatory Flexibility Act and Executive Order 12866, as well as move the Agenda process toward the goal of e-Government, at a substantially reduced printing cost compared with prior editions. The current format does not reduce the amount of information available to the public, but it does limit most of the content of the Agenda to online access. The complete online edition of the Unified Agenda includes regulatory agendas from 58 Federal agencies. Agencies of the United States Congress are not included.

The following agencies have no entries identified for inclusion in the printed regulatory flexibility agenda. The regulatory agendas of these agencies are available to the public at *http://reginfo.gov*:

Department of Housing and Urban Development
Department of Justice
Department of State
Department of Veterans Affairs
Agency for International Development
Architectural and Transportation Barriers Compliance Board
Commission on Civil Rights
Committee for Purchase From People Who Are Blind or Severely Disabled
Corporation for National and Community Service
Court Services and Offender Supervision Agency for the District of Columbia
Equal Employment Opportunity Commission

Federal Mediation and Conciliation Service
Financial Stability Oversight Council
Institute of Museum and Library Services
National Aeronautics and Space Administration
National Archives and Records Administration
National Endowment for the Humanities
National Science Foundation
Office of Government Ethics
Office of Management and Budget
Office of Personnel Management
Peace Corps
Pension Benefit Guaranty Corporation
Railroad Retirement Board
Selective Service System
Social Security Administration
Commodity Futures Trading Commission
Farm Credit Administration
Federal Energy Regulatory Commission
Federal Housing Finance Agency
Federal Maritime Commission
Federal Trade Commission
National Credit Union Administration
National Indian Gaming Commission
National Labor Relations Board
Postal Regulatory Commission
Surface Transportation Board

The Regulatory Information Service Center (the Center) compiles the Unified Agenda for the Office of Information and Regulatory Affairs (OIRA), part of the Office of Management and Budget. OIRA is responsible for overseeing the Federal Government's regulatory, paperwork, and information resource management activities, including implementation of Executive Order 12866. The Center also provides information about Federal regulatory activity to the President and his Executive Office, the Congress, agency managers, and the public.

The activities included in the Agenda are, in general, those that will have a regulatory action within the next 12 months. Agencies may choose to include activities that will have a longer timeframe than 12 months. Agency agendas also show actions or reviews completed or withdrawn since the last Unified Agenda. Executive Order 12866 does not require agencies to include regulations concerning military or foreign affairs functions or regulations related to agency organization, management, or personnel matters.

Agencies prepared entries for this publication to give the public notice of their plans to review, propose, and issue regulations. They have tried to predict their activities over the next 12 months as accurately as possible, but dates and schedules are subject to change. Agencies may withdraw some of the regulations now under development, and they may issue or propose other regulations not included in their agendas. Agency actions in the rulemaking process may occur before or after the dates they have listed. The Unified Agenda does not create a legal obligation on agencies to adhere to schedules in this publication or to confine their regulatory activities to those regulations that appear within it.

II. Why Is the Unified Agenda Published?

The Unified Agenda helps agencies comply with their obligations under the Regulatory Flexibility Act and various Executive orders and other statutes.

Regulatory Flexibility Act

The *Regulatory Flexibility Act* requires agencies to identify those rules that may have a significant economic impact on a substantial number of small entities (5 U.S.C. 602). Agencies meet that requirement by including the information in their submissions for the Unified Agenda. Agencies may also indicate those regulations that they are reviewing as part of their periodic review of existing rules under the Regulatory Flexibility Act (5 U.S.C. 610). Executive Order 13272 entitled ''Proper Consideration of Small Entities in Agency Rulemaking,'' signed August 13, 2002 (67 FR 53461), provides additional guidance on compliance with the Act.

Executive Order 12866

Executive Order 12866 entitled ''Regulatory Planning and Review,'' signed September 30, 1993 (58 FR 51735), requires covered agencies to prepare an agenda of all regulations under development or review. The Order also requires that certain agencies prepare annually a regulatory plan of their ''most important significant regulatory actions,'' which appears as part of the fall Unified Agenda. Executive Order 13497, signed January 30, 2009 (74 FR 6113), revoked the amendments to Executive Order 12866 that were contained in Executive Order 13258 and Executive Order 13422.

Executive Order 13132

Executive Order 13132 entitled ''Federalism,'' signed August 4, 1999 (64 FR 43255), directs agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have ''federalism implications'' as defined in the Order. Under the Order, an agency that is proposing a regulation with federalism implications, which either preempt State law or impose nonstatutory unfunded substantial direct compliance costs on State and local governments, must consult with State and local officials early in the process of developing the regulation. In addition, the agency must provide to the Director of the Office of Management and Budget a federalism summary impact statement for such a regulation, which consists of a description of the extent of the agency's prior consultation with State and local officials, a summary of their concerns and the agency's position supporting the need to issue the regulation, and a statement of the extent to which those concerns have been met. As part of this effort, agencies include in their submissions for the Unified Agenda information on whether their regulatory actions may have an effect on the various levels of government and whether those actions have federalism implications.

Unfunded Mandates Reform Act of 1995

The *Unfunded Mandates Reform Act of 1995* (Pub. L. 104–4, title II) requires agencies to prepare written assessments of the costs and benefits of significant regulatory actions ''that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more . . . in any 1 year . . . .'' The requirement does not apply to independent regulatory agencies, nor does it apply to certain subject areas excluded by section 4 of the Act. Affected agencies identify in the Unified Agenda those regulatory actions they believe are subject to title II of the Act.

Executive Order 13211

Executive Order 13211 entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use,'' signed May 18, 2001 (66 FR 28355), directs agencies to provide, to the extent possible, information regarding the adverse effects that agency actions may have on the supply, distribution, and use of energy. Under the Order, the agency must prepare and submit a Statement of Energy Effects to the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, for ''those matters identified as significant energy actions.'' As part of this effort, agencies may optionally include in their submissions for the Unified Agenda information on whether they have prepared or plan to prepare a Statement of Energy Effects for their regulatory actions.

Small Business Regulatory Enforcement Fairness Act

The *Small Business Regulatory Enforcement Fairness Act* (Pub. L. 104–121, title II) established a procedure for congressional review of rules (5 U.S.C. 801 *et seq.*), which defers, unless exempted, the effective date of a ''major'' rule for at least 60 days from the publication of the final rule in the **Federal Register.** The Act specifies that a rule is ''major'' if it has resulted, or is likely to result, in an annual effect on the economy of $100 million or more or meets other criteria specified in that Act. The Act provides that the Administrator of OIRA will make the final determination as to whether a rule is major.

III. How Is the Unified Agenda Organized?

Agency regulatory flexibility agendas are printed in a single daily edition of the **Federal Register**. A regulatory flexibility agenda is printed for each agency whose agenda includes entries for rules which are likely to have a significant economic impact on a substantial number of small entities or rules that have been selected for periodic review under section 610 of the Regulatory Flexibility Act. Each printed agenda appears as a separate part. The parts are organized alphabetically in four groups: Cabinet departments; other executive agencies; the Federal Acquisition Regulation, a joint authority; and independent regulatory agencies. Agencies may in turn be divided into subagencies. Each agency's part of the Agenda contains a preamble providing information specific to that agency. Each printed agency agenda has a table of contents listing the agency's printed entries that follow.

The online, complete Unified Agenda contains the preambles of all participating agencies. Unlike the printed edition, the online Agenda has no fixed ordering. In the online Agenda, users can select the particular agencies whose agendas they want to see. Users have broad flexibility to specify the characteristics of the entries of interest to them by choosing the desired responses to individual data fields. To see a listing of all of an agency's entries, a user can select the agency without specifying any particular characteristics of entries.

Each entry in the Agenda is associated with one of five rulemaking stages. The rulemaking stages are:

1. *Prerule Stage*—actions agencies will undertake to determine whether or how to initiate rulemaking. Such actions occur prior to a Notice of Proposed Rulemaking (NPRM) and may include Advance Notices of Proposed Rulemaking (ANPRMs) and reviews of existing regulations.

2. *Proposed Rule Stage*—actions for which agencies plan to publish a Notice of Proposed Rulemaking as the next step in their rulemaking process or for which the closing date of the NPRM Comment Period is the next step.

3. *Final Rule Stage*—actions for which agencies plan to publish a final rule or an interim final rule or to take other final action as the next step.

4. *Long-Term Actions*—items under development but for which the agency does not expect to have a regulatory action within the 12 months after publication of this edition of the Unified Agenda. Some of the entries in this section may contain abbreviated information.

5. *Completed Actions*—actions or reviews the agency has completed or withdrawn since publishing its last agenda. This section also includes items the agency began and completed between issues of the Agenda.

A bullet (•) preceding the title of an entry indicates that the entry is appearing in the Unified Agenda for the first time.

In the printed edition, all entries are numbered sequentially from the beginning to the end of the publication. The sequence number preceding the title of each entry identifies the location of the entry in this edition. The sequence number is used as the reference in the printed table of contents. Sequence numbers are not used in the online Unified Agenda because the unique Regulation Identifier Number (RIN) is able to provide this cross-reference capability.

Editions of the Unified Agenda prior to fall 2007 contained several indexes, which identified entries with various characteristics. These included regulatory actions for which agencies believe that the Regulatory Flexibility Act may require a Regulatory Flexibility Analysis, actions selected for periodic review under section 610(c) of the Regulatory Flexibility Act, and actions that may have federalism implications as defined in Executive Order 13132 or other effects on levels of government. These indexes are no longer compiled, because users of the online Unified Agenda have the flexibility to search for entries with any combination of desired characteristics. The online edition retains the Unified Agenda's subject index based on the **Federal Register** Thesaurus of Indexing Terms. In addition, online users have the option of searching Agenda text fields for words or phrases.

IV. What Information Appears for Each Entry?

All entries in the online Unified Agenda contain uniform data elements including, at a minimum, the following information:

Title of the Regulation—a brief description of the subject of the regulation. In the printed edition, the notation ''Section 610 Review'' following the title indicates that the agency has selected the rule for its periodic review of existing rules under the Regulatory Flexibility Act (5 U.S.C. 610(c)). Some agencies have indicated completions of section 610 reviews or rulemaking actions resulting from completed section 610 reviews. In the online edition, these notations appear in a separate field.

Priority—an indication of the significance of the regulation. Agencies assign each entry to one of the following five categories of significance.

(1) Economically Significant

As defined in Executive Order 12866, a rulemaking action that will have an annual effect on the economy of $100 million or more or will adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities. The definition of an ''economically significant'' rule is similar but not identical to the definition of a ''major'' rule under 5 U.S.C. 801 (Pub. L. 104–121). (See below.)

(2) Other Significant

A rulemaking that is not Economically Significant but is considered Significant by the agency. This category includes rules that the agency anticipates will be reviewed under Executive Order 12866 or rules that are a priority of the agency head. These rules may or may not be included in the agency's regulatory plan.

(3) Substantive, Nonsignificant

A rulemaking that has substantive impacts but is neither Significant, nor Routine and Frequent, nor Informational/Administrative/Other.

(4) Routine and Frequent

A rulemaking that is a specific case of a multiple recurring application of a regulatory program in the Code of Federal Regulations and that does not alter the body of the regulation.

(5) Informational/Administrative/Other

A rulemaking that is primarily informational or pertains to agency matters not central to accomplishing the

agency's regulatory mandate but that the agency places in the Unified Agenda to inform the public of the activity.

Major—whether the rule is ''major'' under 5 U.S.C. 801 (Pub. L. 104–121) because it has resulted or is likely to result in an annual effect on the economy of $100 million or more or meets other criteria specified in that Act. The Act provides that the Administrator of the Office of Information and Regulatory Affairs will make the final determination as to whether a rule is major.

Unfunded Mandates—whether the rule is covered by section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). The Act requires that, before issuing an NPRM likely to result in a mandate that may result in expenditures by State, local, and tribal governments, in the aggregate, or by the private sector of more than $100 million in 1 year, agencies, other than independent regulatory agencies, shall prepare a written statement containing an assessment of the anticipated costs and benefits of the Federal mandate.

Legal Authority—the section(s) of the United States Code (U.S.C.) or Public Law (Pub. L.) or the Executive Order (E.O.) that authorize(s) the regulatory action. Agencies may provide popular name references to laws in addition to these citations.

CFR Citation—the section(s) of the Code of Federal Regulations that will be affected by the action.

Legal Deadline—whether the action is subject to a statutory or judicial deadline, the date of that deadline, and whether the deadline pertains to an NPRM, a Final Action, or some other action.

Abstract—a brief description of the problem the regulation will address; the need for a Federal solution; to the extent available, alternatives that the agency is considering to address the problem; and potential costs and benefits of the action.

Timetable—the dates and citations (if available) for all past steps and a projected date for at least the next step for the regulatory action. A date displayed in the form 03/00/11 means the agency is predicting the month and year the action will take place but not the day it will occur. In some instances, agencies may indicate what the next action will be, but the date of that action is ''To Be Determined.'' ''Next Action Undetermined'' indicates the agency does not know what action it will take next.

Regulatory Flexibility Analysis Required—whether an analysis is required by the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) because the rulemaking action is likely to have a significant economic impact on a substantial number of small entities as defined by the Act.

Small Entities Affected—the types of small entities (businesses, governmental jurisdictions, or organizations) on which the rulemaking action is likely to have an impact as defined by the Regulatory Flexibility Act. Some agencies have chosen to indicate likely effects on small entities even though they believe that a Regulatory Flexibility Analysis will not be required.

Government Levels Affected—whether the action is expected to affect levels of government and, if so, whether the governments are State, local, tribal, or Federal.

International Impacts—whether the regulation is expected to have international trade and investment effects, or otherwise may be of interest to the Nation's international trading partners.

Federalism—whether the action has ''federalism implications'' as defined in Executive Order 13132. This term refers to actions ''that have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.'' Independent regulatory agencies are not required to supply this information.

Included in the Regulatory Plan—whether the rulemaking was included in the agency's current regulatory plan published in fall 2010.

Agency Contact—the name and phone number of at least one person in the agency who is knowledgeable about the rulemaking action. The agency may also provide the title, address, fax number, e-mail address, and TDD for each agency contact.

Some agencies have provided the following optional information:

RIN Information URL—the Internet address of a site that provides more information about the entry.

Public Comment URL—the Internet address of a site that will accept public comments on the entry. Alternatively, timely public comments may be submitted at the Governmentwide e-rulemaking site, *http://www.regulations.gov*.

Additional Information—any information an agency wishes to include that does not have a specific corresponding data element.

Compliance Cost to the Public—the estimated gross compliance cost of the action.

Affected Sectors—the industrial sectors that the action may most affect, either directly or indirectly. Affected sectors are identified by North American Industry Classification System (NAICS) codes.

Energy Effects—an indication of whether the agency has prepared or plans to prepare a Statement of Energy Effects for the action, as required by Executive Order 13211 ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use,'' signed May 18, 2001 (66 FR 28355).

Related RINs—one or more past or current RIN(s) associated with activity related to this action, such as merged RINs, split RINs, new activity for previously completed RINs, or duplicate RINs.

Some agencies that participated in the fall 2010 edition of The Regulatory Plan have chosen to include the following information for those entries that appeared in the Plan:

Statement of Need—a description of the need for the regulatory action.

Summary of the Legal Basis—a description of the legal basis for the action, including whether any aspect of the action is required by statute or court order.

Alternatives—a description of the alternatives the agency has considered or will consider as required by section 4(c)(1)(B) of Executive Order 12866.

Anticipated Costs and Benefits—a description of preliminary estimates of the anticipated costs and benefits of the action.

Risks—a description of the magnitude of the risk the action addresses, the amount by which the agency expects the action to reduce this risk, and the relation of the risk and this risk reduction effort to other risks and risk reduction efforts within the agency's jurisdiction.

V. Abbreviations

The following abbreviations appear throughout this publication:

ANPRM—An Advance Notice of Proposed Rulemaking is a preliminary notice, published in the **Federal Register,** announcing that an agency is considering a regulatory action. An agency may issue an ANPRM before it develops a detailed proposed rule. An ANPRM describes the general area that may be subject to regulation and usually asks for public comment on the issues and options being discussed. An ANPRM is issued only when an agency believes it needs to gather more information before proceeding to a notice of proposed rulemaking.

CFR—The Code of Federal Regulations is an annual codification of the general and permanent regulations published in the **Federal Register** by the

agencies of the Federal Government. The Code is divided into 50 titles, each title covering a broad area subject to Federal regulation. The CFR is keyed to and kept up to date by the daily issues of the **Federal Register**.

EO—An Executive order is a directive from the President to Executive agencies, issued under constitutional or statutory authority. Executive orders are published in the **Federal Register** and in title 3 of the Code of Federal Regulations.

FR—The **Federal Register** is a daily Federal Government publication that provides a uniform system for publishing Presidential documents, all proposed and final regulations, notices of meetings, and other official documents issued by Federal agencies.

FY—The Federal fiscal year runs from October 1 to September 30.

NPRM—A Notice of Proposed Rulemaking is the document an agency issues and publishes in the **Federal Register** that describes and solicits public comments on a proposed regulatory action. Under the Administrative Procedure Act (5 U.S.C. 553), an NPRM must include, at a minimum:

- a statement of the time, place, and nature of the public rulemaking proceeding;
- a reference to the legal authority under which the rule is proposed; and
- either the terms or substance of the proposed rule or a description of the subjects and issues involved.

PL (or Pub. L.)—A public law is a law passed by Congress and signed by the President or enacted over his veto. It has general applicability, unlike a private law that applies only to those persons or entities specifically designated. Public laws are numbered in sequence throughout the 2-year life of each Congress; for example, Pub. L. 110–4 is the fourth public law of the 110th Congress.

RFA—A Regulatory Flexibility Analysis is a description and analysis of the impact of a rule on small entities, including small businesses, small governmental jurisdictions, and certain small not-for-profit organizations. The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires each agency to prepare an initial RFA for public comment when it is required to publish an NPRM and to make available a final RFA when the final rule is published, unless the agency head certifies that the rule would not have a significant economic impact on a substantial number of small entities.

RIN—The Regulation Identifier Number is assigned by the Regulatory Information Service Center to identify each regulatory action listed in the Unified Agenda, as directed by Executive Order 12866 (section 4(b)). Additionally, OMB has asked agencies to include RINs in the headings of their Rule and Proposed Rule documents when publishing them in the **Federal Register,** to make it easier for the public and agency officials to track the publication history of regulatory actions throughout their development.

Seq. No.—The sequence number identifies the location of an entry in the printed edition of the Unified Agenda. Note that a specific regulatory action will have the same RIN throughout its development but will generally have different sequence numbers if it appears in different printed editions of the Unified Agenda. Sequence numbers are not used in the online Unified Agenda

U.S.C.—The United States Code is a consolidation and codification of all general and permanent laws of the United States. The U.S.C. is divided into 50 titles, each title covering a broad area of Federal law.

VI. How Can Users Get Copies of the Agenda?

Copies of the **Federal Register** issue containing the printed edition of the Unified Agenda (agency regulatory flexibility agendas) are available from the Superintendent of Documents, U.S. Government Printing Office, P.O. Box 371954, Pittsburgh, PA 15250–7954. Telephone: (202) 512–1800 or 1–866–512–1800 (toll-free).

Copies of individual agency materials may be available directly from the agency or may be found on the agency's website. Please contact the particular agency for further information.

All editions of The Regulatory Plan and the Unified Agenda of Federal Regulatory and Deregulatory Actions since fall 1995 are available in electronic form at *http://reginfo.gov,* along with flexible search tools. During 2011, searchable access to the entire historic Unified Agenda database back to 1983 will be added to the site.

In accordance with regulations for the **Federal Register,** the Government Printing Office's GPO Access website contains copies of the Agendas and Regulatory Plans that have been printed in the **Federal Register**. These documents are available at *http://www.gpoaccess.gov/ua/index.html*.

Dated: June 1, 2011.

John C. Thomas,

Director.

[FR Doc. 2011–15469 Filed 7–6–11; 8:45 am]

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Part III

Department of Agriculture

Semiannual Regulatory Agenda

DEPARTMENT OF AGRICULTURE

Office of the Secretary

5 CFR LXXIII

7 CFR Subtitle A, Chs. I–XI, XIV–XVIII, XX, XXVI–XXXVIII, XLI–XLII, L

9 CFR Chs. I–III

36 CFR Ch. II

48 CFR Ch. 4

Semiannual Regulatory Agenda, Spring 2011

AGENCY: Office of the Secretary, USDA.

ACTION: Semiannual regulatory agenda.

SUMMARY: This agenda provides summary descriptions of significant and non significant regulations being developed in agencies of the U.S. Department of Agriculture (USDA) in conformance with Executive Order 12866, ''Regulatory Planning and Review.''

USDA has attempted to list all regulations and regulatory reviews pending at the time of publication, except for minor and routine or repetitive actions, but some may have been inadvertently missed. There is no legal significance to the omission of an item from this listing. Also, the dates shown for the steps of each action are estimated and are not commitments to act on or by the date shown.

USDA's complete regulatory agenda is available online at *http://www.reginfo.gov*. Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C. 602), USDA's printed agenda entries include only:

(1) Rules that are likely to have a significant economic impact on a substantial number of small entities; and

(2) Rules identified for periodic review under section 610 of the Regulatory Flexibility Act.

FOR FURTHER INFORMATION CONTACT: For further information on any specific entry shown in this agenda, please contact the person listed for that action. For general comments or inquiries about the agenda, please contact Michael Poe, Office of Budget and Program Analysis, U.S. Department of Agriculture, Washington, DC 20250, (202) 720–3257.

Dated: March 9, 2011.

Michael Poe,

Chief, Legislative and Regulatory Staff.

AGRICULTURAL MARKETING SERVICE—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
1	Wholesale Pork Reporting Program	0581–AD07
2	National Organic Program, Periodic Pesticide Residue Testing, NOP–10–0102	0581–AD10

AGRICULTURAL MARKETING SERVICE—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
3	National Organic Program, Sunset (2011) (Crops and Processing) (TM–07–0136)	0581–AC77

AGRICULTURAL MARKETING SERVICE—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
4	National Dairy Promotion and Research Program; Dairy Import Assessments, DA–08–0050	0581–AC87
5	National Organic Program: Amendments to the National List (Crops, Livestock, and Processing) TM–09–0003.	0581–AC91

FARM SERVICE AGENCY—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
6	Farm Loan Programs Loan Making Activities	0560–AI03
7	Conservation Loan Guarantee Program	0560–AI04

FARM SERVICE AGENCY—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
8	Emergency Forest Restoration Program	0560–AH89

FARM SERVICE AGENCY—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
9	Loan Servicing; Farm Loan Programs	0560–AI05

ANIMAL AND PLANT HEALTH INSPECTION SERVICE—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
10	Animal Welfare: Marine Mammals; Nonconsensus Language, and Interactive Programs (RULEMAKING RESULTING FROM A SECTION 610 REVIEW).	0579–AB24
11	Animal Welfare; Regulations and Standards for Birds	0579–AC02
12	Bovine Spongiform Encephalopathy; Importation of Bovines and Bovine Products	0579–AC68
13	Viral Hemorrhagic Septicemia; Interstate Movement and Import Restrictions on Certain Live Fish	0579–AC74
14	Scrapie in Sheep and Goats	0579–AC92
15	Plant Pest Regulations; Update of General Provisions	0579–AC98
16	Bovine Spongiform Encephalopathy and Scrapie; Importation of Small Ruminants and Their Germplasm, Products, and Byproducts.	0579–AD10

ANIMAL AND PLANT HEALTH INSPECTION SERVICE—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
17	Importation of Plants for Planting; Establishing a New Category of Plants for Planting Not Authorized for Importation Pending Pest Risk Analysis (RULEMAKING RESULTING FROM A SECTION 610 REVIEW).	0579–AC03
18	Citrus Canker; Compensation for Certified Citrus Nursery Stock	0579–AC05
19	Handling of Animals; Contingency Plans	0579–AC69
20	Citrus Canker, Citrus Greening, and Asian Citrus Psyllid; Interstate Movement of Regulated Nursery Stock.	0579–AD29

ANIMAL AND PLANT HEALTH INSPECTION SERVICE—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
21	Phytophthora Ramorum; Quarantine and Regulations	0579–AB82
22	Introduction of Organisms and Products Altered or Produced Through Genetic Engineering	0579–AC31
23	Importation of Poultry and Poultry Products From Regions Affected With Highly Pathogenic Avian Influenza.	0579–AC36
24	Light Brown Apple Moth Quarantine	0579–AC71
25	Citrus Greening and Asian Citrus Psyllid; Quarantine and Interstate Movement Regulations	0579–AC85

ANIMAL AND PLANT HEALTH INSPECTION SERVICE—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
26	Boll Weevil; Quarantine and Regulations	0579–AB91
27	Animal Welfare; Climatic and Environmental Conditions for Transportation of Warm-Blooded Animals Other Than Marine Mammals.	0579–AC41
28	Importation of Mexican Hass Avocados; Additional Shipping Options	0579–AD15

RURAL HOUSING SERVICE—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
29	Guaranteed Single-Family Housing	0575–AC18

FOOD SAFETY AND INSPECTION SERVICE—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
30	Mandatory Inspection of Catfish and Catfish Products	0583–AD36

FOOD SAFETY AND INSPECTION SERVICE—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
31	Performance Standards for the Production of Processed Meat and Poultry Products; Control of Listeria Monocytogenes in Ready-To-Eat Meat and Poultry Products.	0583–AC46

FOOD SAFETY AND INSPECTION SERVICE—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
32	New Formulas for Calculating the Basetime, Overtime, Holiday, and Laboratory Services Rates; Rate Changes Based on the Formulas; and Increased Fees for the Accredited Laboratory Program.	0583–AD40

FOREST SERVICE—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
33	Special Areas; State-Specific Inventoried Roadless Area Management: Colorado	0596–AC74
34	Pest and Disease Revolving Loan Fund	0596–AC97

OFFICE OF THE SECRETARY—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
35	BioPreferred Program Guidelines Revisions	0503–AA40

OFFICE OF THE SECRETARY—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
36	Designation of Biobased Items for Federal Procurement, Round 7	0503–AA36

OFFICE OF THE SECRETARY—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
37	Voluntary Labeling Program for Designated Biobased Products	0503–AA35
38	Designation of Biobased Items for Federal Procurement	0503–AA39

BILLING CODE 3410–90–P

DEPARTMENT OF AGRICULTURE (USDA)

Agricultural Marketing Service (AMS)

Proposed Rule Stage

1. Wholesale Pork Reporting Program

Legal Authority: 7 U.S.C. 1635 to 1636

Abstract: On September 15, 2010, Congress passed the Mandatory Price Reporting Act of 2010 reauthorizing Livestock Mandatory Reporting for 5 years and adding a provision for mandatory reporting of wholesale pork cuts. The Act was signed by the President on September 28, 2010. Congress directed the Secretary to engage in negotiated rulemaking to make required regulatory changes for mandatory wholesale pork reporting. Further, Congress required that the negotiated rulemaking committee include representatives from (i) organizations representing swine producers; (ii) organizations representing packers of pork, processors of pork, retailers of pork, and buyers of wholesale pork; (iii) the Department of Agriculture; and (iv) among interested parties that participate in swine or pork production.

Timetable:

Action	Date	FR Cite
Changes to Livestock Mandatory Reporting.	11/24/10	75 FR 71568
Wholesale Pork Reporting; Notice of Meeting.	01/26/11	76 FR 4554
NPRM	06/00/11	
Final Action	01/00/12	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Warren Preston, Department of Agriculture, Agricultural Marketing Service, 1400 Independence Avenue SW, Washington, DC 20250, Phone: 202 720–6231, Fax: 202 690–3732, E-mail: *warren.preston@usda.gov*.

RIN: 0581–AD07

2. National Organic Program, Periodic Pesticide Residue Testing, NOP–10–0102

Legal Authority: 7 U.S.C. 6501

Abstract: Under the Organic Foods Production Act (OFPA) of 1990, the National Organic Program is authorized to require pre-harvest residue testing for products sold or labeled as organic. This requirement is promulgated in section 205.670(b) of the NOP regulations which provides that the Secretary, state programs, and certifying agents may require pre-harvest or post-harvest testing of organic products when there is reason to believe that the product has come into contact with a prohibited substance or has been produced using excluded methods.

As a result of legal opinion received by the NOP on this issue, the NOP plans to publish a proposed rule that would amend regulations such that certifying agents would be required to conduct periodic testing of agricultural products that are to be sold, labeled or represented as ''100 percent organic, organic'', or ''made with organic (specified ingredients or food

group(s))''. Specifically, the proposed rule would specify that certifying agents are required, on an annual basis, to randomly sample and test agricultural products from a minimum of 5 percent of the operations they certify.

Timetable:

Action	Date	FR Cite
NPRM	06/00/11	
Final Action	03/00/12	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Melissa R. Bailey, Director, Standards Division, Department of Agriculture, Agricultural Marketing Service, Washington, DC 20250, Phone: 202 720–3252, Fax: 202 205–7808, E-mail: *melissa.bailey@usda.gov*.

RIN: 0581–AD10

DEPARTMENT OF AGRICULTURE (USDA)

Agricultural Marketing Service (AMS)

Final Rule Stage

3. National Organic Program, Sunset (2011) (Crops and Processing) (TM–07–0136)

Legal Authority: 7 U.S.C. 6501

Abstract: The Agricultural Marketing Service (AMS) is amending regulations pertaining to the National List of Allowed and Prohibited Substances. As required by the National Organic Foods Production Act of 1990, the allowed use of the 12 synthetic and non-synthetic substances in organic production and handling will expire on September 12, 2011. The AMS published an advance notice of proposed rulemaking to make the public aware of this requirement. AMS believes that public comment is essential in the review process to determine whether these substances should continue to be allowed or prohibited in the production and handling of organic agricultural products.

Timetable:

Action	Date	FR Cite
ANPRM	03/14/08	73 FR 13795
ANPRM Comment Period End.	05/13/08	
NPRM	01/04/11	76 FR 288
NPRM Comment Period End.	02/03/11	
Final Action	08/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Melissa R. Bailey, Director, Standards Division, Department of Agriculture, Agricultural Marketing Service, Washington, DC 20250, Phone: 202 720–3252, Fax: 202 205–7808, E-mail: *melissa.bailey@usda.gov*.

RIN: 0581–AC77

DEPARTMENT OF AGRICULTURE (USDA)

Agricultural Marketing Service (AMS)

Completed Actions

4. National Dairy Promotion and Research Program; Dairy Import Assessments, DA–08–0050

Legal Authority: 7 U.S.C. 4501 to 4514; 7 U.S.C. 7401

Abstract: The Dairy Act authorizes the Order for dairy product promotion, research, and nutrition education as part of a comprehensive strategy to increase human consumption of milk and dairy products and to reduce milk surpluses. The program functions to strengthen the dairy industry's position in the marketplace by maintaining and expanding domestic and foreign consumption of fluid milk and dairy products. Amendments to the Order are pursuant to the 2002 and 2008 Farm Bills. The 2002 Farm Bill mandates that the Order be amended to implement an assessment on imported dairy products to fund promotion and research. The 2008 Farm Bill specifies a mandatory assessment rate of 7.5-cent per hundredweight of milk, or equivalent thereof, on dairy products imported into the United States. Additionally, in accordance with the 2008 Farm Bill, the term ''United States'' is the Dairy Act is amended to mean all States, the District of Columbia, and the Commonwealth of Puerto Rico. Producers in these areas will be assessed 15 cents per hundredweight for all milk produced and marketed.

Completed:

Reason	Date	FR Cite
Final Action	03/18/11	76 FR 14777
Final Action Effective.	04/01/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Whitney Rick, Phone: 202 720–6909, Fax: 202 720–0285, E-mail: *whitney.rick@usda.gov*.

RIN: 0581–AC87

5. National Organic Program: Amendments to the National List (Crops, Livestock, and Processing) TM–09–0003

Legal Authority: 7 U.S.C. 6517 and 6518

Abstract: The Agricultural Marketing Service is amending the National List of Allowed and Prohibited Substances contained in the National Organic Program regulations. This rule would add six new substances and remove one from the list.

Completed:

Reason	Date	FR Cite
Final Action	12/13/10	75 FR 77521
Final Action Effective.	12/14/10	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Melissa R. Bailey, Phone: 202 720–3252, Fax: 202 205–7808, E-mail: *melissa.bailey@usda.gov*.

RIN: 0581–AC91

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE (USDA)

Farm Service Agency (FSA)

Final Rule Stage

6. Farm Loan Programs Loan Making Activities

Legal Authority: Pub. L. 110–246

Abstract: The rule will implement the provisions of the 2008 Farm Bill that affect Farm Loan Programs (FLP) Loan Making Division (LMD); there is discretion involved in the implementation. The sections of the 2008 Farm Bill that the 9/23/2010 proposed rule would implement are: 5001, Direct Loans; 5005, Beginning Farmer or Rancher and Socially Disadvantaged Farmer or Rancher Contract Land Sales Program Down Payment Loan Program; 5101, Farming Experience as an Eligibility Requirement; and 5201, Eligibility of Equine Farmers and Ranchers for Emergency Loans.

For the development of the rulemaking that would implement section 5501, Loans to Purchase Highly Fractionated Land, FSA conducted Tribal consultation. The rule would allow individual tribal members to qualify for Indian Land Acquisition loans. This will be published as a separate proposed rule.

Timetable:

Action	Date	FR Cite
NPRM	09/23/10	75 FR 57866
NPRM Comment Period End.	11/22/10	
Final Rule	08/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Deirdre Holder, Director, Regulatory Review Group, Department of Agriculture, Farm Service Agency, 1400 Independence Avenue SW, Washington, DC 20250–0572, Phone: 202 205–5851, Fax: 202 720–5233, E-mail: *deirdre.holder@wdc.usda.gov.*

RIN: 0560–AI03

7. Conservation Loan Guarantee Program

Legal Authority: Pub. L. 110–246

Abstract: The rule will implement the provisions of the 2008 Farm Bill that affect Farm Loan Programs (FLP) Loan Making Division (LMD); there is discretion in how several of the provisions are implemented. The section being implemented is 5002, Conservation Loan and Loan Guarantee. Implementation of this provision will create a new direct and guaranteed loan program directed at assisting farmers in implementing conservation practices.

The rule establishes a new loan and loan guarantee program to finance qualifying conservation projects. All guarantees will be at 75 percent of the loan amount. The applicant must have an acceptable conservation plan that includes the project(s) to be financed. Preference is given to beginning farmer and socially disadvantaged applicants, conversion to sustainable or organic production practices, and compliance with highly erodible land conservation requirements. Eligibility for the program is not restricted to those who cannot get credit elsewhere. The program is not mandatory.

Timetable:

Action	Date	FR Cite
Interim Rule	09/03/10	75 FR 54005
Interim Rule Comment Period End.	11/02/10	
Final Rule	08/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Deirdre Holder, Director, Regulatory Review Group, Department of Agriculture, Farm Service Agency, 1400 Independence Avenue SW, Washington, DC 20250–0572, Phone: 202 205–5851, Fax: 202 720–5233, E-mail: *deirdre.holder@wdc.usda.gov.*

RIN: 0560–AI04

DEPARTMENT OF AGRICULTURE (USDA)

Farm Service Agency (FSA)

Long-Term Actions

8. Emergency Forest Restoration Program

Legal Authority: Pub. L. 110–246

Abstract: A new subpart was added to the regulations in 7 CFR part 701 to implement the Emergency Forest Restoration Program (EFRP), which was authorized by the 2008 Farm Bill. EFRP provides cost-share funding to owners of nonindustrial private forest land to restore the land after the land is damaged by a natural disaster. The damaged land must have had a tree cover immediately before the natural disaster.

Timetable:

Action	Date	FR Cite
Interim Rule	11/17/10	75 FR 70083
Interim Final Rule Effective.	11/17/10	
Interim Final Rule Comment Period End.	01/18/11	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Deirdre Holder, Phone: 202 205–5851, Fax: 202 720–5233, E-mail: *deirdre.holder@wdc.usda.gov.*

RIN: 0560–AH89

DEPARTMENT OF AGRICULTURE (USDA)

Farm Service Agency (FSA)

Completed Actions

9. Loan Servicing; Farm Loan Programs

Legal Authority: Pub. L. 110–246

Abstract: The 2008 Farm Bill requires several changes to the Farm Service Agency (FSA) Farm Loan Programs (FLP) loan servicing regulations. An overall plan will be established to insure that borrowers can be transitioned to private credit in the shortest timeframe practicable. FSA monitors the status of all borrowers to determine if graduation is possible. The 2008 Farm Bill emphasizes this responsibility and insures that FSA uses all the tools available to graduate borrowers to commercial credit as soon as they can financially do so. In 2007, over 2,500 direct borrowers (about 3.7 percent of the portfolio) graduated to commercial credit. FSA believes graduation will continue in the 3 to 5 percent range and is dependent on the overall farm economy.

The right of an FSA borrower-owner to purchase leased property under Homestead Protection will be extended beyond the borrower-owner to the immediate family. Currently, FSA only has 38 properties in Homestead Protection.

Acceleration and foreclosure will be suspended on borrowers who file a claim of program discrimination against the Department or have a claim pending. Interest accrual and offset will also be suspended during the time of the moratorium. If the borrower does not prevail in the claim, the interest, which would have accrued during the moratorium, will be due and offset on the account will be reestablished.

Completed:

Reason	Date	FR Cite
Final Rule	01/28/11	76 FR 5055
Final Rule Effective.	02/28/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Deirdre Holder, Phone: 202 205–5851, Fax: 202 720–5233, E-mail: *deirdre.holder@wdc.usda.gov.*

RIN: 0560–AI05

BILLING CODE 3410–05–P

DEPARTMENT OF AGRICULTURE (USDA)

Animal and Plant Health Inspection Service (APHIS)

Proposed Rule Stage

10. Animal Welfare: Marine Mammals; Nonconsensus Language, and Interactive Programs (Rulemaking Resulting From a Section 610 Review)

Legal Authority: 7 U.S.C. 2131 to 2159

Abstract: The U.S. Department of Agriculture regulates the humane handling, care, treatment, and transportation of certain marine mammals under the Animal Welfare Act. The present standards for these animals have been in effect since 1979 and amended in 1984. During this time, advances have been made and new information has been developed with regard to the housing and care of marine mammals. This rulemaking addresses marine mammal standards on which consensus was not reached during negotiated rulemaking conducted

between September 1995 and July 1996. These include standards affecting variances, indoor facilities, outdoor facilities, space requirements, and water quality, as well as swim-with-the-dolphin programs. These actions appear necessary to ensure that the minimum standards for the humane handling, care, treatment, and transportation of marine mammals in captivity are based on current general, industry, and scientific knowledge and experience.

Timetable:

Action	Date	FR Cite
ANPRM	05/30/02	67 FR 37731
ANPRM Comment Period End.	07/29/02	
NPRM	06/00/11	
NPRM Comment Period End.	08/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Barbara Kohn, Senior Staff Veterinarian, Animal Care, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 84, Riverdale, MD 20737–1234, Phone: 301 734–7833.

RIN: 0579–AB24

11. Animal Welfare; Regulations and Standards for Birds

Legal Authority: 7 U.S.C. 2131 to 2159

Abstract: APHIS intends to establish standards for the humane handling, care, treatment, and transportation of birds other than birds bred for use in research.

Timetable:

Action	Date	FR Cite
NPRM	08/00/11	
NPRM Comment Period End.	11/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Johanna Briscoe, Veterinary Medical Officer and Avian Specialist, Animal Care, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 84, Riverdale, MD 20737–1234, Phone: 301 734–0658.

RIN: 0579–AC02

12. Bovine Spongiform Encephalopathy; Importation of Bovines and Bovine Products

Legal Authority: 7 U.S.C. 450; 7 U.S.C. 1622; 7 U.S.C. 7701 to 7772; 7 U.S.C. 8301 to 8317; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701

Abstract: This rulemaking would amend the regulations regarding the importation of bovines and bovine products. Under this rulemaking, countries would be classified as either negligible risk, controlled risk, or undetermined risk for bovine spongiform encephalopathy (BSE). Some commodities would be allowed importation into the United States regardless of the BSE classification of the country of export. Other commodities would be subject to importation restrictions or prohibitions based on the type of commodity and the BSE classification of the country. The criteria for country classification and commodity import would be closely aligned with those of the World Organization for Animal Health. This rulemaking would also address public comments received in response to a September 2008 request for comments regarding certain provisions of an APHIS January 2005 final rule.

Timetable:

Action	Date	FR Cite
NPRM	08/00/11	
NPRM Comment Period End.	10/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Christopher Robinson, Senior Staff Veterinarian, Technical Trade Services, National Center for Import and Export, VS, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 40, Riverdale, MD 20737–1231, Phone: 301 734–7837.

RIN: 0579–AC68

13. Viral Hemorrhagic Septicemia; Interstate Movement and Import Restrictions on Certain Live Fish

Legal Authority: 7 U.S.C. 1622; 7 U.S.C. 8301 to 8317; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701

Abstract: We are establishing regulations to restrict the interstate movement and importation into the United States of live fish that are susceptible to viral hemorrhagic septicemia, a highly contagious disease of certain fresh and saltwater fish. Viral hemorrhagic septicemia has been detected in freshwater fish in several of the Great Lakes and related tributaries. The disease has been responsible for several large-scale die-offs of wild fish in the Great Lakes region. This action is necessary to prevent further introductions into, and dissemination within, the United States of viral hemorrhagic septicemia. This proposed rule replaces a previously published but not effective interim rule that contained substantially different restrictions on the interstate movement and importation of VHS-susceptible live fish.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/09/08	73 FR 52173
Interim Final Rule Comment Period End.	11/10/08	
Interim Final Rule: Delay of Effective Date.	10/28/08	73 FR 63867
Interim Final Rule Effective.	01/09/09	
Interim Final Rule: Delay of Effective Date.	01/02/09	74 FR 1
NPRM	07/00/11	
NPRM Comment Period End.	10/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Christa Speekmann, Import/Export Specialist, Aquaculture, National Center for Import and Export, VS, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 39, Riverdale, MD 20737–1236, Phone: 301 734–8695.

RIN: 0579–AC74

14. Scrapie in Sheep and Goats

Legal Authority: 7 U.S.C. 8301 to 8317

Abstract: This rulemaking would amend the scrapie regulations by changing the risk groups and categories established for individual animals and for flocks, increasing the use of genetic testing as a means of assigning risk levels to animals, reducing movement restrictions for animals found to be genetically less susceptible or resistant to scrapie, and simplifying, reducing, or removing certain recordkeeping requirements. This action would provide designated scrapie epidemiologists with more alternatives and flexibility when testing animals in order to determine flock designations under the regulations. It would change the definition of high-risk animal, which will change the types of animals eligible for indemnity, and to pay higher indemnity for certain pregnant ewes and early maturing ewes. It would also make the identification and recordkeeping requirements for goat owners consistent with those for sheep owners. These changes would affect sheep and goat producers and State governments.

Timetable:

Action	Date	FR Cite
NPRM	07/00/11	
NPRM Comment Period End.	09/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Diane Sutton, National Scrapie Program Coordinator, Ruminant Health Programs, NCAHP, VS, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 43, Riverdale, MD 20737–1235, Phone: 301 734–6954.

RIN: 0579–AC92

15. Plant Pest Regulations; Update of General Provisions

Legal Authority: 7 U.S.C. 450; 7 U.S.C. 2260; 7 U.S.C. 7701 to 7772; 7 U.S.C. 7781 to 7786; 7 U.S.C. 8301 to 8817; 19 U.S.C. 136; 21 U.S.C. 111; 21 U.S.C. 114a; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701; 42 U.S.C. 4331 to 4332

Abstract: We are proposing to revise our regulations regarding the movement of plant pests. We are proposing to regulate the movement of not only plant pests, but also biological control organisms and associated articles. We are proposing risk-based criteria regarding the movement of biological control organisms, and are proposing to exempt certain types of plant pests from permitting requirements for their interstate movement and movement for environmental release. We are also proposing to revise our regulations regarding the movement of soil, and to establish regulations governing the biocontainment facilities in which plant pests, biological control organisms, and associated articles are held. This proposed rule replaces a previously published proposed rule, which we are withdrawing as part of this document. This proposal would clarify the factors that would be considered when assessing the risks associated with the movement of certain organisms, facilitate the movement of regulated organisms and articles in a manner that also protects U.S. agriculture, and address gaps in the current regulations.

Timetable:

Action	Date	FR Cite
Notice of Intent to Prepare an Environmental Impact Statement.	10/20/09	74 FR 53673
Notice Comment Period End.	11/19/09	
NPRM	06/00/11	
NPRM Comment Period End.	08/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Shirley Wager-Page, Chief, Pest Permitting Branch, Plant Health Programs, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 131, Riverdale, MD 20737–1236, Phone: 301 734–8453.

RIN: 0579–AC98

16. Bovine Spongiform Encephalopathy and Scrapie; Importation of Small Ruminants and Their Germplasm, Products, and Byproducts

Legal Authority: 7 U.S.C. 450; 7 U.S.C. 1622; 7 U.S.C. 7701 to 7772; 7 U.S.C. 7781 to 7786; 7 U.S.C. 8301 to 8317; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701

Abstract: This rulemaking would amend the bovine spongiform encephalopathy (BSE) and scrapie regulations regarding the importation of live sheep, goats, and wild ruminants and their embryos, semen, products, and byproducts. Some countries from which such imports would be allowed under this rule are currently those from which the importation of live sheep, goats, wild ruminants, their embryos, and ruminant products and byproducts are prohibited under existing BSE regulations. Some products would be allowed importation without restriction due to the inherent lack of BSE risk regarding the product. Certain other products and live animals would be allowed importation if it can be certified that the live animals or the animals from which the products were derived were born after implementation of an effective feed ban. The proposed scrapie revisions regarding the importation of sheep, goats, and susceptible wild ruminants for other than immediate slaughter are similar to those recommended by the World Organization for Animal Health in restricting the importation of such animals to those from scrapie-free regions or certified scrapie-free flocks.

Timetable:

Action	Date	FR Cite
NPRM	07/00/11	
NPRM Comment Period End.	09/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Betzaida Lopez, Staff Veterinarian, Technical Trade Services, National Center for Import and Export, VS, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 39, Riverdale, MD 20737–1231, Phone: 301 734–5677.

RIN: 0579–AD10

DEPARTMENT OF AGRICULTURE (USDA)

Animal and Plant Health Inspection Service (APHIS)

Final Rule Stage

17. Importation of Plants for Planting; Establishing a New Category of Plants for [lanting not Authorized for Importation Pending Pest Risk Analysis (Rulemaking Resulting From a Section 610 Review)

Legal Authority: 7 U.S.C. 450; 7 U.S.C. 7701 to 7772; 7 U.S.C. 7781 to 7786; 21 U.S.C. 136 and 136a

Abstract: This rulemaking will amend the regulations to establish a new category of regulated articles in the regulations governing the importation of nursery stock, also known as plants for planting. This category will list taxa of plants for planting whose importation is not authorized pending pest risk analysis. If scientific evidence indicates that a taxon of plants for planting is a quarantine pest or a host of a quarantine pest, we will publish a notice that will announce our determination that the taxon is a quarantine pest or a host of a quarantine pest, cite the scientific evidence we considered in making this determination, and give the public an opportunity to comment on our determination. If we receive no comments that change our determination, the taxon will subsequently be added to the new category. We will allow any person to petition for a pest risk analysis to be conducted for a taxon that has been added to the new category. After the pest risk analysis is completed, we will remove the taxon from the category and allow its importation subject to general requirements, allow its importation subject to specific restrictions, or prohibit its importation. We will consider applications for permits to import small quantities of germplasm from taxa whose importation is not authorized pending pest risk analysis, for experimental or scientific purposes under controlled conditions. This new category will allow us to take prompt action on evidence that the importation of a taxon of plants for planting poses a risk while continuing to allow for public participation in the process.

Timetable:

Action	Date	FR Cite
NPRM	07/23/09	74 FR 36403
NPRM Comment Period End.	10/21/09	
Final Rule	06/00/11	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Arnold T. Tschanz, Senior Plant Pathologist, Risk Management and Plants for Planting Policy, RPM, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 133, Riverdale, MD 20737–1231, Phone: 301 734–0627.

RIN: 0579–AC03

18. Citrus Canker; Compensation for Certified Citrus Nursery Stock

Legal Authority: 7 U.S.C. 7701 to 7772; 7 U.S.C. 7781 to 7786

Abstract: This action follows a rulemaking that established provisions under which eligible commercial citrus nurseries may, subject to the availability of appropriated funds, receive payments for certified citrus nursery stock destroyed to eradicate or control citrus canker. The payment of these funds is necessary in order to reduce the economic effects on affected commercial citrus nurseries that have had certified citrus nursery stock destroyed to control citrus canker.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/08/06	71 FR 33168
Interim Final Rule Effective.	06/08/06	
Interim Final Rule Comment Period End.	08/07/06	
Final Action	06/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Lynn E. Goldner, National Program Manager, Emergency and Domestic Programs, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 137, Riverdale, MD 20737–1231, Phone: 301 734–7228.

RIN: 0579–AC05

19. Handling of Animals; Contingency Plans

Legal Authority: 7 U.S.C. 2131 to 2159

Abstract: This rulemaking will amend the Animal Welfare Act regulations to add requirements for contingency planning and training of personnel by research facilities and by dealers, exhibitors, intermediate handlers, and carriers. These requirements are necessary because we believe all licensees and registrants should develop a contingency plan for all animals regulated under the Animal Welfare Act in an effort to better prepare for potential disasters. This action will heighten the awareness of licensees and registrants regarding their responsibilities and help ensure a timely and appropriate response should an emergency or disaster occur.

Timetable:

Action	Date	FR Cite
NPRM	10/23/08	73 FR 63085
NPRM Comment Period End.	12/22/08	
NPRM Comment Period Extended.	12/19/08	73 FR 77554
NPRM Comment Period Extended End.	02/20/09	
Final Action	07/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jeanie Lin, National Emergency Programs Manager, Animal Care, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 84, Riverdale, MD 20737, Phone: 301 734–7833.

RIN: 0579–AC69

20. • Citrus Canker, Citrus Greening, and Asian Citrus Psyllid; Interstate Movement of Regulated Nursery Stock

Legal Authority: 7 U.S.C. 7701 to 7772; 7 U.S.C. 7781 to 7786

Abstract: This rulemaking will amend the regulations governing the interstate movement of regulated articles from areas quarantined for citrus canker, citrus greening, and/or Asian citrus psyllid (ACP) to allow the movement of regulated nursery stock under a certificate to any area within the United States. In order to be eligible to move regulated nursery stock, a nursery must enter into a compliance agreement with APHIS that specifies the conditions under which the nursery stock must be grown, maintained, and shipped. It will also amend the regulations that allow the movement of regulated nursery stock from an area quarantined for ACP, but not for citrus greening, to amend the existing regulatory requirements for the issuance of limited permits for the interstate movement of the nursery stock. We are making these changes on an immediate basis in order to provide nursery stock producers in areas quarantined for citrus canker, citrus greening, or ACP with the ability to ship regulated nursery stock to markets within the United States that would otherwise be unavailable to them due to the prohibitions and restrictions contained in the regulations while continuing to provide adequate safeguards to prevent the spread of the three pests into currently unaffected areas of the United States.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/00/11	
Interim Final Rule Comment Period End.	08/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Osama El-Lissy, Director, Emergency and Domestic Programs, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 160, Riverdale, MD 20737–1238, Phone: 301 734–5459.

Deborah McPartlan, Emergency and Domestic Programs, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 160, Riverdale, MD 20737–1238, Phone: 301 734–5356.

RIN: 0579–AD29

DEPARTMENT OF AGRICULTURE (USDA)

Animal and Plant Health Inspection Service (APHIS)

Long-Term Actions

21. Phytophthora ramorum; quarantine and regulations

Legal Authority: 7 U.S.C. 7701 to 7772; 7 U.S.C. 7781 to 7786

Abstract: The interim rule amended the Phytophthora ramorum regulations to make the regulations consistent with a Federal Order issued by APHIS in December 2004 that established restrictions on the interstate movement of nursery stock from nurseries in nonquarantined counties in California, Oregon, and Washington. This action also updated conditions for the movement of regulated articles of nursery stock from quarantined areas, as well as restricted the interstate movement of all other nursery stock from nurseries in quarantined areas. We also updated the list of plants regulated because of P. ramorum and the list of areas that are quarantined for P. ramorum and made other miscellaneous revisions to the regulations. These actions are necessary to prevent the spread of P. ramorum to noninfested areas of the United States. We will continue to update the regulations through additional rulemakings as new scientific information on this pathogen becomes available.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/27/07	72 FR 8585
Interim Final Rule Effective.	02/27/07	
Interim Final Rule Comment Period End.	04/30/07	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Prakash Hebbar, Phone: 301 734–5717.

RIN: 0579–AB82

22. Introduction of Organisms and Products Altered or Produced Through Genetic Engineering

Legal Authority: 7 U.S.C. 7701 to 7772; 7 U.S.C. 7781 to 7786; 31 U.S.C. 9701

Abstract: This rulemaking would revise the regulations regarding the importation, interstate movement, and environmental release of certain genetically engineered organisms in order to bring the regulations into alignment with provisions of the Plant Protection Act. The revisions would also update the regulations in response to advances in genetic science and technology and our accumulated experience in implementing the current regulations. This is the first comprehensive review and revision of the regulations since they were established in 1987. This rule would affect persons involved in the importation, interstate movement, or release into the environment of genetically engineered plants and certain other genetically engineered organisms.

Timetable:

Action	Date	FR Cite
Notice of Intent to Prepare an Environmental Impact Statement.	01/23/04	69 FR 3271
Comment Period End.	03/23/04	
Notice of Availability of Draft Environmental Impact Statement.	07/17/07	72 FR 39021
Comment Period End.	09/11/07	
NPRM	10/09/08	73 FR 60007
NPRM Comment Period End.	11/24/08	
Correction	11/10/08	73 FR 66563
NPRM Comment Period Reopened.	01/16/09	74 FR 2907
NPRM Comment Period End.	03/17/09	
NPRM; Notice of Public Scoping Session.	03/11/09	74 FR 10517
NPRM Comment Period Reopened.	04/13/09	74 FR 16797
NPRM Comment Period End.	06/29/09	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John Turner, Phone: 301 734–5720.

RIN: 0579–AC31

23. Importation of Poultry and Poultry Products From Regions Affected With Highly Pathogenic Avian Influenza

Legal Authority: 7 U.S.C. 1622; 7 U.S.C. 8301 to 8317; 21 U.S.C. 136 and 136a

Abstract: This rulemaking will amend the regulations concerning the importation of animals and animal products to prohibit or restrict the importation of birds, poultry, and bird and poultry products from regions that have reported the presence in commercial birds or poultry of highly pathogenic avian influenza other than subtype H5N1. This action will supplement existing prohibitions and restrictions on articles from regions that have reported the presence of exotic Newcastle disease or highly pathogenic avian influenza subtype H5N1. The new restrictions will be almost identical to those imposed on articles from regions with exotic Newcastle disease.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/24/11	76 FR 4046
Interim Final Rule Comment Period End.	03/25/11	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Julia Punderson, Phone: 301 734–4356.

RIN: 0579–AC36

24. Light Brown Apple Moth Quarantine

Legal Authority: 7 U.S.C. 7701 to 7772; 7 U.S.C. 7781 to 7786

Abstract: We are quarantining 16 counties in California and the entire State of Hawaii because of the light brown apple moth and restricting the interstate movement of regulated articles from the quarantined areas. This action is necessary on an emergency basis to prevent the spread of the light brown apple moth into noninfested areas of the United States.

Timetable:

Action	Date	FR Cite
Interim Final Rule	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Andrea Simao, Phone: 301 734–0930.

RIN: 0579–AC71

25. Citrus Greening and Asian Citrus Psyllid; Quarantine and Interstate Movement Regulations

Legal Authority: 7 U.S.C. 7701 to 7772; 7 U.S.C. 7781 to 7786; 21 U.S.C. 136 and 136a

Abstract: This rulemaking establishes regulations that designate the States of Florida and Georgia, Puerto Rico, two parishes in Louisiana, and two counties in South Carolina as quarantined areas for citrus greening and Alabama, Florida, Guam, Hawaii, Puerto Rico, Louisiana, Mississippi, Texas, three counties in South Carolina, portions of one county in Arizona, and all of three and portions of an additional three counties in California as quarantined areas for Asian citrus psyllid, a vector of a bacterium that causes citrus greening. It also establishes restrictions on the interstate movement of regulated articles from the quarantined areas, as well as treatments under which Asian Citrus psyllid host material may be moved interstate from a quarantined area. These actions follow the discovery of citrus greening and/or Asian citrus psyllid in the quarantined areas, and are necessary in order to prevent the spread of the disease and its vector to noninfested areas of the United States.

Timetable:

Action	Date	FR Cite
Availability of an Environmental Assessment.	09/09/09	74 FR 46409
Environmental Assessment Comment Period End.	11/09/09	
Interim Final Rule	06/17/10	75 FR 34322
Interim Final Rule Comment Period End.	08/16/10	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Patrick J. Gomes, Phone: 919 855–7313.

RIN: 0579–AC85

DEPARTMENT OF AGRICULTURE (USDA)

Animal and Plant Health Inspection Service (APHIS)

Completed Actions

26. Boll Weevil: Quarantine and Regulations

Legal Authority: 7 U.S.C. 7701 to 7772; 7 U.S.C. 7781 to 7786

Abstract: This action would establish domestic boll weevil regulations that would restrict the interstate movement of regulated articles within regulated areas and from regulated areas into or through nonregulated areas in commercial cotton-producing States. The regulations would help prevent the artificial spread of boll weevil into noninfested areas of the United States and the reinfestation of areas from which the boll weevil has been eradicated.

Completed:

Reason	Date	FR Cite
Withdrawn: No Action Anticipated Within the Next 12 Months.	03/02/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: William Grefenstette, Phone: 301 734–8676.

RIN: 0579–AB91

27. Animal Welfare; Climatic and Environmental Conditions for Tranportation of Warm–Blooded Animals Other than Marine Mammals

Legal Authority: 7 U.S.C. 2131 to 2159

Abstract: This rulemaking would amend the Animal Welfare Act regulations regarding transportation of live animals other than marine mammals by removing the current ambient temperature requirements for various stages in the transportation of those animals. The action would replace those requirements with a single performance standard under which the animals would be transported under climatic and environmental conditions that are appropriate for their welfare. The regulations currently require that ambient temperatures be maintained within certain ranges during transportation, but animals may be transported at ambient temperatures below the minimum temperatures if their consignor provides a certificate signed by a veterinarian certifying that the animals are acclimated to temperatures lower than the minimum temperature. This proposal would make acclimation certificates for live animals other than marine mammals unnecessary. This rulemaking does not address marine mammals due to their unique requirements for care and handling. We believe that establishing a single performance standard would ensure that warm-blooded animals other than marine mammals are transported in climatic and environmental conditions that are not detrimental to their welfare while allowing for variations in climatic and environmental conditions that are suitable for individual animals.

Completed:

Reason	Date	FR Cite
Withdrawn: No Action Anticipated Within the Next 12 Months.	03/02/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Gerald Rushin, Phone: 301 734–0954.

RIN: 0579–AC41

28. • Importation of Mexican Hass Avocados; Additional Shipping Options

Legal Authority: 7 U.S.C. 450; 7 U.S.C. 7701 to 7772; 7 U.S.C. 7781 to 7786; 21 U.S.C. 136 and 136a

Abstract: This rulemaking amends the regulations for the importation of Hass avocados originating in Michoacán, Mexico, into the United States by adding the option to ship avocados to the United States in bulk shipping bins when safeguarding is maintained from the packinghouse to the port of first arrival in the United States and by making it clear that the avocados may be shipped by land, sea, or air. It also amends the regulations to allow avocados from multiple packinghouses that participate in the avocado export program to be combined into one consignment. We are taking these actions in response to requests from the Government of Mexico and inquiries from a U.S. maritime port. These actions allow additional options for shipping Hass avocados from Mexico to the United States and allow Mexican exporters to ship full container or truck loads from multiple packinghouses while continuing to provide an appropriate level of protection against the introduction of plant pests.

Timetable:

Action	Date	FR Cite
NPRM	05/27/10	75 FR 29680
NPRM Comment Period End.	07/26/10	
Final Rule	10/29/10	75 FR 66643
Final Rule Effective.	11/29/10	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: David B. Lamb, Import Specialist, Regulatory Coordination and Compliance, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 133, Riverdale, MD 20737–1231, Phone: 301 734–0627.

RIN: 0579–AD15

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE (USDA)

Rural Housing Service (RHS)

Final Rule Stage

29. Guaranteed Single-Family Housing

Legal Authority: 5 U.S.C. 301; 7 U.S.C. 1989; 42 U.S.C. 1480

Abstract: The Guaranteed Single-Family Housing program will provide better clarity and consistency within the program. The action is taken to update the regulations to current mortgage industry standards and provide more guidance on program oversight and monitoring.

Timetable:

Action	Date	FR Cite
NPRM	12/15/99	64 FR 70124
NPRM Comment Period End.	02/14/00	
Final Action	09/00/11	
Final Action Effective.	10/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Joaquin Tremols, Acting Director, Single–Family Housing Guaranteed Loan Division, Department of Agriculture, Rural Housing Service, 1400 Independence Avenue SW, STOP 0784, Washington, DC 20250, Phone: 202 720–1465, Fax: 202 205–2476, E-mail: *joaquin.tremols@wdc.usda.gov.*

RIN: 0575–AC18

BILLING CODE 3410–XV–P

DEPARTMENT OF AGRICULTURE (USDA)

Food Safety and Inspection Service (FSIS)

Proposed Rule Stage

30. Mandatory Inspection of Catfish and Catfish Products

Legal Authority: 21 U.S.C. 601 *et seq.;* Pub. L. 110–249, sec 11016

Abstract: The Food, Conservation, and Energy Act of 2008 (Pub. L. 110–246, sec. 11016), known as the 2008 Farm Bill, amended the Federal Meat Inspection Act (FMIA) to make catfish an amenable species under the FMIA. Amenable species must be inspected, so this rule will define inspection requirements for catfish. The regulations will define ''catfish'' and the scope of coverage of the regulations to apply to establishments that process farm-raised species of catfish and to catfish and catfish products. The regulations will take into account the conditions under which the catfish are raised and transported to a processing establishment.

Timetable:

Action	Date	FR Cite
NPRM	02/24/11	76 FR 10433
NPRM Comment Period End.	06/24/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dr. Daniel L. Engeljohn, Assistant Administrator, Office of Policy and Program Development, Department of Agriculture, Food Safety and Inspection Service, 1400 Independence Avenue SW, Washington, DC 20250, Phone: 202 205–0495, Fax: 202 401–1760,. E-mail: *daniel.engeljohn@fsis.usda.gov.*

RIN: 0583–AD36

DEPARTMENT OF AGRICULTURE (USDA)

Food Safety and Inspection Service (FSIS)

Final Rule Stage

31. Performance Standards for the Production of Processed Meat and Poultry Products; Control of Listeria Monocytogenes in Ready-to-Eat Meat and Poultry Products

Legal Authority: 21 U.S.C. 451 *et seq.;* 21 U.S.C. 601 *et seq.*

Abstract: FSIS has proposed to establish pathogen reduction performance standards for all ready-to-eat (RTE) and partially heat-treated meat and poultry products, and measures, including testing, to control Listeria monocytogenes in RTE products. The performance standards spell out the objective level of pathogen reduction that establishments must meet during their operations in order to produce safe products, but allow the use of customized, plant-specific processing procedures other than those prescribed in the earlier regulations. With HACCP, food safety performance standards give establishments the incentive and flexibility to adopt innovative, science-based food safety processing procedures and controls, while providing objective, measurable standards that can be verified by Agency inspectional oversight. This set of performance standards will include and be consistent with standards already in place for certain ready-to-eat meat and poultry products.

Timetable:

Action	Date	FR Cite
NPRM	02/27/01	66 FR 12590
NPRM Comment Period End.	05/29/01	
NPRM Comment Period Extended.	07/03/01	66 FR 35112
NPRM Comment Period Extended End.	09/10/01	
Interim Final Rule	06/06/03	68 FR 34208
Interim Final Rule Effective.	10/06/03	
Interim Final Rule Comment Period End.	01/31/05	
NPRM Comment Period Reopened.	03/24/05	70 FR 15017
NPRM Comment Period Reopened End.	05/09/05	
Affirmation of Interim Final Rule.	01/00/12	
Final Action	03/00/12	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dr. Daniel L. Engeljohn, Assistant Administrator, Office of Policy and Program Development, Department of Agriculture, Food Safety and Inspection Service, 1400 Independence Avenue SW, Washington, DC 20250, Phone: 202 205–0495, Fax: 202 401–1760, E-mail: *daniel.engeljohn@fsis.usda.gov.*

RIN: 0583–AC46

DEPARTMENT OF AGRICULTURE (USDA)

Food Safety and Inspection Service (FSIS)

Completed Actions

32. New Formulas for Calculating the Basetime, Overtime, Holiday, and Laboratory Services Rates; Rate Changes Based on the Formulas; and Increased Fees for the Accredited Laboratory Program

Legal Authority: 7 U.S.C. 1621 *et seq.;* 21 U.S.C. 601 *et seq.;* 21 U.S.C. 451 *et seq.;* 21 U.S.C. 1031 *et seq.*

Abstract: FSIS is amending its regulations to establish formulas for calculating the rates that it charges meat and poultry establishments, egg products plants, and importers and exporters for providing voluntary, overtime, and holiday inspection, and identification, certification, and laboratory services. FSIS will publish the rates annually in **Federal Register** notices prior to the start of each calendar year and will apply them on the first FSIS pay period at the beginning of the calendar year. The Agency is also increasing the codified flat annual fee for its Accredited Laboratory Program for FY 2012 and FY 2013.

Completed:

Reason	Date	FR Cite
Final Action	04/12/11	76 FR 20220

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Rachel Edelstein, Phone: 202 720–0399, Fax: 202 690–0486, E-mail: *rachel.edelstein@fsis.usda.gov*

RIN: 0583–AD40

BILLING CODE 3140–DM–P

DEPARTMENT OF AGRICULTURE (USDA)

Forest Service (FS)

Proposed Rule Stage

33. Special Areas; State-Specific Inventoried Roadless Area Management: Colorado

Legal Authority: Not Yet Determined

Abstract: On April 11, 2007, Governor of Colorado Ritter submitted a petition under the provisions of the Administrative Procedure Act (5 U.S.C. 553(e)) and Agriculture Department regulation (7 CFR 1.28) to promulgate regulations, in cooperation with the State, for the management of inventoried roadless areas within the

State of Colorado. After review and recommendation by the Roadless Area Conservation National Advisory Committee, the Secretary accepted the Governor's petition and initiated a proposed rulemaking for inventoried roadless areas in Colorado. The proposed rulemaking would manage Colorado's inventoried roadless areas by prohibiting road building and tree cutting, with some exceptions, on 4.1 million acres of inventoried roadless areas in Colorado. The 4.1 million acres reflect the most updated IRA boundaries for Colorado, which incorporate planning rule revisions since 2001 on several Colorado national forests. Inventoried roadless areas that are allocated to ski area special uses (approximately 10,000 acres) would also be removed from roadless designation. Road construction and reconstruction plus timber harvesting would be prohibited in inventoried roadless areas, with some exceptions, on the Arapaho-Roosevelt, Grand Mesa-Uncompahgre, Gunnison, Manti-La Sal, Pike-San Isabel, Rio Grande, Routt, San Juan, and White River National Forests in Colorado. Exceptions to the prohibitions would be allowed for certain health, safety, valid existing rights, resource protection, and ecological management needs. Web site: *http://roadless.fs.fed.us.*

Timetable:

Action	Date	FR Cite
NPRM	07/25/08	73 FR 43544
NPRM Comment Period End.	10/23/08	
Second NPRM	04/15/11	76 FR 21272
Second NPRM Comment Period End.	07/14/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Lorrie Parker, Regulatory Analyst, Department of Agriculture, Forest Service, ATTN: ORMS, D&R Branch, 1400 Independence Avenue SW, Washington, DC 20250–0003, Phone: 202 205–6560, Fax: 202 205–6539, E-mail: *lsparker@fs.fed.us.*

RIN: 0596–AC74

34. • Pest and Disease Revolving Loan Fund

Legal Authority: Pub. L. 110–234, sec 10205

Abstract: The Forest Service is proposing to amend 36 CFR part 230 to provide direction on implementing the Pest and Disease Revolving Loan Fund (Pub. L. 110–234, sec. 10205), which authorizes loans to eligible units of local governments to finance purchases of authorized equipment to monitor, remove, dispose of, and replace infested trees in quarantine areas. The proposed changes amend part 230, State and Private Forestry Assistance by adding a new subpart.

Currently, there are no Forest Service rules or regulations on providing low interest loans to local municipalities to help them manage their insect and disease infested trees; the proposed rules will provide that direction.

The proposed amendment to 36 CFR part 230 would add a subpart and will:

1. Clarify and define eligible units of local government.
2. Further define authorized equipment.
3. Describe the administrative requirements and process to apply for a loan.
4. Clarify the terms of the loan.
5. Describe repayment procedures.
6. Describe the administration of the loan program.

Timetable:

Action	Date	FR Cite
NPRM	08/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Lorrie Parker, Regulatory Analyst, Department of Agriculture, Forest Service, ATTN: ORMS, D&R Branch, 1400 Independence Avenue SW, Washington, DC 20250–0003, Phone: 202 205–6560, Fax: 202 205–6539, E-mail: *lsparker@fs.fed.us.*

RIN: 0596–AC97

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE (USDA)

Office of the Secretary (AgSEC)

Proposed Rule Stage

35. Biopreferred Program Guidelines Revisions

Legal Authority: Pub. L. 110–246

Abstract: The 2008 Farm Bill requires USDA to address how the BioPreferred Program will designate complex products and intermediate materials and feed stocks and make other changes to update program guidelines.

Timetable:

Action	Date	FR Cite
NPRM	06/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ron Buckhalt, Manager, BioPreferred Program, Office of Procurement and Property Management, Department of Agriculture, 361 Reporters Building, 300 7th Street SW, Washington, DC 20250, Phone: 202 205–4008, Fax: 202 720–8972, E-mail: *ronb.buckhalt@dm.usda.gov.*

RIN: 0503–AA40

DEPARTMENT OF AGRICULTURE (USDA)

Office of the Secretary (AgSEC)

Final Rule Stage

36. Designation of Biobased Items for Federal Procurement, Round 7

Legal Authority: Pub. L. 110–246

Abstract: Designates for preferred procurement bath products; concrete and asphalt cleaners, including microbial and non-microbial concrete and asphalt cleaners as subcategories; corrosion removers; dishwashing detergents; floor cleaners and protectors; hair cleaning products, including shampoos and conditioners as subcategories; microbial cleaners; oven and grill cleaners; slide way lubricants; and thermal shipping containers, including durable and non-durable thermal shipping containers as subcategories.

Timetable:

Action	Date	FR Cite
NPRM	11/23/10	75 FR 71492
NPRM Comment Period End.	01/24/11	
Final Action	06/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ron Buckhalt, Manager, BioPreferred Program, Office of Procurement and Property Management, Department of Agriculture, 361 Reporters Building, 300 7th Street SW, Washington, DC 20250, Phone: 202 205–4008, Fax: 202 720–8972, E-mail: *ronb.buckhalt@dm.usda.gov.*

RIN: 0503–AA36

DEPARTMENT OF AGRICULTURE (USDA)

Office of the Secretary (AgSEC)

Completed Actions

37. Voluntary Labeling Program for Designated Biobased Products

Legal Authority: Pub. L. 110–246

Abstract: The purpose of the program is to provide a ''USDA Certified Biobased Product'' label for use on

biobased products meeting certain criteria to be established in the proposed rule, to specify those criteria for gaining use of the label, establish a system to make the label available to manufacturers and vendors of biobased products, and to establish the labeling program.

Completed:

Reason	Date	FR Cite
Final Action	01/20/11	76 FR 3789

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ron Buckhalt, Phone: 202 205–4008, Fax: 202 720–8972, E-mail: *ronb.buckhalt@dm.usda.gov.*

RIN: 0503–AA35

38. Designation of Biobased Items for Federal Procurement

Legal Authority: Pub. L. 110–246

Abstract: USDA revisions to federal procurement biobased guidelines.

Completed:

Reason	Date	FR Cite
NPRM	02/04/11	76 FR 6366
Final Action	02/04/11	76 FR 6319

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ron Buckhalt, Phone: 202 205–4008, Fax: 202 720–8972, E-mail: *ronb.buckhalt@dm.usda.gov.*

RIN: 0503–AA39

[FR Doc. 2011–15473 Filed 7–6–11; 8:45 am]

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Part IV

Department of Commerce

Semiannual Regulatory Agenda

DEPARTMENT OF COMMERCE

Office of the Secretary

13 CFR Ch. III

15 CFR Subtitle A; Subtitle B, Chs. I, II, III, VII, VIII, IX and XI

19 CFR Ch. III

37 CFR Chs. I, IV, and V

48 CFR Ch. 13

50 CFR Chs. II, III, IV, and VI

Semiannual Agenda of Regulations

AGENCY: Office of the Secretary, Commerce.

ACTION: Semiannual regulatory agenda.

SUMMARY: In compliance with Executive Order 12866, entitled ''Regulatory Planning and Review,'' and the Regulatory Flexibility Act, as amended, the Department of Commerce (Department), in the spring and fall of each year, publishes in the **Federal Register** an agenda of regulations under development or review over the next 12 months. Rulemaking actions are grouped according to prerulemaking, proposed rules, final rules, long-term actions, and rulemaking actions completed since the fall 2010 agenda. The purpose of the agenda is to provide information to the public on regulations currently under review, being proposed, or issued by the Department. The agenda is intended to facilitate comments and views by interested members of the public.

The Department's spring 2011 regulatory agenda includes regulatory activities that are expected to be conducted during the period April 1, 2011, through March 31, 2012.

FOR FURTHER INFORMATION CONTACT:

Specific: For additional information about specific regulatory actions listed in the agenda, contact the individual identified as the contact person.

General: Comments or inquiries of a general nature about the agenda should be directed to Asha Mathew, Chief Counsel for Regulation, Office of the Assistant General Counsel for Legislation and Regulation, U.S. Department of Commerce, Washington, DC 20230; telephone: 202–482–3151.

SUPPLEMENTARY INFORMATION: Executive Order 12866 requires agencies to publish an agenda of those regulations that are under consideration pursuant to this order. By memorandum of January 21, 2011, the Office of Management and Budget issued guidelines and procedures for the preparation and publication of the spring 2011 Unified Agenda of Federal Regulatory and Deregulatory Actions. The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.,* requires agencies to publish, in the spring and fall of each year, a regulatory flexibility agenda that contains a brief description of the subject of any rule likely to have a significant economic impact on a substantial number of small entities. The agenda also identifies those entries that have been selected for periodic review under section 610 of the Regulatory Flexibility Act.

In addition, beginning with the fall 2007 edition, the Internet became the basic means for disseminating the Unified Agenda. The complete Unified Agenda will be available online at *www.reginfo.gov*, in a format that offers users a greatly enhanced ability to obtain information from the Agenda database.

Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C. 602), the Department of Commerce's printed agenda entries include only:

(1) Rules that are in the Agency's regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and

(2) Rules that the Agency has identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's Agenda requirements. Additional information on these entries is available in the Unified Agenda published on the Internet. In addition, for fall editions of the Agenda, the entire Regulatory Plan will continue to be printed in the **Federal Register**, as in past years, including the Department of Commerce's Regulatory Plan.

Within the Department, the Office of the Secretary and various operating units may issue regulations. Operating units, such as the National Oceanic and Atmospheric Administration (NOAA), the Bureau of Industry and Security, and the Patent and Trademark Office issue the greatest share of the Department's regulations.

A large number of regulatory actions reported in the Agenda deal with fishery management programs of NOAA's National Marine Fisheries Service (NMFS). To avoid repetition of programs and definitions, as well as to provide some understanding of the technical and institutional elements of the NMFS programs, an ''Explanation of Information Contained in NMFS Regulatory Entries'' is provided below.

Explanation of Information Contained in NMFS Regulatory Entries

The Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) (the Act) governs the management of fisheries within the Exclusive Economic Zone (EEZ). The EEZ refers to those waters from the outer edge of the State boundaries, generally 3 nautical miles, to a distance of 200 nautical miles. Fishery Management Plans (FMPs) are to be prepared for fisheries that require conservation and management measures. Regulations implementing these FMPs regulate domestic fishing and foreign fishing where permitted. Foreign fishing may be conducted in a fishery in which there is no FMP only if a preliminary fishery management plan has been issued to govern that foreign fishing. Under the Act, eight Regional Fishery Management Councils (Councils) prepare FMPs or amendments to FMPs for fisheries within their respective areas. In the development of such plans or amendments and their implementing regulations, the Councils are required by law to conduct public hearings on the draft plans and to consider the use of alternative means of regulating.

The Council process for developing FMPs and amendments makes it difficult for NMFS to determine the significance and timing of some regulatory actions under consideration by the Councils at the time the semiannual regulatory agenda is published.

The Department's spring 2011 regulatory agenda follows.

Cameron F. Kerry,

General Counsel.

INTERNATIONAL TRADE ADMINISTRATION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
39	Commercial Availability of Fabric and Yarn	0625–AA59

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
40	American Lobster Fishery; Fishing Effort Control Measures To Complement Interstate Lobster Management Recommendations by the Atlantic States Marine Fisheries Commission.	0648–AT31
41	Collection and Use of Tax Identification Numbers from Holders of and Applicants for National Marine Fisheries Service Permits.	0648–AV76
42	Marine Mammal Protection Act Stranding Regulation Revisions	0648–AW22
43	Regulatory Amendment To Correct and Clarify Amendment 13 and Subsequent Frameworks of the Northeast Multispecies Fishery Management Plan.	0648–AW95
44	Amendment 11 to the Atlantic Mackerel, Squid, Butterfish Fishery Management Plan	0648–AX05
45	Amendment 30 to the Fishery Management Plan for Bering Sea and Aleutian Islands King and Tanner Crabs Arbitration Regulations.	0648–AX47
46	Fisheries Off West Coast States and in the Western Pacific; Klamath River Fall Chinook Salmon Rebuilding Plan.	0648–AY06
47	Amendment 3 to the Spiny Dogfish Fishery Management Plan	0648–AY12
48	Generic Amendment for Annual Catch Limits	0648–AY22
49	Amendment 14 to the Atlantic Mackerel, Squid, and Butterfish Fishery Management Plan	0648–AY26
50	Fisheries in the Western Pacific; Pelagic Fisheries; Purse Seine Fishing With Fish Aggregation Devices	0648–AY36
51	Amendment 5 to the Atlantic Herring Fishery Management Plan	0648–AY47
52	Amendment 2 to the FMP for the Queen Conch Fishery of Puerto Rico and the U.S. Virgin Islands and Amendment 5 to the Reef Fish FMP of Puerto Rico and the U.S. Virgin Islands.	0648–AY55
53	Amendment 10 to the Fishery Management Plan for Spiny Lobster in the Gulf of Mexico and South Atlantic.	0648–AY72
54	Comprehensive Annual Catch Limits Amendment to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region.	0648–AY73
55	Amendment 20 to the Snapper Grouper Fishery Management Plan of the South Atlantic Region	0648–AY74
56	Amendment To Recover the Administrative Costs of Processing Permit Applications	0648–AY81
57	Amendment To Correct and Clarify Amendment 16 and Subsequent Frameworks of the Northeast Multispecies Fisheries Management Plan.	0648–AY95
58	Fishing Capacity Reduction Program for the Southeast Alaska Purse Seine Salmon Fishery	0648–BA13
59	Amendment 3 to the Atlantic Deep-Sea Red Crab Fishery Management Plan	0648–BA22
60	Framework Adjustment 7 to the Monkfish Fishery Management Plan	0648–BA46
61	Amendment 6 to the Monkfish Fishery Management Plan	0648–BA50
62	Amendment 24 to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region.	0648–BA52
63	Amendment 22 to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region.	0648–BA53
64	Amendment 5 to the Golden Crab Fishery Management Plan of the South Atlantic	0648–BA60
65	Atlantic Highly Migratory Species; Electronic Mobile Transmitting Unit Vessel Monitoring Systems	0648–BA64
66	Management Measures for Tuna Fisheries Operating in the Eastern Pacific Ocean	0648–BA66
67	Amendment 13 to the Coastal Pelagic Species Fishery Management Plan	0648–BA68
68	Atlantic Highly Migratory Species; Implementing International Convention for the Conservation of Atlantic Tunas Recommendations on Sharks.	0648–BA69
69	Amendment 15 to the Atlantic Sea Scallop Fishery Management Plan	0648–BA71
70	Framework Adjustment 22 to the Scallop Fishery Management Plan	0648–BA72
71	Atlantic Highly Migratory Species Electronic Dealer Reporting Requirements	0648–BA75
72	Catch Reporting Regulatory Rulemaking for the Atlantic Herring Fishery	0648–BA79
73	Bering Sea Chinook Salmon Economic Data Reporting Program	0648–BA80
74	2011 Summer Flounder, Scup, and Black Sea Bass Recreational Management Measures and Scup Specification Increase (Increased 2011 Total Allowable Landings).	0648–BA92
75	Potential Revisions to the Turtle Excluder Device Requirements	0648–AV04
76	Marine Mammal Protection Act Permit Regulation Revisions	0648–AV82
77	Reduce Sea Turtle Bycatch in Atlantic Trawl Fisheries	0648–AY61
78	False Killer Whale Take Reduction Plan (SECTION 610 REVIEW)	0648–BA30
79	Amendment to Regulations Under the Bottlenose Dolphin Take Reduction Plan	0648–BA34
80	Revision of Hawaiian Monk Seal Critical Habitat	0648–BA81

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
81	Amending Regulations for the Pacific Halibut, Sablefish, and Pollock Fisheries Conducted Under the Western Alaska Community Development Quota (CDQ) Program.	0648–AV33

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—FINAL RULE STAGE—Continued

Sequence No.	Title	Regulation Identifier No.
82	Magnuson-Stevens Fishery Conservation and Management Reauthorization Act (MSRA) Environmental Review Procedure.	0648–AV53
83	Amendment 4 to the Atlantic Herring Fishery Management Plan	0648–AW75
84	Allowable Modifications to the Turtle Excluder Device Requirements	0648–AW93
85	Revoke Inactive Quota Share and Annual Individual Fishing Quota from a Holder of Quota Share Under the Pacific Halibut and Sablefish Fixed Gear Individual Fishing Quota Program.	0648–AX91
86	Amendment 3 to the Fishery Management Plan for Queen Conch Resources of Puerto Rico and the U.S. Virgin Islands Establishing Compatible Regulations With U.S. Virgin Islands Territorial Waters.	0648–AY03
87	Addendum IV to the Weakfish Interstate Management Plan—Bycatch Trip Limit	0648–AY41
88	Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; 2011 to 2012 Biennial Specifications and Management Measures; FMP Amendment 16–5 and FMP Amendment 23.	0648–BA01
89	Emergency Rule to Re-Open the Recreational Red Snapper Season in the Gulf of Mexico	0648–BA06
90	2011 Atlantic Bluefish Specifications	0648–BA26
91	Framework Adjustment 45 to the Northeast Multispecies Fishery Management Plan	0648–BA27
92	Modification of Regulations Governing the Retention of Incidentally-Caught Highly Migratory Species in Atlantic Trawl Fisheries.	0648–BA45
93	Implementation of a Recreational Seasonal Closure for Greater Amberjack; Regulatory Framework Action to the Fishery Management Plan for Reef Fish Resources of the Gulf of Mexico (FMP).	0648–BA48
94	Regulatory Amendment 10 to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region.	0648–BA51
95	Amendment to the Fishery Management Plan for the Reef To Set Total Allowable Catch for Red Snapper	0648–BA54
96	Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Quotas and Atlantic Tuna Fisheries Management Measures.	0648–BA65
97	Framework Adjustment 1 to the Northeast Skate Complex FMP	0648–BA91
98	Protective Regulations for Killer Whales in the Northwest Region Under the Endangered Species Act and Marine Mammal Protection Act.	0648–AV15
99	Revision of Critical Habitat Designation for the Endangered Leatherback Sea Turtle	0648–AX06
100	Critical Habitat Designation for Cook Inlet Beluga Whale Under the Endangered Species Act	0648–AX50
101	Taking of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Training Operations Conducted Within the Gulf of Mexico Range Complex.	0648–AX86
102	Endangered and Threatened Species, Designation of Critical Habitat for Southern Distinct Population Segment of Eulachon.	0648–BA38

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
103	Fishery Management Plan for Regulating Offshore Marine Aquaculture in the Gulf of Mexico	0648–AS65
104	Amendment 21 to the Snapper-Grouper Fishery Management Plan of the South Atlantic Region	0648–BA59
105	Permits for Capture, Transport, Import, and Export of Protected Species for Public Display, and for Maintaining a Captive Marine Mammal Inventory.	0648–AH26

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
106	Maximize Retention and Monitoring Program in the Shore-Based Pacific Whiting Fishery	0648–AR63
107	Certification of Nations Whose Fishing Vessels Are Engaged in IUU Fishing or Bycatch of Protected Living Marine Resources.	0648–AV51
108	Revise Regulations Governing the North Pacific Groundfish Observer Program	0648–AW24
109	Regulatory Amendment to the Fishery Management Plan for the Reef Fish Fishery of Puerto Rico Modifying the Bajo de Sico Seasonal Closure.	0648–AY05
110	Amendment 17A to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region.	0648–AY10
111	Amendment 17B to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region.	0648–AY11
112	Maximized Retention Monitoring Program for Catcher Vessels in the Pacific Whiting Mothership Fishery in the Pacific Coast Groundfish Fishery.	0648–AY17
113	Regulatory Amendment To Revise Charter Halibut Logbook Submission Requirements	0648–AY38
114	Vessel Capacity Limits in the Purse Seine Fishery in the Eastern Pacific Ocean	0648–AY75
115	2011 Specifications for the Atlantic Mackerel, Squid, and Butterfish Fishery	0648–BA03
116	Regulatory Amendment to the Reef Fish Fishery Management Plan To Set Total Allowable Catch for Red Grouper.	0648–BA04
117	Pacific Halibut Fisheries; Catch Sharing Plan	0648–BA25
118	Bluefin Tuna Bycatch Reduction in the Gulf of Mexico Pelagic Longline Fishery	0648–BA39
119	Take and Import Marine Mammals: Proposed Rule for Take of Marine Mammals Incidental to Routine Operations of 13 Power Generating Stations in Central and Southern California.	0648–AW59

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—COMPLETED ACTIONS—Continued

Sequence No.	Title	Regulation Identifier No.
120	Taking and Importing Marine Mammals; U.S. Naval Surface Warfare Center Panama City Division Mission Activities.	0648–AW80

PATENT AND TRADEMARK OFFICE—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
121	Revision of USPTO Fees for Fiscal Year 2011	0651–AC43
122	Revision of USPTO Fees for Fiscal Year 2012	0651–AC44

PATENT AND TRADEMARK OFFICE—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
123	Interim Increase on Patent Fees for Fiscal Year 2011	0651–AC42

DEPARTMENT OF COMMERCE (DOC)

International Trade Administration (ITA)

Long-Term Actions

39. Commercial Availability of Fabric and Yarn

Legal Authority: Pub. L. 106–200, sec 112(b)(5)(B); Pub. L. 106–200, sec 211; EO 13191; Pub. L. 107–210, sec 3103

Abstract: This rule implements certain provisions of the Trade and Development Act of 2000 (the Act). Title I of the Act (the African Growth and Opportunity Act or AGOA), title II of the Act (the United States-Caribbean Basin Trade Partnership Act or CBTPA), and title XXXI of the Trade Act of 2002 (the Andean Trade Promotion and Drug Eradication Act or ATPDEA) provide for quota- and duty-free treatment for qualifying apparel products from designated beneficiary countries. AGOA and CBTPA authorize quota- and duty-free treatment for apparel articles that are both cut (or knit-to-shape) and sewn or otherwise assembled in one or more designated beneficiary countries from yarn or fabric that is not formed in the United States or a beneficiary country, provided it has been determined that such yarn or fabric cannot be supplied by the domestic industry in commercial quantities in a timely manner. The President has delegated to the Committee for the Implementation of Textile Agreements (the Committee), which is chaired by the Department of Commerce, the authority to determine whether yarn or fabric cannot be supplied by the domestic industry in commercial quantities in a timely manner under the AGOA, the ATPDEA, and the CBTPA, and has authorized the Committee to extend quota- and duty-free treatment to apparel of such yarn or fabric. The rule provides the procedure for interested parties to submit a request alleging that a yarn or fabric cannot be supplied by the domestic industry in commercial quantities in a timely manner, the procedure for public comments, and relevant factors that will be considered in the Committee's determination. The rule also outlines the factors to be considered by the Committee in extending quota- and duty-free treatment.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Janet Heinzen, Phone: 202 482–4006, E-mail: *janet_heinzen@ita.doc.gov.*

RIN: 0625–AA59

DEPARTMENT OF COMMERCE (DOC)

National Oceanic and Atmospheric Administration (NOAA)

Proposed Rule Stage

National Marine Fisheries Service

40. American Lobster Fishery; Fishing Effort Control Measures To Complement Interstate Lobster Management Recommendations by the Atlantic States Marine Fisheries Commission

Legal Authority: 16 U.S.C. 5101 *et seq.*

Abstract: The National Marine Fisheries Service announces that it is considering, and seeking public comment on, revisions to Federal American lobster regulations for the Exclusive Economic Zone (EEZ) associated with effort control measures as recommended for Federal implementation by the Atlantic States Marine Fisheries Commission (ASFMC) and as outlined in the Interstate Fishery Management Plan (ISFMP) for American Lobster. This action will evaluate effort control measures in certain Lobster Conservation Management Areas including: Limits on future access based on historic participation criteria; procedures to allow trap transfers among qualifiers and impose a trap reduction or conservation tax on any trap transfers; and a trap reduction schedule to meet the goals of the ISFMP.

Timetable:

Action	Date	FR Cite
ANPRM	05/10/05	70 FR 24495
ANPRM Comment Period End.	06/09/05	
Notice of Public Meeting.	05/03/10	75 FR 23245
NPRM	07/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Way, Gloucester, MA 01930, Phone: 978 281–9200, Fax: 978 281–9117, E-mail: *pat.kurkul@noaa.gov.*

RIN: 0648–AT31

41. Collection and use of Tax Identification Numbers From Holders of and Applicants for National Marine Fisheries Service Permits

Legal Authority: 31 U.S.C. 7701; 16 U.S.C. 1801 *et seq.;* 16 U.S.C. 1361 *et seq.;* 16 U.S.C. 1531 *et seq.*

Abstract: Pursuant to the Debt Collection Improvement Act of 1996 (Debt Collection Act), the National Marine Fisheries Service (NMFS) will issue a rule to require that each existing holder of and future applicant for a permit, license, endorsement, authorization, transfer, or like instrument issued by the agency provide a Taxpayer Identification Number (TIN) (business, employer identification number, or individual's social security number) and Date of Incorporation or Date of Birth, as appropriate. Under the Debt Collection Act, NMFS is required to collect the TIN to report on and collect any delinquent non-tax debt owed to the Federal Government. NMFS plans to use Date of Incorporation or Date of Birth information for administrative aspects of permitting procedures with appropriate confidentiality safeguards pursuant to the Privacy Act. The rule will specify: (a) The particular uses that may be made of the reported TIN; (b) the effects, if any, of not providing the required information; (c) how the information will be used to ascertain if the permit holder or applicant owes delinquent non-tax debt to the Government pursuant to the Debt Collection Act; (d) the effects on the permit holder or applicant when such delinquent debts are owed; and (e) the agency's intended communications with the permit holder or applicant regarding the relationship of such delinquent debts to its permitting process and the need to resolve such debts as a basis for completing permit issuance or renewal. The rule will amend existing agency permit regulations and contain all appropriate modified and new collections-of-information pursuant to the Paperwork Reduction Act.

Timetable:

Action	Date	FR Cite
NPRM	11/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Alan Risenhoover, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, Room 13362, 1315 East-West Highway, Silver Spring, MD 20910, Phone: 301 713–2334, Fax: 301 713–0596, E-mail: *alan.risenhoover@noaa.gov.*

RIN: 0648–AV76

42. Marine Mammal Protection Act Stranding Regulation Revisions

Legal Authority: 16 U.S.C. 1379; 16 U.S.C. 1382; 16 U.S.C. 1421

Abstract: The National Marine Fisheries Service (NMFS) is considering changes to its implementing regulations (50 CFR 216) governing the taking of stranded marine mammals under section 109(h), section 112(c), and title IV of the Marine Mammal Protection Act and is soliciting public comment to better inform the process. NMFS intends to clarify the requirements and procedures for responding to stranded marine mammals and for determining the disposition of rehabilitated marine mammals, which includes the procedures for the placement of non-releasable animals and for authorizing the retention of releasable rehabilitated marine mammals for scientific research, enhancement, or public display. This action will be analyzed under the National Environmental Policy Act with an Environmental Assessment.

Timetable:

Action	Date	FR Cite
ANPRM	01/31/08	73 FR 5786
ANPRM Comment Period End.	03/31/08	
NPRM	12/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: David Cottingham, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, Phone: 301 713–2322, Fax: 301 713–2521, E-mail: *david.cottingham@noaa.gov.*

RIN: 0648–AW22

43. Regulatory Amendment To Correct and Clarify Amendment 13 and Subsequent Frameworks of the Northeast Multispecies Fishery Management Plan

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

Abstract: This action would make corrections and clarifications to the final rule implementing Amendment 13 to the Northeast Multispecies Fishery Management Plan, as well as subsequent groundfish actions. These corrections are administrative in nature and are intended to correct inaccurate references and other inadvertent errors and to clarify specific regulations to maintain consistency with the intent of Amendment 13 and subsequent actions.

Timetable:

Action	Date	FR Cite
NPRM	06/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Way, Gloucester, MA 01930, Phone: 978 281–9200, Fax: 978 281–9117, E-mail: *pat.kurkul@noaa.gov..*

RIN: 0648–AW95

44. Amendment 11 to the Atlantic Mackerel, Squid, Butterfish Fishery Management Plan

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

Abstract: Amendment 11 to the Atlantic Mackerel, Squid, Butterfish Fishery Management Plan may consider: (1) Limited access in the Atlantic mackerel (mackerel) fishery; (2) implementation of annual catch limits (ACLs) and accountability measures (AMs) for mackerel and butterfish required under the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 (MSRA); (3) updating of the description and identification of essential fish habitat (EFH) for all life stages of mackerel, Loligo squid, Illex squid, and butterfish (including gear impacts on Loligo squid egg EFH); and (4) possible limitations on at-sea processing of mackerel.

Timetable:

Action	Date	FR Cite
Notice of Intent	08/11/08	73 FR 46590
NPRM	08/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Way, Gloucester, MA 01930, Phone: 978 281–9200, Fax: 978 281–9117, E-mail: *pat.kurkul@noaa.gov.*

RIN: 0648–AX05

45. Amendment 30 to the Fishery Management Plan for Bering Sea and Aleutian Islands King and Tanner Crabs Arbitration Regulations

Legal Authority: 16 U.S.C. 1862; Pub. L. 109–241; Pub. L. 109–479

Abstract: This action would implement Amendment 30 to the Fishery Management Plan for Bering Sea and Aleutian Islands King and Tanner Crabs to make minor modifications to the arbitration system used to settle

price and other disputes among harvesters and processors in the Bering Sea/Aleutian Islands crab rationalization program.

Timetable:

Action	Date	FR Cite
NPRM	06/00/11	
Notice of Availability.	06/00/11	
Final Rule	07/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Robert D Mecum, Deputy Acting Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 709 W. 9th Street, Room 420, Juneau, AK 99802, Phone: 907 586–7221, Fax: 907 586–7249, E-mail: *robert.mecum@noaa.gov.*

RIN: 0648–AX47

46. Fisheries Off West Coast States and in the Western Pacific; Klamath River Fall Chinook Salmon Rebuilding Plan

Legal Authority: 16 U.S.C. 1854

Abstract: This action would adopt a rebuilding plan for the Klamath River fall Chinook salmon (KRFC) stock, which failed to meet conservation objectives specified in the Fishery Management Plan for the 3-year period from 2004 to 2006.

Timetable:

Action	Date	FR Cite
NPRM	10/00/11	
NPRM Comment Period End.	12/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Alan Risenhoover, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, Room 13362, 1315 East-West Highway, Silver Spring, MD 20910, Phone: 301 713–2334, Fax: 301 713–0596, E-mail: *alan.risenhoover@noaa.gov.*

RIN: 0648–AY06

47. Amendment 3 to the Spiny Dogfish Fishery Management Plan

Legal Authority: 16 U.S.C. 1801

Abstract: The New England and Mid-Atlantic Fishery Management Councils (Councils) announce their intention to prepare, in cooperation with NMFS, an Environmental Impact Statement (EIS) in accordance with the National Environmental Policy Act to assess potential effects on the human environment of alternative measures to address several issues regarding the Spiny Dogfish Fishery Management Plan (FMP). Issues that may be addressed include: Initiating a Research Set-Aside provision; specifying the spiny dogfish quota and/or possession limits by sex; adding a recreational fishery to the FMP; identifying commercial quota allocation alternatives; and establishing a limited access fishery.

Timetable:

Action	Date	FR Cite
Notice of Intent	08/05/09	74 FR 39063
Notice of Intent Comment Period End.	09/04/09	
Notice of Intent To Prepare an Environmental Impact Statement.	05/13/10	75 FR 26920
NPRM	06/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Way, Gloucester, MA 01930, Phone: 978 281–9200, Fax: 978 281–9117, E-mail: *pat.kurkul@noaa.gov.*

RIN: 0648–AY12

48. Generic Amendment for Annual Catch Limits

Legal Authority: 16 U.S.C. 1801

Abstract: The generic amendment is intended to modify five of the Gulf of Mexico Fishery Management Council's Fishery Management Plans (FMPs). These include FMPs for: Reef Fish Resources, Shrimp, Stone Crab, Coral and Coral Reef Resources, and Red Drum. NMFS and the Council will develop these Annual Catch Limits (ACLs) in co-operation with the Scientific and Statistical Committee and the Southeast Fisheries Science Center. NMFS, in collaboration with the Council, will develop a Draft Environmental Impact Statement to evaluate alternatives and actions for the ACLs. Some examples of these actions include: Establishing sector specific ACLs, selecting levels of risk associated with species yields, considering removal or withdrawal of species from FMPs, and delegating species or species assemblages to state regulators.

Timetable:

Action	Date	FR Cite
Notice of Intent	08/04/09	74 FR 47206
NPRM	06/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E Crabtree, Southeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, Saint Petersburg, FL 33701, Phone: 727 824–5305, Fax: 727 824–5308, E-mail: *roy.crabtree@noaa.gov.*

RIN: 0648–AY22

49. Amendment 14 to the Atlantic Mackerel, Squid, and Butterfish Fishery Management Plan

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

Abstract: The purpose of Amendment 14 is to consider catch shares in the Loligo and Illex fisheries and monitoring/mitigation for river herring bycatch in mackerel, squid and butterfish (MSB) fisheries.

Timetable:

Action	Date	FR Cite
NPRM	09/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Way, Gloucester, MA 01930, Phone: 978 281–9200, Fax: 978 281–9117, E-mail: *pat.kurkul@noaa.gov.*

RIN: 0648–AY26

50. Fisheries in the Western Pacific; Pelagic Fisheries; Purse Seine Fishing With Fish Aggregation Devices

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

Abstract: The Western Pacific Council is amending the Pelagics Fishery Ecosystem Plan (FEP) to (1) define fish aggregating devices (FADs) as purposefully deployed or instrumented floating objects; (2) require FADs to be registered; and (3) prohibit purse seine fishing using FADs in the US EEZ of the western Pacific. The objective of this action is to appropriately balance the needs and concerns of the western Pacific pelagic fishing fleets and associated fishing communities with the conservation of tuna stocks in the western Pacific.

Timetable:

Action	Date	FR Cite
NPRM	10/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Alvin Katekaru, Assistant Regional Administrator, Sustainable Fisheries, Department of

Commerce, National Oceanic and Atmospheric Administration, 1601 Kapiolani Boulevard, Honolulu, HI 96814, Phone: 808 944–2207, Fax: 808 973–2941, E-mail: *alvin.katekaru@noaa.gov*.

RIN: 0648–AY36

51. Amendment 5 to the Atlantic Herring Fishery Management Plan

Legal Authority: 16 U.S.C. 1801

Abstract: Amendment 5 to the Atlantic Herring Fishery Management Plan will consider: catch monitoring programs; interactions with river herring; access by herring midwater trawl vessels in groundfish closed areas; and interactions with the mackerel fishery.

Timetable:

Action	Date	FR Cite
NPRM	09/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Way, Gloucester, MA 01930, Phone: 978 281–9200, Fax: 978 281–9117, E-mail: *pat.kurkul@noaa.gov*.

RIN: 0648–AY47

52. Amendment 2 to the FMP for the Queen Conch Fishery of Puerto Rico and the U.S. Virgin Islands and Amendment 5 to the Reef Fish FMP of Puerto Rico and the U.S. Virgin Islands

Legal Authority: 16 U.S.C. 1801

Abstract: The Magnuson-Stevens Fishery Conservation and Management Act (MSRA: Pub. L. 94–265), as amended through January 12, 2007, requires the establishment of annual catch limits (ACLs) and accountability measures (AMs) during 2010 for all species that are considered to be overfished or undergoing overfishing. The present amendment is being promulgated to meet those MSRA mandates as well as to establish framework procedures with which to effect future changes to the management plan and to restructure the fisheries management units for grouper and snapper. Various alternatives are included in the draft amendment, including maintenance of the status quo for each action as well as various alternatives regarding the year-sequences used to establish ACLs and the strategies to be employed to account for overages and to respond to needed changes in management methods.

Timetable:

Action	Date	FR Cite
NPRM	06/00/11	
NPRM Comment Period End.	08/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E Crabtree, Southeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, Saint Petersburg, FL 33701, Phone: 727 824–5305, Fax: 727 824–5308, E-mail: *roy.crabtree@noaa.gov*.

RIN: 0648–AY55

53. Amendment 10 to the Fishery Management Plan for Spiny Lobster in the Gulf of Mexico and South Atlantic

Legal Authority: 16 U.S.C. 1801

Abstract: The 2006 Reauthorization of the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA) included a number of changes to improve conservation of managed fishery resources. Included in these changes are requirements that the Regional Councils must establish both a mechanism for specifying annual catch limits (ACLs) at a level such that overfishing does not occur in the fishery, and accountability measures (AMs) to correct if overages occur. Accountability measures are management controls to prevent the ACLs from being exceeded and to correct by either in-season or post-season measures if they do occur. The Spiny Lobster fishery is jointly managed by the Gulf and South Atlantic Councils. Amendment 10 to the FMP will set ACLs and AMs, review current regulations, and implement reasonable and prudent measures from the Biological Opinion.

Timetable:

Action	Date	FR Cite
Notice of Intent	03/12/10	75 FR 11843
Notice of Intent Comment Period End.	04/12/10	
NPRM	11/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E Crabtree, Southeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, Saint Petersburg, FL 33701, Phone: 727 824–5305, Fax: 727 824–5308, E-mail: *roy.crabtree@noaa.gov*.

RIN: 0648–AY72

54. Comprehensive Annual Catch Limits Amendment to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region

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

Abstract: The purpose of this amendment is to establish Annual Catch Limits (ACLs) and Accountability Measures (AMs) for species not undergoing overfishing, including management measures to reduce the probability that catches will exceed the stocks' ACLs pursuant to reauthorized Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requirements.

Proposed actions include removal of species from the South Atlantic Snapper Grouper Fishery Management Unit; designating some Snapper Grouper species as ecosystem component species; considering multi-species groupings for specifying ACLs, ACTs, and AMs; specifying allocations among the commercial, recreational, and for-hire sectors for species not undergoing overfishing; and modifying management measures to limit total mortality to the ACL.

Timetable:

Action	Date	FR Cite
NPRM	11/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E Crabtree, Southeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, Saint Petersburg, FL 33701, Phone: 727 824–5305, Fax: 727 824–5308, E-mail: *roy.crabtree@noaa.gov*.

RIN: 0648–AY73

55. Amendment 20 to the Snapper Grouper Fishery Management Plan of the South Atlantic Region

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

Abstract: Amendment 20 to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region consists of regulatory actions that focus on modifications to the wreckfish individual transferable quota (ITQ) program, bringing the program into compliance with the Reauthorized Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), and make other administrative, monitoring, and enforcement changes.

Timetable:

Action	Date	FR Cite
NPRM	11/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E Crabtree, Southeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, Saint Petersburg, FL 33701, Phone: 727 824–5305, Fax: 727 824–5308, E-mail: *roy.crabtree@noaa.gov.*

RIN: 0648–AY74

56. Amendment to Recover the Administrative Costs of Processing Permit Applications

Legal Authority: 16 U.S.C. 1801 *et seq.;* 16 U.S.C. 1853; 16 U.S.C. 1854; 16 U.S.C. 3631 *et seq.;* 16 U.S.C. 773 *et seq.;* Pub. L. 108–447

Abstract: This action amends the fishery management plans of the North Pacific Fishery Management Council and revises federal regulations at 50 CFR 679 to recover the administrative costs of processing applications for permits required under those plans.

Timetable:

Action	Date	FR Cite
NPRM	09/00/11	
Final Rule	11/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Robert D Mecum, Deputy Acting Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 709 W. 9th Street, Room 420, Juneau, AK 99802, Phone: 907 586–7221, Fax: 907 586–7249, E-mail: *robert.mecum@noaa.gov.*

RIN: 0648–AY81

57. Amendment to Correct and Clarify Amendment 16 and Subsequent Frameworks of the Northeast Multispecies Fisheries Management Plan

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

Abstract: This action corrects and clarifies the final rule implementing Amendment 16 to the Northeast Multispecies Fishery Management Plan, as well as subsequent groundfish actions. These corrections are administrative in nature and are intended to correct inaccurate references and other inadvertent errors and to clarify specific regulations to maintain consistency with the intent of Amendment 16 and subsequent actions.

Timetable:

Action	Date	FR Cite
NPRM	06/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Way, Gloucester, MA 01930, Phone: 978 281–9200, Fax: 978 281–9117, E-mail: *pat.kurkul@noaa.gov.*

RIN: 0648–AY95

58. Fishing Capacity Reduction Program for the Southeast Alaska Purse Seine Salmon Fishery

Legal Authority: 16 U.S.C. 1801 *et seq.;* 46 U.S.C. 53701 *et seq.;* Pub. L. 108–447; Pub. L. 109–447; Pub. L. 110–161

Abstract: This rule would implement a Capacity Reduction Program for the Southeast Alaska Purse Seine Salmon Fishery, which is a state controlled fishery. This program is voluntary and holders of valid limited entry permits issued by the Alaska Commercial Fisheries Entry Commission to operate in the Southeast Alaska Purse Seine Salmon Fishery are eligible to participate. Permit holders in the program will receive up to $23.5 million, in the aggregate, in exchange for relinquishing permits. NMFS would issue a 30-year loan to finance the buyback and the loan would be repaid by those harvesters remaining in the fishery. The intent of this rule is to permanently reduce the most harvesting capacity in the fishery at the least cost, which should result in increased harvesting productivity for post-reduction permit holders participating in the fishery and should improve flexibility in the conservation and management of the fishery. The rule would also establish a fee collection system to ensure repayment of the loan.

Timetable:

Action	Date	FR Cite
NPRM	09/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Gary C Reisner, Director, Office of Management and Budget, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, Phone: 301 713–2259, Fax: 301–713–1464, E-mail: *gary.reisner@noaa.gov.*

RIN: 0648–BA13

59. Amendment 3 to the Atlantic Deep-Sea Red Crab Fishery Management Plan

Legal Authority: 16 U.S.C. 1801

Abstract: This action is required to bring the Atlantic Deep-Sea Red Crab FMP into compliance with the reauthorized Magnuson-Stevens Fishery Conservation and Management Act by incorporating an annual catch limit (ACL) and accountability measures (AMs). The Red Crab FMP may also be modified to implement a ''hard quota'' (or total allowable landings (TAL)) in place of the current target total allowable catch (TAC) and days-at-sea (DAS) system. Other management measures currently in place may be modified or eliminated.

Timetable:

Action	Date	FR Cite
NPRM	07/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Way, Gloucester, MA 01930, Phone: 978 281–9200, Fax: 978 281–9117, E-mail: *pat.kurkul@noaa.gov.*

RIN: 0648–BA22

60. • Framework Adjustment 7 to the Monkfish Fishery Management Plan

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

Abstract: Framework Adjustment 7 to the Monkfish FMP would adjust the annual catch target (ACT) for the Northern Fishery Management Area (NFMA) to be consistent with the most recent scientific advice regarding the acceptable biological catch (ABC) for monkfish. The New England Fishery Management Council's Scientific and Statistical Committee (SSC) has recommended a revision to the ABC, based on the recent stock assessment (SARC 50), that is lower that the ACT for the NFMA proposed in Amendment 5 to the Monkfish FMP. Specifically, the SSC recommended a revised NFMA ABC of 7,592 mt, which is 29 percent lower than the NFMA ACT of 10,750 mt proposed in Amendment 5. Conversely, the recalculated ABC for the Southern Fishery Management Area (SFMA) is 850 mt higher than the Council's recommended ACT for that area. Thus, no change is proposed for the SFMA. Framework 7 would also specify a new day-at-sea (DAS) allocation and trip limits for the NFMA commensurate with the new ACT (as necessary), and adopt revised biomass reference points

based on the recommendations of SARC 50 and the SSC.

Timetable:

Action	Date	FR Cite
NPRM	06/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Way, Gloucester, MA 01930, Phone: 978 281–9200, Fax: 978 281–9117, E-mail: *pat.kurkul@noaa.gov.*

RIN: 0648–BA46

61. • Amendment 6 to the Monkfish Fishery Management Plan

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

Abstract: The purpose of Amendment 6 to the Monkfish FMP is to consider developing a catch share management program for this fishery. This would very likely also involve the development of a referendum for such a program, as required under the Magnuson-Stevens Fishery Conservation and Management Act.

Timetable:

Action	Date	FR Cite
NPRM	06/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Way, Gloucester, MA 01930, Phone: 978 281–9200, Fax: 978 281–9117, E-mail: *pat.kurkul@noaa.gov.*

RIN: 0648–BA50

62. • Amendment 24 to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region

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

Abstract: The purpose of the amendment is to implement a rebuilding plan for red grouper in the South Atlantic that would specify annual catch targets and annual catch limits by sector. NMFS notified the Council of the stock status on June 9, 2010; the Magnuson-Stevens Act specifies that measures must be implemented within two years of notification.

Timetable:

Action	Date	FR Cite
NPRM	06/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E Crabtree, Southeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, Saint Petersburg, FL 33701, Phone: 727 824–5305, Fax: 727 824–5308, E-mail: *roy.crabtree@noaa.gov.*

RIN: 0648–BA52

63. • Amendment 22 to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region

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

Abstract: The purpose of the amendment is to establish a long-term red snapper fishery management program in the South Atlantic to optimize yield and rebuild the stock, while minimizing socioeconomic impacts. More specifically, these alternatives will consider the elimination of harvest restrictions on red snapper as the stock increases in biomass.

Timetable:

Action	Date	FR Cite
Notice of Intent	01/03/11	76 FR 101
Notice of Intent Comment Period End.	02/14/11	
NPRM	11/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E Crabtree, Southeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, Saint Petersburg, FL 33701, Phone: 727 824–5305, Fax: 727 824–5308, E-mail: *roy.crabtree@noaa.gov*

RIN: 0648–BA53

64. • Amendment 5 to the Golden Crab Fishery Management Plan of the South Atlantic

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

Abstract: Golden Crab Amendment 5 examines alternatives for a catch share program to limit participation in the golden crab fishery.

Timetable:

Action	Date	FR Cite
NPRM	03/00/12	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E Crabtree, Southeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, Saint Petersburg, FL 33701, Phone: 727 824–5305, Fax: 727 824–5308, E-mail: *roy.crabtree@noaa.gov.*

RIN: 0648–BA60

65. • Atlantic Highly Migratory Species; Electronic Mobile Transmitting Unit Vessel Monitoring Systems

Legal Authority: 16 U.S.C. 971 *et seq.;* 16 U.S.C. 1801 *et seq.*

Abstract: National Marine Fisheries Service (NMFS) is preparing a rule that considers requiring the replacement of currently required Mobile Transmitting Unit (MTU) Vessel Monitoring System (VMS) units with Electronic Mobile Transmitting Unit (E–MTU) VMS units in Atlantic HMS fisheries. The rule would also consider implementing a declaration system where vessels declare target species and gear type used and requiring that a certified marine electrician install all E–MTU VMS units. The purpose of this rulemaking would be to remove out-dated MTU VMS units from service in Atlantic HMS fisheries, provide the National Oceanic and Atmospheric Association Office of Law Enforcement (NOAA OLE) with enhanced communication with HMS vessels at sea, improve enforcement capabilities of current regulations, provide additional flexibility for future management options, and provides a secondary safety capability that has proven useful, but does not replace, primary safety tools such as Emergency Position Indicating Radio Beacons (EPIRB).

Timetable:

Action	Date	FR Cite
NPRM	06/00/11	
Final Action	06/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Emily Menashes, Acting Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, Phone: 301 713–2234, E-mail: *emily.menashes@noaa.gov.*

RIN: 0648–BA64

66. • Management Measures for Tuna Fisheries Operating in the Eastern Pacific Ocean

Legal Authority: 16 U.S.C. 951 to 961 and 971 *et seq.*

Abstract: NMFS proposes regulations under the Tuna Conventions Act of

1950, as amended, to implement decisions of the Inter-American Tropical Tuna Commission (IATTC). At its eighty-first meeting, in September 2010, the IATTC adopted the following three recommendations: (1) Recommendation on Tuna Conservation 2011–2013 (C–10–01); (2) Recommendation on Seabirds (C–10–02); and (3) Recommendation Prohibiting Fishing on Data Buoys (C–10–03). The United States already has domestic seabird conservation measures in place for U.S. longline fisheries that operate in the eastern Pacific Ocean (EPO) that satisfy the requirements under Recommendation C–10–02. Thus, this rule would implement IATTC Recommendations C–10–01 and C–10–03, and update vessel monitoring system (VMS) requirements in the EPO in accordance with IATTC Resolution C–04–06.

This rule would amend current tuna conservation measures in the longline and purse seine fisheries by (1) reducing the duration of the purse seine closure period in the EPO from 73 to 62 days in 2011 and continuing this purse seine closure period in 2012 and 2013; (2) allowing vessel owners to choose between two closure periods each year rather than requiring the entire U.S. fleet to adhere to one closure period; (3) continuing the 500 metric ton bigeye tuna quota for large-scale longline vessels for 2011–2013; (4) renewing the tuna retention program in the purse seine fishery; (5) prohibiting tuna fishing vessels from fishing within one nautical mile of data buoys in the EPO; and (6) requiring tuna fishing vessels over 24 meters in length to install and operate VMS.

Timetable:

Action	Date	FR Cite
NPRM	06/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mark Helvey, Assistant Regional Administrator for Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 501 West Ocean Boulevard, Long Beach, CA 90802, Phone: 562 980–4040, Fax: 562 980–4047, E-mail: *mark.helvey@noaa.gov.*

RIN: 0648–BA66

67. • Amendment 13 to the Coastal Pelagic Species Fishery Management Plan

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

Abstract: The intent of Amendment 13 to the Coastal Pelagic Species Fishery Management Plan is to revise relevant sections of the plan to ensure they are consistent with the advisory guidelines published in Federal regulations at 50 CFR 600.310. The guidelines describe fishery management approaches to meet the objectives of National Standard 1 (NS1) found in the Magnuson-Stevens Fishery Conservation and Management Act (MSA), Section 301. Amendment 13 includes mechanisms for annual catch limits and accountability measures and other provisions for preventing and ending overfishing.

Timetable:

Action	Date	FR Cite
NPRM	06/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mark Helvey, Assistant Regional Administrator for Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 501 West Ocean Boulevard, Long Beach, CA 90802, Phone: 562 980–4040, Fax: 562 980–4047, E-mail: *mark.helvey@noaa.gov.*

RIN: 0648–BA68

68. • Atlantic Highly Migratory Species; Implementing International Convention for the Conservation of Atlantic Tunas Recommendations on Sharks

Legal Authority: 16 U.S.C. 1801 *et seq.;* 16 U.S.C. 971 *et seq.*

Abstract: This action would implement two recommendations adopted at the 2010 annual meeting of the International Commission for the Conservation of Atlantic Tunas (ICCAT). Recommendation 10–07 prohibits the retention, transshipping, landing, storing, or selling of oceanic whitetip sharks. Recommendation 10–08 prohibits the retention, transshipping, landing, storing, or selling of hammerhead sharks in the family Sphyrnidae, except for Sphyrnidae tiburo, taken in the Convention area in association with ICCAT fisheries.

Timetable:

Action	Date	FR Cite
NPRM	06/00/11	
Final Action	07/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Margo Schulze–Haugen, Supervisory Fish Management Officer, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, Phone: 301 713–0234, Fax: 301 713–1917, E-mail: *margo.schulze-haugen@noaa.gov.*

RIN: 0648–BA69

69. • Amendment 15 to the Atlantic Sea Scallop Fishery Management Plan

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

Abstract: Amendment 15 to the Atlantic Sea Scallop Fishery Management Plan (Scallop FMP) was developed by the New England Fishery Management Council (Council) to implement annual catch limits (ACLs) and accountability measures (AMs) to come into compliance with new requirements of the Magnuson-Stevens Fishery Conservation and Management Act (MSA). In addition, Amendment 15 to the Scallop FMP includes measures that would make management of the scallop fishery more effective including: Modification of the overfishing definition for scallops; an increase in the possession limit for limited access general category (LAGC) vessels; an allowance for carryover of individual fishing quota (IFQ) for LAGC vessels; a provision to enable LAGC vessel owners to permanently transfer IFQ separate from the vessel's LAGC permit; revision of the essential fish habitat closures under the Scallop FMP; and several changes to the scallop research set aside program.

Timetable:

Action	Date	FR Cite
Notice of Availability.	03/24/11	76 FR 16595
NPRM	06/00/11	
Final Action	08/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Way, Gloucester, MA 01930, Phone: 978 281–9200, Fax: 978 281–9117, E-mail: *pat.kurkul@noaa.gov.*

RIN: 0648–BA71

70. • Framework Adjustment 22 to the Scallop Fishery Management Plan

Legal Authority: 16 U.S.C. 1801

Abstract: Framework 22 to the Atlantic Sea Scallop FMP (Framework 22) would set management measures for the scallop fishery for the 2011 to 2013 fishing years (FYs), including the annual catch limits (ACL) and annual catch targets for the limited access and limited access general category fleets based on the ACL framework proposed in Amendment 15 to the FMP. In addition, Framework 22 will revise the

scallop access area schedules for FYs 2011 to 2013, set the scallop days-at-sea (DAS) allocations and sea scallop access area trip allocations, and set measures to minimize impacts of incidental take of sea turtles in the Mid-Atlantic total allowable catches (TACs) for the Northern Gulf of Maine management area, observer set-aside, and incidental landings (target TAC).

Timetable:

Action	Date	FR Cite
NPRM	06/00/11	
Final Action	06/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Way, Gloucester, MA 01930, Phone: 978 281–9200, Fax: 978 281–9117, E-mail: *pat.kurkul@noaa.gov.*

RIN: 0648–BA72

71. • Atlantic Highly Migratory Species Electronic Dealer Reporting Requirements

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

Abstract: This rulemaking would require all federally-permitted Atlantic Highly Migratory Species (HMS) dealers to report commercially-caught HMS (i.e., Atlantic sharks, tunas, and swordfish) to the National Marine Fisheries Service (NMFS) through an electronic reporting system. In addition, this rulemaking would clarify that a dealer is only authorized to buy commercially-caught HMS if the dealer reports have been submitted to NMFS in a timely manner. Any delinquent reports would need to be submitted and accepted before a dealer could buy commercially-caught HMS. Finally, this rulemaking would require that all commercially harvested HMS caught by federally-permitted fishermen be offloaded to federally-permitted and certified HMS dealers, who must report the associated catch to NMFS. These measures are necessary to ensure timely and accurate reporting, which is critical for quota monitoring and management of HMS.

Timetable:

Action	Date	FR Cite
NPRM	06/00/11	
NPRM Comment Period End.	07/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Margo Schulze–Haugen, Supervisory Fish Management Officer, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, Phone: 301 713–0234, Fax: 301 713–1917, E-mail: *margo.schulze-haugen@noaa.gov.*

RIN: 0648–BA75

72. • Catch Reporting Regulatory Rulemaking for the Atlantic Herring Fishery

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

Abstract: The goal of the catch reporting rulemaking is to improve monitoring of the annual catch limit (ACL) and sub-ACLs for each management area in the Atlantic herring fishery. Requirements under consideration include: Daily reporting via vessel monitoring systems for limited access herring vessels, weekly reporting via the interactive voice response system for open access vessels, and weekly submission of vessel trip reports for limited access and/or open access vessels.

Timetable:

Action	Date	FR Cite
NPRM	06/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Way, Gloucester, MA 01930, Phone: 978 281–9200, Fax: 978 281–9117, E-mail: *pat.kurkul@noaa.gov.*

RIN: 0648–BA79

73. • Bering Sea Chinook Salmon Economic Data Reporting Program

Legal Authority: 16 U.S.C. 1801 *et seq.;* 16 U.S.C. 1851; 16 U.S.C. 3631 *et seq.*

Abstract: NMFS proposes to implement the Chinook Salmon Economic Data Program to evaluate the effectiveness of Chinook salmon bycatch management measures for the Bering Sea pollock fishery that were implemented under Amendment 91 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP). The proposed rule is intended to promote the goals and objectives of the FMP, the Magnuson-Stevens Fishery Conservation and Management Act and other applicable law.

To collect the data, NMFS would require submission of each of the following three reports/surveys. These would be in a fillable electronic format available on the NMFS AKR website. Representatives of AFA catcher/processor and mothership sectors, inshore cooperatives, the inshore open access fishery, and CDQ groups would be responsible to submit the Chinook EDR. The Reports/Surveys are: Chinook Salmon PSC Allocation Compensated Transfer Report (CTR); Vessel Fuel Survey; and the Vessel Master Survey.

In addition to these reports/surveys, NMFS would collect new information concerning vessel movements on the fishing grounds and more general data on pollock allocations and transfers through revisions of requirements to the existing IPA Annual Report.

Timetable:

Action	Date	FR Cite
NPRM	06/00/11	
Final Rule	09/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Balsiger, Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, 709 West Ninth Street, Juneau, AK 99801, Phone: 907 586–7221, Fax: 907 586–7465, E-mail: *jim.balisger@noaa.gov.*

RIN: 0648–BA80

74. • 2011 Summer Flounder, Scup, and Black Sea Bass Recreational Management Measures and Scup Specification Increase (Increased 2011 Total Allowable Landings)

Legal Authority: 16 U.S.C. 1801

Abstract: This rulemaking would conduct two related actions: It would publish a proposed increase to the previously established 2011 scup TAC and TAL and would propose management measures to achieve recreational harvest limits for the summer flounder, scup, and black sea bass recreational fisheries. Recreational management measures include recreational possession limits, minimum fish sizes, and seasonal closures.

Timetable:

Action	Date	FR Cite
NPRM	06/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great

Republic Way, Gloucester, MA 01930, Phone: 978 281–9200, Fax: 978 281–9117, E-mail: *pat.kurkul@noaa.gov.*

RIN: 0648–BA92

75. Potential Revisions to the Turtle Excluder Device Requirements

Legal Authority: 16 U.S.C. 1533

Abstract: With this action, the National Marine Fisheries Service (NMFS) announces that it is considering technical changes to the requirements for turtle excluder devices (TEDs) and solicits public comment. Specifically, NMFS would modify the size of the TED escape opening currently required in the summer flounder fishery; require the use of TEDs in the whelk, calico scallop, and Mid-Atlantic scallop trawl fisheries; require the use of TEDs in flynets; and move the current northern boundary of the Summer Flounder Fishery-Sea Turtle Protection Area off Cape Charles, Virginia, to a point farther north.

Timetable:

Action	Date	FR Cite
ANPRM	02/15/07	72 FR 7382
ANPRM Comment Period End.	03/19/07	
ANPRM Comment Period Extended.	03/19/07	72 FR 12749
NPRM	10/00/11	
NPRM Comment Period End.	12/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E Crabtree, Southeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, Saint Petersburg, FL 33701, Phone: 727 824–5305, Fax: 727 824–5308, E-mail: *roy.crabtree@noaa.gov.*

RIN: 0648–AV04

76. Marine Mammal Protection Act Permit Regulation Revisions

Legal Authority: 16 U.S.C. 1374

Abstract: The National Marine Fisheries Service (NMFS) is considering changes to its implementing regulations (50 CFR 216) governing the issuance of permits for scientific research and enhancement activities under section 104 of the Marine Mammal Protection Act and is soliciting public comment to better inform the process. NMFS intends to streamline and clarify general permitting requirements and requirements for scientific research and enhancement permits, simplify procedures for transferring marine mammal parts, possibly apply the General Authorization (GA) to research activities involving Level A harassment of non-endangered marine mammals, and implement a ''permit application cycle'' for application submission and processing of all marine mammal permits. NMFS intends to write regulations for marine mammal photography permits and is considering whether this activity should be covered by the GA.

Timetable:

Action	Date	FR Cite
ANPRM	09/13/07	72 FR 52339
ANPRM Comment Period Extended.	10/15/07	72 FR 58279
ANPRM Comment Period End.	11/13/07	72 FR 52339
ANPRM Comment Period Extended End.	12/13/07	72 FR 58279
NPRM	11/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dr. Michael Payne, Fishery Biologist, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, Phone: 907 586–7235, Fax: 301 713–2521, E-mail: *michael.payne@noaa.gov.*

RIN: 0648–AV82

77. Reduce Sea Turtle Bycatch in Atlantic Trawl Fisheries

Legal Authority: 16 U.S.C. 1531 *et seq.*

Abstract: NMFS is initiating a rulemaking action to reduce injury and mortality to endangered and threatened sea turtles resulting from incidental take, or bycatch, in trawl fisheries in the Atlantic waters. NMFS will likely address the size of the turtle excluder device (TED) escape opening currently required in the summer flounder trawl fishery, the definition of a summer flounder trawler, and the use of TEDs in this fishery; the use of TEDs in the croaker and weakfish flynet, whelk, Atlantic sea scallop, and calico scallop trawl fisheries of the Atlantic Ocean; and new seasonal and temporal boundaries for TED requirements. In addition, this rule will address the definition of the Gulf Area applicable to the shrimp trawl fishery in the southeast Atlantic and Gulf of Mexico. The purpose of the rule is to aid in the protection and recovery of listed sea turtle populations by reducing mortality in trawl fisheries through the use of TEDs.

Timetable:

Action	Date	FR Cite
NPRM	07/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Alexis Gutierrez, Foreign Affairs Specialist, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, Phone: 301 713–2322, Fax: 301 713–4060, E-mail: *alexis.gutierrez@noaa.gov.*

RIN: 0648–AY61

78. • False Killer Whale Take Reduction Plan (Section 610 Review)

Legal Authority: 16 U.S.C. 1361 *et seq.*

Abstract: NMFS is undertaking rulemaking to implement a False Killer Whale Take Reduction Plan (FKWTRP). The FKWTRP is based on consensus recommendations submitted by the False Killer Whale Take Reduction Team (FKWTRT). This action is necessary because current serious injury and mortality rates of the Hawaii Pelagic stock of false killer whales incidental to the Category I Hawaii-based deep-set (tuna target) longline fishery and Category II Hawaii-based shallow-set (swordfish target) fishery are above the stock's potential biological removal (PBR) level, and therefore inconsistent with the short-term goal of the Marine Mammal Protection Act (MMPA). Additionally, serious injury and mortality rates of the Hawaii Insular stock and Palmyra Atoll stocks of false killer whales incidental to the Hawaii-based deep-set longline fishery are above insignificant levels approaching a zero mortality and serious injury rate, and therefore inconsistent with the long-term goal of the MMPA. The FKWTRP is intended to meet the statutory mandates and requirements of the MMPA through both regulatory and non-regulatory measures, and research and data collection priorities.

Timetable:

Action	Date	FR Cite
NPRM	06/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kristy Long, Fisheries Biologist, Department of Commerce, National Oceanic and Atmospheric Administration, Room 13738, 1315 East-West Highway, Silver Spring, MD 20910, Phone: 301 713–2322, Fax: 301 427–2522, E-mail: *kristy.long@noaa.gov.*

RIN: 0648–BA30

79. • Amendment to Regulations Under the Bottlenose Dolphin Take Reduction Plan

Legal Authority: 16 U.S.C. 1361 *et seq.*

Abstract: Serious injury and mortality of the Western North Atlantic bottlenose dolphin stocks incidental to Category I and II fisheries continue at levels potentially exceeding Potential Biological Removal (PBR) levels, requiring additional management measures under the Bottlenose Dolphin Take Reduction Plan (BDTRP). Therefore, the purpose of the proposed actions is to amend the BDTRP to reduce serious injury and mortality of bottlenose dolphins in the Virginia pound net fishery (Category II) and mid-Atlantic gillnet fishery (Category I) in North Carolina, specifically, the spiny dogfish fishery. The need for the proposed actions is to ensure the BDTRP meets its MMPA mandated short- and long-term goals. NMFS will examine a number of management measures, including consensus recommendations from the Bottlenose Dolphin Take Reduction Team, designed to reduce the incidental mortality or serious injury of bottlenose dolphins taken in both the Virginia pound net fishery and spiny dogfish fishery in North Carolina to below PBR, as well as other updates supporting the objectives of the BDTRP.

Timetable:

Action	Date	FR Cite
NPRM	09/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Stacey Leah Carlson, Fishery Biologist, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, Phone: 727 824–5312, Fax: 727 824–5309, E-mail: *stacey.carlson@noaa.gov.*

RIN: 0648–BA34

80. • Revision of Hawaiian Monk Seal Critical Habitat

Legal Authority: 16 U.S.C. 1533

Abstract: On July 9, 2008, NMFS received a petition from the Center for Biological Diversity, Kahea, and the Ocean Conservancy to revise the Hawaiian monk seal critical habitat designation by adding the following areas in the main Hawaiian Islands (MHI): Key beach areas, sand spits and islets, including all beach crest vegetation to its deepest extent inland, lagoon waters, inner reef waters, and ocean waters out to a depth of 200 m. In addition, the Petitioners requested that designated critical habitat in the NWHI be extended to include Sand Island at Midway, as well as ocean waters out to a depth of 500 meters. On October 3, 2008, NMFS announced in the 90-day finding that the petition presented substantial scientific information indicating that a revision to the current critical habitat designation may be warranted. On June 12, 2009, in the 12-month finding, NMFS announced that a revision to critical habitat is warranted, on account of new information available regarding habitat use by the Hawaiian monk seal, and announced our intention to proceed towards a proposed rule. This proposed rule describes the proposed critical habitat designation, including supporting information on Hawaiian monk seal biology, distribution, and habitat use, and the methods used to develop the proposed revision to Hawaiian monk seal critical habitat.

Timetable:

Action	Date	FR Cite
NPRM	06/00/11	
Final Action	07/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Marta Nammack, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, Phone: 301 713–1401, Fax: 301 427–2523, E-mail: *marta.nammack@noaa.gov.*

RIN: 0648–BA81

DEPARTMENT OF COMMERCE (DOC)

National Oceanic and Atmospheric Administration (NOAA)

Final Rule Stage

National Marine Ffisheries Sservice

81. Amending Regulations for the Pacific Halibut, Sablefish, and Pollock Fisheries Conducted Under the Western Alaska Community Development Quota (CDQ) Program

Legal Authority: 16 U.S.C. 1801 *et seq.;* 16 U.S.C. 773 *et seq.;* 16 U.S.C. 3631 *et seq.;* Pub. L. 108–447

Abstract: NMFS proposes to amend regulations that govern fisheries managed under the Western Alaska Community Development Quota (CDQ) Program. These revisions are needed to comply with certain changes made to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) in 2006. Proposed changes include revising regulations associated with recordkeeping, vessel licensing, catch retention requirements, and fisheries observer requirements to ensure that they are no more restrictive than the regulations in effect for comparable non-CDQ fisheries managed under individual fishing quotas or cooperative allocations. In addition, NMFS proposes to remove CDQ Program regulations that now are inconsistent with the Magnuson-Stevens Act, including regulations associated with the CDQ allocation process, transfer of groundfish CDQ and halibut prohibited species quota, and the oversight of CDQ groups' expenditures.

Timetable:

Action	Date	FR Cite
NPRM	07/13/10	75 FR 39892
NPRM Comment Period End.	08/12/10	
Final Rule	07/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Robert D Mecum, Deputy Acting Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 709 W. 9th Street, Room 420, Juneau, AK 99802, Phone: 907 586–7221, Fax: 907 586–7249, E-mail: *robert.mecum@noaa.gov.*

RIN: 0648–AV33

82. Magnuson-Stevens Fishery Conservation and Management Reauthorization Act (MSRA) Environmental Review Procedure

Legal Authority: 16 U.S.C. 1801

Abstract: Section 107 of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act (MSRA) (Pub.L. 109–479) requires NOAA Fisheries to revise and update agency procedures for complying with the National Environmental Policy Act (NEPA) in context of fishery management actions. It further requires that NOAA Fisheries consult with the Council on Environmental Quality (CEQ) and the Regional Fishery Management Councils (Councils), and involve the public in the development of the revised procedures. The MSRA provides that the resulting procedures will be the sole environmental impact assessment procedure for fishery management actions, and that they must conform to the time lines for review and approval of fishery management plans and plan amendments. They must also integrate applicable environmental analytical procedures, including the time frames for public input, with the procedure for the preparation and dissemination of fishery management plans, plan amendments and other actions taken or

approved pursuant to this Act in order to provide for timely, clear and concise analysis that is useful to decision makers and the public, reduce extraneous paperwork, and effectively involve the public.

This rule would revise and update the NMFS procedures for complying with NEPA in the context of fishery management actions developed pursuant to MSRA.

Timetable:

Action	Date	FR Cite
NPRM	05/14/08	73 FR 27998
NPRM Comment Period End.	06/13/08	
Final Action	10/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Steve Leathery, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, Phone: 301 713–2239, E-mail: *steve.leathery@noaa.gov*.

RIN: 0648–AV53

83. Amendment 4 to the Atlantic Herring Fishery Management Plan

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

Abstract: The goal of Amendment 4 is to improve catch monitoring and ensure compliance with the Reauthorized Magnuson-Stevens Fishery Conservation and Management Act (MSRA). The management measures developed in this amendment may address one or more of the following objectives: (1) To implement measures to improve the long-term monitoring of catch (landings and bycatch) in the herring fishery; (2) to implement annual catch limits and accountability measures consistent with the MSRA; (3) to implement other management measures as necessary to ensure compliance with the new provisions of the MSRA; (4) to develop a sector allocation process or other limited access privilege program for the herring fishery; and (5) in the context of objectives 1–4 (above), to consider the health of the herring resource and the important role of herring as a forage fish and a predator fish throughout its range.

The New England Fishery Management Council will develop conservation and management measures to address the issues identified above and meet the goals/objectives of the amendment. Any conservation and management measures developed in this amendment also must comply with all applicable laws.

Timetable:

Action	Date	FR Cite
Notice of Intent	05/08/08	73 FR 26082
Notice of Availability.	08/12/10	75 FR 48920
Notice of Availability Comment Period End.	10/12/10	
NPRM	10/18/10	75 FR 63791
NPRM Comment Period End.	12/02/10	
Final Action	06/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Way, Gloucester, MA 01930, Phone: 978 281–9200, Fax: 978 281–9117, E-mail: *pat.kurkul@noaa.gov*.

RIN: 0648–AW75

84. Allowable Modifications to the Turtle Excluder Device Requirements

Legal Authority: 16 U.S.C. 1531 *et seq.*

Abstract: NMFS proposes to revise the Turtle Excluder Device (TED) requirements to allow new materials and modifications to existing approved TED designs. Specifically, proposed allowable modifications include the use of flat bar, box pipe, and oval pipe for use in currently-approved TED grids; an increase in mesh size on escape flaps from 1⅝ inches to 2 inches; the use of the Boone single straight cut and triangular escape openings; specifications on the use of TED grid brace bars; and the use of the Chauvin Shrimp Kicker to improve shrimp retention.

Timetable:

Action	Date	FR Cite
NPRM	09/02/10	75 FR 53925
NPRM Comment Period End.	10/18/10	
Final Action	06/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael Barnette, Fishery Biologist, Department of Commerce, National Oceanic and Atmospheric Administration, 263 Thirteenth Avenue South, St. Petersburg, FL 33701, Phone: 727 551–5794, Fax: 727 824–5583, E-mail: *michael.barnette@noaa.gov*.

RIN: 0648–AW93

85. Revoke Inactive Quota Share and Annual Individual Fishing Quota From a Holder of Quota Share Under the Pacific Halibut and Sablefish Fixed Gear Individual Fishing Quota Program

Legal Authority: 16 U.S.C. 1801 *et seq.;* 16 U.S.C. 773

Abstract: This action would amend existing commercial fishing regulations for the fixed-gear Pacific Halibut and sablefish individual fishing quota program at 50 CFR 679. The amendment would revoke inactive quota share unless the quota share permit holder affirmatively notices NMFS in writing within 60 days of the agency's preliminary determination of inactivity that they choose to (a) retain the inactive IFQ quota share, (b) activate the quota share through transfer or by fishing, or (c) appeal the preliminary determination. Quota share that is not activated through this process and is revoked would be proportionally distributed to the quota share pool. This regulatory revision is based on the recommendations of the North Pacific Fishery Management Council in June 2006 and again in February 2009. Amending the regulations would improve the efficiency of the Pacific Halibut and Sablefish IFQ program and augment operational flexibility of participating fisherman.

Timetable:

Action	Date	FR Cite
NPRM	08/23/10	75 FR 51741
NPRM Comment Period End.	09/22/10	
Final Rule	06/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Robert D Mecum, Deputy Acting Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 709 W. 9th Street, Room 420, Juneau, AK 99802, Phone: 907 586–7221, Fax: 907 586–7249, E-mail: *robert.mecum@noaa.gov*.

RIN: 0648–AX91

86. Amendment 3 to the Fishery Management Plan for Queen Conch Resources of Puerto Rico and the U.S. Virgin Islands Establishing Compatible Regulations With U.S. Virgin Islands Territorial Waters

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

Abstract: At the June 2009 Council meeting, the Caribbean Fishery Management Council decided to amend the Fishery Management Plan for Queen Conch Resources of Puerto Rico and the U.S. Virgin Islands (U.S.V.I.) to establish compatible regulations with U.S.V.I.

territorial regulations. Currently, fishing for and possession of Queen Conch is prohibited in the Exclusive Economic Zone, with the exception of an area known as Lang Bank east of St. Croix, which is open to harvest of Queen Conch from October 1 through June 30. In U.S.V.I. territorial waters, Queen Conch is managed under a 50,000 pound quota. This action would implement compatible regulations which will close the harvest of Queen Conch in Federal waters, including Lang Bank, once the quota has been reached in the U.S.V.I. and the fishery is closed in territorial waters.

Timetable:

Action	Date	FR Cite
NPRM	01/20/11	76 FR 3596
NPRM Comment Period End.	02/22/11	
Final Action	06/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E Crabtree, Southeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, Saint Petersburg, FL 33701, Phone: 727 824–5305, Fax: 727 824–5308, E-mail: *roy.crabtree@noaa.gov.*

RIN: 0648–AY03

87. Addendum IV to the Weakfish Interstate Management Plan—Bycatch Trip Limit

Legal Authority: 16 U.S.C. 5101

Abstract: NMFS proposes regulations that would modify management restrictions in the Federal weakfish fishery in a manner consistent with the Commission's Weakfish Management Board's (Board) approved Addendum IV to Amendment 4 to the ISFMP for Weakfish. In short, the proposed Federal regulatory change would decrease the incidental catch allowance for weakfish in the EEZ in non-directed fisheries using smaller mesh sizes, from 150 pounds to no more than 100 pounds per day or trip, whichever is longer in duration. In addition it would impose a one fish possession limit on recreational fishers.

Timetable:

Action	Date	FR Cite
NPRM	05/12/10	75 FR 26703
NPRM Comment Period End.	06/11/10	
NPRM Comment Period Re-Opened.	06/16/10	75 FR 34092
NPRM Comment Period Re-Opened End.	06/30/10	
Final Action	06/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Alan Risenhoover, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, Room 13362, 1315 East-West Highway, Silver Spring, MD 20910, Phone: 301 713–2334, Fax: 301 713–0596, E-mail: *alan.risenhoover@noaa.gov.*

RIN: 0648–AY41

88. Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; 2011 to 2012 Biennial Specifications and Management Measures; FMP Amendment 16–5 and FMP Amendment 23

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

Abstract: This rule sets the 2011 to 2012 harvest specifications and management measures for groundfish taken in the U.S. exclusive economic zone off the coasts of Washington, Oregon, and California. This rule also implements Pacific Coast Groundfish Fishery Management Plan Amendments 16–5 and 23.

Timetable:

Action	Date	FR Cite
Notice of Availability.	10/01/10	75 FR 60709
NPRM	11/03/10	75 FR 67810
Notice of Availability Comment Period End.	11/30/10	
NPRM Comment Period End.	12/03/10	
Final Action	07/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Frank Lockhart, Program Analyst, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way NE., Seattle, WA 98115, Phone: 206 526–6142, Fax: 206 526–6736, E-mail: *frank.lockhart@noaa.gov.*

RIN: 0648–BA01

89. Emergency Rule to Re-Open the Recreational Red Snapper Season in the Gulf of Mexico

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

Abstract: The Gulf of Mexico Fishery Management Council (Council) has requested that NOAA Fisheries Service publish an emergency rule that will provide authority to the Regional Administrator to re-open the recreational red snapper season after the September 30, 2010, end of the fishing season, if it is determined that landings during the June 1–July 23 open season did not meet the quota.

Timetable:

Action	Date	FR Cite
NPRM	08/16/10	75 FR 49883
NPRM Comment Period End.	08/31/10	
Final Emergency Rule.	09/24/10	75 FR 58335
Final Emergency Rule Extension.	06/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E Crabtree, Southeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, Saint Petersburg, FL 33701, Phone: 727 824–5305, Fax: 727 824–5308, E-mail: *roy.crabtree@noaa.gov.*

RIN: 0648–BA06

90. • 2011 Atlantic Bluefish Specifications

Legal Authority: 16 U.S.C. 1801

Abstract: This action will establish 2011 Atlantic bluefish specifications, including State-by-State commercial quotas, a recreational harvest limit, and recreational possession limits for Atlantic bluefish off the east coast of the United States. The action also revises the Atlantic bluefish regulations for the specification of overall total allowable landings and the target fishing mortality rate to more clearly reflect the intent of the Atlantic Bluefish Fishery Management Plan.

Timetable:

Action	Date	FR Cite
NPRM	01/14/11	76 FR 2640
NPRM Comment Period End.	01/31/11	
Final Action	06/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Way, Gloucester, MA 01930, Phone: 978 281–9200, Fax: 978 281–9117, E-mail: *pat.kurkul@noaa.gov.*

RIN: 0648–BA26

91. • Framework Adjustment 45 to the Northeast Multispecies Fishery Management Plan

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

Abstract: The New England Fishery Management Council (Council) is developing Framework Adjustment 45

to the Northeast Multispecies FMP to implement measures to update status determination criteria for pollock; revise the rebuilding program for Georges Bank yellowtail flounder; revise annual catch limits for several stocks; implement additional sectors, including state-sponsored permit banks; modify a scallop exemption area; revise monitoring requirements; and implement a spawning closure area in the Gulf of Maine. These measures are expected to continue efforts to rebuild overfished stocks, minimize costs to industry, and increase the economic efficiency of vessel operations.

Timetable:

Action	Date	FR Cite
NPRM	03/03/11	76 FR 11858
NPRM Comment Period End.	03/18/11	
Final Action	06/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Way, Gloucester, MA 01930, Phone: 978 281–9200, Fax: 978 281–9117, E-mail: *pat.kurkul@noaa.gov.*

RIN: 0648–BA27

92. • Modification of Regulations Governing the Retention of Incidentally-Caught Highly Migratory Species in Atlantic Trawl Fisheries

Legal Authority: 16 U.S.C. 1801

Abstract: This rule proposes to modify the regulations governing Atlantic highly migratory species (HMS) to address the retention of incidentally-caught North Atlantic swordfish in squid trawl fisheries, and the retention of incidentally caught species in the smoothhound shark complex (which includes smooth dogfish and Florida smoothhound (genus Mustelus)) in all Atlantic trawl fisheries. Trawl gear is not authorized in Atlantic HMS fisheries, but an allowance for the retention of incidentally-caught swordfish in trawl gears has been established to reduce regulatory discards. This rule would consider modifying the allowance for incidentally-caught HMS in trawl gears to reduce regulatory dead discards, to the extent practicable, by converting discards into landings, improve fishery data collection, provide additional opportunities for the U.S. swordfish quota to be caught, and accommodate traditional fishing methods (i.e., trawls) that incidentally capture North Atlantic swordfish and smoothhound shark species.

Timetable:

Action	Date	FR Cite
NPRM	03/18/11	76 FR 14884
NPRM Comment Period End.	04/17/11	
Final Action	06/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Margo Schulze-Haugen, Supervisory Fish Management Officer, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, Phone: 301 713–0234, Fax: 301 713–1917, E-mail: *margo.schulze-haugen@noaa.gov.*

RIN: 0648–BA45

93. • Implementation of a Recreational Seasonal Closure for Greater Amberjack; Regulatory Framework Action to the Fishery Management Plan for Reef Fish Resources of the Gulf of Mexico (FMP)

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

Abstract: To reduce the probability of early in-season closures for recreational greater amberjack in the Gulf of Mexico, the rule would close the greater amberjack recreational fishing season annually from June 1 through July 31. The intended effect of this rule is to maintain the rebuilding plan targets for the overfished greater amberjack, prevent the annual catch limit from being exceeded, and maximize the number of fishing days available to the recreational sector.

Timetable:

Action	Date	FR Cite
NPRM	01/24/11	76 FR 4084
NPRM Comment Period End.	02/23/11	
NPRM Reopening Comment Period.	03/10/11	76 FR 13122
NPRM Reopening Comment Period End.	03/25/11	
Final Action	06/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E Crabtree, Southeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, Saint Petersburg, FL 33701, Phone: 727 824–5305, Fax: 727 824–5308, E-mail: *roy.crabtree@noaa.gov.*

RIN: 0648–BA48

94. • Regulatory Amendment 10 to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region

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

Abstract: The purpose of the amendment is to reduce the spatial and temporal coverage of the regulations proposed in Amendment 17A to the Snapper Grouper FMP based on the most recent scientific information concerning the red snapper stock in the South Atlantic. The inclusion of a sunset provision to eliminate the prohibition to snapper grouper species in the closure area is also under consideration.

Timetable:

Action	Date	FR Cite
NPRM	02/18/11	76 FR 9530
NPRM Comment Period End.	03/21/11	
Final Action	06/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E Crabtree, Southeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, Saint Petersburg, FL 33701, Phone: 727 824–5305, Fax: 727 824–5308, E-mail: *roy.crabtree@noaa.gov.*

RIN: 0648–BA51

95. • Amendment to the Fishery Management Plan for the Reef to Set Total Allowable Catch for Red Snapper

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

Abstract: This action would adjust the commercial and recreational quotas of red snapper to 3.66 and 3.525 MP, respectively, consistent with the 51:49 ratio for the commercial and recreational allocation of red snapper established in Amendment 1 to the FMP. NOAA Fisheries Service will provide an estimated projection for the number of days in the 2011 recreational fishing season after the 2010 harvest numbers are received.

In addition, NOAA Fisheries Service proposes to make administrative adjustments to the reef fish individual fishing quota program via the authority in 305(d) of the Magnuson-Stevens Act. This action would revise the definition of ''actual ex-vessel value'' in § 622.2 of the regulations. The intent of this revision is to allow NOAA Fisheries Service to more accurately analyze the total value of the Gulf red snapper and grouper and tilefish fisheries. Similarly, NOAA Fisheries Service is proposing to revise regulations at §§ 622.16 and 622.20 to extend the existing 12-hour

maintenance window with an additional 8 hours to allow for more time to conduct end of year maintenance. It also clarifies how fishermen can submit an IFQ landing notification during the maintenance window.

Lastly, NOAA Fisheries Service is proposing to remove an obsolete regulation. Regulations implementing Amendment 30B to the FMP, removed the February 15 to March 15 seasonal closure of the commercial sector of the Gulf reef fish fishery for gag, red grouper, and black grouper. However, NOAA Fisheries Service inadvertently did not remove § 622.45(c)(4) in the final rule for Amendment 30B, which includes the prohibition on the sale/purchase of gag, black grouper, or red grouper harvested from the Gulf by a vessel with a valid Federal commercial permit for Gulf reef fish from February 15 until March 15, each year. This action proposes to remove this obsolete paragraph.

Timetable:

Action	Date	FR Cite
NPRM	02/22/11	76 FR 9735
NPRM Comment Period End.	03/24/11	
Final Action	06/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E Crabtree, Southeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, Saint Petersburg, FL 33701, Phone: 727 824–5305, Fax: 727 824–5308, E-mail: *roy.crabtree@noaa.gov.*

RIN: 0648–BA54

96. Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Quotas and Atlantic Tuna Fisheries Management Measures

Legal Authority: 16 U.S.C. 1801 *et seq.;* 16 U.S.C. 971 *et seq.*

Abstract: This action would modify Atlantic bluefin tuna (BFT) base quotas for all domestic fishing categories; establish BFT quota specifications for the 2011 fishing year; reinstate pelagic longline target catch requirements for retaining BFT in the Northeast Distant Gear Restricted Area (NED); amend the Atlantic tunas possession at sea and landing regulations to allow removal of tail lobes; and clarify the transfer at sea regulations for Atlantic tunas. This action is necessary to implement recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT), as required by the Atlantic Tunas Convention Act (ATCA), and to achieve domestic management objectives under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). NMFS solicits written comments and will hold public hearings to receive oral comments on these actions.

Timetable:

Action	Date	FR Cite
NPRM	03/14/11	76 FR 13583
NPRM—Correction.	03/21/11	76 FR 15276
NPRM Comment Period End.	04/14/11	
NPRM Comment Period End—Correction.	04/28/11	
Final Action	06/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Margo Schulze-Haugen, Supervisory Fish Management Officer, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, Phone: 301 713–0234, Fax: 301 713–1917, E-mail: *margo.schulze-haugen@noaa.gov.*

RIN: 0648–BA65

97. Framework Adjustment 1 to the Northeast Skate Complex FMP

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

Abstract: Framework Adjustment 1 to the Skate FMP would adjust the possession limits for the skate wing fishery in order to slow the rate of skate wing landings, so that the available Total Allowable Landings limit (TAL) is taken by the fishery over a longer duration in the fishing year than occurred in 2010. The action would also allow vessels that process skate wings at sea to land skate carcasses for sale into the bait market, without counting the carcass landings against the TAL (skate wings are already converted to live weight for monitoring).

Timetable:

Action	Date	FR Cite
NPRM	04/04/11	76 FR 18505
NPRM Comment Period End.	04/19/11	
Final Action	06/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael Pentony, Senior Fishery Policy Analyst, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930, Phone: 978 281–9283, E-mail: *michael.pentony@noaa.gov.*

RIN: 0648–BA91

98. Protective Regulations for Killer Whales in the Northwest Region Under the Endangered Species Act and Marine Mammal Protection Act

Legal Authority: 16 U.S.C. 1361 *et seq.;* 16 U.S.C. 1531–1543

Abstract: The National Marine Fisheries Service (NMFS) is considering whether to propose regulations to protect killer whales (Orcinus orca) in the Pacific Northwest. The Southern Resident killer whale distinct population segment (DPS) was listed as endangered under the Endangered Species Act (ESA) on November 18, 2005 (70 FR 69903). In the final rule announcing the listing, NMFS identified vessel effects, including direct interference and sound, as a potential contributing factor in the recent decline of this population. Both the Marine Mammal Protection Act (MMPA) and the ESA prohibit take, including harassment, of killer whales, but these statutes do not prohibit specified acts. NMFS is now considering whether to propose regulations that would prohibit certain acts, under our general authorities under the ESA and MMPA and their implementing regulations. The Proposed Recovery Plan for Southern Resident killer whales (71 FR 69101; November 29, 2006) includes as a management action the evaluation of current guidelines and the need for regulations and/or protected areas. The scope of this ANPRM encompasses the activities of any person or conveyance that may result in the unauthorized taking of killer whales and/or that may cause detrimental individual-level and population-level impacts. NMFS requests comments on whether—and if so, what type of—conservation measures, regulations, and, if necessary, other measures would be appropriate to protect killer whales from the effects of these activities.

Timetable:

Action	Date	FR Cite
ANPRM	03/22/07	72 FR 13464
ANPRM Comment Period End.	04/23/07	
NPRM	07/29/09	74 FR 37674
NPRM Comment Period Extended.	10/19/09	74 FR 53454
NPRM Comment Period End.	10/27/09	
NPRM Comment Period End Extended.	01/15/10	
Final Rule	06/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James H. Lecky, Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, Phone: 301 713–2332, Fax: 301 427–2520, E-mail: *jim.lecky@noaa.gov.*

RIN: 0648–AV15

99. Revision of Critical Habitat Designation for the Endangered Leatherback Sea Turtle

Legal Authority: 16 U.S.C. 1531 *et seq.*

Abstract: The National Marine Fisheries Service announces a rule to revise leatherback turtle (Dermochelys coriacea) critical habitat under the Endangered Species Act of 1973, as amended. The leatherback is currently listed as endangered throughout its range, and critical habitat consists of Sandy Point Beach and adjacent waters, St. Croix, U.S. Virgin Islands. This rule would revise critical habitat to include waters along the U.S. West Coast.

Timetable:

Action	Date	FR Cite
NPRM	01/05/10	75 FR 319
Notice of Public Hearings.	02/01/10	75 FR 5015
NPRM Comment Period Extension.	02/19/10	75 FR 7434
NPRM Comment Period End.	03/08/10	
NPRM Comment Period Extension End.	04/19/10	
Final Action	06/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Sara McNulty, Ecologist, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, Phone: 301 713–2322, Fax: 301 713–4060, E-mail: *sara.mcnulty@noaa.gov.*

RIN: 0648–AX06

100. Critical Habitat Designation for Cook Inlet Beluga Whale Under the Endangered Species Act

Legal Authority: 16 U.S.C. 1531 *et seq.*

Abstract: The National Marine Fisheries Service (NMFS) listed the Cook Inlet beluga whale Distinct Population Segment as endangered under the Endangered Species Act on October 17, 2009. NMFS is required to designate critical habitat no later than one year after the publication of a listing. NMFS intends to publish a proposed rule by October 17, 2009.

Timetable:

Action	Date	FR Cite
ANPRM	04/14/09	74 FR 17131
ANPRM Comment Period End.	05/14/09	
NPRM	12/02/09	74 FR 63080
NPRM Comment Period Extended.	01/12/10	75 FR 1582
NPRM Comment Period End.	02/01/10	
Final Action	06/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Marta Nammack, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, Phone: 301 713–1401, Fax: 301 427–2523, E-mail: *marta.nammack@noaa.gov.*

RIN: 0648–AX50

101. Taking of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Training Operations Conducted Within the Gulf of Mexico Range Complex

Legal Authority: 16 U.S.C. 1361 *et seq.*

Abstract: NMFS has received requests from the U.S. Navy (Navy) for authorizations for the take of marine mammals incidental to training and operational activities conducted by the Navy's Atlantic Fleet within Gulf of Mexico (GOMEX) Range Complex for the period beginning December 3, 2009, and ending December 2, 2014. Pursuant to the implementing regulations of the Marine Mammal Protection Act (MMPA), NMFS is proposing regulations to govern that take and requesting information, suggestions, and comments on these proposed regulations.

Timetable:

Action	Date	FR Cite
NPRM	07/14/09	74 FR 33960
NPRM Comment Period End.	08/13/09	
Final Action	06/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James H. Lecky, Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, Phone: 301 713–2332, Fax: 301 427–2520, E-mail: *jim.lecky@noaa.gov.*

RIN: 0648–AX86

102. • Endangered and Threatened Species, Designation of Critical Habitat for Southern Distinct Population Segment of Eulachon

Legal Authority: 16 U.S.C. 1533

Abstract: We, the National Marine Fisheries Service (NMFS), propose to designate critical habitat for the southern Distinct Population Segment (DPS) of Pacific eulachon (Thaleichthys pacificus), which was recently listed as threatened under the Endangered Species Act (ESA). We have proposed 12 specific areas for designation as critical habitat within the states of California, Oregon, and Washington. The proposed areas are a combination of freshwater creeks and rivers and their associated estuaries which comprise approximately 470 km (292 mi) of habitat. Three particular areas are proposed for exclusion after evaluating the impacts and benefits associated with tribal land ownership and management by Indian tribes, but no areas are proposed for exclusion based on economic impacts.

Timetable:

Action	Date	FR Cite
NPRM	01/05/11	76 FR 515
NPRM Comment Period End.	03/07/11	
Final Action	06/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Marta Nammack, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, Phone: 301 713–1401, Fax: 301 427–2523, E-mail: *marta.nammack@noaa.gov.*

RIN: 0648–BA38

DEPARTMENT OF COMMERCE (DOC)

National Oceanic and Atmospheric Administration (NOAA)

Long-Term Actions

National Marine Fisheries Service

103. Fishery Management Plan for Regulating Offshore Marine Aquaculture in the Gulf of Mexico

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

Abstract: The purpose of this fishery management plan (FMP) is to develop a regional permitting process for regulating and promoting environmentally sound and economically sustainable aquaculture in the Gulf of Mexico (Gulf) exclusive

economic zone. This FMP consists of ten actions, each with an associated range of management alternatives, which would facilitate the permitting of an estimated 5 to 20 offshore aquaculture operations in the Gulf over the next 10 years, with an estimated annual production of up to 64 million pounds. By establishing a regional permitting process for aquaculture, the Gulf of Mexico Fishery Management Council will be positioned to achieve their primary goal of increasing maximum sustainable yield and optimum yield of federal fisheries in the Gulf by supplementing harvest of wild caught species with cultured product.

Timetable:

Action	Date	FR Cite
Notice of Availability.	06/04/09	74 FR 26829
NOA Comment Period End.	08/03/09	
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E Crabtree, Phone: 727 824–5305, Fax: 727 824–5308, E-mail: *roy.crabtree@noaa.gov*.

RIN: 0648–AS65

104. • Amendment 21 to the Snapper-Grouper Fishery Management Plan of the South Atlantic Region

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

Abstract: Amendment 21 examines measures to limit participation in the snapper grouper fishery including endorsements, trip limits, and catch share programs.

Timetable:

Action	Date	FR Cite
NPRM	06/00/12	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E Crabtree, Southeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, Saint Petersburg, FL 33701, Phone: 727 824–5305, Fax: 727 824–5308, E-mail: *roy.crabtree@noaa.gov*.

RIN: 0648–BA59

105. Permits for Capture, Transport, Import, and Export of Protected Species for Public Display, and for Maintaining a Captive Marine Mammal Inventory

Legal Authority: 16 U.S.C. 1372(c)

Abstract: This rule will revise and simplify criteria and procedures specific to permits for taking, transporting, importing, and exporting protected species for public display, and provide convenient formats for reporting marine mammal captive holdings and transports as required by amendments made in 1994 to the Marine Mammal Protection Act.

Timetable:

Action	Date	FR Cite
NPRM	07/03/01	66 FR 35209
NPRM Comment Period Extended.	08/22/01	66 FR 44109
NPRM Comment Period End.	09/04/01	
NPRM Comment Period Extended.	11/02/01	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael Payne, Phone: 907 586–7235, Fax: 301 713–2521, E-mail: *michael.payne@noaa.gov.*

RIN: 0648–AH26

DEPARTMENT OF COMMERCE (DOC)

National Oceanic and Atmospheric Administration (NOAA)

Completed Actions

106. Maximize Retention and Monitoring Program in the Shore-Based Pacific Whiting Fishery

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

Abstract: The Pacific Fishery Management Council (Pacific Council) at their October 21–25, 1996, meeting in San Francisco, California, addressed the treatment and disposition of salmon in the groundfish trawl fisheries, specifically the shore-based whiting fishery. At that meeting, the Pacific Council discussed the retention of salmon in the shore-based whiting fishery and took action to maintain a viable shore-based whiting fishery by using exempted fishing permits (EFPs). These EFPs allowed the shore-based whiting fleet to temporarily deliver unsorted catch to processing plants and provided for the monitoring of incidentally taken salmon until a permanent monitoring program could be implemented. In keeping with the Pacific Council's recommendation, NMFS is proceeding with implementing a monitoring program for the shore-based whiting fishery. This action will aid in the sustainable management of Pacific Coast salmon and groundfish fisheries while providing an important economic opportunity to those associated with the harvest, processing, and selling of whiting taken by the shore-based whiting fleet. The need for implementing a permanent monitoring program in the shore-based Pacific whiting fishery is to provide for a full retention fishery by enabling the shore-based whiting fleet, comprised exclusively of catcher vessels, to deliver unsorted catch to processing plants. This practice is necessary to ensure that whiting landings are of market quality, while abiding by Federal groundfish regulations and those implementing the Pacific Coast salmon and groundfish fishery management plans (FMPs).

Timetable:

Action	Date	FR Cite
Withdrawn	02/07/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: D. Robert Lohn, Regional Administrator, Northwest Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way NE, Building 1, Seattle, WA 48115–0070, Phone: 206 526–6150, Fax: 206 526–6426, E-mail: *robert.lohn@noaa.gov*.

RIN: 0648–AR63

107. Certification of Nations Whose Fishing Vessels Are Engaged in IUU Fishing or Bycatch of Protected Living Marine Resources

Legal Authority: 16 U.S.C. 1801 *et seq.;* 16 U.S.C. 1826(d) to1826(k)

Abstract: The National Marine Fisheries Service (NMFS) is establishing a process of identification and certification to address illegal, unreported, or unregulated (IUU) activities and bycatch of protected species in international fisheries. Nations whose fishing vessels engage, or have been engaged, in IUU fishing or bycatch of protected living marine resources would be identified in a biennial report to Congress, as required under section 403 of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act (MSRA) of 2006 which amended the High Seas Driftnet Fishing Moratorium Protection Act. Under the final regulations, NMFS would subsequently certify whether identified nations have taken appropriate corrective action with respect to the activities of its fishing vessels.

Timetable:

Action	Date	FR Cite
ANPRM	06/11/07	72 FR 33436
NPRM	01/14/09	74 FR 2019

Action	Date	FR Cite
NPRM Comment Period End.	05/14/09	
Final Action	01/12/11	76 FR 2011

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Christopher Rogers, Division Chief, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, Phone: 301 713–9090, Fax: 301 713–9106, E-mail: *christopher.rogers@noaa.gov.*

RIN: 0648–AV51

108. Revise Regulations Governing the North Pacific Groundfish Observer Program

Legal Authority: 118 Stat 110; 16 U.S.C. 773 *et seq.;* 16 U.S.C. 1801 *et seq.;* 16 U.S.C. 3631 *et seq.;* Pub. L. 108–199

Abstract: This rulemaking revises Federal regulations relevant to numerous administrative and procedural requirements applicable to observer providers, observers, and industry participating in the North Pacific Groundfish Observer Program. Specifically, this action: Modifies the current permit issuance process so that observer and observer provider permit issuance is a discretionary National Marine Fisheries Service (NMFS) decision; amends current Federal regulations addressing observer behavior involving drugs, alcohol, and physical sexual conduct to remove NMFS oversight of observer behavior that does not affect job performance; requires that observer providers submit policies related to these activities and continue to notify NMFS upon learning of an incident; revises Federal regulations so that observer providers are allowed to provide observers or technical staff for purposes of exempted fishing permits, scientific research permits, or other scientific research activities; revises the definition of ''fishing day'' in Federal regulations; requires observer providers to annually submit detailed economic information to NMFS; specifies a date by which observers who have collected data in the previous fishing year would be required to be available for debriefing; and implements housekeeping issues related to errors or clarifications in existing regulations at 50 CFR 679.50.

Timetable:

Action	Date	FR Cite
NPRM	09/30/09	74 FR 50155
NPRM Comment Period End.	10/31/09	
Final Action	11/10/10	75 FR 69016

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Robert D Mecum, Deputy Acting Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 709 W. 9th Street, Room 420, Juneau, AK 99802, Phone: 907 586–7221, Fax: 907 586–7249, E-mail: *robert.mecum@noaa.gov.*

RIN: 0648–AW24

109. Regulatory Amendment to the Fishery Management Plan for the Reef Fish Fishery of Puerto Rico Modifying the Bajo De Sico Seasonal Closure

Legal Authority: 16 U.S.C. 1801

Abstract: This rule modifies the seasonal closure of Bajo de Sico, an area off the west coast of Puerto Rico that has been identified as critically important habitat for commercially exploited snappers and groupers. Current regulations prohibit all fishing activities, including for Highly Migratory Species (HMS), from December 1 through the end of February each year, as well as impose a year-round prohibition of bottom tending gear (i.e., traps, pots, gillnets, trammel nets, and bottom longlines). This action prohibits fishing for and possession of council managed reef fish species from October 1 through March 31. Queen Conch and coral reef resources are already prohibited year-round and will not be affected by this rule. Restrictions on bottom-tending gear will also not be affected by this rule. A year-round prohibition of anchoring within Bajo de Sico will also be implemented through this rule to provide further protection of established essential fish habitat.

Timetable:

Action	Date	FR Cite
NPRM	07/28/10	75 FR 44209
NPRM Comment Period End.	08/27/10	
Final Action	11/02/10	75 FR 67247

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E Crabtree, Southeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, Saint Petersburg, FL 33701, Phone: 727 824–5305, Fax: 727 824–5308, E-mail: *roy.crabtree@noaa.gov.*

RIN: 0648–AY05

110. Amendment 17A to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region

Legal Authority: 16 U.S.C. 1801

Abstract: The most recent red snapper stock assessment, completed February 2008, determined the species was undergoing overfishing and was overfished. Biomass shows a sharp decline during the 1950s and 1960s, continued decline during the 1970s, and stable but low levels since 1980. The South Atlantic Fishery Management Council (Council) is required by the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) to implement rebuilding plans for overfished species. Therefore, Amendment 17A is being developed to establish a rebuilding plan and updated management reference points for red snapper in the South Atlantic. Additionally, revisions to the Magnuson-Stevens Act in 2006 require that by 2010, Fishery Management Plans (FMPs) for fisheries determined by the Secretary to be subject to overfishing establish a mechanism for specifying Annual Catch Limits (ACLs) at a level that prevents overfishing and does not exceed the recommendations of the respective Councils Scientific and Statistical Committee or other established peer review processes. These FMPs are also required to establish within this timeframe measures to ensure accountability. To comply with this Magnuson-Stevens Act requirement, Amendment 17A would establish an ACL and accountability measures for red snapper, and implement management measures to ensure harvest does not exceed the ACL.

Timetable:

Action	Date	FR Cite
Notice of Availability.	07/29/10	75 FR 44753
NPRM	08/13/10	75 FR 49447
Notice of Availability Comment Period End.	09/27/10	
NPRM Comment Period End.	09/27/10	
Final Action—Correction.	03/09/11	76 FR 12883

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E Crabtree, Southeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, Saint Petersburg, FL 33701, Phone: 727 824–5305, Fax: 727 824–5308, E-mail: *roy.crabtree@noaa.gov.*

RIN: 0648–AY10

111. Amendment 17B to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region

Legal Authority: 16 U.S.C. 1801

Abstract: Revisions to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) in 2006 require that by 2010, Fishery Management Plans (FMPs) for fisheries determined by the Secretary to be subject to overfishing establish a mechanism for specifying Annual Catch Limits (ACLs) at a level that prevents overfishing and does not exceed the recommendations of the respective Council's Scientific and Statistical Committee or other established peer review processes. These FMPs are also required to establish within this timeframe measures to ensure accountability. To comply with this Magnuson-Stevens Act requirement Amendment 17B would: (1) Establish ACLs and accountability measures for snowy grouper, speckled hind, Warsaw grouper, black grouper, red grouper, golden tilefish, black sea bass, gag, and vermilion snapper; (2) implement management measures to ensure harvest of these snapper-grouper species does not exceed the ACLs; (3) specify allocations for golden tilefish; and (4) modify the current snapper-grouper framework procedure to include ACLs, AMs, and annual catch targets.

Timetable:

Action	Date	FR Cite
Notice of Availability.	09/22/10	75 FR 57734
NPRM	10/12/10	75 FR 62488
Notice of Availability Comment Period End.	11/22/10	
NPRM Comment Period End.	11/26/10	
Final Rule	12/30/10	75 FR 82280
Correcting Amendment.	03/08/11	76 FR 12605

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E Crabtree, Southeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, Saint Petersburg, FL 33701, Phone: 727 824–5305, Fax: 727 824–5308, E-mail: *roy.crabtree@noaa.gov.*

RIN: 0648–AY11

112. Maximized Retention Monitoring Program for Catcher Vessels in the Pacific Whiting Mothership Fishery in the Pacific Coast Groundfish Fishery

Legal Authority: 16 U.S.C. 1801

Abstract: The action would implement a monitoring program for catcher vessels in the mothership sector of the Pacific whiting fishery off the coast of Washington, Oregon, and California. The monitoring program would consist of a camera and other sensors to monitor fishing activity in order to maintain the integrity of the maximized retention requirements found at 50 CFR 660.306(f)(7). Maximized retention encourages full retention of all catch while allowing minor discard events to occur. This ensures that unsorted catch is available for observers to monitor on board the mothership processors and thereby maintains the integrity of data collected under the observer program.

Timetable:

Action	Date	FR Cite
Withdrawn	02/07/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Frank Lockhart, Program Analyst, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way NE., Seattle, WA 98115, Phone: 206 526–6142, Fax: 206 526–6736, E-mail: *frank.lockhart@noaa.gov.*

RIN: 0648–AY17

113. Regulatory Amendment To Revise Charter Halibut Logbook Submission Requirements

Legal Authority: 16 U.S.C. 2431 *et seq.;* 31 U.S.C. 9701 *et seq.*

Abstract: The rule clarifies and revises the charter halibut logbook submission requirements at 50 CFR part 300 to better match the submission schedule and reporting format of the Alaska Department of Fish and Game saltwater charter logbook.

Timetable:

Action	Date	FR Cite
NPRM	04/27/10	75 FR 22070
NPRM Comment Period End.	05/12/10	
Final Rule	02/07/11	76 FR 6567

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Robert D Mecum, Deputy Acting Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 709 W. 9th Street, Room 420, Juneau, AK 99802, Phone: 907 586–7221, Fax: 907 586–7249, E-mail: *robert.mecum@noaa.gov.*

RIN: 0648–AY38

114. Vessel Capacity Limits in the Purse Seine Fishery in the Eastern Pacific Ocean

Legal Authority: 16 U.S.C. 971 *et seq.;* 16 U.S.C. 951 to 961

Abstract: NMFS is proposing regulations under authority of the Tuna Conventions Act of 1950 to revise the vessel capacity limit in the purse seine fishery operating in the eastern Pacific Ocean (EPO) so it is consistent with the amount authorized by the Inter-American Tropical Tuna Commission (IATTC) under IATTC Resolution C–02–03. For the United States, a vessel capacity limit of 31,775 cubic meters, or 27,147 metric tons (mt), would be established per Resolution C–02–03. Currently, the U.S. fleet capacity limit is 8,969 mt, or 10,498 cubic meters. This revision would ensure that the United States is satisfying its obligations as a member of the IATTC and not exceeding its allotted capacity in the fishery, and that the U.S. industry is not being unreasonably burdened if U.S. participation in the fishery in the EPO increased in the future. While an increase in U.S. participation in this fishery would not be anticipated since currently only two purse seine vessels are on the IATTC Vessel Register, and when excess U.S. capacity has been available in the past there has not been a surge to use this capacity by outside vessels, there is a potential for an increase in fishing effort and resultant fishing mortality to target (i.e., yellowfin, skipjack, and bigeye tunas) and non-target species in the purse seine fishery operating in the EPO. In addition, there is also the potential for insignificant, positive socioeconomic impacts if the proposed action led to an increase in catch and revenue for fishermen participating in the fishery.

Timetable:

Action	Date	FR Cite
NPRM	09/03/10	75 FR 54078
NPRM Comment Period End.	10/04/10	
Final Action	01/04/11	76 FR 283
Final Action Effective.	02/03/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Heidi Hermsmeyer, IATTC Coordinator, Department of Commerce, National Oceanic and Atmospheric Administration, 501 West Ocean Boulevard, Long Beach, CA 90802, Phone: 562 980–4036, Fax: 562 980–4047, E-mail: *heidi.hermsmeyer@noaa.gov.*

RIN: 0648–AY75

115. 2011 Specifications for the Atlantic Mackerel, Squid, and Butterfish Fishery

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

Abstract: NMFS proposes specifications for the 2011 fishing year for Atlantic mackerel, squid, and butterfish (MSB). Regulations governing these fisheries require NMFS to publish proposed specifications for the upcoming fishing year and to provide an opportunity for public comment. The intent of this action is to fulfill this requirement and to promote the development and conservation of the MSB resources.

Timetable:

Action	Date	FR Cite
NPRM	11/17/10	75 FR 70187
NPRM Comment Period End.	12/17/10	
Final Action	02/14/11	76 FR 8306

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Patricia A. Kurkul, Regional Administrator, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Way, Gloucester, MA 01930, Phone: 978 281–9200, Fax: 978 281–9117, E-mail: *pat.kurkul@noaa.gov.*

RIN: 0648–BA03

116. Regulatory Amendment to the Reef Fish Fishery Management Plan to Set Total Allowable Catch for Red Grouper

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

Abstract: The 2009 update stock assessment of the red grouper stock indicated that although the stock continues to be neither overfished or undergoing overfishing, the stock has declined since 2005. This decline was attributed to a 2005 episodic mortality event resulting in a little over 20 percent mortalities. Therefore, there is a need to improve the stock condition to a level where, at equilibrium, the stock can be harvested at optimum yield (OY). In addition, there is a need to implement rulemaking resulting from this amendment prior to January 1, 2011. This is so the 2011 commercial red grouper quota can be set and allow individual fishing quota (IFQ) shares to be adjusted to reflect any change in the total allowable catch (TAC). The purpose of this regulatory amendment is to adjust TAC and the resulting commercial quota consistent with the goals and objectives of the Council's reef fish management strategy and achieve the mandates of the Magnuson-Stevens Fishery Conservation and Management Act.

Timetable:

Action	Date	FR Cite
NPRM	10/18/10	75 FR 63780
NPRM Comment Period End.	11/02/10	
Final Action	12/01/10	75 FR 74656

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E Crabtree, Southeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, Saint Petersburg, FL 33701, Phone: 727 824–5305, Fax: 727 824–5308, E-mail: *roy.crabtree@noaa.gov.*

RIN: 0648–BA04

117. Pacific Halibut Fisheries; Catch Sharing Plan

Legal Authority: 16 U.S.C. 773 *et seq.*

Abstract: NMFS proposes to approve and implement changes to the Pacific Halibut Catch Sharing Plan (Plan) for the International Pacific Halibut Commission's (IPHC) regulatory Area 2A off Washington, Oregon, and California (Area 2A). NMFS proposes to implement the portions of the Plan and management measures that are not implemented through the IPHC, which includes the sport fishery management measures for Area 2A. These actions are intended to enhance the conservation of Pacific halibut, to protect yelloweye rockfish and other overfished groundfish species from incidental catch in the halibut fisheries, and to provide greater angler opportunity where available.

Timetable:

Action	Date	FR Cite
NPRM	01/18/11	76 FR 2871
NPRM Comment Period End.	02/02/11	
Final Action	03/16/11	76 FR 14300

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Sarah Joy McAvinchey, Fishery Biologist, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way NE., Building 1, Seattle, WA 98115, Phone: 206 526–4323, Fax: 206 526–6736.

RIN: 0648–BA25

118. • Bluefin Tuna Bycatch Reduction in the Gulf of Mexico Pelagic Longline Fishery

Legal Authority: 16 U.S.C. 1801

Abstract: This rule will consider requiring the use of weak hooks by pelagic longline (PLL) vessels fishing in the Gulf of Mexico. The dual intent of this rule is to provide a new gear technology for PLL vessels to continue routine fishing operations in the Gulf of Mexico on directed fisheries such as yellowfin tuna while increasing the live release of incidentally caught Atlantic bluefin tuna to further stock recovery of this historically overfished species.

Timetable:

Action	Date	FR Cite
NPRM	01/13/11	76 FR 2313
NPRM Comment Period End.	02/12/11	
Final Action	04/05/11	76 FR 18653

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Margo Schulze-Haugen, Supervisory Fish Management Officer, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, Phone: 301 713–0234, Fax: 301 713–1917, E-mail: *margo.schulze-haugen@noaa.gov.*

RIN: 0648–BA39

119. Take and Import Marine Mammals: Proposed Rule for Take of Marine Mammals Incidental to Routine Operations of 13 Power Generating Stations in Central and Southern California

Legal Authority: 16 U.S.C. 1361 *et seq.*

Abstract: The National Marine Fisheries Service (NMFS) proposes to govern the take of marine mammals by Level A harassment (injury) and mortality from 13 power generating stations located on the coast of central and southern California incidental to routine power plant operations for a period of five years, under the authority of section 101(a)(5)(A) of the Marine Mammal Protection Act. Under that authority NMFS also must prescribe mitigation, monitoring, and reporting requirements in connection with take authorizations.

Incidental takings of marine mammals, including California sea lions, harbor seals, and northern elephant seals can and do occur as a result of the operation of circulating water systems (CWS) by the electrical power generation plants located on the coast of central and southern California described in the incidental take authorization applications. These CWS are an integral part of these power stations that provide continuous cooling water necessary for power generation and safety of the facility. The typical location of entrainment occurs as water is taken into the plant via submerged structures or canals. Intake velocities

may be strong enough to pull live animals into the plant, particularly if they are actively seeking prey in the vicinity of intake structures. Confinement within intake plumbing could lead to confusion and panic, especially for young, immature animals. If the animal is unable to escape, it could (1) drown or become fatally injured in transit between intake and large sedimentation basins within the plants known as forebays; (2) survive the transit and succumb in the forebay due to exhaustion, illness, or disease; or (3) survive the transit and be rescued by plant personnel using cages specially designed for such an activity. It is also likely that previously dead animals may end up entrained as well.

Timetable:

Action	Date	FR Cite
Withdrawn	02/24/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dr. Michael Payne, Fishery Biologist, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, Phone: 907 586–7235, Fax: 301 713–2521, E-mail: *michael.payne@noaa.gov*.

RIN: 0648–AW59

120. Taking and Importing Marine Mammals; U.S. Naval Surface Warfare Center Panama City Division Mission Activities

Legal Authority: 16 U.S.C. 1361 *et seq.*

Abstract: On April 3, 2008, the National Marine Fisheries Service (NMFS) received an application from the Navy requesting an authorization for the take of 15 species/stocks of cetacean incidental to the proposed mission activities in the Naval Surface Warfare Center Panama City Division (NSWC PCD) study area over the course of five years. These mission activities are classified as military readiness activities. The purpose of the proposed mission activities is to enhance NSWC PCD's capability and capacity to meet littoral and expeditionary warfare requirements by providing Research, Development, Test, and Evaluation (RDT&E) and in service engineering for expeditionary maneuver warfare, operations in extreme environments, mine warfare, maritime operations, and coastal operations. The Navy states that these training activities may cause various impacts to marine mammal species in the NSWC PCD study area. The Navy requests an authorization to take individuals of these cetacean species by Level B Harassment. Further, the Navy requests an authorization to take 1 individual each of bottlenose, Atlantic spotted, and pantropical spotted dolphins per year by injury, as a result of the proposed mission activities.

NMFS is issuing a proposed rule to govern the take of these marine mammals by Level B harassment (behavior) and Level A harassment (injury) incidental to the aforementioned mission activities in the Naval NSWC PCD study area for a period of five years, under the authority of section 101(a)(5)(A) of the Marine Mammal Protection Act. Under that authority NMFS also must prescribe mitigation, monitoring, and reporting requirements in connection with take authorizations.

Timetable:

Action	Date	FR Cite
NPRM	04/30/09	74 FR 20156
NPRM Comment Period End.	06/01/09	
Final Action	01/21/10	75 FR 3395

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dr. Michael Payne, Fishery Biologist, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, Phone: 907 586–7235, Fax: 301 713–2521, E-mail: *michael.payne@noaa.gov*.

RIN: 0648–AW80

DEPARTMENT OF COMMERCE (DOC)

Patent and Trademark Office (PTO)

Proposed Rule Stage

121. Revision of USPTO Fees for Fiscal Year 2011

Legal Authority: 35 U.S.C. 41, 119, 120, 132(b) and 376; Pub. L. 109–383; Pub. L. 110–116; Pub. L. 110–137; Pub. L. 110–149; Pub. L. 110–161; Pub. L. 110–5; Pub. L. 110–92

Abstract: The United States Patent and Trademark Office (USPTO) takes this action to adjust certain patent and trademark fee amounts set in the aggregate to recover the estimated cost to the USPTO for processing activities and services and materials relating to patents and trademarks, respectively, including proportionate shares of the administrative costs of the USPTO.

Timetable:

Action	Date	FR Cite
NPRM	06/00/11	
NPRM Comment Period End.	07/00/11	
Final Action	07/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Walter Schlueter, Budget Analyst—Fees and Forecasting, Department of Commerce, Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313, Phone: 571 272–6299, Fax: 571 273–6299, E-mail: *walter.schlueter@uspto.gov*.

RIN: 0651–AC43

122. Revision of USPTO Fees for Fiscal Year 2012

Legal Authority: 35 U.S.C. 119; Pub. L. 109–383; Pub. L. 110–116; Pub. L. 110–137; Pub. L. 110–149; Pub. L. 110–161; Pub. L. 110–5; Pub. L. 110–92; 35 U.S.C. 376; 35 U.S.C. 120; 35 U.S.C. 41; 35 U.S.C. 132(b)

Abstract: The United States Patent and Trademark Office (USPTO) takes this action to adjust certain patent fee amounts for fiscal year 2012 to reflect fluctuations in the Consumer Price Index for All Urban Consumers (CPI–U). The patent statute provides for the annual CPI–U adjustment of patent fees set by statute to recover the higher costs associated with doing business.

Timetable:

Action	Date	FR Cite
NPRM	06/00/11	
NPRM Comment Period End.	07/00/11	
Final Action	07/00/11	
Final Action Effective.	10/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Walter Schlueter, Budget Analyst—Fees and Forecasting, Department of Commerce, Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313, Phone: 571 272–6299, Fax: 571 273–6299, E-mail: *walter.schlueter@uspto.gov*.

RIN: 0651–AC44

DEPARTMENT OF COMMERCE (DOC)

Patent and Trademark Office (PTO)

Final Rule Stage

123. Interim Increase on Patent Fees for Fiscal Year 2011

Legal Authority: Pub. L. 110–137; Pub. L. 110–149; Pub. L. 110–161; Pub. L. 110–5; Pub. L. 110–92; 35 U.S.C. 376; 35 U.S.C. 132(b); 35 U.S.C. 120; 35 U.S.C. 119; 35 U.S.C. 41; Pub. L. 109–383; Pub. L. 110–116

Abstract: The United States Patent and Trademark Office (USPTO) is proposing an interim increase on certain patent fees to fund the requirements for putting the USPTO on a sustainable path to fund agency operations, reduce patent inventory and pendency, and invest in information technology.

Timetable:

Action	Date	FR Cite
Final Action	06/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Walter Schlueter, Budget Analyst—Fees and Forecasting, Department of Commerce, Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313, Phone: 571 272–6299, Fax: 571 273–6299, E-mail: *walter.schlueter@uspto.gov*.

RIN: 0651–AC42

[FR Doc. 2011–15475 Filed 7–6–11; 8:45 am]

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Part V

Department of Defense

Semiannual Regulatory Agenda

DEPARTMENT OF DEFENSE

32 CFR Chs. I, V, VI, and VII

33 CFR Ch. II

36 CFR Ch. III

48 CFR Ch. II

Improving Government Regulations; Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: Department of Defense (DoD).

ACTION: Semiannual regulatory agenda.

SUMMARY: The Department of Defense (DoD) is publishing this semiannual agenda of regulatory documents, including those that are procurement-related, for public information and comments under Executive Order 12866, ''Regulatory Planning and Review.'' This agenda incorporates the objective and criteria, when applicable, of the regulatory reform program under the Executive Order and other regulatory guidance. It contains DoD issuances initiated by DoD components that may have economic and environmental impact on State, local, or tribal interests under the criteria of Executive Order 12866. Although most DoD issuances listed in the agenda are of negligible public impact, their nature may be of public interest and, therefore, are published to provide notice of rulemaking and an opportunity for public participation in the internal DoD rulemaking process. Members of the public may submit comments on individual proposed and interim final rulemakings at *http://www.regulations.gov* during the comment period that follows publication in the **Federal Register**.

This agenda updates the report published on December 20, 2010, and includes regulations expected to be issued and under review over the next 12 months. The next agenda and regulatory plan are scheduled to be published in the fall of 2011. In addition to this agenda, DoD components also publish rulemaking notices pertaining to their specific statutory administration requirements as required.

Starting with the fall 2007 edition, the Internet became the basic means for disseminating the Unified Agenda. The complete Unified Agenda will be available online at www.reginfo.gov, in a format that offers users the ability to obtain information from the Agenda database.

Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C. 602), the Department of Defense's printed agenda entries include only:

(1) Rules that are in the Agency's regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and

(2) Any rules that the Agency has identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's agenda requirements. Additional information on these entries is in the Unified Agenda available online.

FOR FURTHER INFORMATION CONTACT: For information concerning the overall DoD regulatory improvement program and for general semiannual agenda information, contact Mr. Robert Cushing, telephone 703–696–5282, or write to Executive Services Directorate, Washington Headquarters Services, 1155 Defense Pentagon, Washington, DC 20301–1155, or e-mail *robert.cushing@whs.mil.*

For questions of a legal nature concerning the agenda and its statutory requirements or obligations, write to Office of the General Counsel, 1600 Defense Pentagon, Washington, DC 20301–1600, or call 703–697–2714.

For general information on Office of the Secretary regulations, other than those which are procurement-related, contact Ms. Patricia Toppings, telephone 703–696–5284, or write to Executive Services Directorate, Washington Headquarters Services, 1155 Defense Pentagon, Washington, DC 20301–1155, or e-mail *patricia.toppings@whs.mil.*

For general information on Office of the Secretary agenda items, which are procurement-related, contact Ms. Ynette Shelkin, telephone 703–602–8384 or write to Defense Acquisition Regulations Directorate, 3060 Defense Pentagon, Room 3B855, Washington, DC 20301–3060, or e-mail *ynette.shelkin@osd.mil.*

For general information on Department of the Army regulations, contact Ms. Brenda Bowen, telephone 703–428–6173, or write to the U.S. Army Records Management and Declassification Agency, ATTN: AAHS–RDR–C, Casey Building, Room 102, 7701 Telegraph Road, Alexandria, Virginia 22315–3860, or e-mail *brenda.bowen@conus.army.mil.*

For general information on the U.S. Army Corps of Engineers regulations, contact Mr. Chip Smith, telephone 703–693–3644, or write to Office of the Deputy Assistant Secretary of the Army (Policy and Legislation), 108 Army Pentagon, Room 2E569, Washington, DC 20310–0108, or e-mail *chip.smith@hqda.army.mil.*

For general information on Department of the Navy regulations, contact LCDR Daniel Werner, telephone 703–614–7408, or write to Department of the Navy, Office of the Judge Advocate General, Administrative Law Division (Code 13), Washington Navy Yard, 1322 Patterson Avenue SE., Suite 3000, Washington, DC 20374–5066, or e-mail: *daniel.werner@navy.mil.*

For general information on Department of the Air Force regulations, contact Bao-Anh Trinh, telephone 703–696–6515, or write to Department of the Air Force, SAF/XCPP, 1800 Air Force Pentagon, Washington, DC 20330–1800, or e-mail: *bao-anh.trinh@pentagon.af.mil.*

For specific agenda items, contact the appropriate individual indicated in each DoD component report.

SUPPLEMENTARY INFORMATION: This edition of the Unified Agenda of Federal Regulatory and Deregulatory Actions is composed of the regulatory status reports, including procurement-related regulatory status reports, from the Office of the Secretary of Defense (OSD) and the Departments of the Army, Navy, and Air Force. Included also is the regulatory status report from the U.S. Army Corps of Engineers, whose civil works functions fall under the reporting requirements of Executive Order 12866 and involve water resource projects and regulation of activities in waters of the United States.

DoD issuances range from DoD directives (reflecting departmental policy) to implementing instructions and regulations (largely internal and used to implement directives). The OSD agenda section contains the primary directives under which DoD components promulgate their implementing regulations.

In addition, this agenda, although published under the reporting requirements of Executive Order 12866, continues to be the DoD single-source reporting vehicle, which identifies issuances that are currently applicable under the various regulatory reform programs in progress. Therefore, DoD components will identify those rules which come under the criteria of the:

a. Regulatory Flexibility Act;

b. Paperwork Reduction Act of 1995;

c. Unfunded Mandates Reform Act of 1995.

Those DoD issuances, which are directly applicable under these statutes,

will be identified in the agenda and their action status indicated. Generally, the regulatory status reports in this agenda will contain five sections: (1) Prerule stage; (2) proposed rule stage; (3) final rule stage; (4) completed actions; and (5) long-term actions. Where certain regulatory actions indicate that small entities are affected, the effect on these entities may not necessarily have significant economic impact on a substantial number of these entities as defined in the Regulatory Flexibility Act (5 U.S.C. 601(6)).

Although not a regulatory agency, DoD will continue to participate in regulatory initiatives designed to reduce economic costs and unnecessary burdens upon the public. Comments and recommendations are invited on the rules reported and should be addressed to the DoD component representatives identified in the regulatory status reports. Although sensitive to the needs of the public, as well as regulatory reform, DoD reserves the right to exercise the exemptions and flexibility permitted in its rulemaking process in order to proceed with its overall defense-oriented mission. The publishing of this agenda does not waive the applicability of the military affairs exemption in section 553 of title 5 U.S.C. and section 3 of Executive Order 12866.

Dated: February 4, 2011.

Michael L. Rhodes,

Director, Administration and Management.

DEFENSE ACQUISITION REGULATIONS COUNCIL—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
124	Construction and Architect-Engineer Services Performance Evaluation (DFARS Case 2010–D024)	0750–AG91
125	Representation Regarding Compensation of Former DoD Officials (DFARS Case 2010–D020)	0750–AG99
126	Accelerated Payments to Small Business (DFARS Case 2011–D008)	0750–AH19

DEFENSE ACQUISITION REGULATIONS COUNCIL—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
127	Business Systems—Definition and Administration (DFARS Case 2009–D038)	0750–AG58
128	Warranty Tracking of Serialized Items (DFARS Case 2009–D018)	0750–AG74
129	Prohibition on Interrogation of Detainees by Contractor Personnel (DFARS Case 2010–D027)	0750–AG88
130	Responsibility and Liability for Government Property (DFARS Case 2010–D018)	0750–AG94
131	Government Support Contractor Access to Technical Data (DFARS Case 2009–D031)	0750–AG95
132	Electronic Ordering Procedures (DFARS Case 2009–D037)	0750–AH20

DEFENSE ACQUISITION REGULATIONS COUNCIL—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
133	Restriction on Ball and Roller Bearings (DFARS Case 2006–D029)	0750–AG57
134	Safety of Facilities, Infrastructure, and Equipment for Military Operations (DFARS Case 2009–D029)	0750–AG73

OFFICE OF ASSISTANT SECRETARY FOR HEALTH AFFAIRS—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
135	TRICARE; Reimbursement of Sole Community Hospitals	0720–AB41

DEPARTMENT OF DEFENSE (DOD)

Defense Acquisition Regulations Council (DARC)

Proposed Rule Stage

124. • Construction and Architect-Engineer Services Performance Evaluation (DFARS Case 2010–D024)

Legal Authority: 41 U.S.C. 421

Abstract: This rule amends the Defense Federal Acquisition Regulation Supplement (DFARS) to remove the requirement to prepare contractor performance evaluations for construction and architect-engineer services by using DoD-unique forms. In 2010, consistent with the Office of Federal Procurement Policy memorandum dated July 29, 2008, Improving the Use of Contractor Performance Information, the Contractor Performance Assessment Reporting System (CPARS) was named as the sole system for collecting past-performance information. As such, CPARS will support Governmentwide data collection requirements for contractor past performance reporting, to include construction and A&E contracts, and DFARS is being updated to delete the outdated procedures and references to the obsolete DoD forms. The clarifications proposed require no additional effort by contractors as the changes simply update the DFARS to reflect the current automated process being used. CPARS is already being used by DoD personnel to report construction and A&E services contractor past performance, and the DFARS is merely being updated to remove references to obsolete forms and procedures and reflect the current process. No start-up costs are expected as only Internet access is required should small entities elect to comment on their past performance rating in CPARS. Accordingly, any economic impact is expected to be minimal.

Timetable:

Action	Date	FR Cite
NPRM	06/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ynette R. Shelkin, Editor, Defense Acquisition Regulations System, Department of Defense, Defense Acquisition Regulations Council, 3060 Defense Pentagon, Room 3B855, Washington, DC 20301–3060, Phone: 703 602–8384, E-mail: *ynette.shelkin@osd.mil.*

RIN: 0750–AG91

125. • Representation Regarding Compensation of Former DOD Officials (DFARS Case 2010–D020)

Legal Authority: 41 U.S.C. 421; 18 U.S.C. 207; 41 U.S.C. 423; Pub. L. 110–181

Abstract: This rule amends the Defense Federal Acquisition Regulation Supplement (DFARS) to require that offerors represent whether former DoD officials employed by the offeror are in compliance with post-employment restrictions concerning post-government employment for DoD and other Federal employees after leaving Government employment. The proposed rule will require offerors to submit representations at the time of contract award that all former DoD officials that are covered by the Procurement Integrity Act are in compliance with post-employment restrictions set forth in DFARS 203.171–3 and DFARS 252.203–7000. The representation goes further in also requiring a representation that former DoD employees employed by the contractor are also in compliance with additional post-employment restrictions. This representation will be required in contracts for commercial items.

There is no impact on the offeror unless the former DoD officials covered by the Procurement Integrity Act are not in compliance with the post—employment restrictions. In order to submit an offer, small entities that hire a former DoD official covered by the Procurement Integrity Act will have to check the compliance of such employees with various applicable post-employment restrictions.

DFARS 252.203–7000, Requirements Relating to Compensation of Former DoD Officials, already requires contractors to determine that a covered DoD official has sought and received, or has not received after 30 days of seeking, a written opinion from the appropriate DoD ethics counselor, regarding the applicability of post-employment restrictions to the activities that the official is expected to undertake on behalf of the contractor. Therefore, this representation of compliance does not impose an additional burden on the offeror. Any economic impact is expected to be minimal.

Timetable:

Action	Date	FR Cite
NPRM	06/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ynette R. Shelkin, Editor, Defense Acquisition Regulations System, Department of Defense, Defense Acquisition Regulations Council, 3060 Defense Pentagon, Room 3B855, Washington, DC 20301–3060, Phone: 703 602–8384, E-mail: *ynette.shelkin@osd.mil.*

RIN: 0750–AG99

126. • Accelerated Payments to Small Business (DFARS Case 2011–D008)

Legal Authority: 41 U.S.C. 421

Abstract: This rule amends the Defense Federal Acquisition Regulation Supplement (DFARS) to accelerate payments to all small business concerns. Currently, DoD assists small disadvantaged business concerns by paying them as quickly as possible after invoices are received and before normal payment due dates established in the contract. This rule proposes removal of the term ''disadvantaged'' from the language at DFARS 232.903 and DFARS 232.906(a)(ii) extending this assistance to all small business concerns. This will align the DFARS with the statutory language at 5 CFR 1315.5 and FAR 32.903, which allows agencies to authorize accelerated payment procedures for small businesses. Because the rule proposes to extend accelerated payment assistance to all small business concerns, a positive economic impact on small business is expected.

Timetable:

Action	Date	FR Cite
NPRM	06/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ynette R. Shelkin, Editor, Defense Acquisition Regulations System, Department of Defense, Defense Acquisition Regulations Council, 3060 Defense Pentagon, Room 3B855, Washington, DC 20301–3060, Phone: 703 602–8384, E-mail: *ynette.shelkin@osd.mil.*

RIN: 0750–AH19

DEPARTMENT OF DEFENSE (DOD)

Defense Acquisition Regulations Council (DARC)

Final Rule Stage

127. Business Systems—Definition and Administration (DFARS Case 2009–D038)

Legal Authority: 41 U.S.C. 421

Abstract: This interim rule implements the statutory requirements of section 893 of the FY 2011 National Defense Authorization Act (NDAA) and improves the effectiveness of DoD oversight of contractor business systems. Section 893 set forth statutory requirements for the improvement of contractor business systems to ensure that such systems provide timely, reliable information for the management of DoD programs. This interim rule also addresses comments received under the initial proposed rule (published in the **Federal Register** on January 15, 2010 (75 FR 2457)) and a second proposed rule (published on December 3, 2010 (75 FR 75550)). Based on the comments received, the requirements of the NDAA, and subsequent revisions to the proposed rule, DoD is publishing this interim rule with request for comments.

To improve the effectiveness of Defense Contract Management Agency (DCMA) and Defense Contract Audit Agency (DCAA) oversight of contractor business systems, DoD is clarifying the definition and administration of contractor business systems, including accounting systems, estimating systems, purchasing systems, earned value management systems (EVMS), material management and accounting systems (MMAS), and property management systems, and implementing compliance enforcement mechanisms. The need to mitigate the Government's risk when contractors fail to comply with the terms and conditions of their contracts by failing to maintain adequate business systems necessitates this rule.

The requirements of the rule will apply to solicitations and contracts that are subject to the Cost Accounting Standards under 41 U.S.C. chapter 15. Since contracts and subcontracts with small business are exempt from CAS requirements, DoD estimates that this rule will have no impact on small business. However, DoD is inviting comments from small business concerns and other interested parties on the expected impact of this rule on small entities.

Timetable:

Action	Date	FR Cite
NPRM	01/15/10	75 FR 2457
NPRM Comment Period End.	03/16/10	
Second NPRM	12/03/10	75 FR 75549
Comment Period Extended.	12/09/10	75 FR 76692
Second NPRM Comment Period End.	01/10/11	
Final Action	06/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ynette R. Shelkin, Editor, Defense Acquisition Regulations System, Department of Defense, Defense Acquisition Regulations Council, 3060 Defense Pentagon, Room 3B855, Washington, DC 20301–3060, Phone: 703 602–8384, E-mail: *ynette.shelkin@osd.mil.*

RIN: 0750–AG58

128. Warranty Tracking of Serialized Items (DFARS Case 2009–D018)

Legal Authority: 41 U.S.C. 401

Abstract: This rule amends the Defense Federal Acquisition Regulation Supplement (DFARS) to implement a policy memorandum of the Undersecretary of Defense for Acquisition, Technology and Logistics dated February 6, 2007, that required definition of the requirements to track warranties for Item Unique Identification-required items in the Item Unique Identification registry. This proposed rule stresses that the enforcement of warranties is essential to the effectiveness and efficiency of DoD's material readiness. The capability to track warranties will significantly enhance the ability of DoD to—(1) Identify and enforce warranties, (2) Ensure sufficient durations of warranties for specific goods; and (3) Realize improved material readiness. The rule is structured to reduce burden to contractors and to facilitate data capture. DoD anticipates that there will be limited, if any, additional costs imposed on small businesses.

Timetable:

Action	Date	FR Cite
NPRM	08/30/10	75 FR 52917
NPRM Comment Period End.	10/29/10	
Final Action	06/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ynette R. Shelkin, Editor, Defense Acquisition Regulations System, Department of Defense, Defense Acquisition Regulations Council, 3060 Defense Pentagon, Room 3B855, Washington, DC 20301–3060, Phone: 703 602–8384, E-mail: *ynette.shelkin@osd.mil.*

RIN: 0750–AG74

129. • Prohibition on Interrogation of Detainees by Contractor Personnel (DFARS Case 2010–D027)

Legal Authority: 41 U.S.C. 421; Pub. L. 111–84

Abstract: This rule implements section 1038 of the Fiscal Year 2010 National Defense Implements Authorization Act (Pub. L. 111–84). Section 1038 prohibits contractor personnel from interrogating detainees under the control of the Department of Defense. It also allows the Secretary of Defense to waive the prohibition for a limited period of time, if determined necessary to the national security interests of the United States. The interim rule added coverage at Defense Federal Acquisition Regulation Supplement (DFARS) 237.173 and a new clause at DFARS 252.237–7010 that prescribes policies prohibiting interrogation of detainees by contractor personnel as required by the statute. The interim rule also addressed permissible support roles for contractors by providing that contractor personnel with proper training and security clearances may be used as linguists, interpreters, report writers, information technology technicians, and other employees filling ancillary positions, including as trainers of, and advisors to, interrogations, if the contractor personnel meet the criteria provided by DoD Instruction 1100.22, Policy and Procedures for Determining Workforce Mix; DoD Directive 2310.01E, The Department of Defense Detainee Program; and DoD Directive 3115.09, DoD Intelligence Interrogations, Detainee Debriefings, and Tactical Questioning. This rule only prescribed policies that prohibit interrogation of detainees by contractor personnel. DoD anticipates that there will be no additional costs imposed on small businesses.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/03/10	75 FR 67632
Interim Final Rule Effective.	11/03/10	
Interim Final Rule Comment Period End.	01/03/11	
Final Action	06/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ynette R. Shelkin, Editor, Defense Acquisition Regulations System, Department of Defense, Defense Acquisition Regulations Council, 3060 Defense Pentagon, Room 3B855, Washington, DC 20301–3060, Phone: 703 602–8384, E-mail: *ynette.shelkin@osd.mil.*

RIN: 0750–AG88

130. • Responsibility and Liability for Government Property (DFARS Case 2010–D018)

Legal Authority: 41 U.S.C. 421

Abstract: This rule amends the Defense Federal Acquisition Regulation Supplement (DFARS) to extend the Government self-insurance policy for Government property provided under negotiated fixed-price contracts that are awarded on a basis other than submission of certified cost or pricing data. This rule proposes that DoD contractors not be held liable for loss of Government property under such contracts, and eliminates the use of Alternate I of the FAR clause at 52.245–1, Government Property. Use of Alternate I requires contractors to assume the risk and be responsible for loss of Government property. The basic premise of this case, that the Government should be self-insuring under contracts that provide Government property, is supported by the Government Accountability Office (GAO) policy contained in GAO publication, GAO–04–261SP Appropriations Law, and its decisions. Any impact of this rule on small entities is expected to be beneficial. The Government assuming the liability for loss of Government property under negotiated fixed-price contracts awarded on a basis other than submission of certified cost or pricing data should provide some relief for the small entities concerning costs to acquire insurance against risk of loss.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ynette R. Shelkin, Editor, Defense Acquisition Regulations System, Department of Defense, Defense Acquisition Regulations Council, 3060 Defense Pentagon, Room 3B855, Washington, DC 20301–3060, Phone: 703 602–8384, E-mail: *ynette.shelkin@osd.mil.*

RIN: 0750–AG94

131. • Government Support Contractor Access to Technical Data (DFARS Case 2009–D031)

Legal Authority: Pub. L. 111–84

Abstract: This rule amends the Defense Federal Acquisition Regulation Supplement (DFARS) to implement section 821 of the National Defense Authorization Act for Fiscal Year 2010. Section 821 provides authority for certain types of Government support contractors to have access to proprietary technical data belonging to prime contractors and other third parties, provided that the technical data owner may require the support contractor to execute a non-disclosure agreement having certain restrictions and remedies.

Additionally, this rule amends the DFARS to provide needed editorial changes. The rule implements a new third statutory exception to the prohibition on release of privately developed data outside the Government, allowing a covered Government support contractor access to, and use of, any technical data delivered under a contract for the sole purpose of furnishing independent and impartial advice or technical assistance directly to the Government in support of the Government's management and oversight of the program or effort to which such technical data relates.

The rule also provides a definition of ''covered Government support contractor'' as contractor under a contract, whose primary purpose is to furnish independent and impartial advice or technical assistance directly to the Government in support of the Government's management and oversight of a program or effort. A ''covered Government support contractor'' must meet certain criteria identified in the rule and provide certain assurances to the Government to protect the proprietary and nonpublic nature of the technical data furnished to the covered Government support contractor, to include signing a non-disclosure agreement.

The rule affects small businesses that are Government support contractors that need access to proprietary technical data belonging to prime contractors and other third parties. There are no known significant alternatives to the rule that would meet the requirements of the statute and minimize any significant economic impact of the rule on small entities. The impact of this rule on small business is not expected to be significant because the execution of a non-disclosure agreement is not likely to have a significant cost or administrative impact.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/02/11	76 FR 11363
Interim Final Rule Effective Date.	03/02/11	
Interim Final Rule Comment Period End.	05/02/11	
Final Action	08/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ynette R. Shelkin, Editor, Defense Acquisition Regulations System, Department of Defense, Defense Acquisition Regulations Council, 3060 Defense Pentagon, Room 3B855, Washington, DC 20301–3060, Phone: 703 602–8384, E-mail: *ynette.shelkin@osd.mil.*

RIN: 0750–AG95

132. • Electronic Ordering Procedures (DFARS Case 2009–D037)

Legal Authority: 41 U.S.C. 421; Pub. L. 107–347

Abstract: This rule addresses electronic business procedures for placing orders. This rule adds a new clause in the Defense Federal Acquisition Regulation Supplement (DFARS) to clarify this process and standardize issuance of orders via electronic means DoD currently has the capability to distribute orders electronically on a routine basis, and can post to a website that any contractor can access. In order to make this possible, the DFARS needs to provide language that will make those procedures a routine part of contract issuance. This will enable DoD to further the goals of the E-Government Act of 2002 (Pub. L. 107–347). The benefit of this rule to small business is that it will make electronic distribution procedures a routine part of order issuance. This change will ultimately help improve the management and promotion of electronic Government services and processes, and will establish a framework to improve public access to Government information, and services.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ynette R. Shelkin, Editor, Defense Acquisition Regulations System, Department of Defense, Defense Acquisition Regulations Council, 3060 Defense Pentagon, Room 3B855, Washington, DC 20301–3060, Phone: 703 602–8384, E-mail: *ynette.shelkin@osd.mil.*

RIN: 0750–AH20

DEPARTMENT OF DEFENSE (DOD)

Defense Acquisition Regulations Council (DARC)

Completed Actions

133. Restriction on Ball and Roller Bearings (DFARS Case 2006–D029)

Legal Authority: 41 U.S.C. 421

Abstract: Revised the domestic source restriction on acquisition of ball and roller bearings. The current Defense Federal Acquisition Regulation Supplement (DFARS) restriction on ball and roller bearings requires that the bearings and the main bearing components be wholly manufactured in the United States or Canada. This requirement was based on a restriction that expired on October 1, 2005. The final rule, which implemented the DoD annual appropriations act domestic source restrictions, required that each ball or roller bearing be manufactured in the United States, its outlying areas, or Canada, and that the cost of the bearing components manufactured in the United States, its outlying areas, or Canada, shall exceed 50 percent of the total cost of the bearing components of the ball or roller bearing. This restriction does not apply to the acquisition of commercial items, either as components or end products, unless the commercial bearings themselves are purchased as the end products. Generally, the economic impact is considered to be positive because the rule allows more flexibility to domestic bearings manufacturers in the acquisition of nondomestic components. Many of the bearing components that are being outsourced are no longer readily available from domestic sources. If this rule were not implemented, there would be no requirement to manufacture such bearings in the United States or Canada, or provide predominantly domestic components.

Timetable:

Action	Date	FR Cite
NPRM	05/07/10	75 FR 25167
NPRM Comment Period End.	07/06/10	
Final Action	12/08/10	75 FR 76297

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ynette Shelkin, Department of Defense, Defense Acquisition Regulations Council, 3060 Defense Pentagon, Washington, DC 20301, Phone: 703 602–8384, E-mail: *ynette.shelkin@osd.mil.*

RIN: 0750–AG57

134. Safety of Facilities, Infrastructure, and Equipment for Military Operations (DFARS Case 2009–D029)

Legal Authority: Pub. L. 111–84

Abstract: This rule implemented section 807 of the National Defense Authorization Act of 2010 requires that facilities, infrastructure, and equipment intended for use by DoD military or civilian personnel in current or future military operations should be inspected for safety and habitability prior to use. It also required that such facilities should be brought into compliance with generally accepted standards for the safety and health of personnel to the maximum extent practicable consistent with the requirements of military operations and the best interests of DoD to minimize the safety and health risk posed to such personnel. The rule encouraged contracting officers to include this rule in solicitations issued before the date of publication, provided award occurs after the publication date. Contracting Officers are also encouraged to apply this rule to the maximum extent practicable to existing contracts. The rule affected contractors with contracts, including task and delivery orders, in support of current and future military operations for construction, installation, repair, maintenance, or operation of facilities. This includes contracts for facilities, infrastructure, and equipment configured for occupancy, including but not limited to, existing host nation facilities, new construction, and re-locatable buildings. There are high costs associated with a company being able to perform in the geographic regions where most military operations are currently taking place. This makes it unlikely that a small business could afford to sustain the infrastructure required to perform these types of services in locations such as Iraq and Afghanistan. Based on the above factors, the number of small business firms to which the rule would apply is expected to be minimal.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/29/10	75 FR 66683
Interim Final Rule Effective.	10/29/10	
Interim Final Rule Comment Period End.	12/28/10	
Final Action	03/17/11	76 FR 14590
Final Action Effective.	03/17/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ynette R. Shelkin, Editor, Defense Acquisition Regulations System, Department of Defense, Defense Acquisition Regulations Council, 3060 Defense Pentagon, Room 3B855, Washington, DC 20301–3060, Phone: 703 602–8384, E-mail: *ynette.shelkin@osd.mil*.

RIN: 0750–AG73

DEPARTMENT OF DEFENSE (DOD)

Office of Assistant Secretary for Health Affairs (DODOASHA)

Proposed Rule Stage

135. TRICARE; Reimbursement of Sole Community Hospitals

Legal Authority: 5 U.S.C. 301; 10 U.S.C. ch 55

Abstract: This proposed rule is to implement the statutory provision at 10 U.S.C. 1079(j)(2) that TRICARE payment methods for institutional care be determined, to the extent practicable, in accordance with the same reimbursement rules as those that apply to payments to providers of services of the same type under Medicare. This proposed rule implements a reimbursement methodology similar to that furnished to Medicare beneficiaries for inpatient services provided by Sole Community Hospitals (SCHs). It will be phased in over a several-year period.

Timetable:

Action	Date	FR Cite
NPRM	06/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Marty Maxey, Department of Defense, Office of Assistant Secretary for Health Affairs, 1200 Defense Pentagon, Washington, DC 20301, Phone: 303 676–3627.

RIN: 0720–AB41

[FR Doc. 2011–15479 Filed 7–6–11; 8:45 am]

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FEDERAL REGISTER

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Part VI

Department of Education

Semiannual Regulatory Agenda

DEPARTMENT OF EDUCATION

Office of the Secretary

34 CFR Subtitles A and B

Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: Office of the Secretary, Department of Education.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Secretary of Education publishes a semiannual agenda of Federal regulatory and deregulatory actions. The agenda is issued under the authority of section 4(b) of Executive Order 12866, ''Regulatory Planning and Review.'' The purpose of the agenda is to encourage more effective public participation in the regulatory process by providing the public with early information about pending regulatory activities.

FOR FURTHER INFORMATION CONTACT: Questions or comments related to specific regulations listed in this agenda should be directed to the agency contact listed for the regulations. Questions or comments related to preparation of this agenda should be directed to LaTanya Cannady, Division of Regulatory Services, Office of the General Counsel, Department of Education, Room 6C128, 400 Maryland Avenue, SW., Washington, DC 20202–2241; telephone: (202) 401–9676. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: Section 4(b) of Executive Order 12866, dated September 30, 1993, requires the Department of Education (ED) to publish, at a time and in a manner specified by the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, an agenda of all regulations under development or review. The Regulatory Flexibility Act, 5 U.S.C. 602(a), requires ED to publish, in October and April of each year, a regulatory flexibility agenda.

The regulatory flexibility agenda may be combined with any other agenda that satisfies the statutory requirements (5 U.S.C. 605(a)). In compliance with the Executive Order and the Regulatory Flexibility Act, the Secretary publishes this agenda.

For each set of regulations listed, the agenda provides the title of the document, the type of document, a citation to any rulemaking or other action taken since publication of the most recent agenda, and planned dates of future rulemaking. In addition, the agenda provides the following information:

- An abstract that includes a description of the problem to be addressed, any principal alternatives being considered, and potential costs and benefits of the action.
- An indication of whether the planned action is likely to have significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).
- A reference to where a reader can find the current regulations in the Code of Federal Regulations.
- A citation of legal authority.
- The name, address, and telephone number of the contact person at ED from whom a reader can obtain additional information regarding the planned action.

In accordance with ED's Principles for Regulating listed in its regulatory plan (75 FR 79509, published Dec. 20, 2010); ED is committed to regulations that improve the quality and equality of services to its customers. ED will regulate only if absolutely necessary and then in the most flexible, most equitable, least burdensome way possible.

Interested members of the public are invited to comment on any of the items listed in this agenda that they believe are not consistent with the Principles for Regulating. Members of the public are also invited to comment on any regulations listed in this agenda that ED plans to review under section 610 of the Regulatory Flexibility Act (5 U.S.C. 610) to determine their economic impact on small entities. ED has determined that none of the regulations in this agenda require review under section 610.

This publication does not impose any binding obligation on ED with regard to any specific item in the agenda. ED may elect not to pursue any of the regulatory actions listed here, and regulatory action in addition to the items listed is not precluded. Dates of future regulatory actions are subject to revision in subsequent agendas.

Electronic Access to This Document

The entire Unified Agenda is published electronically and is available online at *http://www.reginfo.gov.*

Dated: March 11, 2011.

Charles P. Rose,

General Counsel.

OFFICE OF POSTSECONDARY EDUCATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
136	Program Integrity: Gainful Employment-Measures	1840–AD06

DEPARTMENT OF EDUCATION (ED)

Office of Postsecondary Education (OPE)

Final Rule Stage

136. Program Integrity: Gainful Employment—Measures

Legal Authority: 20 U.S.C. 1001 to 1003; 20 U.S.C. 1070g; 20 U.S.C. 1085; 20 U.S.C. 1088; 20 U.S.C. 1091 to 1092; 20 U.S.C. 1094; 20 U.S.C. 1099c; 20 U.S.C. 1099c–1; *et seq.*

Abstract: The Secretary amends the Student Assistance General Provisions to establish measures for determining whether certain postsecondary educational programs lead to gainful employment in recognized occupations, and the conditions under which those educational programs remain eligible for the student financial assistance programs authorized under title IV of the Higher Education Act of 1965, as amended.

Timetable:

Action	Date	FR Cite
NPRM	07/26/10	75 FR 43616
NPRM Comment Period End.	09/09/10	
Final Action	06/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John A. Kolotos, Department of Education, Office of Postsecondary Education, Room 8018, 1990 K Street, NW., Washington, DC 20006–8502, Phone: 202 502–7762, E-mail: *john.kolotos@ed.gov.*

Fred Sellers, Department of Education, Office of Postsecondary Education, Room 8021, 1990 K Street, NW., Washington, DC 20006, Phone: 202 502–7502, E-mail: *fred.sellers@ed.gov.*

RIN: 1840–AD06

[FR Doc. 2011–15483 Filed 7–6–11; 8:45 am]

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Part VII

Department of Energy

Semiannual Regulatory Agenda

DEPARTMENT OF ENERGY

10 CFR Chs. II, III, and X

48 CFR Ch. 9

Semiannual Regulatory Agenda

AGENCY: Department of Energy.

ACTION: Notice of semiannual regulatory agenda.

SUMMARY: The Department of Energy (DOE) has prepared and is making available its portion of the semiannual Unified Agenda of Federal Regulatory and Deregulatory Actions (Agenda) pursuant to Executive Order 12866, ''Regulatory Planning and Review,'' 58 FR 51735, and the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*

SUPPLEMENTARY INFORMATION: The Agenda is a Governmentwide compilation of upcoming and ongoing regulatory activity taking place over the next 12 months, including a brief description of each rulemaking and a timetable for action. The Agenda also includes a list of regulatory actions completed since publication of the last Agenda. The Department of Energy's portion of the Agenda includes regulatory actions called for by the Energy Policy Act of 2005, the Energy Independence and Security Act of 2007, and programmatic needs of DOE offices.

The Internet is the basic means for disseminating the Agenda and providing users the ability to obtain information from the Agenda database. DOE's entire Spring 2011 Agenda can be accessed online by going to: *http://www.reginfo.gov.* Agenda entries reflect the status of activities as of approximately April 30, 2011.

Publication in the **Federal Register** is mandated by the Regulatory Flexibility Act (5 U.S.C. 602) only for Agenda entries that require either a regulatory flexibility analysis or periodic review under section 610 of that Act. DOE has one rulemaking that required a regulatory flexibility analyses: Energy Efficiency Standards for Certain Commercial and Industrial Electric Motors.

Issued in Washington, DC, on March 1, 2011.

Scott Blake Harris,

General Counsel.

ENERGY EFFICIENCY AND RENEWABLE ENERGY—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
137	Energy Efficiency Standards for Certain Commercial and Industrial Electric Motors	1904–AC28

DEPARTMENT OF ENERGY (DOE)

Energy Efficiency and Renewable Energy (EE)

Proposed Rule Stage

137. Energy Efficiency Standards for Certain Commercial and Industrial Electric Motors

Legal Authority: 42 U.S.C. 6313(b)(4)(B)

Abstract: The Energy Independence and Security Act of 2007 (EISA 2007) updated the energy efficiency standards for electric motors covered in Energy Policy and Conservation Act (EPCA) and established energy efficiency standards for a larger scope of motors previously not covered. EPCA requires that a final rule determining whether to amend standards be published no later than 24 months after the effective date of the previous final rule. As EISA 2007 constitutes the previous amendment to energy conservation standards for electric motors and its effective date is December 19, 2010, DOE must publish this amendment to energy conservation standards for electric motors by December 19, 2012.

Timetable:

Action	Date	FR Cite
Notice: Public Meeting Framework Document Availibility.	09/28/10	75 FR 59657
Comment Period End.	11/24/10	
NPRM	04/00/12	
Final Action	12/00/12	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Raba, Office of Building Technologies Program, EE–2J, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue, SW., Washington, DC 20585, Phone: 202 586–8654, E-mail: *jim.raba@ee.doe.gov.*

RIN: 1904–AC28

[FR Doc. 2011–15485 Filed 7–6–11; 8:45 am]

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Part VIII

Department of Health and Human Services

Semiannual Regulatory Agenda

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

21 CFR Ch. I

42 CFR Chs. I–V

45 CFR Subtitle A; Subtitle B, Chs. II, III, and XIII

Regulatory Agenda

AGENCY: Office of the Secretary, HHS.

ACTION: Semiannual Regulatory Agenda.

SUMMARY: The following Agenda presents the results of the statutorily required semi-annual inventory of rulemaking actions currently under development within the U.S. Department of Health and Human Services. We hope that this information will enable interested members of the public to more effectively participate in the Department's regulatory activity.

FOR FURTHER INFORMATION CONTACT: Dawn L. Smalls, Executive Secretary, Department of Health and Human Services, Washington, DC 20201.

SUPPLEMENTARY INFORMATION: The information provided in the Agenda presents a forecast of the rulemaking activities that the Department of Health and Human Services (HHS) expects to undertake in the foreseeable future. Rulemakings are grouped according to pre-rulemaking actions, proposed rules, final rules, long-term actions, and rulemaking actions completed since the most recent Agenda was published on December 20, 2010. Please note that the actions included in this issue of the **Federal Register**, as required by the Regulatory Flexibility Act of 1980, relate only to those prospective rulemakings that are likely to have a significant economic impact on a substantial number of small entities.

Consistent with Executive Order 13563, the purpose of the Agenda is to encourage more effective public participation in the regulatory process. HHS invites all interested members of the public to comment on the rulemaking actions included in this issue of the Agenda including comments on whether any of these or related rulemaking actions should be modified, streamlined, expanded, or repealed in order to make the agency's regulatory program more effective or less burdensome in achieving regulatory objectives. The complete Agenda is accessible online at *http://www.reginfo.gov* in an interactive format that offers users enhanced capabilities to obtain information from the Agenda's database.

Dated: April 4, 2011.

Dawn L. Smalls,

Executive Secretary, Department of Health and Human Services.

OFFICE OF THE SECRETARY—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
138	Modifications to the HIPAA Privacy, Security, and Enforcement Rules Under the Health Information Technology for Economic and Clinical Health Act.	0991–AB57

OFFICE OF CONSUMER INFORMATION AND INSURANCE OVERSIGHT—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
139	Status as a Grandfathered Health Plan Under the Affordable Care Act	0950–AA17

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
140	Opioid Drugs in Maintenance or Detoxification Treatment of Opiate Addiction (SECTION 610 REVIEW)	0930–AA14

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
141	Requirements Governing the Use of Seclusion and Restraint in Certain Nonmedical Community-Based Facilities for Children and Youth.	0930–AA10

CENTERS FOR DISEASE CONTROL AND PREVENTION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
142	Control of Communicable Diseases: Foreign and Possessions	0920–AA12
143	Control of Communicable Diseases: Interstate	0920–AA22

CENTERS FOR DISEASE CONTROL AND PREVENTION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
144	Quality Assurance Requirements for Respirators	0920–AA04

FOOD AND DRUG ADMINISTRATION—PRERULE STAGE

Sequence No.	Title	Regulation Identifier No.
145	Prescription Drug Marketing Act of 1987; Prescription Drug Amendments of 1992; Policies, Requirements, and Administrative Procedures (SECTION 610 REVIEW).	0910–AG14
146	Requirements for Testing Human Blood Donors for Evidence of Infection Due to Communicable Disease Agents (SECTION 610 REVIEW).	0910–AG61
147	General Requirements for Blood, Blood Components, and Blood Derivatives; Donor Notification (SECTION 610 REVIEW).	0910–AG62

FOOD AND DRUG ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
148	Electronic Submission of Data From Studies Evaluating Human Drugs and Biologics	0910–AC52
149	Over-the-Counter (OTC) Drug Review—Internal Analgesic Products	0910–AF36
150	Over-the-Counter (OTC) Drug Review—Oral Health Care Products	0910–AF40
151	Over-the-Counter (OTC) Drug Review—Sunscreen Products	0910–AF43
152	Over-the-Counter (OTC) Drug Review—Weight Control Products	0910–AF45
153	Over-the-Counter (OTC) Drug Review—Topical Antimicrobial Drug Products	0910–AF69
154	Import Tolerances for Residues of Unapproved New Animal Drugs in Food	0910–AF78
155	Laser Products; Amendment to Performance Standard	0910–AF87
156	Pet Food Labeling Requirements	0910–AG09
157	Current Good Manufacturing Practice in Manufacturing, Processing, Packing or Holding Animal Food	0910–AG10
158	Over-the-Counter (OTC) Drug Review—Pediatric Dosing for Cough/Cold Products	0910–AG12
159	Electronic Distribution of Content of Labeling for Human Prescription Drug and Biological Products	0910–AG18
160	Unique Device Identification	0910–AG31
161	Produce Safety Regulation	0910–AG35
162	Hazard Analysis and Risk-Based Preventive Controls	0910–AG36
163	''Tobacco Products'' Subject to the Federal Food, Drug, and Cosmetic Act, as Amended by the Family Smoking Prevention and Tobacco Control Act.	0910–AG38
164	General Hospital and Personal Use Devices: Issuance of Draft Special Controls Guidance for Infusion Pumps.	0910–AG54
165	Food Labeling: Nutrition Labeling for Food Sold in Vending Machines	0910–AG56
166	Food Labeling: Nutrition Labeling of Standard Menu Items in Restaurants and Similar Retail Food Establishments.	0910–AG57
167	Requirements for the Testing and Reporting of Tobacco Product Constituents, Ingredients, and Additives	0910–AG59
168	Further Amendments to General Regulations of the Food and Drug Administration to Incorporate Tobacco Products.	0910–AG60

FOOD AND DRUG ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
169	Infant Formula: Current Good Manufacturing Practices; Quality Control Procedures; Notification Requirements; Records and Reports; and Quality Factors.	0910–AF27
170	Over-the-Counter (OTC) Drug Review—Cough/Cold (Bronchodilator) Products	0910–AF32
171	Over-the-Counter (OTC) Drug Review—Cough/Cold (Combination) Products	0910–AF33
172	Use of Materials Derived From Cattle in Human Food and Cosmetics	0910–AF47
173	Label Requirement for Food That Has Been Refused Admission Into the United States	0910–AF61
174	Cigarette Warning Label Statements	0910–AG41

FOOD AND DRUG ADMINISTRATION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
175	Postmarketing Safety Reporting Requirements for Human Drug and Biological Products	0910–AA97
176	Current Good Manufacturing Practice in Manufacturing, Packing, Labeling, or Holding Operations for Dietary Supplements.	0910–AB88
177	Medical Gas Containers and Closures; Current Good Manufacturing Practice Requirements	0910–AC53

FOOD AND DRUG ADMINISTRATION—LONG-TERM ACTIONS—Continued

Sequence No.	Title	Regulation Identifier No.
178	Content and Format of Labeling for Human Prescription Drugs and Biologics; Requirements for Pregnancy and Lactation Labeling.	0910–AF11
179	Over-the-Counter (OTC) Drug Review—Cough/Cold (Antihistamine) Products	0910–AF31
180	Over-the-Counter (OTC) Drug Review—External Analgesic Products	0910–AF35
181	Over-the-Counter (OTC) Drug Review—Laxative Drug Products	0910–AF38

FOOD AND DRUG ADMINISTRATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
182	Over-the-Counter (OTC) Drug Review—Cough/Cold (Nasal Decongestant) Products	0910–AF34
183	Over-the-Counter (OTC) Drug Review—Labeling of Drug Products for OTC Human Use	0910–AF37
184	Over-the-Counter (OTC) Drug Review—Ophthalmic Products	0910–AF39
185	Over-the-Counter (OTC) Drug Review—Skin Protectant Products	0910–AF42
186	Over-the-Counter (OTC) Drug Review—Vaginal Contraceptive Products	0910–AF44
187	Over-the-Counter (OTC) Drug Review—Overindulgence in Food and Drink Products	0910–AF51
188	Over-the-Counter (OTC) Drug Review—Antacid Products	0910–AF52
189	Over-the-Counter (OTC) Drug Review—Skin Bleaching Products	0910–AF53
190	Over-the-Counter (OTC) Drug Review—Stimulant Drug Products	0910–AF56
191	Over-the-Counter (OTC) Drug Review—Antidiarrheal Drug Products	0910–AF63
192	Over-the-Counter (OTC) Drug Review—Urinary Analgesic Drug Products	0910–AF70
193	Over-the-Counter (OTC) Drug Review—Certain Category II Active Ingredients	0910–AF95
194	Food Labeling: Safe Handling Statements, Labeling of Shell Eggs; Refrigeration of Shell Eggs Held for Retail Distribution (SECTION 610 REVIEW).	0910–AG06

CENTERS FOR MEDICARE & MEDICAID SERVICES—PRERULE STAGE

Sequence No.	Title	Regulation Identifier No.
195	Five Year Review of Work Relative Value Units Under the Physician Fee Schedule (CMS–1582–PN)	0938–AQ87

CENTERS FOR MEDICARE & MEDICAID SERVICES—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
196	Home Health Agency (HHA) Conditions of Participation (CoPs) (CMS–3819–P) (SECTION 610 REVIEW)	0938–AG81
197	Influenza Vaccination Standard for Certain Medicare Participating Providers and Suppliers (CMS–3213–P)	0938–AP92
198	Hospital Conditions of Participation: Requirements for Hospital Inpatient Psychiatric and Rehabilitation Units Excluded From the Prospective Payment System and LTCH Requirements (CMS–3177–P).	0938–AP97
199	Proposed Changes to the Hospital Inpatient Prospective Payment Systems for Acute Care Hospitals and FY 2012 Rates and to the Long-Term Care Hospital PPS and FY 2012 Rates (CMS–1518–P).	0938–AQ24
200	Changes to the Hospital Outpatient Prospective Payment System and Ambulatory Surgical Center Payment System for CY 2012 (CMS–1525–P).	0938–AQ26
201	Changes to the ESRD Prospective Payment System for CY 2012 & Quality Incentives Program for CY 2013 (CMS–1577–P).	0938–AQ27
202	Medicaid Program Integrity: Registration of Billing Agents, Clearing Houses, or Other Alternate Payees (CMS–2365–P).	0938–AQ61
203	Medicaid Eligibility Expansion Under the Affordable Care Act of 2010 (CMS–2349–P)	0938–AQ62
204	Payments for Primary Care Services Under the Medicaid Program (CMS–2370–P)	0938–AQ63
205	Medicare and Medicaid Electronic Health Record Incentive Program—Stage 2 (CMS–0044–P)	0938–AQ84

CENTERS FOR MEDICARE & MEDICAID SERVICES—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
206	Enhanced Federal Funding for Medicaid Eligibility Determination and Enrollment Activities (CMS–2346–F)	0938–AQ53

CENTERS FOR MEDICARE & MEDICAID SERVICES—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
207	Requirements for Long-Term Care Facilities: Hospice Services (CMS–3140–F) (SECTION 610 REVIEW)	0938–AP32

CENTERS FOR MEDICARE & MEDICAID SERVICES—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
208	Amendment to Payment Policies Under the Physician Fee Schedule and Part B for CY 2011 (CMS–1503–F2).	0938–AP79
209	Changes to the Hospital Outpatient Prospective Payment System and Ambulatory Surgical Center Payment System for CY 2011 (CMS–1504–FC).	0938–AP82
210	Section 508 Hospitals—Medicare and Medicaid Extenders Act of 2010 Changes (CMS–1357–N)	0938–AQ97

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Office of the Secretary (OS)

Completed Actions

138. Modifications to the HIPAA Privacy, Security, and Enforcement Rules Under the Health Information Technology for Economic and Clinical Health Act

Legal Authority: Pub. L. 111–5, secs 13400 to 13410

Abstract: The Department of Health and Human Services, Office for Civil Rights, will issue rules to modify the HIPAA Privacy, Security, and Enforcement Rules as necessary to implement the privacy, security, and certain enforcement provisions of subtitle D of the Health Information Technology for Economic and Clinical Health Act (title XIII of the American Recovery and Reinvestment Act of 2009).

Timetable:

Action	Date	FR Cite
NPRM	07/14/10	75 FR 40867
NPRM Comment Period End.	09/13/10	
Merged With 0991–AB80.	03/02/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Andra Wicks, Privacy Specialist, Office of Civil Rights, Department of Health and Human Services, 200 Independence Avenue, SW., Washington, DC 20201, Phone: 202 205–2292, Fax: 202 205–4786, E-mail: *andra.wicks@hhs.gov*.

RIN: 0991–AB57

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Office of Consumer Information and Insurance Oversight (OCIIO)

Completed Actions

139. Status as a Grandfathered Health Plan Under the Affordable Care Act

Legal Authority: Pub. L. 111–148

Abstract: The Affordable Care Act protects the ability of individuals and businesses to keep their current plan while providing important consumer protections. The new regulation also provides stability and flexibility to insurers and businesses that offer health insurance coverage as the nation transitions to a more competitive marketplace. In 2014, businesses and consumers will have more affordable choices through exchanges. This rule would finalize the requirements for group health plans and health insurance coverage in the group and individual markets and respond to any comments as the result of the interim final rule implementing this provision.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/17/10	75 FR 34538
Interim Final Rule Effective.	07/12/10	
Interim Final Rule Comment Period End.	08/16/10	
Merged With 0938–AQ80.	02/11/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Mayhew, Director, Division of Market Rules Compliance Office, Department of Health and Human Services, Office of Consumer Information and Insurance Oversight, Mail Stop C2–12016, 7500 Security Boulevard, Baltimore, MD 21244, Phone: 410 786–9244, E-mail: *james.mayhew@cms.hhs.gov*.

RIN: 0950–AA17

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Substance Abuse and Mental Health Services Administration (SAMHSA)

Final Rule Stage

140. Opioid Drugs in Maintenance or Detoxification Treatment of Opiate Addiction (Section 610 Review)

Legal Authority: 21 U.S.C. 823 (9); 42 U.S.C. 257a; 42 U.S.C. 290aa(d); 42 U.S.C. 290dd–2; 42 U.S.C. 300xx–23; 42 U.S.C. 300x–27(a); 42 U.S.C. 300y–11

Abstract: This rule will amend the Federal opioid treatment program regulations. It will modify the dispensing requirements for buprenorphine and buprenorphine combination products that are approved by the Food and Drug Administration (FDA) for opioid dependence and used in federally certified and registered opioid treatment programs.

Timetable:

Action	Date	FR Cite
NPRM	06/19/09	74 FR 29153
NPRM Comment Period End.	08/18/09	
Final Action	12/00/11	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Nicholas Reuter, Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, Suite 2–1063, One Choke Cherry Road, Rockville, MD 20857, Phone: 240 276–2716, E-mail: *nicholas.reuter@samhsa.hhs.gov*.

RIN: 0930–AA14

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Substance Abuse and Mental Health Services Administration (SAMHSA)

Long-Term Actions

141. Requirements Governing the Use of Seclusion and Restraint in Certain Nonmedical Community-Based Facilities for Children and Youth

Legal Authority: Pub. L. 106–310, 42 U.S.C. 290jj to 290jj–2

Abstract: The Secretary is required by statute to publish regulations governing States that license nonmedical, community-based residential facilities for children and youth. The regulation requires States to develop licensing rules and monitoring requirements concerning behavior management practice that will ensure compliance; requires States to develop and implement such licensing rules and implementation requirements within one year; and ensures that States require such facilities to have adequate staff, and that the States provide training for professional staff.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Paolo Del Vecchio, Associate Director for Consumer Affairs, Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, Room 13–103, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, Phone: 301 443–2619, E-mail: *paolo.delvecchio@samhsa.hhs.gov.*

RIN: 0930–AA10

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Centers for Disease Control and Prevention (CDC)

Final Rule Stage

142. Control of Communicable Diseases: Foreign and Possessions

Legal Authority: 42 U.S.C. 243; 42 U.S.C. 264 and 265; 42 U.S.C. 267 and 268; 42 U.S.C. 270 and 271

Abstract: By statute, the Secretary of Health and Human Services has broad authority to prevent introduction, transmission, and spread of communicable diseases from foreign countries into the United States and from one State or possession into another. Communicable disease regulations are divided into two parts: Part 71 pertaining to foreign arrivals and part 70 pertaining to interstate matters. This rule (42 CFR Part 71) will update and improve CDC's response to both global and domestic disease threats by creating a multi-tiered illness detection and response process thus substantially enhancing the public health system's ability to slow the introduction, transmission, and spread of communicable disease. The final rule focuses primarily on requirements relating to the reporting of deaths and illnesses onboard aircrafts and ships, and the collection of specific traveler contact information for the purpose of CDC contacting travelers in the event of an exposure to a communicable disease.

Timetable:

Action	Date	FR Cite
NPRM	11/30/05	70 FR 71892
NPRM Comment Period End.	01/20/06	
Final Action	09/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Stacy Howard, Health Scientist, Department of Health and Human Services, Centers for Disease Control and Prevention, MS E–03, 1600 Clifton Road, NE., Atlanta, GA 30329, Phone: 404 498–1600, E-mail: *showard@cdc.gov.*

RIN: 0920–AA12

143. Control of Communicable Diseases: Interstate

Legal Authority: 28 U.S.C. 198; 28 U.S.C. 231; 25 U.S.C. 1661; 42 U.S.C. 243; 42 U.S.C. 248 and 249; 42 U.S.C. 264; 42 U.S.C. 266 to 268; 42 U.S.C. 270 to 272; 42 U.S.C. 2001

Abstract: By statute, the Secretary of Health and Human Services has broad authority to prevent introduction, transmission, and spread of communicable diseases from foreign countries into the United States and from one State or possession into another. Communicable disease regulations are divided into two parts: Part 71 pertaining to foreign arrivals and part 70 pertaining to interstate matters. This rule (42 CFR Part 70) will update and improve CDC's response to both global and domestic disease threats by creating a multi-tiered illness detection and response process thus substantially enhancing the public health system's ability to slow the introduction, transmission, and spread of communicable disease. The proposed final rule focuses primarily on requirements relating to the reporting of deaths and illnesses onboard aircrafts, and the collection of specific traveler contact information for the purpose of CDC contacting travelers in the event of an exposure to a communicable disease.

Timetable:

Action	Date	FR Cite
NPRM	11/30/05	70 FR 71892
NPRM Comment Period End.	01/30/06	
Final Action	09/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Stacy Howard, Health Scientist, Department of Health and Human Services, Centers for Disease Control and Prevention, MS E–03, 1600 Clifton Road NE., Atlanta, GA 30329, Phone: 404 498–1600, E-mail: *showard@cdc.gov.*

RIN: 0920–AA22

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Centers for Disease Control and Prevention (CDC)

Completed Actions

144. Quality Assurance Requirements for Respirators

Legal Authority: 29 U.S.C. 651 *et seq.;* 30 U.S.C. 3; 30 U.S.C. 5; 30 U.S.C. 7; 30 U.S.C. 811; 30 U.S.C. 842(h); 30 U.S.C. 844

Abstract: NIOSH plans to modify the Administrative/Quality Assurance sections of 42 CFR part 84, Approval of Respiratory Protective Devices. Areas for potential modification in this module are: (1) Upgrade of quality assurance requirements; (2) ability to use private sector quality auditors and private sector testing laboratories in the approval program; and (3) revised approval label requirements.

Timetable:

Action	Date	FR Cite
NPRM	12/10/08	73 FR 75045
NPRM Comment Period End.	02/09/09	
NPRM Comment Period Re-opened.	03/04/09	74 FR 9381
NPRM Comment Period Re-opened End.	04/10/09	
NPRM Comment Period Reopen-ing Extended.	05/21/09	74 FR 23815
NPRM Comment Period End.	10/09/09	
Withdrawn	05/01/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: William E. Newcomb, Physical Scientist, Department of Health and Human Services, Centers for Disease Control and Prevention, PO Box 18070, 626 Cochran Mill Road, Pittsburgh, PA 15236, Phone: 412 386–5200, E-mail: *wnewcomb@cdc.gov.*

RIN: 0920–AA04

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Food and Drug Administration (FDA)

Prerule Stage

145. Prescription Drug Marketing Act of 1987; Prescription Drug Amendments of 1992; Policies, Requirements, and Administrative Procedures (Section 610 Review)

Legal Authority: 21 U.S.C. 331; 21 U.S.C. 333; 21 U.S.C. 351; 21 U.S.C. 352; 21 U.S.C. 353; 21 U.S.C. 360; 21 U.S.C. 371; 21 U.S.C. 374; 21 U.S.C. 381

Abstract: Pursuant to section 610 of the Regulatory Flexibility Act, FDA is currently undertaking a review of regulations promulgated under the Prescription Drug Marketing Act (PDMA) including those contained in 21 CFR part 203 and 21 CFR 205.3 and 205.50 (as amended in 64 FR 67762 and 67763). The purpose of this review is to determine whether the regulations in 21 CFR part 203 and 21 CFR 205.3 and 205.50 (as amended in 64 FR 67762 and 67763) should be continued without change, or whether they should be amended or rescinded, consistent with the stated objectives of applicable statues, to minimize adverse impacts on a substantial number of small entities. FDA solicited comments on the following: (1) The continued need for the regulations in 21 CFR part 203 and 21 CFR 205.3 and 205.50 (as amended in 64 FR 67762 and 67763); (2) the nature of complaints or comments received from the public concerning the regulations in 21 CFR part 203 and 21 CFR 205.3 and 205.50 (as amended in 64 FR 67762 and 67763); (3) the complexity of the regulations in 21 CFR part 203 and 21 CFR 205.3 and 205.50 (as amended in 64 FR 67762 and 67763); (4) the extent to which the regulations in 21 CFR part 203 and 21 CFR 205.3 and 205.50 (as amended in 64 FR 67762 and 67763) overlap, duplicate, or conflict with other Federal rules, and to the extent feasible, with State and local governmental rules; and (5) the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulations in 21 CFR part 203 and 21 CFR 205.3 and 205.50 (as amended in 64 FR 67762 and 67763).

FDA received one comment on this review; and FDA notes that portions of the PDMA have been stayed in connection with RxUSA Wholesale, Inc., v. HHS, 467 F. Supp.2d 285 (E.D.N.Y. 2006), aff'd, 2008 U.S. App. LEXIS 14661 (2d Cir. 2008); and that the litigation itself has been administratively closed (with either party having the right to reopen) through June 30, 2011. FDA is certifying that it is not feasible for the agency to complete its review by December 4, 2010, and therefore is extending the completion date by one year.

Timetable:

Action	Date	FR Cite
Begin Review of Current Regulation.	11/24/08	
End Review of Current Regulation.	12/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Howard Muller, Office of Regulatory Policy, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 51, Room 6234, 10903 New Hampshire Avenue, Silver Spring, MD 20993–0002, Phone: 301 796–3601, Fax: 301 847–8440, E-mail: *pdma610(c)review@fda.hhs.gov.*

RIN: 0910–AG14

146. • Requirements for Testing Human Blood Donors for Evidence of Infection Due to Communicable Disease Agents (Section 610 Review)

Legal Authority: 21 U.S.C. 321; 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 360; 21 U.S.C. 360c and 360d; 21 U.S.C. 360h and 360i; 21 U.S.C. 371 and 372; 21 U.S.C. 374; 21 U.S.C. 381; 42 U.S.C. 216; 42 U.S.C. 262 to 264; 42 U.S.C. 263; 42 U.S.C. 263a; 42 U.S.C. 264

Abstract: FDA is undertaking a review of 21 CFR 610.40, 610.41, 610.42, 610.44, 640.67, 640.70, (as amended in 66 FR 31146) under section 610 of the Regulatory Flexibility Act. The purpose of this review is to determine whether the regulations in 21 CFR 610.40, 610.41, 610.42, 610.44, 640.67, 640.70 (as amended in 66 FR 31146) should be continued without change, or whether they should be amended or rescinded, consistent with the stated objectives of applicable statutes, to minimize adverse impacts on a substantial number of small entities. FDA will consider, and is soliciting comments on, the following: (1) The continued need for the rule; (2) the nature of complaints or comments received concerning the rule from the public; (3) the complexity of the rule; (4) the extent to which the rule overlaps, duplicates, or conflicts with other Federal rules, and, to the extent feasible, with State and local governmental rules; and (5) the length of time since the rule has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule.

Timetable:

Action	Date	FR Cite
Begin Review of Current Regulation.	06/00/11	
End Review of Current Regulation.	12/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Melissa Reisman, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Biologics Evaluation and Research, Suite 200N (HFM–17), 1401 Rockville Pike, Rockville, MD 20852, Phone: 301 827–6210.

RIN: 0910–AG61

147. • General Requirements for Blood, Blood Components, and Blood Derivatives; Donor Notification (Section 610 Review)

Legal Authority: 21 U.S.C. 321; 21 U.S.C. 331; 21 U.S.C. 351 and 352; 21 U.S.C. 355; 21 U.S.C. 360 and 360j; 21 U.S.C. 371; 21 U.S.C. 374; 42 U.S.C. 216; 42 U.S.C. 262; 42 U.S.C. 263a; 42 U.S.C. 264; *et seq.*

Abstract: FDA is undertaking a review of 21 CFR 606.100(b), 606.160(b) and 630.6 (as amended in 66 FR 31165) under section 610 of the Regulatory Flexibility Act. The purpose of this review is to determine whether the regulations in 21 CFR 606.100(b), 606.160(b) and 630.6 (as amended in 66 FR 31165) should be continued without change, or whether they should be amended or rescinded, consistent with the stated objectives of applicable statutes, to minimize adverse impacts on a substantial number of small entities. FDA will consider, and is soliciting comments on, the following: (1) The continued need for the rule; (2) the nature of complaints or comments received concerning the rule from the public; (3) the complexity of the rule; (4) the extent to which the rule overlaps, duplicates, or conflicts with other Federal rules, and, to the extent feasible, with State and local governmental rules;

and (5) the length of time since the rule has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule.

Timetable:

Action	Date	FR Cite
Begin Review	06/00/11	
End Review	12/00/11	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Melissa Reisman, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Biologics Evaluation and Research, Suite 200N (HFM–17), 1401 Rockville Pike, Rockville, MD 20852, Phone: 301 827–6210.

RIN: 0910–AG62

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Food and Drug Administration (FDA)

Proposed Rule Stage

148. Electronic Submission of Data From Studies Evaluating Human Drugs and Biologics

Legal Authority: 21 U.S.C. 355; 21 U.S.C. 371; 42 U.S.C. 262

Abstract: The Food and Drug Administration is proposing to amend the regulations governing the format in which clinical study data and bioequivalence data are required to be submitted for new drug applications (NDAs), biological license applications (BLAs), and abbreviated new drug applications (ANDAs). The proposal would revise our regulations to require that data submitted for NDAs, BLAs, and ANDAs, and their supplements and amendments, be provided in an electronic format that FDA can process, review, and archive.

Timetable:

Action	Date	FR Cite
NPRM	03/00/12	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Martha Nguyen, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 51, Room 6352, 10903 New Hampshire Avenue, Silver Spring, MD 20993–0002, Phone: 301 796–3471, Fax: 301 847–8440, E-mail: *martha.nguyen@fda.hhs.gov.*

RIN: 0910–AC52

149. Over-the-Counter (OTC) Drug Review—Internal Analgesic Products

Legal Authority: 21 U.S.C. 321p; 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 360; 21 U.S.C. 371; 21 U.S.C. 374; 21 U.S.C. 379e

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective and not misbranded. After a final monograph (i.e., final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. The first action addresses products labeled to relieve upset stomach associated with overindulgence in food and drink and to relieve symptoms associated with a hangover. The second action addresses acetaminophen safety. The third action addresses products marketed for children under 2 years old and weight- and age-based dosing for children's products. The fourth action addresses combination products containing the analgesic acetaminophen or aspirin and sodium bicarbonate used as an antacid ingredient. The last document finalizes the internal analgesic products monograph.

Timetable:

Action	Date	FR Cite
NPRM (Amendment) (Required Warnings and Other Labeling).	12/26/06	71 FR 77314
NPRM Comment Period End.	05/25/07	
Final Action (Required Warnings and Other Labeling).	04/29/09	74 FR 19385
Final Action (Correction).	06/30/09	74 FR 31177
Final Action (Technical Amendment).	11/25/09	74 FR 61512
NPRM (Acetaminophen).	04/00/12	
NPRM (Amendment) (Pediatric).	To Be Determined	
NPRM (Amendment) (Sodium Bicarbonate).	To Be Determined	
NPRM (Overindulgence/Hangover).	To Be Determined	
Final Action (Internal Analgesics).	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mary Chung, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 22, Room 5488, 10903 New Hampshire Avenue, Silver Spring, MD 20993, Phone: 301 796–0260, Fax: 301 796–9899, E-mail: *mary.chung@fda.hhs.gov.*

RIN: 0910–AF36

150. Over-the-Counter (OTC) Drug Review—Oral Health Care Products

Legal Authority: 21 U.S.C. 321p; 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 360 to 360a; 21 U.S.C. 371 to 371a

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective and not misbranded. After a final monograph (i.e., final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. The NPRM and final action will address oral health care products used to reduce or prevent dental plaque and gingivitis.

Timetable:

Action	Date	FR Cite
ANPRM (Plaque Gingivitis).	05/29/03	68 FR 32232
ANPRM Comment Period End.	08/27/03	
NPRM (Benzocaine).	12/00/11	
NPRM (Plaque Gingivitis).	To Be Determined	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: David Eng, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 22, Room 5487, 10903 New Hampshire Avenue, Silver Spring, MD 20993, Phone: 301 796–2773, Fax: 301 796–9899, E-mail: *david.eng@fda.hhs.gov.*

RIN: 0910–AF40

151. Over-the-Counter (OTC) Drug Review—Sunscreen Products

Legal Authority: 21 U.S.C. 321p; 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 360; 21 U.S.C. 371

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective and not misbranded. After a final monograph (i.e., final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. The first action finalizes

sunscreen labeling and testing requirements for both ultraviolet B and ultraviolet A radiation protection. The second action addresses other safety and effectiveness issues for OTC sunscreen drug products. The third action addresses active ingredients reviewed under Time and Extent Applications. The fourth action addresses the safety of sunscreen products. The last action addresses combination products containing sunscreen and insect repellent ingredients.

Timetable:

Action	Date	FR Cite
ANPRM (Sunscreen and Insect Repellent).	02/22/07	72 FR 7941
ANPRM Comment Period End.	05/23/07	
NPRM (UVA/UVB).	08/27/07	72 FR 49070
NPRM Comment Period End.	12/26/07	
Final Action (UVA/UVB).	08/00/11	
NPRM (Safety and Effectiveness).	08/00/11	
NPRM (Time and Extent Applications).	04/00/12	
ANPRM (Safety)	06/00/12	
NPRM (Sunscreen and Insect Repellent).	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: David Eng, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 22, Room 5487, 10903 New Hampshire Avenue, Silver Spring, MD 20993, Phone: 301 796–2773, Fax: 301 796–9899, E-mail: *david.eng@fda.hhs.gov*.

RIN: 0910–AF43

152. Over-the-Counter (OTC) Drug Review—Weight Control Products

Legal Authority: 21 U.S.C. 321p; 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 360; 21 U.S.C. 371

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective and not misbranded. After a final monograph (i.e., final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. The NPRM addresses the use of benzocaine for weight control. The first final action finalizes the 2005 proposed rule for weight control products containing phenylpropanolamine. The second final action will finalize the proposed rule for weight control products containing benzocaine.

Timetable:

Action	Date	FR Cite
NPRM (Phenylpropanolamine).	12/22/05	70 FR 75988
NPRM Comment Period End.	03/22/06	
NPRM (Benzocaine).	03/09/11	76 FR 12916
NPRM Comment Period End.	06/07/11	
Final Action (Phenylpropanolamine).	To Be Determined	
Final Action (Benzocaine).	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: David Eng, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 22, Room 5487, 10903 New Hampshire Avenue, Silver Spring, MD 20993, Phone: 301 796–2773, Fax: 301 796–9899, E-mail: *david.eng@fda.hhs.gov*.

RIN: 0910–AF45

153. Over-the-Counter (OTC) Drug Review—Topical Antimicrobial Drug Products

Legal Authority: 21 U.S.C. 321p; 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 360; 21 U.S.C. 371

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective and not misbranded. After a final monograph (i.e., final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. The first action addresses consumer products. The second action addresses testing requirements.

Timetable:

Action	Date	FR Cite
NPRM (Healthcare).	06/17/94	59 FR 31402
Comment Period End.	12/15/95	
NPRM (Consumer).	01/00/12	
NPRM (Food Handlers).	To Be Determined	
NPRM (Testing) ..	To Be Determined	
Final Action (Consumer).	To Be Determined	
Final Action (Testing).	To Be Determined	
Final Action (Food Handlers).	To Be Determined	
Final Action (First Aid Antiseptic).	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: David Eng, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 22, Room 5487, 10903 New Hampshire Avenue, Silver Spring, MD 20993, Phone: 301 796–2773, Fax: 301 796–9899, E-mail: *david.eng@fda.hhs.gov*.

RIN: 0910–AF69

154. Import Tolerances for Residues of Unapproved New Animal Drugs in Food

Legal Authority: 21 U.S.C. 342; 21 U.S.C. 360b(a)(6); 21 U.S.C. 371

Abstract: The Food and Drug Administration (FDA) plans to publish a proposed rule related to the implementation of the import tolerances provision of the Animal Drug Availability Act of 1996 (ADAA). The ADAA authorizes FDA to establish tolerances for unapproved new animal drugs where edible portions of animals imported into the United States may contain residues of such drugs (import tolerances). It is unlawful to import animal-derived food that bears or contains residues of a new animal drug that is not approved in the United States, unless FDA has established an import tolerance for that new animal drug and the residue of the new animal drug in the animal-derived food does not exceed that tolerance.

Timetable:

Action	Date	FR Cite
NPRM	09/00/11	
NPRM Comment Period End.	12/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Thomas Moskal, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Center for Veterinary Medicine, Room 101, (MPN–4, HFV–232), 7519 Standish Place, Rockville, MD 20855, Phone: 240 276–9242, Fax: 240 276–9241, E-mail: *thomas.moskal@fda.hhs.gov*.

RIN: 0910–AF78

155. Laser Products; Amendment to Performance Standard

Legal Authority: 21 U.S.C. 360hh to 360ss; 21 U.S.C. 371; 21 U.S.C. 393

Abstract: FDA is proposing to amend the performance standard for laser products to achieve closer harmonization between the current standard and the International Electrotechnical Commission (IEC) standard for laser products and medical laser products. The proposed amendment is intended to update FDA's performance standard to reflect advancements in technology. The proposal would adopt portions of an IEC standard to achieve greater harmonization and reflect current science. In addition, the proposal would include an alternative mechanism for providing certification and identification, address novelty laser products, and clarify the military exemption for laser products.

Timetable:

Action	Date	FR Cite
NPRM	11/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Nancy Pirt, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Devices and Radiological Health, WO 66, Room 4438, 10903 New Hampshire Avenue, Silver Spring, MD 20993, Phone: 301 796–6248, Fax: 301 847–8145, E-mail: *nancy.pirt@fda.hhs.gov*.

RIN: 0910–AF87

156. Pet Food Labeling Requirements

Legal Authority: 21 U.S.C. 343; 21 U.S.C. 371; Pub. L. 110–85, sec 1002(a)(3)

Abstract: The President signed into law the Food and Drug Administration Amendments Act of 2007 (FDAAA) on September 27, 2007 (Pub. L. 110–85). Title X of the FDAAA includes several provisions pertaining to food safety, including the safety of pet food. Section 1002(a)(3) of the new law directs FDA to issue new regulations to establish updated standards for the labeling of pet food that include nutritional and ingredient information. This same provision of the law also directs that, in developing these new regulations, FDA consult with the Association of American Feed Control Officials and other relevant stakeholder groups, including veterinary medical associations, animal health organizations, and pet food manufacturers.

Timetable:

Action	Date	FR Cite
NPRM	03/00/12	
NPRM Comment Period End.	06/00/12	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: William Burkholder, Veterinary Medical Officer, Department of Health and Human Services, Food and Drug Administration, Center for Veterinary Medicine, Room 2642 (MPN–4, HFV–228), 7519 Standish Place, Rockville, MD 20855, Phone: 240 453–6865, E-mail: *william.burkholder@fda.hhs.gov*.

RIN: 0910–AG09

157. Current Good Manufacturing Practice in Manufacturing, Processing, Packing or Holding Animal Food

Legal Authority: 21 U.S.C. 342; 21 U.S.C. 350e; 21 U.S.C. 371; 21 U.S.C. 374; 42 U.S.C. 264; Pub. L. 110–85, sec 1002(a)(2); Pub. L. 111–353

Abstract: The Food and Drug Administration (FDA) is proposing regulations for preventive controls for animal feed ingredients and mixed animal feed to provide greater assurance that marketed animal feed ingredients and mixed feeds intended for all animals, including pets, are safe. This action is being taken as part of the FDA's Animal Feed Safety System initiative. This action is also being taken to carry out the requirements of the Food and Drug Administration Amendments Act of 2007, under section 1002(a), and the Food Safety Modernization Act of 2010, under section 103.

Timetable:

Action	Date	FR Cite
NPRM	09/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kim Young, Deputy Director, Division of Compliance, Department of Health and Human Services, Food and Drug Administration, Center for Veterinary Medicine, Room 106 (MPN–4, HFV–230), 7519 Standish Place, Rockville, MD 20855, Phone: 240 276–9207, E-mail: *kim.young@fda.hhs.gov*.

RIN: 0910–AG10

158. Over-the-Counter (OTC) Drug Review—Pediatric Dosing for Cough/Cold Products

Legal Authority: 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 360; 21 U.S.C. 371

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective and not misbranded. After a final monograph (i.e., final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. This action will propose changes to the final monograph to address safety and efficacy issues associated with pediatric cough and cold products.

Timetable:

Action	Date	FR Cite
NPRM	12/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mary Chung, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 22, Room 5488, 10903 New Hampshire Avenue, Silver Spring, MD 20993, Phone: 301 796–0260, Fax: 301 796–9899, E-mail: *mary.chung@fda.hhs.gov*.

RIN: 0910–AG12

159. Electronic Distribution of Content of Labeling for Human Prescription Drug and Biological Products

Legal Authority: 21 U.S.C. 321; 21 U.S.C. 331; 21 U.S.C. 351; 21 U.S.C. 352; 21 U.S.C. 353; 21 U.S.C. 355; 21 U.S.C. 358; 21 U.S.C. 360; 21 U.S.C. 360b; 21 U.S.C. 360gg to 360ss; 21 U.S.C. 371; 21 U.S.C. 374; 21 U.S.C. 379e; 42 U.S.C. 216; 42 U.S.C. 241; 42 U.S.C. 262; 42 U.S.C. 264

Abstract: This rule would require electronic package inserts for human drug and biological prescription products, in lieu of paper, which is currently used. These inserts contain prescribing information intended for healthcare practitioners. This would ensure that the information accompanying the product is the most up-to-date information regarding important safety and efficacy issues about these products.

Timetable:

Action	Date	FR Cite
NPRM	10/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Lisa Dwyer, Senior Advisor for Pharmacy Affairs, Department of Health and Human Services, Food and Drug Administration, Office of Policy, WO 32, Room 4253, 10903 New Hampshire Avenue, Silver Spring, MD 20993,

Phone: 301 796–4709, E-mail: *lisa.dwyer@fda.hhs.gov*.

RIN: 0910–AG18

160. Unique Device Identification

Legal Authority: Not Yet Determined

Abstract: The Food and Drug Administration Amendments Act of 2007 (FDAAA), amended the Federal Food, Drug, and Cosmetic Act by adding section 519(f) (21 U.S.C. 360i(f)). This section requires FDA to promulgate regulations establishing a unique identification system for medical devices requiring the label of medical devices to bear a unique identifier, unless FDA specifies an alternative placement or provides for exceptions. The unique identifier must adequately identify the device through distribution and use, and may include information on the lot or serial number.

Timetable:

Action	Date	FR Cite
NPRM	09/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John J. Crowley, Senior Advisor for Patient Safety, Department of Health and Human Services, Food and Drug Administration, Center for Devices and Radiological Health, WO 66, Room 2315, 10903 New Hampshire Avenue, Silver Spring, MD 20993, Phone: 301 980–1936, E-mail: *jay.crowley@fda.hhs.gov*.

RIN: 0910–AG31

161. Produce Safety Regulation

Legal Authority: 21 U.S.C. 342; 21 U.S.C. 371; 42 U.S.C. 264; Pub. L. 111–353 (signed on January 4, 2011)

Abstract: The Food Safety Modernization Act requires the Secretary to establish and publish science-based minimum standards for the safe production and harvesting of those types of fruits and vegetables, including specific mixes or categories of fruits and vegetables, that are raw agricultural commodities for which the Secretary has determined that such standards minimize the risk of serious adverse health consequences or death. FDA is proposing to promulgate regulations setting enforceable standards for fresh produce safety at the farm and packing house. The purpose of the proposed rule is to reduce the risk of illness associated with contaminated fresh produce. The proposed rule will be based on prevention-oriented public health principles and incorporate what we have learned in the past decade since the agency issued general good agricultural practice guidelines entitled ''Guide to Minimize Microbial Food Safety Hazards for Fresh Fruits and Vegetables'' (GAPs Guide). The proposed rule also will reflect comments received on the agency's 1998 update of its GAPs guide and its July 2009 draft commodity specific guidances for tomatoes, leafy greens, and melons. Although the proposed rule will be based on recommendations that are included in the GAPs guide, FDA does not intend to make the entire guidance mandatory. FDA's proposed rule would, however, set out clear standards for implementation of modern preventive controls. The proposed rule also would emphasize the importance of environmental assessments to identify hazards and possible pathways of contamination and provide examples of risk reduction practices recognizing that operators must tailor their preventive controls to particular hazards and conditions affecting their operations. The requirements of the proposed rule would be scale appropriate and commensurate with the relative risks and complexity of individual operations. FDA intends to issue guidance to assist industry in complying with the requirements of the new regulation.

Timetable:

Action	Date	FR Cite
NPRM	01/00/12	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Samir Assar, Supervisory Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition, Office of Food Safety, 5100 Paint Branch Parkway, College Park, MD 20740, Phone: 301 436–1636, E-mail: *samir.assar@fda.hhs.gov*.

RIN: 0910–AG35

162. Hazard Analysis and Risk-Based Preventive Controls

Legal Authority: 21 U.S.C. 342; 21 U.S.C. 371; 42 U.S.C. 264; Pub. L. 111–353, (signed on January 4, 2011)

Abstract: The Food and Drug Administration (FDA) Food Safety Modernization Act (the FSMA) requires the Secretary of Health and Human Services to promulgate regulations to establish science-based minimum standards for conducting a hazard analysis, documenting hazards, implementing preventive controls, and documenting the implementation of the preventive controls; and to define the terms 'small business' and 'very small business.' The FSMA also requires the Secretary to promulgate regulations with respect to activities that constitute on-farm packing or holding of food that is not grown, raised, or consumed on a farm or another farm under the same ownership and activities that constitute on farm manufacturing or processing of food that is not grown, raised, or consumed on a farm or another farm under the same ownership.

FDA is proposing to amend its current good manufacturing practice (CGMP) regulations (21 CFR Part 110) for manufacturing, packing, or holding human food to require food facilities to develop and implement a written food safety plan. This proposed rule would require a food facility to have and implement preventive controls to significantly minimize or prevent the occurrence of hazards that could affect food manufactured, processed, packed, or held by the facility and to provide assurances that such food will not be adulterated under section 402 or misbranded under section 403(w).

Timetable:

Action	Date	FR Cite
NPRM	10/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John F. Sheehan, Director, Office of Food Safety, Division of Plant and Dairy Food Safety, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFS–315), Office of Food Safety, 5100 Paint Branch Parkway, College Park, MD 20740, Phone: 301 436–1488, Fax: 301 436–2632, E-mail: *john.sheehan@fda.hhs.gov*.

RIN: 0910–AG36

163. ''Tobacco Products'' Subject to the Federal Food, Drug, and Cosmetic Act, as Amended by the Family Smoking Prevention and Tobacco Control Act

Legal Authority: 21 U.S.C. 301 *et seq.,* The Federal Food, Drug, and Cosmetic Act; Pub. L. 111–31, The Family Smoking Prevention and Tobacco Control Act

Abstract: The Family Smoking Prevention and Tobacco Control Act (Tobacco Control Act) provides FDA authority to regulate cigarettes, cigarette tobacco, roll-your-own tobacco, and smokeless tobacco. Section 901 of the Federal Food, Drug, and Cosmetic Act (FD&C Act), as amended by the Tobacco Control Act, permits FDA to issue regulations deeming other tobacco

products to be subject to the FD&C Act. This proposed rule would deem products meeting the statutory definition of ''tobacco product'' found at section 201(rr) of the FD&C Act to be subject to FDA's jurisdiction. The scope of the proposed rule deeming cigars to be subject to FDA's jurisdiction that was previously included in the Unified Agenda is being broadened to encompass products that meet the statutory definition of ''tobacco product.''

Timetable:

Action	Date	FR Cite
NPRM	10/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: May Nelson, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, 9200 Corporate Boulevard, Rockville, MD 20850, Phone: 877 287–1373, Fax: 240 276–3904, E-mail: *may.nelson@fda.hhs.gov*.

RIN: 0910–AG38

164. General Hospital and Personal Use Devices: Issuance of Draft Special Controls Guidance for Infusion Pumps

Legal Authority: 21 U.S.C. 351; 21 U.S.C. 360; 21 U.S.C. 360c; 21 U.S.C. 360e; 21 U.S.C. 360j; 21 U.S.C. 371

Abstract: Since 2003, FDA has seen a dramatic increase in the number of device recalls, as well as an increase in the number of death and serious injury reports submitted regarding infusion pumps. An analysis of the reports reveals that a majority of the recalls and failures were caused by user error and/or device design flaw. As a result of these incidents, FDA is proposing to issue a draft special controls guidance document that, when final, will be a special control for infusion pumps. The agency believes that establishing these special controls for infusion pumps is necessary to provide reasonable assurance of the safety and effectiveness of these devices.

Timetable:

Action	Date	FR Cite
NPRM	09/00/11	
NPRM Comment Period End.	12/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Nancy Pirt, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Devices and Radiological Health, WO 66 Room 4438, 10903 New Hampshire Avenue, Silver Spring, MD 20993, Phone: 301 796–6248, Fax: 301 847–8145, E-mail: *nancy.pirt@fda.hhs.gov*.

RIN: 0910–AG54

165. Food Labeling: Nutrition Labeling for Food Sold in Vending Machines

Legal Authority: 21 U.S.C. 343; 21 U.S.C. 371

Abstract: The Food and Drug Administration (FDA) is proposing regulations to establish requirements for nutrition labeling of certain food sold in certain vending machines. FDA is also proposing the terms and conditions for vending machine operators registering to voluntarily be subject to the requirements of section 4205. FDA is taking this action to carry out section 4205 of the Patient Protection and Affordable Care Act (''Affordable Care Act'' or ''ACA''), which was signed into law on March 23, 2010.

Timetable:

Action	Date	FR Cite
NPRM	04/06/11	76 FR 19238
NPRM Comment Period End.	07/05/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Geraldine A. June, Supervisor, Product Evaluation and Labeling Team, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition, (HFS–820), 5100 Paint Branch Parkway, College Park, MD 20740, Phone: 301 436–1802, Fax: 301 436–2636, E-mail: *geraldine.june@fda.hhs.gov*.

RIN: 0910–AG56

166. Food Labeling: Nutrition Labeling of Standard Menu Items in Restaurants and Similar Retail Food Establishments

Legal Authority: 21 U.S.C. 343; 21 U.S.C. 371

Abstract: The Food and Drug Administration (FDA) is proposing regulations to establish requirements for nutrition labeling of standard menu items in chain restaurants and similar retail food establishments. FDA is also proposing the terms and conditions for restaurants and similar retail food establishments registering to voluntarily be subject to the requirements of section 4205. FDA is taking this action to carry out section 4205 of the Patient Protection and Affordable Care Act (''Affordable Care Act'' or ''ACA''), which was signed into law on March 23, 2010.

Timetable:

Action	Date	FR Cite
NPRM	04/06/11	76 FR 19192
NPRM Comment Period End.	06/06/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Geraldine A. June, Supervisor, Product Evaluation and Labeling Team, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition, (HFS–820), 5100 Paint Branch Parkway, College Park, MD 20740, Phone: 301 436–1802, Fax: 301 436–2636, E-mail: *geraldine.june@fda.hhs.gov*.

RIN: 0910–AG57

167. • Requirements for the Testing and Reporting of Tobacco Product Constituents, Ingredients, and Additives

Legal Authority: Pub. L. 111–31, The Family Smoking Prevention and Tobacco Control Act, sec 101(b)

Abstract: Section 915 of the Federal Food, Drug, and Cosmetic Act, as amended by the Family Smoking Prevention and Tobacco Control Act, requires FDA to promulgate regulations that require the testing and reporting of tobacco product constituents, ingredients, and additives, including smoke constituents that the agency determines should be tested to protect the public health.

Timetable:

Action	Date	FR Cite
NPRM	01/00/12	
NPRM Comment Period End.	04/00/12	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Carol Drew, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Rm 240 H, 9200 Corporate Boulevard, Rockville, MD 20850, Phone: 877 287–1373, Fax: 240 276–3904, E-mail: *carol.drew@fda.hhs.gov*.

RIN: 0910–AG59

168. • Further Amendments to General Regulations of the Food and Drug Administration To Incorporate Tobacco Products

Legal Authority: Not Yet Determined

Abstract: The Food and Drug Administration is seeking to amend certain of its general regulations to include tobacco products, where appropriate, in light of FDA's authority to regulate these products under the Family Smoking Prevention and

Tobacco Control Act. The proposed rule would cover revisions to the document reporting requirements and definition of ''product.''

Timetable:

Action	Date	FR Cite
NPRM	04/14/11	76 FR 20901
NPRM Comment Period End.	06/13/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Gerie Voss, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, 9200 Corporate Boulevard, Rockville, MD 20850, Phone: 877 287–1373, Fax: 240 276–4193, E-mail: *gerie.voss@fda.hhs.gov*.

RIN: 0910–AG60

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Food and Drug Administration (FDA)

Final Rule Stage

169. Infant Formula: Current Good Manufacturing Practices; Quality Control Procedures; Notification Requirements; Records and Reports; and Quality Factors

Legal Authority: 21 U.S.C. 321; 21 U.S.C. 350a; 21 U.S.C. 371

Abstract: The Food and Drug Administration (FDA) is revising its infant formula regulations in 21 CFR parts 106 and 107 to establish requirements for current good manufacturing practices (CGMP), including audits; to establish requirements for quality factors; and to amend FDA's quality control procedures, notification, and record and reporting requirements for infant formula. FDA is taking this action to improve the protection of infants who consume infant formula products.

Timetable:

Action	Date	FR Cite
NPRM	07/09/96	61 FR 36154
NPRM Comment Period End.	12/06/96	
NPRM Comment Period Reopened.	04/28/03	68 FR 22341
NPRM Comment Period Extended.	06/27/03	68 FR 38247
NPRM Comment Period End.	08/26/03	
NPRM Comment Period Reopened.	08/01/06	71 FR 43392
NPRM Comment Period End.	09/15/06	
Final Action	11/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Benson Silverman, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFS–850), 5100 Paint Branch Parkway, College Park, MD 20740, Phone: 301 436–1459, E-mail: *benson.silverman@fda.hhs.gov*.

RIN: 0910–AF27

170. Over-the-Counter (OTC) Drug Review—Cough/Cold (Bronchodilator) Products

Legal Authority: 21 U.S.C. 321p; 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 360; 21 U.S.C. 371

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective and not misbranded. After a final monograph (i.e., final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. This action addresses labeling for single ingredient bronchodilator products.

Timetable:

Action	Date	FR Cite
NPRM (Amendment—Ephedrine Single Ingredient).	07/13/05	70 FR 40237
NPRM Comment Period End.	11/10/05	
Final Action (Technical Amendment).	11/30/07	72 FR 67639
Final Action (Amendment—Single Ingredient Labeling).	06/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mary Chung, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 22, Room 5488, 10903 New Hampshire Avenue, Silver Spring, MD 20993, Phone: 301 796–0260, Fax: 301 796–9899, E-mail: *mary.chung@fda.hhs.gov*.

RIN: 0910–AF32

171. Over-the-Counter (OTC) Drug Review—Cough/Cold (Combination) Products

Legal Authority: 21 U.S.C. 321p; 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 360; 21 U.S.C. 371

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective and not misbranded. After a final monograph (i.e., final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. This action addresses cough/cold drug products containing an oral bronchodilator (ephedrine and its salts) in combination with any expectorant or any oral nasal decongestant.

Timetable:

Action	Date	FR Cite
NPRM (Amendment).	07/13/05	70 FR 40232
NPRM Comment Period End.	11/10/05	
Final Action (Technical Amendment).	03/19/07	72 FR 12730
Final Action	03/00/12	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mary Chung, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 22, Room 5488, 10903 New Hampshire Avenue, Silver Spring, MD 20993, Phone: 301 796–0260, Fax: 301 796–9899, E-mail: *mary.chung@fda.hhs.gov*.

RIN: 0910–AF33

172. Use of Materials Derived From Cattle in Human Food and Cosmetics

Legal Authority: 21 U.S.C. 342; 21 U.S.C. 361; 21 U.S.C. 371

Abstract: On July 14, 2004, FDA issued an interim final rule (IFR), effective immediately, to prohibit the use of certain cattle material and to address the potential risk of bovine spongiform encephalopathy (BSE) in human food, including dietary supplements, and cosmetics. Prohibited cattle materials under the IFR include specified risk materials, small intestine of all cattle, material from nonambulatory disabled cattle, material from cattle not inspected and passed for human consumption, and mechanically separated (MS) beef. Specified risk materials are the brain, skull, eyes, trigeminal ganglia, spinal cord, vertebral column (excluding the vertebrae of the tail, the transverse processes of the thoracic and lumbar vertebrae, and the wings of the sacrum), and dorsal root ganglia of cattle 30 months and older; and the tonsils and distal ileum of the small intestine of all cattle. Prohibited cattle materials do not include tallow that contains no more than 0.15 percent

hexane-insoluble impurities and tallow derivatives. This action minimizes human exposure to materials that scientific studies have demonstrated are highly likely to contain the BSE agent in cattle infected with the disease. Scientists believe that the human disease variant Creutzfeldt-Jakob disease (vCJD) is likely caused by the consumption of products contaminated with the agent that causes BSE.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/14/04	69 FR 42256
Interim Final Rule Effective.	07/14/04	
Interim Final Rule Comment Period End.	10/12/04	
Interim Final Rule (Amendments).	09/07/05	70 FR 53063
Interim Final Rule (Amendments) Effective.	10/07/05	
Interim Final Rule (Amendments) Comment Period End.	11/07/05	
Interim Final Rule (Amendments).	04/17/08	73 FR 20785
Interim Final Rule (Amendments) Comment Period End.	07/16/08	
Interim Final Rule (Amendments) Effective.	07/16/08	
Final Action	09/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Amber McCoig, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition, (HFS–316), 5100 Paint Branch Parkway, College Park, MD 20740, Phone: 301 436–2131, Fax: 301 436–2644, E-mail: *amber.mccoig@fda.hhs.gov*.

RIN: 0910–AF47

173. Label Requirement for Food That Has Been Refused Admission Into the United States

Legal Authority: 15 U.S.C. 1453 to 1455; 21 U.S.C. 321; 21 U.S.C. 342 and 343; 21 U.S.C. 371; 21 U.S.C. 374; 21 U.S.C. 381; 42 U.S.C. 216; 42 U.S.C. 264

Abstract: The final rule will require owners or consignees to label imported food that is refused entry into the United States. The label will read, ''UNITED STATES: REFUSED ENTRY.'' The proposal describes the label's characteristics (such as its size) and processes for verifying that the label has been affixed properly. We are taking this action to prevent the introduction of unsafe food into the United States, to facilitate the examination of imported food, and to implement section 308 of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (the Bioterrorism Act) (Pub. L. 107–188).

Timetable:

Action	Date	FR Cite
NPRM	09/18/08	73 FR 54106
NPRM Comment Period End.	12/02/08	
Final Action	07/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Daniel Sigelman, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition, WO Building 1, Room 4245, 10903 New Hampshire Avenue, Silver Spring, MD 20993, Phone: 301 796–4706, E-mail: *daniel.sigelman@fda.hhs.gov*.

RIN: 0910–AF61

174. Cigarette Warning Label Statements

Legal Authority: Pub. L. 111–31, The Family Smoking Prevention and Tobacco Control Act, sec 201

Abstract: Section 4 of the FCLAA, as amended by section 201 of the Tobacco Control Act, requires FDA to issue regulations that require color graphics depicting the negative health consequences of smoking to accompany required warning statements on cigarette packages and advertisements. FDA also may adjust the type size, text and format of the required label statements on product packaging and advertising if FDA determines that it is appropriate so that both the graphics and the accompanying label statements are clear, conspicuous, legible and appear within the specified area.

Timetable:

Action	Date	FR Cite
NPRM	11/12/10	75 FR 69524
NPRM Comment Period End.	01/11/11	
Final Action	06/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Gerie Voss, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, 9200 Corporate Boulevard, Rockville, MD 20850, Phone: 877 287–1373, Fax: 240 276–4193, E-mail: *gerie.voss@fda.hhs.gov*.

RIN: 0910–AG41

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Food and Drug Administration (FDA)

Long-Term Actions

175. Postmarketing Safety Reporting Requirements for Human Drug and Biological Products

Legal Authority: 42 U.S.C. 216; 42 U.S.C. 241; 42 U.S.C. 242a; 42 U.S.C. 262 and 263; 42 U.S.C. 263a to 263n; 42 U.S.C. 264; 42 U.S.C. 300aa; 21 U.S.C. 321; 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 360; 21 U.S.C. 360b to 360j; 21 U.S.C. 361a; 21 U.S.C. 371; 21 U.S.C. 374; 21 U.S.C. 375; 21 U.S.C. 379e; 21 U.S.C. 381

Abstract: The final rule would amend the postmarketing expedited and periodic safety reporting regulations for human drugs and biological products to revise certain definitions and reporting formats as recommended by the International Conference on Harmonisation and to define new terms; to add to or revise current reporting requirements; to revise certain reporting time frames; and to propose other revisions to these regulations to enhance the quality of safety reports received by FDA. These revisions were proposed as part of a single rulemaking (68 FR 12406) to clarify and revise both premarketing and postmarketing safety reporting requirements for human drug and biological products. FDA plans to finalize the premarket and postmarket safety reporting requirements in separate final rules. Premarketing safety reporting requirements were finalized in a separate final rule published on September 29, 2010 (75 FR 59961). This final rule applies to postmarketing safety reporting requirements.

Timetable:

Action	Date	FR Cite
NPRM	03/14/03	68 FR 12406
NPRM Comment Period Extended.	06/18/03	
NPRM Comment Period End.	07/14/03	
NPRM Comment Period Extension End.	10/14/03	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jane E. Baluss, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 51, Room

6362, 10903 New Hampshire Avenue, Silver Spring, MD 20993–0002, Phone: 301 796–3469, Fax: 301 847–8440, E-mail: *jane.baluss@fda.hhs.gov.*

RIN: 0910–AA97

176. Current Good Manufacturing Practice in Manufacturing, Packing, Labeling, or Holding Operations for Dietary Supplements

Legal Authority: 21 U.S.C. 321; 21 U.S.C. 342; 21 U.S.C. 343; 21 U.S.C. 371; 21 U.S.C. 374; 21 U.S.C. 381; 21 U.S.C. 393; 42 U.S.C. 264

Abstract: The Food and Drug Administration published a final rule in the **Federal Register** of June 25, 2007 (72 FR 34752), on current good manufacturing practice (CGMP) regulations for dietary supplements. FDA also published an Interim Final Rule in the same **Federal Register** (72 FR 34959) that provided a procedure for requesting an exemption from the final rule requirement that the manufacturer conduct at least one appropriate test or examination to verify the identity of any component that is a dietary ingredient. This IFR allows for submission to, and review by, FDA of an alternative to the required 100 percent identity testing of components that are dietary ingredients, provided certain conditions are met. This IFR also establishes a requirement for retention of records relating to the FDA's response to an exemption request.

Timetable:

Action	Date	FR Cite
ANPRM	02/06/97	62 FR 5700
ANPRM Comment Period End.	06/06/97	
NPRM	03/13/03	68 FR 12157
NPRM Comment Period End.	08/11/03	
Final Rule	06/25/07	72 FR 34752
Interim Final Rule	06/25/07	72 FR 34959
Interim Final Rule Comment Period End.	10/24/07	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Linda Kahl, Senior Policy Analyst, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFS–024), 5100 Paint Branch Parkway, College Park, MD 20740, Phone: 301 436–2784, Fax: 301 436–2657, E-mail: *linda.kahl@fda.hhs.gov.*

RIN: 0910–AB88

177. Medical Gas Containers and Closures; Current Good Manufacturing Practice Requirements

Legal Authority: 21 U.S.C. 321; 21 U.S.C. 351 to 21 U.S.C. 353

Abstract: The Food and Drug Administration is amending its current good manufacturing practice regulations and other regulations to clarify and strengthen requirements for the label, color, dedication, and design of medical gas containers and closures. Despite existing regulatory requirements and industry standards for medical gases, there have been repeated incidents in which cryogenic containers of harmful industrial gases have been connected to medical oxygen supply systems in hospitals and nursing homes and subsequently administered to patients. These incidents have resulted in death and serious injury. There have also been several incidents involving high-pressure medical gas cylinders that have resulted in death and injuries to patients. These amendments, together with existing regulations, are intended to ensure that the types of incidents that have occurred in the past, as well as other types of foreseeable and potentially deadly medical gas accidents, do not occur in the future. FDA has described a number of proposals in the proposed rule including requiring that gas use outlet connections on portable cryogenic medical gas containers be securely attached to the valve body.

Timetable:

Action	Date	FR Cite
NPRM	04/10/06	71 FR 18039
NPRM Comment Period End.	07/10/06	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Patrick Raulerson, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 51, Room 6368, 10903 New Hampshire Avenue, Silver Spring, MD 20993–0002, Phone: 301 796–3522, Fax: 301 847–8440, E-mail: *patrick.raulerson@fda.hhs.gov.*

RIN: 0910–AC53

178. Content and Format of Labeling for Human Prescription Drugs and Biologics; Requirements for Pregnancy and Lactation Labeling

Legal Authority: 21 U.S.C. 321; 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 358; 21 U.S.C. 360; 21 U.S.C. 360b; 21 U.S.C. 360gg to 360ss; 21 U.S.C. 371; 21 U.S.C. 374; 21 U.S.C. 379e; 42 U.S.C. 216; 42 U.S.C. 241; 42 U.S.C. 262; 42 U.S.C. 264

Abstract: To amend the regulations governing the format and content of labeling for human prescription drugs and biological products (21 CFR parts 201.56, 201.57, and 201.80). Under FDA's current regulations, labeling concerning the use of prescription drugs in pregnancy uses letter categories (A, B, C, D, X) to characterize the risk to the fetus of using the drug in pregnancy. One of the deficiencies of the category system is that drugs may be assigned to the same category when the severity, incidence, and types of risk are quite different. Dissatisfaction with the category system has been expressed by health care providers, medical organizations, experts in the study of birth defects, women's health researchers, and women of childbearing age. Stakeholders consulted through a public hearing, several focus groups, and several advisory committees have recommended that FDA replace the category system with a concise narrative summarizing a product's risks to pregnant women and to women of childbearing age. Therefore, the revised format and the information provided in the labeling would make it easier for health care providers to understand the risks and benefits of drug use during pregnancy and lactation.

Timetable:

Action	Date	FR Cite
NPRM	05/29/08	73 FR 30831
NPRM Comment Period End.	08/27/08	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Rachel S. Bressler, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation Research, WO 51, Room 6224, 10903 New Hampshire Avenue, Silver Spring, MD 20993–0002, Phone: 301 796–4288, Fax: 301 847–8440, E-mail: *rachel.bressler@fda.hhs.gov.*

RIN: 0910–AF11

179. Over-The-Counter (OTC) Drug Review—Cough/Cold (Antihistamine) Products

Legal Authority: 21 U.S.C. 321p; 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 360; 21 U.S.C. 371

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective and not misbranded. After a final monograph

(i.e., final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. This action addresses antihistamine labeling claims for the common cold.

Timetable:

Action	Date	FR Cite
Reopening of Administrative Record.	08/25/00	65 FR 51780
Comment Period End.	11/24/00	
NPRM (Amendment) (Common Cold).	08/00/12	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mary Chung, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 22, Room 5488, 10903 New Hampshire Avenue, Silver Spring, MD 20993, Phone: 301 796–0260, Fax: 301 796–9899, E-mail: *mary.chung@fda.hhs.gov.*

RIN: 0910–AF31

180. Over-the-Counter (OTC) Drug Review—External Analgesic Products

Legal Authority: 21 U.S.C. 321p; 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 360; 21 U.S.C. 371

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective and not misbranded. After a final monograph (i.e., final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. The final action addresses the 2003 proposed rule on patches, plasters, and poultices. The proposed rule will address issues not addressed in previous rulemakings.

Timetable:

Action	Date	FR Cite
Final Action (GRASE dosage forms).	06/00/12	
NPRM (Amendment).	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: David Eng, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 22, Room 5487, 10903 New Hampshire Avenue, Silver Spring, MD 20993, Phone: 301 796–2773, Fax: 301 796–9899, E-mail: *david.eng@fda.hhs.gov.*

RIN: 0910–AF35

181. Over-the-Counter (OTC) Drug Review—Laxative Drug Products

Legal Authority: 21 U.S.C. 321p; 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 360 to 360a; 21 U.S.C. 371 to 371a

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective and not misbranded. After a final monograph (i.e., final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. The first NPRM listed will address the professional labeling for sodium phosphate drug products. The second NPRM listed will address all other professional labeling requirements for laxative drug products. The final action will address laxative drug products.

Timetable:

Action	Date	FR Cite
Final Action (Granular Psyllium).	03/29/07	72 FR 14669
NPRM (Professional Labeling—Sodium Phosphate).	02/11/11	76 FR 7743
NPRM Comment Period End.	03/14/11	
NPRM (Professional Labeling).	To Be Determined	
Final Action (Laxative Drug Products).	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mary Chung, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 22, Room 5488, 10903 New Hampshire Avenue, Silver Spring, MD 20993, Phone: 301 796–0260, Fax: 301 796–9899, E-mail: *mary.chung@fda.hhs.gov.*

RIN: 0910–AF38

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Food and Drug Administration (FDA)

Completed Actions

182. Over-the-Counter (OTC) Drug Review—Cough/Cold (Nasal Decongestant) Products

Legal Authority: 21 U.S.C. 321p; 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 360; 21 U.S.C. 371

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective and not misbranded. After a final monograph (i.e., final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. This action addresses the ingredient phenylpropanolamine.

Timetable:

Action	Date	FR Cite
NPRM (Amendment) (Sinusitis Claim).	08/02/04	69 FR 46119
NPRM Comment Period End.	11/01/04	
NPRM (Phenylephrine Bitartrate).	11/02/04	69 FR 63482
NPRM Comment Period End.	01/31/05	
NPRM (Phenylpropanolamine).	12/22/05	70 FR 75988
NPRM Comment Period End.	03/22/06	
Final Action (Amendment) (Sinusitis Claim).	10/31/05	70 FR 58974
Final Action (Phenylephrine Bitartrate).	08/01/06	71 FR 83358
Withdrawn	03/11/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mary Chung, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 22, Room 5488, 10903 New Hampshire Avenue, Silver Spring, MD 20993, Phone: 301 796–0260, Fax: 301 796–9899, E-mail: *mary.chung@fda.hhs.gov.*

RIN: 0910–AF34

183. Over-the-Counter (OTC) Drug Review—Labeling of Drug Products for OTC Human Use

Legal Authority: 21 U.S.C. 321p; 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 358; 21 U.S.C. 360; 21 U.S.C. 371; 21 UCS 374; 21 U.S.C. 379e

Abstract: The OTC drug review establishes conditions under which

OTC drugs are considered generally recognized as safe and effective and not misbranded. After a final monograph (i.e., final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. This action addresses labeling for convenience (small) size OTC drug packages.

Timetable:

Action	Date	FR Cite
NPRM (Convenience Sizes).	12/12/06	71 FR 74474
NPRM Comment Period End.	04/11/07	
Withdrawn	03/11/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mary Chung, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 22, Room 5488, 10903 New Hampshire Avenue, Silver Spring, MD 20993, Phone: 301 796–0260, Fax: 301 796–9899, E-mail: *mary.chung@fda.hhs.gov.*

RIN: 0910–AF37

184. Over-the-Counter (OTC) Drug Review—Ophthalmic Products

Legal Authority: 21 U.S.C. 321p; 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 360; 21 U.S.C. 371

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective and not misbranded. After a final monograph (i.e., final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. This action finalizes the monograph for emergency first aid eyewash drug products.

Timetable:

Action	Date	FR Cite
NPRM (Amendment) (Emergency First Aid Eyewashes).	02/19/03	68 FR 7917
NPRM Comment Period End.	05/20/03	
Withdrawn	03/11/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mary Chung, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 22, Room 5488, 10903 New Hampshire Avenue, Silver Spring, MD 20993, Phone: 301 796–0260, Fax: 301 796–9899, E-mail: *mary.chung@fda.hhs.gov.*

RIN: 0910–AF39

185. Over-the-Counter (OTC) Drug Review—Skin Protectant Products

Legal Authority: 21 U.S.C. 321p; 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 360; 21 U.S.C. 371

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective and not misbranded. After a final monograph (i.e., final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. The first action identifies safe and effective skin protectant active ingredients to treat and prevent diaper rash. The second action addresses skin protectant products used to treat fever blisters and cold sores.

Timetable:

Action	Date	FR Cite
Final Action (Technical Amendments).	02/01/08	73 FR 6014
Final Action (Aluminum Acetate) (Technical Amendment).	03/06/09	74 FR 9759
Withdrawn	03/11/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: David Eng, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 22, Room 5487, 10903 New Hampshire Avenue, Silver Spring, MD 20993, Phone: 301 796–2773, Fax: 301 796–9899, E-mail: *david.eng@fda.hhs.gov.*

RIN: 0910–AF42

186. Over-the-Counter (OTC) Drug Review—Vaginal Contraceptive Products

Legal Authority: 21 U.S.C. 321p; 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 358; 21 U.S.C. 360; 21 U.S.C. 371; 21 U.S.C. 374; 21 U.S.C. 379e

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective and not misbranded. After a final monograph (i.e., final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. The proposed rule addresses vaginal contraceptive drug products.

Timetable:

Action	Date	FR Cite
Final Action (Warnings).	12/19/07	72 FR 71769
Withdrawn	03/11/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mary Chung, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 22, Room 5488, 10903 New Hampshire Avenue, Silver Spring, MD 20993, Phone: 301 796–0260, Fax: 301 796–9899, E-mail: *mary.chung@fda.hhs.gov.*

RIN: 0910–AF44

187. Over-the-Counter (OTC) Drug Review—Overindulgence In Food and Drink Products

Legal Authority: 21 U.S.C. 321p; 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 360; 21 U.S.C. 371

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective and not misbranded. After a final monograph (i.e., final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. This action addresses products containing bismuth subsalicylate for relief of symptoms of upset stomach due to overindulgence resulting from food and drink.

Timetable:

Action	Date	FR Cite
NPRM (Amendment).	01/05/05	70 FR 741
NPRM Comment Period End.	04/05/05	
Withdrawn	03/11/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mary Chung, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 22, Room 5488, 10903 New Hampshire Avenue, Silver Spring, MD 20993, Phone: 301 796–0260, Fax: 301 796–9899, E-mail: *mary.chung@fda.hhs.gov.*

RIN: 0910–AF51

188. Over-the-Counter (OTC) Drug Review—Antacid Products

Legal Authority: 21 U.S.C. 321p; 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 360; 21 U.S.C. 371

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally

recognized as safe and effective and not misbranded. After a final monograph (i.e., final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. One action addresses the labeling of products containing sodium bicarbonate as an active ingredient. The other action addresses the use of antacids to relieve upset stomach associated with overindulgence in food and drink.

Timetable:

Action	Date	FR Cite
Withdrawn	03/11/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mary Chung, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 22, Room 5488, 10903 New Hampshire Avenue, Silver Spring, MD 20993, Phone: 301 796–0260, Fax: 301 796–9899, E-mail: *mary.chung@fda.hhs.gov*.

RIN: 0910–AF52

189. Over-the-Counter (OTC) Drug Review—Skin Bleaching Products

Legal Authority: 21 U.S.C. 321p; 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 360; 21 U.S.C. 371

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective and not misbranded. After a final monograph (i.e., final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. This action addresses skin bleaching drug products containing hydroquinone.

Timetable:

Action	Date	FR Cite
NPRM	08/29/06	71 FR 51146
NPRM Comment Period End.	12/27/06	
Withdrawn	03/11/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: David Eng, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 22, Room 5487, 10903 New Hampshire Avenue, Silver Spring, MD 20993, Phone: 301 796–2773, Fax: 301 796–9899, E-mail: *david.eng@fda.hhs.gov*.

RIN: 0910–AF53

190. Over-the-Counter (OTC) Drug Review—Stimulant Drug Products

Legal Authority: 21 U.S.C. 321p; 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 360; 21 U.S.C. 371

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective and not misbranded. After a final monograph (i.e., final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. This action addresses the use of stimulant active ingredients to relieve symptoms associated with a hangover.

Timetable:

Action	Date	FR Cite
Withdrawn	03/11/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mary Chung, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 22, Room 5488, 10903 New Hampshire Avenue, Silver Spring, MD 20993, Phone: 301 796–0260, Fax: 301 796–9899, E-mail: *mary.chung@fda.hhs.gov*.

RIN: 0910–AF56

191. Over-the-Counter (OTC) Drug Review—Antidiarrheal Drug Products

Legal Authority: 21 U.S.C. 321p; 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 360; 21 U.S.C. 371

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective and not misbranded. After a final monograph (i.e., final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. These actions address new labeling for antidiarrheal drug products.

Timetable:

Action	Date	FR Cite
Withdrawn	03/11/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mary Chung, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 22, Room 5488, 10903 New Hampshire Avenue, Silver Spring, MD 20993, Phone: 301 796–0260, Fax: 301 796–9899, E-mail: *mary.chung@fda.hhs.gov*.

RIN: 0910–AF63

192. Over-the-Counter (OTC) Drug Review—Urinary Analgesic Drug Products

Legal Authority: 21 U.S.C. 321p; 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 360; 21 U.S.C. 371

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective and not misbranded. After a final monograph (i.e., final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. This action addresses the products used for urinary pain relief.

Timetable:

Action	Date	FR Cite
Withdrawn	03/11/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mary Chung, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 22, Room 5488, 10903 New Hampshire Avenue, Silver Spring, MD 20993, Phone: 301 796–0260, Fax: 301 796–9899, E-mail: *mary.chung@fda.hhs.gov*.

RIN: 0910–AF70

193. Over-the-Counter (OTC) Drug Review—Certain Category II Active Ingredients

Legal Authority: 21 U.S.C. 321p; 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 360; 21 U.S.C. 371

Abstract: The Food and Drug Administration (FDA) is proposing that certain ingredients in over-the-counter (OTC) drug products are not generally recognized as safe and effective or are misbranded. FDA issued this proposed rule because we did not receive any data and information on these ingredients in response to our request on December 31, 2003 (68 FR 75585). This rule will finalize the 2008 proposed rule.

Timetable:

Action	Date	FR Cite
NPRM	06/19/08	73 FR 34895
NPRM Comment Period End.	09/17/08	
Withdrawn	03/11/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: David Eng, Department of Health and Human Services, Food and Drug Administration, Center for Drug

Evaluation and Research, WO 22, Room 5487, 10903 New Hampshire Avenue, Silver Spring, MD 20993, Phone: 301 796–2773, Fax: 301 796–9899, E-mail: *david.eng@fda.hhs.gov*.

RIN: 0910–AF95

194. Food Labeling: Safe Handling Statements, Labeling of Shell Eggs; Refrigeration of Shell Eggs Held for Retail Distribution (Section 610 Review)

Legal Authority: 15 U.S.C. 1453 to 1455; 21 U.S.C. 321; 21 U.S.C. 331; 21 U.S.C. 342 and 343; 21 U.S.C. 348; 21 U.S.C. 371; 42 U.S.C. 243; 42 U.S.C. 264; 42 U.S.C. 271

Abstract: Section 101.17(h) (21 CFR 101.17(h)) describes requirements for the labeling of the cartons of shell eggs that have not been treated to destroy Salmonella microorganisms. Section 115.50 (21 CFR 115.50) describes requirements for refrigeration of shell eggs held for retail distribution. Section 16.5(a)(4) (21 CFR 16.5(a)(4)) provides that part 16 does not apply to a hearing on an order for relabeling, diversion, or destruction of shell eggs under section 361 of the Public Health Service Act (42 U.S.C. 264) and §§ 101.17(h) and 115.50. FDA amended 21 CFR 101.17(h) on August 20, 2007 (72 FR 46375) to permit the safe handling statement to appear on the inside lid of egg cartons to provide the industry greater flexibility in the placement of the statement, provided the words ''keep refrigerated'' appear on the principal display panel or information panel. FDA is undertaking a review of 21 CFR 101.17(h), 115.50, and 16.5(a)(4) under section 610 of the Regulatory Flexibility Act. The purpose of this review is to determine whether the regulations in §§ 101.17(h), 115.50 and 16.5(a)(4) should be continued without change, or whether they should be amended or rescinded, consistent with the stated objectives of applicable statutes, to minimize any significant economic impact on a substantial number of small entities. FDA will consider, and is soliciting comments on, the following: (1) The continued need for the rule; (2) the nature of complaints or comments received concerning the rule from the public; (3) the complexity of the rule; (4) the extent to which the rule overlaps, duplicates, or conflicts with other Federal rules, and, to the extent feasible, with State and local governmental rules; and (5) the length of time since the rule has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule.

Timetable:

Action	Date	FR Cite
Begin Review	12/15/09	
End Review	12/30/10	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Geraldine A. June, Supervisor, Product Evaluation and Labeling Team, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition, (HFS–820), 5100 Paint Branch Parkway, College Park, MD 20740, Phone: 301 436–1802, Fax: 301 436–2636, E-mail: *geraldine.june@fda.hhs.gov*.

RIN: 0910–AG06

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Centers for Medicare & Medicaid Services (CMS)

Prerule Stage

195. • Five Year Review of Work Relative Value Units Under the Physician Fee Schedule (CMS–1582–PN)

Legal Authority: SSA, sec 1848(c)(2)(B)(i)

Abstract: This proposed notice sets forth proposed revisions to work relative value units (RVUs) affecting payment for physicians' services. The Act requires that we review RVUs no less than every five years. The revised values will be finalized in the CY 2012 Physician Fee Schedule final rule and will be effective for services furnished beginning January 1, 2012.

Timetable:

Action	Date	FR Cite
Notice	06/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Rebecca Cole, Health Insurance Specialist, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Mail Stop: C4–03–06, 7500 Security Boulevard, Baltimore, MD 21244, Phone: 410 786–1589, E-mail: *rebecca.cole@cms.hhs.gov*.

RIN: 0938–AQ87

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Centers for Medicare & Medicaid Services (CMS)

Proposed Rule Stage

196. Home Health Agency (HHA) Conditions of Participation (COPS) (CMS–3819–P) (Section 610 Review)

Legal Authority: 42 U.S.C. 1302; 42 U.S.C. 1395x; 42 U.S.C. 1395cc(a); 42 U.S.C. 1395hh; 42 U.S.C. 1395bb

Abstract: This proposed rule would revise the existing Conditions of Participation (CoPs) that Home Health Agencies (HHAs) must meet to participate in the Medicare program. The CoPs were last revised in 1989. The new requirements will focus on the actual care delivered to patients by HHAs, reflect an interdisciplinary view of patient care, allow HHAs greater flexibility in meeting quality standards, and eliminate unnecessary procedural requirements. These changes are an integral part of our efforts to achieve broad-based improvements and measurements of the quality of care furnished through federal programs while at the same time reducing procedural burdens on providers.

Timetable:

Action	Date	FR Cite
NPRM	03/10/97	62 FR 11005
NPRM Comment Period End.	06/09/97	
Second NPRM	09/00/11	

Regulatory Flexibility Analysis Required: Undetermined.

Agency Contact: Danielle Shearer, Health Insurance Specialist, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Clinical Standards & Quality, Mail Stop S3–02–01, 7500 Security Boulevard, Baltimore, MD 21244, Phone: 410 786–6617, E-mail: *danielle.shearer@cms.hhs.gov*.

RIN: 0938–AG81

197. Influenza Vaccination Standard for Certain Medicare Participating Providers and Suppliers (CMS–3213–P)

Legal Authority: Social Security Act secs 1881, 1861, 1102, 1871

Abstract: This proposed rule would require certain Medicare and Medicaid providers and suppliers to offer all patients an annual influenza vaccination, unless medically contraindicated or unless the patient or patient's representative or surrogate declined vaccination. This proposed rule is intended to increase the number of patients receiving annual vaccination against seasonal influenza and to

decrease the morbidity and mortality rate from influenza. This proposed rule would also require certain providers and suppliers to develop policies and procedures that would allow them to offer vaccinations for pandemic influenza in case of a future pandemic influenza event for which a vaccine may be developed.

Timetable:

Action	Date	FR Cite
NPRM	06/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Lauren Oviatt, Health Insurance Specialist, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Mail Stop S3–02–01, 7500 Security Boulevard, Baltimore, MD 21244, Phone: 410 786–4683, E-mail: *lauren.oviatt@cms.hhs.gov*.

RIN: 0938–AP92

198. Hospital Conditions of Participation: Requirements for Hospital Inpatient Psychiatric and Rehabilitation Units Excluded From the Prospective Payment System and Ltch Requirements (CMS–3177–P)

Legal Authority: 42 U.S.C. 1385 X; 42 U.S.C. 1396 d; 42 U.S.C. 1395 hh

Abstract: This rule proposes requirements for inpatient psychiatric units and inpatient rehabilitation facilities under the hospital conditions of participation (CoPs). This would allow accrediting organizations to deem these units as part of their hospital accreditation process providing a timely and cost effective survey and certification process under the CoPs. In addition, this rule would propose long term care hospital requirements mandated by the Medicare, Medicaid and SCHIP Extension Act of 2007.

Timetable:

Action	Date	FR Cite
NPRM	09/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Capt. Katherine Berkhousen, Health Insurance Specialist, Department of Health and Human Services, Centers for Medicare & Medicaid Services, 7500 Security Boulevard, Mail Stop S3–02–01, Baltimore, MD 21244, Phone: 410 786–1154, E-mail: *katherine.berkhousen@cms.hhs.gov*.

Jeannie Miller, Department of Health and Human Services, Centers for Medicare & Medicaid Services, 7500 Security Boulevard, Baltimore, MD 21244, Phone: 410 786–3164, E-mail: *jeannie.miller@cms.hhs.gov*.

RIN: 0938–AP97

199. Proposed Changes to the Hospital Inpatient Prospective Payment Systems for Acute Care Hospitals and FY 2012 Rates and to the Long-Term Care Hospital PPS and FY 2012 Rates (CMS–1518–P)

Legal Authority: sec 1886(d) of the Social Security Act; Pub. L. 111–148

Abstract: This annual major proposed rule would revise the Medicare hospital inpatient and long-term care hospital prospective payment systems for operating and capital-related costs. This proposed rule would implement changes arising from our continuing experience with these systems.

Timetable:

Action	Date	FR Cite
NPRM	06/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: AnKit Patel, Health Insurance Specialist, Division of Acute Care, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Hospital and Ambulatory Policy Group, Mail Stop, C4–25–11, 7500 Security Boulevard, Baltimore, MD 21244, Phone: 410 786–4537, E-mail: *ankit.patel@cms.hhs.gov*.

RIN: 0938–AQ24

200. Changes to the Hospital Outpatient Prospective Payment System and Ambulatory Surgical Center Payment System for CY 2012 (CMS–1525–P)

Legal Authority: Social Security Act, sec 1833; Pub. L. 111–148

Abstract: This proposed rule would revise the Medicare hospital outpatient prospective payment system to implement applicable statutory requirements and changes arising from our continuing experience with this system. The proposed rule also describes changes to the amounts and factors used to determine payment rates for services. In addition, the rule proposes changes to the Ambulatory Surgical Center Payment System list of services and rates.

Timetable:

Action	Date	FR Cite
NPRM	07/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Paula Smith, Health Insurance Specialist, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Mail Stop, C5–01–26, 7500 Security Boulevard, Baltimore, MD 21244, Phone: 410 786–7809, E-mail: *paula.smith@cms.hhs.gov*.

RIN: 0938–AQ26

201. Changes to the ESRD Prospective Payment System For Cy 2012 & Quality Incentives Program For CY 2013 (CMS–1577–P)

Legal Authority: Sec 1881 of the Social Security Act

Abstract: This major proposed rule would update the bundled payment system for End Stage Renal Disease (ESRD) facilities by January 1, 2012. The rule would also update the Quality Incentives in the ESRD Program.

Timetable:

Action	Date	FR Cite
NPRM	06/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Janet Samen, Director, Division of Chronic Care Management, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Mail Stop C5–05–27, 7500 Security Boulevard, Baltimore, MD 21244, Phone: 410 786–4533, E-mail: *janet.samen@cms.hhs.gov*.

RIN: 0938–AQ27

202. • Medicaid Program Integrity: Registration Of Billing Agents, Clearing Houses, Or Other Alternate Payees (CMS–2365–P)

Legal Authority: 42 U.S.C. 1396a(a)(79) Social Security Act; Pub. L. 111–148, sec 6503

Abstract: This proposed rule would require any agent, clearinghouse, or other alternate payee that submits claims on behalf of a health care provider to register with the State and the Secretary in a form and manner specified by the Secretary.

Timetable:

Action	Date	FR Cite
NPRM	10/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Richard Friedman, Director, Division of State Systems, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Mail Stop S3–18–13, 7500 Security Boulevard, Baltimore, MD 21244, Phone: 410 786–4451, E-mail: *richard.friedman@cms.hhs.gov*.

RIN: 0938–AQ61

203. • Medicaid Eligibility Expansion Under the Affordable Care Act of 2010 (CMS–2349–P)

Legal Authority: Pub. L. 111–148, secs 1413, 2001, 2002, 2201

Abstract: The Affordable Care Act authorizes a major Medicaid expansion to individuals who are under 65, not pregnant, not receiving Medicare and not eligible for other mandatory eligibility categories. This proposed rule would set forth policies for Medicaid expansion including household income and household composition, coordination with Exchanges, simplifying and streamlining Medicaid eligibility determinations.

Timetable:

Action	Date	FR Cite
NPRM	06/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Sarah DeLone, Health Insurance Specialist, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Mail Stop S2–01–16, 7500 Security Boulevard, Baltimore, MD 21244, Phone: 410 786–0615, E-mail: *sarah.delone@cms.hhs.gov*.

RIN: 0938–AQ62

204. • Payments for Primary Care Services Under the Medicaid Program (CMS–2370–P)

Legal Authority: Pub. L. 111–152, sec 1202

Abstract: This regulation implements section 1202 of the Health Care and Education Reconciliation Act of 2010, which increases Medicaid payments for certain primary care services provided in 2013 and 2014. The increased payments pertain to services provided by a physician with a specialty designation of family medicine, general internal medicine, and pediatric medicine. States must pay for these services at a rate equal to or greater than the rate paid under Medicare Part B. Rates in Medicaid managed care must be consistent with these minimum payment rates. The FMAP to states for such services will equal 100% for the portion of cost for such primary care services, which is comprised of the difference between the Medicare Part B rate and the amount applicable in the State Plan as of July 1, 2009.

Timetable:

Action	Date	FR Cite
NPRM	10/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Cherly Powell, Health Insurance Specialist, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Mail Stop S2–01–16, 7500 Security Boulevard, Baltimore, MD 21244, Phone: 410 786–9239, E-mail: *cherly.powell@cms.hhs.gov*.

RIN: 0938–AQ63

205. • Medicare and Medicaid Electronic Health Record Incentive Program—Stage 2 (CMS–0044–P)

Legal Authority: Pub. L. 111–5 secs 4101, 4102, and 4202

Abstract: The final rule for the Medicare and Medicaid EHR Incentive Programs, which was published in the **Federal Register** on July 28, 2010, specifies that CMS will expand on the criteria for meaningful use established for Stage 1 to advance the use of certified EHR technology by eligible professionals (EPs), eligible hospitals and critical access hospitals (CAHs). This proposed rule would establish the requirements for Stage 2. As stated in the July 28 final rule, ''Our goals for the Stage 2 meaningful use criteria, consistent with other provisions of Medicare and Medicaid law, expand upon the Stage 1 criteria to encourage the use of health IT for continuous quality improvement at the point of care and the exchange of information in the most structured format possible, such as the electronic transmission of orders entered using computerized provider order entry (CPOE) and the electronic transmission of diagnostic test results.''

Timetable:

Action	Date	FR Cite
NPRM	01/00/12	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Elizabeth Holland, Director, Health Initiatives Group/Office of e–Health Standards and Services, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Mail Stop S2–26–17, 7500 Security Boulevard, Baltimore, MD 21244, Phone: 410 786–1309, E-mail: *elizabeth.holland@cms.hhs.gov*.

RIN: 0938–AQ84

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Centers for Medicare & Medicaid Services (CMS)

Final Rule Stage

206. Enhanced Federal Funding For Medicaid Eligibility Determination and Enrollment Activities (CMS–2346–F)

Legal Authority: Pub. L. 111–148, sec 1413

Abstract: The Affordable Care Act requires States' residents to apply, enroll, receive determinations, and participate in the State health subsidy programs known as ''the Exchange''. The Affordable Care Act requires many changes to State eligibility and enrollment systems and each State is responsible for developing a secure, electronic interface allowing the exchange of data. Existing legacy eligibility systems are not able to implement the numerous requirements. This rule is key to informing States about the higher rates that CMS will provide to help them update or build legacy eligibility systems that meet the ACA requirements.

Timetable:

Action	Date	FR Cite
NPRM	11/08/10	75 FR 68583
NPRM Comment Period End.	01/07/11	
Final Action	06/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Richard H. Friedman, Director, Division of State Systems, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Mail Stop S3–18–13, 7500 Security Boulevard, Baltimore, MD 21244, Phone: 410 786–4451, E-mail: *richard.friedman@cms.hhs.gov*.

RIN: 0938–AQ53

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Centers for Medicare & Medicaid Services (CMS)

Long-Term Actions

207. Requirements for Long-Term Care Facilities: Hospice Services (CMS–3140–F) (Section 610 Review)

Legal Authority: 42 U.S.C. 1302; 42 U.S.C. 1395hh

Abstract: This rule establishes that in order to participate in the Medicare and Medicaid programs, long-term care facilities must have an agreement with hospice agencies when hospice care is

provided in a long-term care facility. The rule also contains quality of care requirements.

Timetable:

Action	Date	FR Cite
NPRM	10/22/10	75 FR 65282
NPRM Comment Period End.	12/21/10	
Final Action	10/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kadie Thomas, Health Insurance Specialist, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Office of Clinical Standards and Quality, Mail Stop S3–02–01, 7500 Security Boulevard, Baltimore, MD 21244, Phone: 410 786–0468, E-mail: *kadie.thomas@cms.hhs.gov*.

Mary Collins, Health Insurance Specialist, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Office of Clinical Standards and Quality, Mail Stop S3–02–01, 7500 Security Boulevard, Baltimore, MD 21244, Phone: 410 786–3189, E-mail: *mary.collins@cms.hhs.gov*.

RIN: 0938–AP32

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Centers for Medicare & Medicaid Services (CMS)

Completed Actions

208. Amendment to Payment Policies Under the Physician Fee Schedule and Part B for CY 2011 (CMS–1503–F2)

Legal Authority: Social Security Act, sec 1102; Social Security Act, sec 1871; Pub. L. 111–148

Abstract: This amends the ''Medicare Program; Payment Policies Under the Physician Fee Schedule and Other Revisions to Part B for CY 2011'' that appeared in the November 29, 2010, **Federal Register**.

Timetable:

Action	Date	FR Cite
NPRM	07/13/10	75 FR 40040
NPRM Comment Period End.	09/24/10	
Final Action	11/29/10	75 FR 73169
2nd Final Action ..	01/10/11	76 FR 1366

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Carol Bazell, Director, Division of Practitioner Services, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Mail Stop C4–03–06, 7500 Security Boulevard, Baltimore, MD 21244, Phone: 410 786–6960, E-mail: *carol.bazell@cms.hhs gov*.

RIN: 0938–AP79

209. Changes to the Hospital Outpatient Prospective Payment System and Ambulatory Surgical Center Payment System For CY 2011 (CMS–1504–FC)

Legal Authority: sec 1833 of the Social Security Act; BBA, BA, BIPA, MMA, Pub. L. 111.148

Abstract: This final rule revises the Medicare hospital outpatient prospective payment system to implement applicable statutory requirements and changes arising from our continuing experience with this system. The rule also describes changes to the amounts and factors used to determine payment rates for services. In addition, the rule changes the Ambulatory Surgical Center Payment System list of services and rates.

Timetable:

Action	Date	FR Cite
NPRM	08/03/10	75 FR 46169
NPRM Comment Period End.	08/31/10	
Final Action	11/24/10	75 FR 71800

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Alberta Dwivedi, Health Insurance Specialist, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Mail Stop C5–01–26, 7500 Security Boulevard, Baltimore, MD 21244, Phone: 410 786–0763, E-mail: *alberta.dwivedi@cms.hhs.gov*.

RIN: 0938–AP82

210. • Section 508 Hospitals—Medicare and Medicaid Extenders Act of 2010 Changes (CMS–1357–N)

Legal Authority: MMEA, Sec 102

Abstract: Section 102 of the Medicare and Medicaid Extenders Act of 2010 extends section 508 of the Medicare Modernization Act of 2003 (MMA) and certain additional special exception hospital reclassifications from October 1, 2010, through September 30, 2011. Effective April 1, 2011, section 102 also requires removing section 508 and special exception hospitals' wage data from the calculation of the reclassified wage index if doing so raises the reclassified wage index. All hospitals affected by section 102 will be assigned an individual special wage index effective April 1, 2011. If the section 508 or special exception hospital's wage index applicable for the period beginning on October 1, 2010, and ending on March 31, 2011, is lower than for the period beginning on April 1, 2011, and ending on September 30, 2011, the hospital will be paid an additional amount that reflects the difference between the wage indices. The provision applies to both inpatient and outpatient hospital payments, although the implementation timeframe differs for outpatient hospital payments.

Timetable:

Action	Date	FR Cite
Notice	04/07/11	76 FR 19365

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brian Slater, Health Insurance Specialist, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Mail Stop C4–07–07, 7500 Security Boulevard, Baltimore, MD 21244, Phone: 410 786–5229, E-mail: *brian.slater@cms.hhs.gov*.

RIN: 0938–AQ97

[FR Doc. 2011–15487 Filed 7–6–11; 8:45 am]

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FEDERAL REGISTER

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Part IX

Department of Homeland Security

Semiannual Regulatory Agenda

DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

6 CFR Chs. I and II

[DHS Docket No. OGC–RP–04–001]

Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: Office of the Secretary, DHS.

ACTION: Semiannual regulatory agenda.

SUMMARY: This regulatory agenda is a semiannual summary of all current and projected rulemakings, existing regulations, and completed actions of the Department of Homeland Security (DHS) and its components. This agenda provides the public with information about DHS' regulatory activity. DHS expects that this information will enable the public to be more aware of, and effectively participate in, the Department's regulatory activity. DHS invites the public to submit comments on any aspect of this agenda.

FOR FURTHER INFORMATION CONTACT:

General

Please direct general comments and inquiries on the agenda to the Regulatory Affairs Law Division, Office of the General Counsel, U.S. Department of Homeland Security, 245 Murray Lane, Mail Stop 0485, Washington, DC 20528–0485.

Specific

Please direct specific comments and inquiries on individual regulatory actions identified in this agenda to the individual listed in the summary of the regulation as the point of contact for that regulation.

SUPPLEMENTARY INFORMATION: DHS provides this notice pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–354, September 19, 1980) and Executive Order 12866, ''Regulatory Planning and Review'' (September 30, 1993), which require the Department to publish a semiannual agenda of regulations. The regulatory agenda is a summary of all current and projected rulemakings, as well as actions completed since the publication of the last regulatory agenda for the Department. DHS' last semiannual regulatory agenda was published on December 20, 2010, at 75 FR 79788.

Beginning in the fall 2007, the Internet became the basic means for disseminating the Unified Agenda. The complete Unified Agenda is available online at *www.reginfo.gov*.

The Regulatory Flexibility Act (5 U.S.C. 602) requires federal agencies to publish their regulatory flexibility agenda in the **Federal Register**. A regulatory flexibility agenda shall contain, among other things, ''a brief description of the subject area of any rule * * * which is likely to have a significant economic impact on a substantial number of small entities.'' DHS' printed agenda entries include regulatory actions that are in the Department's regulatory flexibility agenda. Printing of these entries is limited to fields that contain information required by the agenda provisions of the Regulatory Flexibility Act. Additional information on these entries is available in the Unified Agenda published on the Internet.

The semiannual agenda of the Department conforms to the Unified Agenda format developed by the Regulatory Information Service Center.

Dated: February 23, 2011.

Christina E. McDonald,

Acting Associate General Counsel for Regulatory Affairs.

U.S. CITIZENSHIP AND IMMIGRATION SERVICES—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
211	Registration Requirement for Petitioners Seeking To File H–1B Petitions on Behalf of Aliens Subject to Numerical Limitations.	1615–AB71
212	Commonwealth of the Northern Mariana Islands Transitional Worker Classification	1615–AB76

U.S. CITIZENSHIP AND IMMIGRATION SERVICES—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
213	E–2 Nonimmigrant Status for Aliens in the Commonwealth of the Northern Mariana Islands With Long-Term Investor Status.	1615–AB75

U.S. COAST GUARD—PRERULE STAGE

Sequence No.	Title	Regulation Identifier No.
214	Claims Procedures Under the Oil Pollution Act of 1990 (USCG–2004–17697)	1625–AA03

U.S. COAST GUARD—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
215	Numbering of Undocumented Barges	1625–AA14
216	Inspection of Towing Vessels	1625–AB06
217	Updates to Maritime Security	1625–AB38

U.S. COAST GUARD—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
218	Standards for Living Organisms in Ships' Ballast Water Discharged in U.S. Waters	1625–AA32

U.S. COAST GUARD—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
219	Commercial Fishing Industry Vessels	1625–AA77

U.S. COAST GUARD—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
220	Passenger Weight and Inspected Vessel Stability Requirements	1625–AB20

U.S. CUSTOMS AND BORDER PROTECTION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
221	Importer Security Filing and Additional Carrier Requirements	1651–AA70

TRANSPORTATION SECURITY ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
222	Aircraft Repair Station Security	1652–AA38

TRANSPORTATION SECURITY ADMINISTRATION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
223	Modification of the Aviation Security Infrastructure Fee (ASIF) (Market Share)	1652–AA43

DEPARTMENT OF HOMELAND SECURITY (DHS)

U.S. Citizenship and Immigration Services (USCIS)

Final Rule Stage

211. Registration Requirement for Petitioners Seeking To File H–1B Petitions on Behalf of Aliens Subject to Numerical Limitations

Legal Authority: 8 U.S.C. 1184(g)

Abstract: The Department of Homeland Security is proposing to amend its regulations governing petitions filed on behalf of alien workers subject to annual numerical limitations. This rule proposes an electronic registration program for petitions subject to numerical limitations for the H–1B nonimmigrant classification. This action is necessary because the demand for H–1B specialty occupation workers by U.S. companies generally exceeds the numerical limitation. This rule is intended to allow USCIS to more efficiently manage the intake and lottery process for these H–1B petitions.

Timetable:

Action	Date	FR Cite
NPRM	03/03/11	76 FR 11686
NPRM Comment Period End.	05/02/11	
Final Rule	04/00/12	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Susan Arroyo, Chief of Staff, Department of Homeland Security, U.S. Citizenship and Immigration Services, 20 Massachusetts Avenue, NW., Washington, DC 20529, Phone: 202 272–1094, Fax: 202 272–1543, E-mail: *susan.arroyo@dhs.gov*.

RIN: 1615–AB71

212. Commonwealth of the Northern Mariana Islands Transitional Worker Classification

Legal Authority: (Pub. L. 110–229)

Abstract: This final rule amends Department of Homeland Security regulations to create and establish procedures for a new, temporary, Commonwealth of the Northern Mariana Islands (CNMI)-only transitional worker classification (CW classification). This final rule implements the CNMI transitional worker provisions of the Consolidated Natural Resources Act of 2008 (CNRA), extending the immigration laws of the United States to the CNMI. The transitional worker program is intended to provide for an orderly transition from the CNMI permit system to the U.S. Federal immigration system under the Immigration and Nationality Act (INA). A CW transitional worker is an alien worker who is ineligible for another classification under the INA and who

performs services or labor for an employer in the CNMI. The CNRA imposes a 5-year transition period before the INA requirements become fully applicable in the CNMI. The new CW classification will be in effect for the duration of that transition period, unless extended by the Secretary of Labor. The rule also establishes employment authorization incident to CW status.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/27/09	74 FR 55094
Interim Final Rule Comment Period End.	11/27/09	
Interim Final Rule Comment Period End Extended.	12/09/09	74 FR 64997
Interim Final Rule Comment Period End.	01/08/10	
Final Action	06/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kevin J. Cummings, Chief of Business and Foreign Workers Division, Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Policy and Strategy, 20 Massachusetts Avenue, NW., Washington, DC 20529–2140, Phone: 202 272–1470, Fax: 202 272–1480, E-mail: *kevin.cummings@dhs.gov*.

RIN: 1615–AB76

DEPARTMENT OF HOMELAND SECURITY (DHS)

U.S. Citizenship and Immigration Services (USCIS)

Completed Actions

213. E–2 Nonimmigrant Status for Aliens in the Commonwealth of the Northern Mariana Islands With Long-Term Investor Status

Legal Authority: 8 U.S.C. 1101 to 1103; 8 U.S.C. 1182; 8 U.S.C. 1184; 8 U.S.C. 1186a

Abstract: This final rule amends Department of Homeland Security regulations governing E–2 nonimmigrant treaty investors to establish procedures for classifying long-term investors in the Commonwealth of the Northern Mariana Islands (CNMI) as E–2 nonimmigrants. This final rule implements the CNMI nonimmigrant investor visa provisions of the Consolidated Natural Resources Act of 2008, extending the immigration laws of the United States to the CNMI.

Timetable:

Action	Date	FR Cite
NPRM	09/14/09	74 FR 46938
NPRM Comment Period End.	10/14/09	
Final Action	12/20/10	75 FR 79264
Final Action Effective.	01/19/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kevin J. Cummings, Chief of Business and Foreign Workers Division, Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Policy and Strategy, 20 Massachusetts Avenue NW., Washington, DC 20529–2140, Phone: 202 272–1470, Fax: 202 272–1480, E-mail: *kevin.cummings@dhs.gov.*

RIN: 1615–AB75

DEPARTMENT OF HOMELAND SECURITY (DHS)

U.S. Coast Guard (USCG)

Prerule Stage

214. Claims Procedures Under the Oil Pollution Act of 1990 (USCG–2004–17697)

Legal Authority: 33 U.S.C. 2713 and 2714

Abstract: This rulemaking implements section 1013 (Claims Procedures) and section 1014 (Designation of Source and Advertisement) of the Oil Pollution Act of 1990 (OPA). An interim rule was published in 1992, and provides the basic requirements for the filing of claims for uncompensated removal costs or damages resulting from the discharge of oil, for the designation of the sources of the discharge, and for the advertisement of where claims are to be filed. The interim rule also includes the processing of natural resource damage (NRD) claims. The NRD claims, however, were not processed until September 25, 1997, when the Department of Justice issued an opinion that the Oil Spill Liability Trust Fund (OSLTF) is available, without further appropriation, to pay trustee NRD claims under the general claims provisions of OPA 90, 33 U.S.C. 2712(a)(4). This rulemaking supports the Coast Guard's broad role and responsibility of maritime stewardship.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/12/92	57 FR 36314
Correction	09/09/92	57 FR 41104
Interim Final Rule Comment Period End.	12/10/92	
Notice of Inquiry ..	08/00/11	
Supplemental NPRM.	12/00/12	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Benjamin White, Project Manager, National Pollution Funds Center, Department of Homeland Security, U.S. Coast Guard, NPFC MS 7100, United States Coast Guard, 4200 Wilson Boulevard, Arlington, VA 20598–7100, Phone: 202 493–6863, E-mail: *benjamin.h.white@uscg.mil.*

RIN: 1625–AA03

DEPARTMENT OF HOMELAND SECURITY (DHS)

U.S. Coast Guard (USCG)

Proposed Rule Stage

215. Numbering of Undocumented Barges

Legal Authority: 46 U.S.C. 12301

Abstract: Title 46 U.S.C. 12301, as amended by the Abandoned Barge Act of 1992, requires that all undocumented barges of more than 100 gross tons operating on the navigable waters of the United States be numbered. This rulemaking would establish a numbering system for these barges. The numbering of undocumented barges will allow identification of owners of barges found abandoned and help prevent future marine pollution. This rulemaking supports the Coast Guard's broad role and responsibility of maritime stewardship.

Timetable:

Action	Date	FR Cite
Request for Comments.	10/18/94	59 FR 52646
Comment Period End.	01/17/95	
ANPRM	07/06/98	63 FR 36384
ANPRM Comment Period End.	11/03/98	
NPRM	01/11/01	66 FR 2385
NPRM Comment Period End.	04/11/01	
NPRM Reopening of Comment Period.	08/12/04	69 FR 49844
NPRM Comment Period End.	11/10/04	
Supplemental NPRM.	09/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Denise Harmon, Project Manager, Department of Homeland Security, U.S. Coast Guard, National Vessel Documentation Center,

792 T.J. Jackson Drive, Falling Waters, WV 25419, Phone: 304 271–2506.

RIN: 1625–AA14

216. Inspection of Towing Vessels

Legal Authority: 46 U.S.C. 3103; 46 U.S.C. 3301; 46 U.S.C. 3306; 46 U.S.C. 3308; 46 U.S.C. 3316; 46 U.S.C. 3703; 46 U.S.C. 8104; 46 U.S.C. 8904; DHS Delegation No 0170.1

Abstract: This rulemaking would implement a program of inspection for certification of towing vessels, which were previously uninspected. It would prescribe standards for safety management systems and third-party auditors and surveyors, along with standards for construction, operation, vessel systems, safety equipment, and recordkeeping.

Timetable:

Action	Date	FR Cite
NPRM	07/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael Harmon, Program Manager, CG–5222, Department of Homeland Security, U.S. Coast Guard, 2100 2nd Street SW., STOP 7126, Washington, DC 20593–7126, Phone: 202 372–1427, E-mail: *michael.j.harmon@uscg.mil.*

RIN: 1625–AB06

217. Updates to Maritime Security

Legal Authority: 33 U.S.C. 1226; 33 U.S.C. 1231; 46 U.S.C. ch 701; 50 U.S.C. 191 and 192; EO 12656; 3 CFR 1988 Comp p 585; 33 CFR 1.05–1; 33 CFR 6.04–11; 33 CFR 6.14; 33 CFR 6.16; 33 CFR 6.19; DHS Delegation No 0170.1

Abstract: The Coast Guard proposes certain additions, changes, and amendments to 33 CFR, subchapter H. Subchapter H is comprised of parts 101 thru 106. Subchapter H implements the major provisions of the Maritime Transportation Security Act of 2002. This rulemaking is the first major revision to subchapter H. The proposed changes would further enhance the security of our Nation's ports, vessels, facilities, and Outer Continental Shelf facilities and incorporate requirements from legislation implemented since the original publication of these regulations in 2003. This rulemaking has international interest because of the close relationship between subchapter H and the International Ship and Port Security Code (ISPS).

Timetable:

Action	Date	FR Cite
NPRM	07/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: LCDR Loan O'Brien, Project Manager, Department of Homeland Security, U.S. Coast Guard, Commandant, (CG–5442), 2100 2nd Street SW., STOP 7581, Washington, DC 20593–7581, Phone: 877 687–2243, Fax: 202 372–1906, E-mail: *loan.t.o'brien@uscg.mil.*

RIN: 1625–AB38

DEPARTMENT OF HOMELAND SECURITY (DHS)

U.S. Coast Guard (USCG)

Final Rule Stage

218. Standards for Living Organisms in Ships' Ballast Water Discharged in U.S. Waters

Legal Authority: 16 U.S.C. 4711

Abstract: This rulemaking adds performance standards to 33 CFR part 151, subparts C and D, for discharges of ballast water. It supports the Coast Guard's broad roles and responsibilities of maritime safety and maritime stewardship. This project is economically significant.

Timetable:

Action	Date	FR Cite
ANPRM	03/04/02	67 FR 9632
ANPRM Comment Period End.	06/03/02	
NPRM	08/28/09	74 FR 44632
Public Meeting	09/14/09	74 FR 46964
Public Meeting	09/22/09	74 FR 48190
Public Meeting	09/28/09	74 FR 49355
Notice—Extension of Comment Period.	10/15/09	74 FR 52941
Public Meeting	10/22/09	74 FR 54533
Public Meeting Correction.	10/26/09	74 FR 54944
NPRM Comment Period End.	12/04/09	74 FR 52941
Final Rule	07/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mr. John C Morris, Project Manager, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., STOP 7126, Washington, DC 20593–7126, Phone: 202 372–1433, E-mail: *john.c.morris@uscg.mil.*

RIN: 1625–AA32

DEPARTMENT OF HOMELAND SECURITY (DHS)

U.S. Coast Guard (USCG)

Long-Term Actions

219. Commercial Fishing Industry Vessels

Legal Authority: 46 U.S.C. 4502(a) to 4502(d); 46 U.S.C. 4505 and 4506; 46 U.S.C. 6104; 46 U.S.C. 10603; DHS Delegation No. 0170.1(92)

Abstract: This rulemaking would amend commercial fishing industry vessel requirements to enhance maritime safety. Commercial fishing remains one of the most dangerous industries in America. The Commercial Fishing Industry Vessel Safety Act of 1988 (''the Act,'' codified in 46 U.S.C. chapter 45) gives the Coast Guard regulatory authority to improve the safety of vessels operating in that industry. Although significant reductions in industry deaths were recorded after the Coast Guard issued its initial rules under the Act in 1991, we believe more deaths and serious injury can be avoided through compliance with new regulations in the following areas: Vessel stability and watertight integrity, vessel maintenance and safety equipment including crew immersion suits, crew training and drills, and improved documentation of regulatory compliance.

Timetable:

Action	Date	FR Cite
ANPRM	03/31/08	73 FR 16815
ANPRM Comment Period End.	12/15/08	
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jack Kemerer, Project Manager, CG–5433, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593, Phone: 202 372–1249, E-mail: *jack.a.kemerer@uscg.mil.*

RIN: 1625–AA77

DEPARTMENT OF HOMELAND SECURITY (DHS)

U.S. Coast Guard (USCG)

Completed Actions

220. Passenger Weight and Inspected Vessel Stability Requirements

Legal Authority: 33 U.S.C. 1321(j); 43 U.S.C. 1333; 46 U.S.C. 2103; 46 U.S.C. 2113; 46 U.S.C. 3205; 46 U.S.C. 3301; 46

U.S.C. 3306; 46 U.S.C. 3307; 46 U.S.C. 3703; 46 U.S.C. 5115; 46 U.S.C. 6101; 49 U.S.C. App 1804; EO 11735; EO 12234; DHS Delegation No 0170.1; Pub. L. 103–206, 107 Stat 2439

Abstract: The Coast Guard proposes developing a rule that addresses both the stability calculations and the environmental operating requirements for certain domestic passenger vessels. The proposed rule would address the outdated per-person weight averages that are currently used in stability calculations for certain domestic passenger vessels. In addition, the proposed rule would add environmental operating requirements for domestic passenger vessels that could be adversely affected by sudden inclement weather. This rulemaking would increase passenger safety by significantly reducing the risk of certain types of passenger vessels capsizing due to either passenger overloading or operating these vessels in hazardous weather conditions. This rulemaking would support the Coast Guard's broad role and responsibility of maritime safety.

Timetable:

Action	Date	FR Cite
NPRM	08/20/08	73 FR 49244
NPRM Comment Period End.	11/18/08	
NPRM Comment Period Re-opened.	12/08/08	73 FR 74426
NPRM Comment Period End.	02/06/09	
NPRM Comment Period Re-opened.	02/18/09	74 FR 7576
NPRM Comment Period End.	03/20/09	
Final Rule	12/14/10	75 FR 78064

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: William Peters, Program Manager, Office of Design and Engineering Standards, Systems Engineering Division (CG–5212), Department of Homeland Security, U.S. Coast Guard, 2100 2nd Street SW., STOP 7126, Washington, DC 20593–7126, Phone: 202 372–1371, E-mail: *william.s.peters@uscg.mil*.

RIN: 1625–AB20

DEPARTMENT OF HOMELAND SECURITY (DHS)

U.S. Customs and Border Protection (USCBP)

Final Rule Stage

221. Importer Security Filing and Additional Carrier Requirements

Legal Authority: Pub. L. 109–347, sec 203; 5 U.S.C. 301; 19 U.S.C. 66; 19 U.S.C. 1431; 19 U.S.C. 1433 to 1434; 19 U.S.C. 1624; 19 U.S.C. 2071 note; 46 U.S.C. 60105

Abstract: This interim final rule implements the provisions of section 203 of the Security and Accountability for Every Port Act of 2006. It amends CBP Regulations to require carriers and importers to provide to CBP, via a CBP-approved electronic data interchange system, information necessary to enable CBP to identify high-risk shipments to prevent smuggling and insure cargo safety and security. Under the rule, importers and carriers must submit specified information to CBP before the cargo is brought into the United States by vessel. This advance information will improve CBP's risk assessment and targeting capabilities, assist CBP in increasing the security of the global trading system, and facilitate the prompt release of legitimate cargo following its arrival in the United States.

Timetable:

Action	Date	FR Cite
NPRM	01/02/08	73 FR 90
NPRM Comment Period End.	03/03/08	
NPRM Comment Period Extended.	02/01/08	73 FR 6061
NPRM Comment Period End.	03/18/08	
Interim Final Rule	11/25/08	73 FR 71730
Interim Final Rule Effective.	01/26/09	
Interim Final Rule Comment Period End.	06/01/09	
Correction	07/14/09	74 FR 33920
Correction	12/24/09	74 FR 68376
Final Action	08/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Richard DiNucci, Department of Homeland Security, U.S. Customs and Border Protection, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229, Phone: 202 344–2513, E-mail: *richard.dinucci@dhs.gov*.

RIN: 1651–AA70

DEPARTMENT OF HOMELAND SECURITY (DHS)

Transportation Security Administration (TSA)

Final Rule Stage

222. Aircraft Repair Station Security

Legal Authority: 49 U.S.C. 114; 49 U.S.C. 44924

Abstract: The Transportation Security Administration (TSA) proposed to add a new regulation to improve the security of domestic and foreign aircraft repair stations, as required by the section 611 of Vision 100—Century of Aviation Reauthorization Act and section 1616 of the 9/11 Commission Act of 2007. The regulation proposed general requirements for security programs to be adopted and implemented by repair stations certificated by the Federal Aviation Administration (FAA). A notice of proposed rulemaking (NPRM) was published in the **Federal Register** on November 18, 2009, requesting public comments to be submitted by January 19, 2010. The comment period was extended to February 19, 2010, on request of the stakeholders to allow the aviation industry and other interested entities and individuals additional time to complete their comments.

TSA has coordinated its efforts with the FAA throughout the rulemaking process to ensure that the final rule does not interfere with FAA's ability or authority to regulate part 145 repair station safety matters.

Timetable:

Action	Date	FR Cite
Notice—Public Meeting; Request for Comments.	02/24/04	69 FR 8357
Report to Congress.	08/24/04	
NPRM	11/18/09	74 FR 59873
NPRM Comment Period End.	01/19/10	
NPRM Comment Period Extended.	12/29/09	74 FR 68774
NPRM Extended Comment Period End.	02/19/10	
Final Rule	10/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Celio Young, Program Manager, Repair Stations, Department of Homeland Security, Transportation Security Administration, Office of Transportation Sector Network Management, General Aviation Division, TSA–28, HQ, E5, 601 South 12th Street, Arlington, VA 20598–6028,

Phone: 571 227–3580, Fax: 571 227–1362, E-mail: *celio.young@dhs.gov*.

Thomas Philson, Deputy Director, Regulatory and Economic Analysis, Department of Homeland Security, Transportation Security Administration, Office of Transportation Sector Network Management, TSA–28, HQ, E10–411N, 601 South 12th Street, Arlington, VA 20598–6028, Phone: 571 227–3236, Fax: 571 227–1362, E-mail: *thomas.philson@dhs.gov*.

Linda L. Kent, Assistant Chief Counsel, Regulations and Security Standards Division, Department of Homeland Security, Transportation Security Administration, Office of the Chief Counsel, TSA–2, HQ, E12–126S, 601 South 12th Street, Arlington, VA 20598–6002, Phone: 571 227–2675, Fax: 571 227–1381, E-mail: *linda.kent@dhs.gov*.

RIN: 1652–AA38

DEPARTMENT OF HOMELAND SECURITY (DHS)

Transportation Security Administration (TSA)

Long-Term Actions

223. Modification of the Aviation Security Infrastructure Fee (ASIF) (Market Share)

Legal Authority: 49 U.S.C. 44901; 49 U.S.C. 44940

Abstract: The Transportation Security Administration will propose a method for apportioning the Aviation Security Infrastructure Fee (ASIF) among air carriers. The ASIF is a fee imposed on air carriers and foreign air carriers to help pay the Government's costs of providing civil aviation security services.

Starting in fiscal year 2005, the Aviation and Transportation Security Act (ATSA) (Pub. L. 107–71; Nov. 19, 2001), codified at 49 U.S.C. 44940, authorizes TSA to change the methodology for imposing the ASIF on air carriers and foreign air carriers from a system based on their 2000 screening costs to a system based on market share or other appropriate measures.

On November 5, 2003, the Transportation Security Administration (TSA) published a notice requesting comment on possible changes in order to allow for open industry and public input. TSA sought comments on issues regarding how to impose the ASIF, and whether, when, and how often the ASIF should be adjusted. The comment period was extended on the notice for an additional 30 days, until February 5, 2004. TSA is developing a market share methodology and intends to seek public comments through issuance of a notice of proposed rulemaking.

Timetable:

Action	Date	FR Cite
Notice; Requesting Comment–Imposition of the Aviation Security Infrastructure Fee (ASIF).	11/05/03	68 FR 62613
Notice—Imposition of ASIF; Comment Period End.	01/05/04	
Notice—Imposition of ASIF; Comment Period Extended.	12/31/03	68 FR 75611
Notice—Imposition of ASIF; Extended Comment Period End.	02/05/04	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael Gambone, Deputy Director, Office of Revenue, Department of Homeland Security, Transportation Security Administration, Office of Finance and Administration, TSA–14, HQ, W12–319, 601 South 12th Street, Arlington, VA 20598–6014, Phone: 571 227–1081, Fax: 571 227–2904, E-mail: *michael.gambone@dhs.gov*.

Thomas Philson, Deputy Director, Regulatory and Economic Analysis, Department of Homeland Security, Transportation Security Administration, Office of Transportation Sector Network Management, TSA–28, HQ, E10–411N, 601 South 12th Street, Arlington, VA 20598–6028, Phone: 571 227–3236, Fax: 571 227–1362, E-mail: *thomas.philson@dhs.gov*.

Linda L. Kent, Assistant Chief Counsel, Regulations and Security Standards Division, Department of Homeland Security, Transportation Security Administration, Office of the Chief Counsel, TSA–2, HQ, E12–126S, 601 South 12th Street, Arlington, VA 20598–6002, Phone: 571 227–2675, Fax: 571 227–1381, E-mail: *linda.kent@dhs.gov*.

RIN: 1652–AA43

[FR Doc. 2011–15490 Filed 7–6–11; 8:45 am]

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FEDERAL REGISTER

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Part X

Department of the Interior

Semiannual Regulatory Agenda

DEPARTMENT OF THE INTERIOR

Office of the Secretary

25 CFR Ch. I

30 CFR Chs. II and VII

36 CFR Ch. I

43 CFR Subtitle A, Chs. I and II

48 CFR Ch. 14

50 CFR Chs. I and IV

Semiannual Regulatory Agenda

AGENCY: Office of the Secretary, Interior.

ACTION: Semiannual regulatory agenda.

SUMMARY: This notice provides the semiannual agenda of rules scheduled for review or development between spring 2011 and fall 2011. The Regulatory Flexibility Act and Executive Order 12866 require publication of the agenda.

ADDRESSES: Unless otherwise indicated, all Agency contacts are located at the Department of the Interior, 1849 C Street NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: You should direct all comments and inquiries about these rules to the appropriate Agency Contact. You should direct general comments relating to the agenda to the Office of Executive Secretariat, Department of the Interior, at the address above or at 202–208–3181.

SUPPLEMENTARY INFORMATION: With this publication, the Department satisfies the requirement of Executive Order 12866 that the Department publish an agenda of rules that we have issued or expect to issue and of currently effective rules that we have scheduled for review.

Simultaneously, the Department meets the requirement of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) to publish an agenda in April and October of each year identifying rules that will have significant economic effects on a substantial number of small entities. We have specifically identified in the agenda rules that will have such effects.

John A. Strylowski,

Federal Register Liaison Officer.

UNITED STATES FISH AND WILDLIFE SERVICE—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
224	National Wildlife Refuge System; Oil and Gas Regulations	1018–AX36

UNITED STATES FISH AND WILDLIFE SERVICE—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
225	Injurious Wildlife Evaluation; Constrictor Species From Python, Boa, and Eunectes Genera	1018–AV68

BUREAU OF OCEAN ENERGY MANAGEMENT, REGULATION, AND ENFORCEMENT—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
226	Revised Requirements for Well Plugging and Platform Decommissioning	1010–AD61

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
227	Stream Protection Rule	1029–AC63

DEPARTMENT OF THE INTERIOR (DOI)

United States Fish and Wildlife Service (FWS)

Proposed Rule Stage

224. National Wildlife Refuge System; Oil and Gas Regulations

Legal Authority: 16 U.S.C. 668dd–ee; 42 U.S.C. 7401 *et seq.;* 16 U.S.C. 1131 to 1136; 40 CFR 51.300 to 51.309

Abstract: We propose regulations that ensure that all operators conducting oil or gas operations within a National Wildlife Refuge System unit do so in a manner as to prevent or minimize damage to National Wildlife Refuge System resources, visitor values, and management objectives. FWS does not intend these regulations to result in a taking of a property Interest, but rather to impose reasonable controls on operations that affect federally owned or controlled lands and/or waters.

Timetable:

Action	Date	FR Cite
NPRM	12/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Deb Rocque, Chief, Branch of Natural Resources and Conservation Planning, Department of the Interior, United States Fish and Wildlife Service, 4401 N. Fairfax Drive, Arlington, VA 22203, Phone: 703 358–2106, E-mail: *deb_rocque@fws.gov.*

RIN: 1018–AX36

DEPARTMENT OF THE INTERIOR (DOI)

United States Fish and Wildlife Service (FWS)

Final Rule Stage

225. Injurious Wildlife Evaluation; Constrictor Species from Python, Boa, and Eunectes Genera

Legal Authority: 18 U.S.C. 42

Abstract: We are reviewing public comments, peer review comments, and revised economic analysis from the

proposed rule in preparation for making a final determination to list any of the nine species of large constrictor snakes as injurious wildlife under the Lacey Act. The species are: Indian python (including Burmese python), reticulated python, Northern African python, Southern African python, boa constrictor, yellow anaconda, DeSchauensee's anaconda, green anaconda, and Beni anaconda.

Timetable:

Action	Date	FR Cite
ANPRM	01/31/08	73 FR 5784
ANPRM Comment Period End.	04/30/08	
NPRM	03/12/10	75 FR 11808
NPRM Comment Period End.	05/11/10	
NPRM Comment Period Re-opened.	07/01/10	75 FR 38069
NPRM Comment Period End.	08/02/10	
Final Action	06/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Art Roybal, Senior Fish and Wildlife Biologist, Department of the Interior, United States Fish and Wildlife Service, South Florida Ecological Services Field Office, 1339 20th Street, Vero Beach, FL 32960, Phone: 772 562–3909, E-mail: *art_roybal@fws.gov*.

Susan Jewell, Fish and Wildlife Biologist, Department of the Interior, United States Fish and Wildlife Service, 4401 N. Fairfax Drive, MS 770, Arlington, VA 22203, Phone: 703 358–2416, Fax: 703 358–2044, E-mail: *susan_jewell@fws.gov*.

RIN: 1018–AV68

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR (DOI)

Bureau of Ocean Energy Management, Regulation, and Enforcement (BOEM)

Proposed Rule Stage

226. Revised Requirements for Well Plugging and Platform Decommissioning

Legal Authority: 31 U.S.C. 9701; 43 U.S.C. 1334

Abstract: This rule would establish timely submission requirements for decommissioning and abandonment plans, and establish deadlines for decommissioning permits. The rule would also implement timeframes and clarify requirements for plugging and abandonment of idle wells and decommissioning idle facilities.

Timetable:

Action	Date	FR Cite
NPRM	12/00/11	
NPRM Comment Period End.	02/00/12	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Amy White, Department of the Interior, Bureau of Ocean Energy Management, Regulation, and Enforcement, 381 Elden Street, Herndon, VA 20170, Phone: 703 787–1665, Fax: 703–787–1555, E-mail: *amy.white@boemre.gov*.

RIN: 1010–AD61

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR (DOI)

Office of Surface Mining Reclamation and Enforcement (OSMRE)

Proposed Rule Stage

227. Stream Protection Rule

Legal Authority: 30 U.S.C. 1201 *et seq.*

Abstract: On August 12, 2009, the U.S. District Court for the District of Columbia denied the Government's request that the court vacate and remand the Excess Spoil/Stream Buffer Zone rule published on December 12, 2008. Therefore, the Department intends to initiate notice and comment rulemaking to address issues arising from previous rulemakings. The agency also intends to prepare a new environmental impact statement.

Timetable:

Action	Date	FR Cite
ANPRM	11/30/09	74 FR 62664
ANPRM Comment Period End.	12/30/09	
NPRM	12/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dennis Rice, Regulatory Analyst, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue NW., Washington, DC 20240, Phone: 202 208–2829, E-mail: *drice@osmre.gov*.

RIN: 1029–AC63

[FR Doc. 2011–15491 Filed 7–6–11; 8:45 am]

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FEDERAL REGISTER

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Part XI

Department of Labor

Semiannual Regulatory Agenda

DEPARTMENT OF LABOR

Office of the Secretary

20 CFR Chs. I, IV, V, VI, VII, and IX

29 CFR Subtitle A and Chs. II, IV, V, XVII, and XXV

30 CFR Ch. I

41 CFR Ch. 60

48 CFR Ch. 29

Semiannual Agenda of Regulations

AGENCY: Office of the Secretary, Labor.

ACTION: Semiannual regulatory agenda.

SUMMARY: This document sets forth the Department's semiannual agenda of regulations that have been selected for review or development during the coming year. The Department's agencies have carefully assessed their available resources and what they can accomplish in the next 12 months and have adjusted their agendas accordingly.

The agenda complies with the requirements of both Executive Order 12866 and the Regulatory Flexibility Act. The agenda lists all regulations that are expected to be under review or development between April 2011 and April 2012, as well as those completed during the past six months.

FOR FURTHER INFORMATION CONTACT: Kathleen Franks, Director, Office of Regulatory Policy, Office of the Assistant Secretary for Policy, U.S. Department of Labor, 200 Constitution Avenue NW., Room S–2312, Washington, DC 20210; (202) 693–5959.

Note: Information pertaining to a specific regulation can be obtained from the agency contact listed for that particular regulation.

SUPPLEMENTARY INFORMATION: Executive Order 12866 requires the semiannual publication of an agenda of regulations that contains a listing of all the regulations the Department of Labor expects to have under active consideration for promulgation, proposal, or review during the coming one-year period. The entirety of the Department's semiannual agenda is available online at *http://www.reginfo.gov.*

The Regulatory Flexibility Act (5 U.S.C. 602) requires DOL to publish in the **Federal Register** a regulatory flexibility agenda. The Department's Regulatory Flexibility Agenda published with this notice includes only those rules on its semiannual agenda that are likely to have a significant economic impact on a substantial number of small entities; and those rules identified for periodic review in keeping with the requirements of section 610 of the Regulatory Flexibility Act. Thus, the regulatory flexibility agenda is a subset of the Department's semiannual regulatory agenda. At this time, there is only one item, listed below, on the Department's Regulatory Flexibility Agenda.

Occupational Safety and Health Administration

Bloodborne Pathogens (RIN 1218–AC34)

All interested members of the public are invited and encouraged to let departmental officials know how our regulatory efforts can be improved, and are invited to participate in and comment on the review or development of the regulations listed on the Department's agenda.

Hilda L. Solis,

Secretary of Labor.

OFFICE OF LABOR-MANAGEMENT STANDARDS—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
228	Persuader Agreements: Employer and Labor Relations Consultant Reporting Under the LMRDA	1245–AA03
229	Persuader Agreements: Consultant Form LM–21 Receipts and Disbursements Report	1245–AA05

OFFICE OF WORKERS' COMPENSATION PROGRAMS—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
230	Regulations Implementing the Longshore and Harbor Workers' Compensation Act: Recreational Vessels	1240–AA02

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION—PRERULE STAGE

Sequence No.	Title	Regulation Identifier No.
231	Occupational Exposure to Beryllium	1218–AB76
232	Occupational Exposure to Food Flavorings Containing Diacetyl and Diacetyl Substitutes	1218–AC33
233	Bloodborne Pathogens (SECTION 610 REVIEW)	1218–AC34

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
234	Occupational Exposure to Crystalline Silica	1218–AB70

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
235	Confined Spaces in Construction	1218–AB47

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION—FINAL RULE STAGE—Continued

Sequence No.	Title	Regulation Identifier No.
236	Electric Power Transmission and Distribution; Electrical Protective Equipment Protective Equipment	1218–AB67

DEPARTMENT OF LABOR (DOL)

Office of Labor—Management Standards (OLMS)

Proposed Rule Stage

228. Persuader Agreements: Employer and Labor Relations Consultant Reporting Under the LMRDA

Legal Authority: 29 U.S.C. 433; 29 U.S.C. 438

Abstract: The Department intends to publish notice and comment rulemaking seeking consideration of a revised interpretation of section 203(c) of the Labor-Management Reporting and Disclosure Act (LMRDA). That statutory provision creates an ''advice'' exemption from reporting requirements that apply to employers and other persons in connection with persuading employees about the right to organize and bargain collectively. A proposed revised interpretation would narrow the scope of the advice exemption.

Timetable:

Action	Date	FR Cite
NPRM	06/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Andrew R. Davis, Chief, Division of Interpretations and Standards, Office of Labor–Management Standards, Department of Labor, Office of Labor–Management Standards, Room N–5609, FP Building, 200 Constitution Avenue NW., Washington, DC 20210, Phone: 202 693–1254, Fax: 202 693–1340, E-mail: *davis.andrew@dol.gov.*

RIN: 1245–AA03

229. Persuader Agreements: Consultant Form LM–21 Receipts and Disbursements Report

Legal Authority: 29 U.S.C. 433 and 438

Abstract: The Department intends to publish a notice and comment rulemaking seeking consideration of the Form LM–21, Receipts and Disbursements Report, which is required pursuant to section 203(b) of the Labor-Management Reporting and Disclosure Act (LMRDA). The rulemaking will propose mandatory electronic filing for Form LM–21 filers, and it will review the layout of the Form LM–21 and its instructions, including the detail required to be reported.

Timetable:

Action	Date	FR Cite
NPRM	11/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Andrew R. Davis, Chief, Division of Interpretations and Standards, Office of Labor–Management Standards, Department of Labor, Office of Labor–Management Standards, Room N–5609, FP Building, 200 Constitution Avenue, NW., Washington, DC 20210, Phone: 202 693–1254, Fax: 202 693–1340, E-mail: *davis.andrew@dol.gov.*

RIN: 1245–AA05

DEPARTMENT OF LABOR (DOL)

Office of Workers' Compensation Programs (OWCP)

Final Rule Stage

230. Regulations Implementing the Longshore and Harbor Workers' Compensation Act: Recreational Vessels

Legal Authority: 33 U.S.C. 939

Abstract: The American Recovery and Reinvestment Act of 2009 amended the Longshore and Harbor Workers' Compensation Act, 33 U.S.C. 901 to 950, to exclude from the Act's coverage certain employees who repair recreational vessels and who dismantle them for repair, regardless of the vessel's length. On August 17, 2010, (republished on October 15, 2010), the Department issued a Notice of Proposed Rulemaking revising the definition of recreational vessel and addressing coverage of those employees who work in both qualifying maritime employment and employment excluded under the amendment. The comment period ended on November 17, 2010. The Department anticipates publishing a final rule by December 2011.

Timetable:

Action	Date	FR Cite
NPRM	08/17/10	75 FR 50718
NPRM Republished.	10/15/10	75 FR 63425
NPRM Comment Period End.	11/17/10	
Final Action	12/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brandon Miller, Chief, Branch of Financial Management, Insurance and Assessment, Department of Labor, Office of Workers' Compensation Programs, 200 Constitution Avenue, NW., Room C–4315, FP Building, Washington, DC 20210, Phone: 202 693–0925, Fax: 202 693–1380, E-mail: *miller.brandon@dol.gov.*

RIN: 1240–AA02

DEPARTMENT OF LABOR (DOL)

Occupational Safety and Health Administration (OSHA)

Prerule Stage

231. Occupational Exposure to Beryllium

Legal Authority: 29 U.S.C. 655(b); 29 U.S.C. 657

Abstract: In 1999 and 2001, OSHA was petitioned to issue an emergency temporary standard by the United Steel Workers (formerly the Paper Allied-Industrial, Chemical, and Energy Workers Union), Public Citizen Health Research Group, and others. The Agency denied the petitions but stated its intent to begin data gathering to collect needed information on beryllium's toxicity, risks, and patterns of usage.

On November 26, 2002, OSHA published a Request for Information (RFI) (67 FR 70707) to solicit information pertinent to occupational exposure to beryllium including: current exposures to beryllium; the relationship between exposure to beryllium and the development of adverse health effects; exposure assessment and monitoring methods; exposure control methods; and medical surveillance. In addition, the Agency conducted field surveys of selected work sites to assess current exposures and control methods being used to reduce employee exposures to beryllium. OSHA convened a Small Business Advocacy Review Panel under the Small Business Regulatory Enforcement Fairness Act (SBREFA) and completed the SBREFA Report in January 2008. OSHA completed a scientific peer review of its draft risk

assessment. The economic peer review is scheduled to be completed in May 2011.

Timetable:

Action	Date	FR Cite
Request for Information.	11/26/02	67 FR 70707
Request For Information Comment Period End.	02/24/03	
SBREFA Report Completed.	01/23/08	
Initiated Peer Review of Health Effects and Risk Assessment.	03/22/10	
Complete Peer Review.	11/19/10	
Economic Peer Review.	06/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dorothy Dougherty, Director, Directorate of Standards and Guidance, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N–3718, FP Building, Washington, DC 20210, Phone: 202 693–1950, Fax: 202 693–1678, E-mail: *dougherty.dorothy@dol.gov*.

RIN: 1218–AB76

232. Occupational Exposure to Food Flavorings Containing Diacetyl and Diacetyl Substitutes

Legal Authority: 29 U.S.C. 655(b); 29 U.S.C. 657

Abstract: On July 26, 2006, the United Food and Commercial Workers International Union (UFCW) and the International Brotherhood of Teamsters (IBT) petitioned DOL for an Emergency Temporary Standard (ETS) for all employees exposed to diacetyl, a major component in artificial butter flavoring. Diacetyl and a number of other volatile organic compounds are used to manufacture artificial butter food flavorings. These food flavorings are used by various food manufacturers in a multitude of food products including microwave popcorn, certain bakery goods, and some snack foods. Evidence indicates that exposure to flavorings containing diacetyl is associated with adverse effects on the respiratory system, including bronchiolitis obliterans, a debilitating and potentially fatal lung disease. OSHA denied the petition on September 25, 2007, but has initiated 6(b) rulemaking. OSHA published an Advanced Notice of Proposed Rulemaking (ANPRM) on January 21, 2009, but withdrew the ANPRM on March 17, 2009, in order to facilitate timely development of a standard. The Agency subsequently initiated review of the draft proposed standard in accordance with the Small Business Regulatory Enforcement Fairness Act (SBREFA). The SBREFA Panel Report was completed on July 2, 2009. NIOSH is currently developing a criteria document on occupational exposure to diacetyl. The criteria document will also address exposure to 2,3-pentanedione, a chemical that is structurally similar to diacetyl and has been used as a substitute for diacetyl in some applications. It will include an assessment of the effects of exposure as well as quantitative risk assessment. OSHA intends to rely on these portions of the criteria document for the health effects analysis and quantitative risk assessment for the Agency's diacetyl rulemaking. NIOSH will initiate public peer review of the criteria document in April, 2011.

Timetable:

Action	Date	FR Cite
Stakeholder Meeting.	10/17/07	72 FR 54619
ANPRM	01/21/09	74 FR 3937
ANPRM Withdrawn.	03/17/09	74 FR 11329
ANPRM Comment Period End.	04/21/09	
Completed SBREFA Report.	07/02/09	
Initiate Peer Review of Health Effects and Risk Assessment.	06/00/11	
End Peer Review	07/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dorothy Dougherty, Director, Directorate of Standards and Guidance, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N–3718, FP Building, Washington, DC 20210, Phone: 202 693–1950, Fax: 202 693–1678, E-mail: *dougherty.dorothy@dol.gov*.

RIN: 1218–AC33

233. Bloodborne Pathogens (Section 610 Review)

Legal Authority: 5 U.S.C. 533; 5 U.S.C. 610; 29 U.S.C. 655(b)

Abstract: OSHA will undertake a review of the Bloodborne Pathogen Standard (29 CFR 1910.1030) in accordance with the requirements of the Regulatory Flexibility Act and section 5 of Executive Order 12866. The review will consider the continued need for the rule; whether the rule overlaps, duplicates, or conflicts with other Federal, State or local regulations; and the degree to which technology, economic conditions, or other factors may have changed since the rule was evaluated.

Timetable:

Action	Date	FR Cite
Begin Review	10/22/09	
Request for Comments Published.	05/14/10	75 FR 27237
Comment Period End.	08/12/10	
Analyze Comments.	06/00/11	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Keith Goddard, Director, Directorate of Evaluation and Analysis, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., FP Building, Room N–3718, Washington, DC 20210, Phone: 202 693–2400, Fax: 202 693–1641, E-mail: *goddard.keith@dol.gov*.

RIN: 1218–AC34

DEPARTMENT OF LABOR (DOL)

Occupational Safety and Health Administration (OSHA)

Proposed Rule Stage

234. Occupational Exposure to Crystalline Silica

Legal Authority: 29 U.S.C. 655(b); 29 U.S.C. 657

Abstract: Crystalline silica is a significant component of the earth's crust, and many workers in a wide range of industries are exposed to it, usually in the form of respirable quartz or, less frequently, cristobalite. Chronic silicosis is a uniquely occupational disease resulting from exposure of employees over long periods of time (10 years or more). Exposure to high levels of respirable crystalline silica causes acute or accelerated forms of silicosis that are ultimately fatal. The current OSHA permissible exposure limit (PEL) for general industry is based on a formula proposed by the American Conference of Governmental Industrial Hygienists (ACGIH) in 1968 (PEL = 10 mg/cubic meter/(% silica + 2), as respirable dust). The current PEL for construction and shipyards (derived from ACGIH's 1970 Threshold Limit Value) is based on particle counting technology, which is considered obsolete. NIOSH and ACGIH recommend 50 $\mu g/m^3$ and 25 $\mu g/m^3$

exposure limits, respectively, for respirable crystalline silica. Both industry and worker groups have recognized that a comprehensive standard for crystalline silica is needed to provide for exposure monitoring, medical surveillance, and worker training. ASTM International has published recommended standards for addressing the hazards of crystalline silica. The Building Construction Trades Department of the AFL–CIO has also developed a recommended comprehensive program standard. These standards include provisions for methods of compliance, exposure monitoring, training, and medical surveillance.

Timetable:

Action	Date	FR Cite
Completed SBREFA Report.	12/19/03	
Initiated Peer Review of Health Effects and Risk Assessment.	05/22/09	
Completed Peer Review.	01/24/10	
NPRM	06/00/11	
Hearings	10/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dorothy Dougherty, Director, Directorate of Standards and Guidance, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N–3718, FP Building, Washington, DC 20210, Phone: 202 693–1950, Fax: 202 693–1678, E-mail: *dougherty.dorothy@dol.gov.*

RIN: 1218–AB70

DEPARTMENT OF LABOR (DOL)

Occupational Safety and Health Administration (OSHA)

Final Rule Stage

235. Confined Spaces in Construction

Legal Authority: 29 U.S.C. 655(b); 40 U.S.C. 333

Abstract: In 1993, OSHA issued a rule to protect employees who enter confined spaces while engaged in general industry work (29 CFR 1910.146). This standard has not been extended to cover employees entering confined spaces while engaged in construction work because of unique characteristics of construction worksites. Pursuant to discussions with the United Steel Workers of America that led to a settlement agreement regarding the general industry standard, OSHA agreed to issue a proposed rule to protect construction workers in confined spaces.

Timetable:

Action	Date	FR Cite
SBREFA Panel Report.	11/24/03	
NPRM	11/28/07	72 FR 67351
NPRM Comment Period End.	01/28/08	
NPRM Comment Period Extended.	02/28/08	73 FR 3893
Public Hearing	07/22/08	
Close Record	10/23/08	
Final Action	11/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jim Maddux, Directorate of Construction, Department of Labor, Occupational Safety and Health Administration, Department of Labor, 200 Constitution Avenue NW., Room N–3468, Washington, DC 20210, Phone: 202 693–2020, Fax: 202 693–1689, E-mail: *maddux.jim@dol.gov.*

RIN: 1218–AB47

236. Electric Power Transmission and Distribution; Electrical Protective Equipment

Legal Authority: 29 U.S.C. 655(b); 40 U.S.C. 333

Abstract: Electrical hazards are a major cause of occupational death in the United States. The annual fatality rate for power line workers is about 50 deaths per 100,000 employees. The construction industry standard addressing the safety of these workers during the construction of electric power transmission and distribution lines is over 35 years old. OSHA has developed a revision of this standard that will prevent many of these fatalities, add flexibility to the standard, and update and streamline the standard. OSHA also intends to amend the corresponding standard for general industry so that requirements for work performed during the maintenance of electric power transmission and distribution installations are the same as those for similar work in construction. In addition, OSHA will be revising a few miscellaneous general industry requirements primarily affecting electric transmission and distribution work, including provisions on electrical protective equipment and foot protection. This rulemaking also addresses fall protection in aerial lifts for work on power generation, transmission, and distribution installations. OSHA published an NPRM on June 15, 2005. A public hearing was held from March 6 through March 14, 2006. OSHA reopened the record to gather additional information on minimum approach distances for specific ranges of voltages. The record was reopened a second time to allow more time for comment and to gather information on minimum approach distances for all voltages and on the newly revised Institute of Electrical and Electronics Engineers consensus standard. Additionally, a public hearing was held on October 28, 2009. The posthearing comment period ended in September 2010. OSHA anticipates publishing a final rule in July 2011.

Timetable:

Action	Date	FR Cite
SBREFA Report	06/30/03	
NPRM	06/15/05	70 FR 34821
NPRM Comment Period End.	10/13/05	
Comment Period Extended to 01/11/2006.	10/12/05	70 FR 59290
Public Hearing To Be Held 03/06/2006.	10/12/05	70 FR 59290
Posthearing Comment Period End.	07/14/06	
Reopen Record	10/22/08	73 FR 62942
Comment Period End.	11/21/08	
Close Record	11/21/08	
Second Reopening Record.	09/14/09	74 FR 46958
Comment Period End.	10/15/09	
Public Hearings	10/28/09	
Posthearing Comment Period End.	02/10/10	
Final Rule	09/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dorothy Dougherty, Director, Directorate of Standards and Guidance, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N–3718, FP Building, Washington, DC 20210, Phone: 202 693–1950, Fax: 202 693–1678, E-mail: *dougherty.dorothy@dol.gov.*

RIN: 1218–AB67

[FR Doc. 2011–15493 Filed 7–6–11; 8:45 am]

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Part XII

Department of Transportation

Semiannual Regulatory Agenda

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

14 CFR Chs. I–III

23 CFR Chs. I–III

33 CFR Chs. I and IV

46 CFR Chs. I–III

48 CFR Ch. 12

49 CFR Subtitle A, Chs. I–VI and Chs. X–XII

[OST Docket 99–5129]

Department Regulatory Agenda; Semiannual Summary

AGENCY: Office of the Secretary, DOT.

ACTION: Semiannual regulatory agenda.

SUMMARY: The regulatory agenda is a semiannual summary of all current and projected rulemakings, reviews of existing regulations, and completed actions of the Department. The agenda provides the public with information about the Department of Transportation's regulatory activity. It is expected that this information will enable the public to be more aware of and allow it to more effectively participate in the Department's regulatory activity. The public is also invited to submit comments on any aspect of this agenda.

FOR FURTHER INFORMATION CONTACT:

General

You should direct all comments and inquiries on the agenda in general to Neil R. Eisner, Assistant General Counsel for Regulation and Enforcement, Department of Transportation, 1200 New Jersey Avenue, SE., Washington, DC 20590; (202) 366–4723.

Specific

You should direct all comments and inquiries on particular items in the agenda to the individual listed for the regulation or the general rulemaking contact person for the operating administration in Appendix B. Individuals who use a telecommunications device for the deaf (TDD) may call (202) 755–7687.

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Supplementary Information:
- Background
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- Appendix C—Public Rulemaking Dockets
- Appendix D—Review Plans for Section 610 and Other Requirements Agenda

SUPPLEMENTARY INFORMATION:

Background

Improvement of our regulations is a prime goal of the Department of Transportation (Department or DOT). Our regulations should be clear, simple, timely, fair, reasonable, and necessary. They should not be issued without appropriate involvement of the public; once issued, they should be periodically reviewed and revised, as needed, to assure that they continue to meet the needs for which they originally were designed. To view additional information about the Department of Transportation's regulatory activities online, go to *http://regs.dot.gov*. Among other things, this website provides a report, updated monthly, on the status of the DOT significant rulemakings listed in the semi-annual Agenda.

To help the Department achieve these goals and in accordance with Executive Order (EO) 12866, ''Regulatory Planning and Review,'' (58 FR 51735; Oct 4, 1993) and the Department's Regulatory Policies and Procedures (44 FR 11034; Feb 26, 1979), the Department prepares a semiannual regulatory agenda. It summarizes all current and projected rulemaking, reviews of existing regulations, and completed actions of the Department. These are matters on which action has begun or is projected during the succeeding 12 months or such longer period as may be anticipated or for which action has been completed since the last agenda.

The agendas are based on reports submitted by the offices initiating the rulemaking and are reviewed by the Department Regulations Council. The Department's last agenda was published in the **Federal Register** on December 20, 2010 (75 FR 79812). The next one is scheduled for publication in the **Federal Register** in fall 2011.

The Internet is the basic means for disseminating the Unified Agenda. The complete Unified Agenda is available online at *www.reginfo.gov*, in a format that offers users a greatly enhanced ability to obtain information from the Agenda database.

Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C. 602), DOT's printed agenda entries include only:

1. The Agency's agenda preamble;
2. Rules that are in the Agency's regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and
3. Any rules that the Agency has identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's Agenda requirements. These elements are: Sequence Number; Title; Section 610 Review, if applicable; Legal Authority; Abstract; Timetable; Regulatory Flexibility Analysis Required; Agency Contact; and Regulation Identifier Number (RIN). Additional information (for detailed list see section heading ''Explanation of Information on the Agenda'') on these entries is available in the Unified Agenda published on the Internet.

Significant/Priority Rulemakings

The agenda covers all rules and regulations of the Department. We have classified rules as a DOT agency priority in the agenda if they are, essential, very costly, controversial, or of substantial public interest under our Regulatory Policies and Procedures. All DOT agency priority rulemaking documents are subject to review by the Secretary of Transportation. If the Office of Management and Budget (OMB) decides a rule is subject to its review under Executive Order 12866, we have classified it as significant in the agenda.

Explanation of Information on the Agenda

An Office of Management and Budget memorandum, dated January 21, 2011, requires the format for this agenda.

First, the agenda is divided by initiating offices. Then, the agenda is divided into five categories: (1) Prerule stage, (2) proposed rule stage, (3) final rule stage, (4) long-term actions, and (5) completed actions. For each entry, the agenda provides the following information: (1) its ''significance''; (2) a short, descriptive title; (3) its legal basis; (4) the related regulatory citation in the Code of Federal Regulations; (5) any legal deadline and, if so, for what action (e.g., NPRM, final rule); (6) an abstract; (7) a timetable, including the earliest expected date for a decision on whether to take the action; (8) whether the rulemaking will affect small entities and/or levels of government and, if so, which categories; (9) whether a Regulatory Flexibility Act (RFA) analysis is required (for rules that would

have a significant economic impact on a substantial number of small entities); (10) a listing of any analyses an office will prepare or has prepared for the action (with minor exceptions, DOT requires an economic analysis for all its rulemakings); (11) an agency contact office or official who can provide further information; (12) a Regulation Identifier Number (RIN) assigned to identify an individual rulemaking in the agenda and facilitate tracing further action on the issue; (13) whether the action is subject to the Unfunded Mandates Reform Act; (14) whether the action is subject to the Energy Act; and (15) whether the action is major under the congressional review provisions of the Small Business Regulatory Enforcement Fairness Act. If there is information that does not fit in the other categories, it will be included under a separate heading entitled ''Additional Information.''

For nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements (such as the Federal Aviation Administration's Airspace Rules), to keep those requirements operationally current, we only include the general category of the regulations, the identity of a contact office or official, and an indication of the expected number of regulations; we do not list individual regulations.

In the ''Timetable'' column, we use abbreviations to indicate the particular documents being considered. ANPRM stands for Advance Notice of Proposed Rulemaking, SNPRM for Supplemental Notice of Proposed Rulemaking, and NPRM for Notice of Proposed Rulemaking. Listing a future date in this column does not mean we have made a decision to issue a document; it is the earliest date on which we expect to make a decision on whether to issue it. In addition, these dates are based on current schedules. Information received subsequent to the issuance of this agenda could result in a decision not to take regulatory action or in changes to proposed publication dates. For example, the need for further evaluation could result in a later publication date; evidence of a greater need for the regulation could result in an earlier publication date.

Finally, a dot (•) preceding an entry indicates that the entry appears in the agenda for the first time.

Request for Comments

General

Our agenda is intended primarily for the use of the public. Since its inception, we have made modifications and refinements that we believe provide the public with more helpful information, as well as make the agenda easier to use. We would like you, the public, to make suggestions or comments on how the agenda could be further improved.

Reviews

We also seek your suggestions on which of our existing regulations you believe need to be reviewed to determine whether they should be revised or revoked. We particularly draw your attention to the Department's review plan in Appendix D.

Regulatory Flexibility Act

The Department is especially interested in obtaining information on requirements that have a ''significant economic impact on a substantial number of small entities'' and, therefore, must be reviewed under the Regulatory Flexibility Act. If you have any suggested regulations, please submit them to us, along with your explanation of why they should be reviewed.

In accordance with the Regulatory Flexibility Act, comments are specifically invited on regulations that we have targeted for review under section 610 of the Act. The phrase (Section 610 Review) appears at the end of the title for these reviews. Please see Appendix D for the Department's section 610 review plans.

Consultation With State, Local, and Tribal Governments

Executive orders 13132 and 13175 require us to develop an accountable process to ensure ''meaningful and timely input'' by State, local, and tribal officials in the development of regulatory policies that have federalism or tribal implications. These policies are defined in the Executive orders to include regulations that have ''substantial direct effects'' on States or Indian tribes, on the relationship between the Federal Government and them, or on the distribution of power and responsibilities between the Federal Government and various levels of government or Indian tribes. Therefore, we encourage State and local governments or Indian tribes to provide us with information about how the Department's rulemakings impact them.

Purpose

The Department is publishing this regulatory agenda in the **Federal Register** to share with interested members of the public the Department's preliminary expectations regarding its future regulatory actions. This should enable the public to be more aware of the Department's regulatory activity and should result in more effective public participation. This publication in the **Federal Register** does not impose any binding obligation on the Department or any of the offices within the Department with regard to any specific item on the agenda. Regulatory action, in addition to the items listed, is not precluded.

Dated: March 28, 2011.

Ray LaHood,

Secretary of Transportation.

Appendix A—Instructions for Obtaining Copies of Regulatory Documents

To obtain a copy of a specific regulatory document in the agenda, you should communicate directly with the contact person listed with the regulation at the address below. We note that most, if not all, such documents, including the semiannual agenda, are available through the Internet at *http://www.regulations.gov.* See Appendix C for more information.

(Name of contact person), (Name of the DOT agency), 1200 New Jersey Avenue SE., Washington, DC 20590. (For the Federal Aviation Administration, substitute the following address: Office of Rulemaking, ARM–1, 800 Independence Avenue SW., Washington, DC 20591).

Appendix B—General Rulemaking Contact Persons

The following is a list of persons who can be contacted within the Department for general information concerning the rulemaking process within the various operating administrations.

FAA—Rebecca MacPherson, Office of Chief Counsel, Regulations and Enforcement Division, 800 Independence Avenue SW., Room 915A, Washington, DC 20591; telephone (202) 267–3073.

FHWA—Jennifer Outhouse, Office of Chief Counsel, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366–0761.

FMCSA—Steven J. LaFreniere, Regulatory Ombudsman, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366–0596.

NHTSA—Steve Wood, Office of Chief Counsel, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366–2992.

FRA—Kathryn Shelton, Office of Chief Counsel, 1200 New Jersey Avenue SE., Room W31–214, Washington, DC 20590; telephone (202) 493–6063.

FTA—Linda Ford, Office of Chief Counsel, 1200 New Jersey Avenue SE., Room E56–202, Washington, DC 20590; telephone (202) 366–4063.

SLSDC—Carrie Mann Lavigne, Chief Counsel, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366–0091.

PHMSA—Patricia Burke, Office of Chief Counsel, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366–4400.

MARAD—Christine Gurland, Office of Chief Counsel, Maritime Administration, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366–5157.

RITA—Robert Monniere, Office of Chief Counsel, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366–5498.

OST—Neil Eisner, Office of Regulation and Enforcement, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366–4723.

Appendix C—Public Rulemaking Dockets

All comments via the Internet are submitted through the Federal Docket Management System (FDMS) at the following address: *http://www.regulations.gov*. The FDMS allows the public to search, view, download, and comment on all Federal agency rulemaking documents in one central online system. The above referenced Internet address also allows the public to sign up to receive notification when certain documents are placed in the dockets.

The public also may review regulatory dockets at, or deliver comments on proposed rulemakings to, the Dockets Office at 1200 New Jersey Avenue SE., Room W12–140, Washington, DC 20590, 1–800–647–5527. Working Hours: 9–5.

Appendix D—Review Plans for Section 610 and Other Requirements

Part I—The Plan

General

The Department of Transportation has long recognized the importance of regularly reviewing its existing regulations to determine whether they need to be revised or revoked. Our 1979 Regulatory Policies and Procedures require such reviews. We also have responsibilities under Executive Order 12866, ''Regulatory Planning and Review,'' and section 610 of the Regulatory Flexibility Act to conduct such reviews. This includes the use of plain language techniques in new rules and considering its use in existing rules when we have the opportunity and resources to permit its use. We are committed to continuing our reviews of existing rules and, if needed, will initiate rulemaking actions based on these reviews.

As part of its implementation of Executive Order 13563, ''Improving Regulation and Regulatory Review,'' issued by the President on January 18, 2011, the Department has added another element to its review plans. On February 16, 2011, we published a notice seeking public comments and information from interested parties to assist DOT in improving its methods for reviewing existing rules to determine whether any such regulations should be modified, streamlined, expanded, or repealed and helping us identify any specific, existing rules that may be outmoded, ineffective, insufficient, or excessively burdensome. These new actions are in addition to the other steps described in this Appendix.

Section 610 Review Plan

Section 610 requires that we conduct reviews of rules that (1): Have been published within the last 10 years and, (2) have a ''significant economic impact on a substantial number of small entities'' (SEIOSNOSE). It also requires that we publish in the **Federal Register** each year a list of any such rules that we will review during the next year. The Office of the Secretary and each of the Department's Operating Administrations have a 10-year review plan. These reviews comply with section 610 of the Regulatory Flexibility Act.

Other Review Plan(s)

All elements of the Department, except for the Federal Aviation Administration (FAA), have also elected to use this 10-year plan process to comply with the review requirements of the Department's Regulatory Policies and Procedures and Executive Order 12866.

Changes to the Review Plan

Some reviews may be conducted earlier than scheduled. For example, to the extent resources permit, the plain language reviews will be conducted more quickly. Other events, such as accidents, may result in the need to conduct earlier reviews of some rules. Other factors may also result in the need to make changes; for example, we may make changes in response to public comment on this plan or in response to a Presidentially mandated review. If there is any change to the review plan, we will note the change in the following agenda. For any section 610 review, we will provide the required notice prior to the review.

Part II—The Review Process

The Analysis

Generally, the agencies have divided their rules into 10 different groups and plan to analyze one group each year. For purposes of these reviews, a year will coincide with the fall-to-fall schedule for publication of the agenda. Thus, Year 1 (2008) begins in the fall of 2008 and ends in the fall of 2009; Year 2 (2009) begins in the fall of 2009 and ends in the fall of 2010, and so on. We request public comment on the timing of the reviews. For example, is there a reason for scheduling an analysis and review for a particular rule earlier than we have? Any comments concerning the plan or particular analyses should be submitted to the regulatory contacts listed in Appendix B, General Rulemaking Contact Persons.

Section 610 Review

The Agency will analyze each of the rules in a given year's group to determine whether any rule has a SEIOSNOSE and, thus, requires review in accordance with section 610 of the Regulatory Flexibility Act. The level of analysis will, of course, depend on the nature of the rule and its applicability. Publication of agencies' section 610 analyses listed each fall in this agenda provides the public with notice and an opportunity to comment consistent with the requirements of the Regulatory Flexibility Act. We request that public comments be submitted to us early in the analysis year concerning the small entity impact of the rules to help us in making our determinations.

In each fall agenda, the Agency will publish the results of the analyses it has completed during the previous year. For rules that had a negative finding on SEIOSNOSE, we will give a short explanation (e.g., ''these rules only establish petition processes that have no cost impact'' or ''these rules do not apply to any small entities''). For parts, subparts, or other discrete sections of rules that do have a SEIOSNOSE, we will announce that we will be conducting a formal section 610 review during the following 12 months. At this stage, we will add an entry to the Agenda in the prerulemaking section describing the review in more detail. We also will seek public comment on how best to lessen the impact of these rules and provide a name or docket to which public comments can be submitted. In some cases, the section 610 review may be part of another unrelated review of the rule. In such a case, we plan to clearly indicate which parts of the review are being conducted under section 610.

Other Reviews

The Agency will also examine the specified rules to determine whether any other reasons exist for revising or revoking the rule or for rewriting the rule in plain language. In each fall agenda, the Agency will also publish information on the results of the examinations completed during the previous year.

The FAA, in addition to reviewing its rules in accordance with the Section 610 Review Plan, has established a tri-annual process to comply with the review requirements of the Department's Regulatory Policies and Procedures, Executive Order 12866, and Plain Language Review Plan. The FAA's latest review notice was published November 15, 2007 (72 FR 64170). In that notice, the FAA requested comments from the public to identify those regulations currently in effect that it should amend, remove, or simplify. The FAA also requested the public to provide any specific suggestions where rules could be developed as performance-based rather than prescriptive, and any specific plain language that might be used, and provide suggested language on how those rules should be written. The FAA will review the issues addressed by the commenters against its regulatory agenda and rulemaking program efforts and adjust its regulatory priorities consistent with its statutory responsibilities. At the end of this process, the FAA will publish a summary and general disposition of comments and indicate, where appropriate, how it will adjust its regulatory priorities.

Part III—List of Pending Section 610 Reviews

The Agenda identifies the pending DOT Section 610 Reviews by inserting ''(Section 610 Review),'' after the title for the specific entry. For further information on the pending reviews, see the agenda entries at *www.reginfo.gov.* For example, to obtain a list of all entries that are Section 610 Reviews under the Regulatory Flexibility Act, a user would select the desired responses on the search screen (by selecting ''advanced search'') and, in effect, generate the desired ''index'' of reviews.

OFFICE OF THE SECRETARY
SECTION 610 AND OTHER REVIEWS

Year	Regulations to be reviewed	Analysis year	Review year
1	49 CFR parts 91 through 99 and 14 CFR parts 200 through 212	2008	2009
2	48 CFR parts 1201 through 1253 and new parts and subparts	2009	2010
3	14 CFR parts 213 through 232	2010	2011
4	14 CFR parts 234 through 254	2011	2012
5	14 CFR parts 255 through 298 and 49 CFR part 40	2012	2013
6	14 CFR parts 300 through 373	2013	2014
7	14 CFR parts 374 through 398	2014	2015
8	14 CFR part 399 and 49 CFR parts 1 through 11	2015	2016
9	49 CFR parts 17 through 28	2016	2017
10	49 CFR parts 29 through 39 and parts 41 through 89	2017	2018

Year 1 (fall 2008) List of rules analyzed and a summary of results

49 CFR part 93—Aircraft Allocation
- Section 610: There is no SEIOSNOSE.
- General: The agency will propose revising this regulation to reflect a transfer of the functions from the Office of Emergency Transportation (OET) to the Office of Intelligence, Security, and Response (S–60). OET was absorbed into S–60 and no longer exists as a separate office. The proposed changes will not cause an economic impact.

Year 1 (fall 2008) List of rules with ongoing analysis

49 CFR part 91—International Air Transportation Fair Competitive Practices
49 CFR part 92—Recovering Debts to the United States by Salary Offset
49 CFR part 95—Advisory Committees
49 CFR part 98—Enforcement of Restrictions on Post-Employment Activities
49 CFR part 99—Employee Responsibilities and Conduct
14 CFR part 200—Definitions and Instructions
14 CFR part 201—Air Carrier Authority Under Subtitle VII of Title 49 of the United States Code [Amended]
14 CFR part 203—Waiver of Warsaw Convention Liability Limits and Defenses
14 CFR part 204—Data to Support Fitness Determinations
14 CFR part 205—Aircraft Accident Liability Insurance
14 CFR part 206—Certificates of Public Convenience and Necessity: Special Authorizations and Exemptions
14 CFR part 207—Charter Trips by U.S. Scheduled Air Carriers
14 CFR part 208—Charter Trips by U.S. Charter Air Carriers
14 CFR part 211—Applications for Permits to Foreign Air Carriers
14 CFR part 212—Charter Rules for U.S. and Foreign Direct Air Carriers

Year 2 (fall 2009) List of rules analyzed and a summary of results

48 CFR part 1201—Federal Acquisition Regulations System
- Section 610: There is no SEIOSNOSE.
- General: This rule prescribes Agency control and compliance procedures concerning the proliferation of acquisition regulations and any revisions. M–60's plain language review of this rule indicates minor editorial changes are needed but no need for substantial revision.

48 CFR part 1202—Definitions of Words and Terms
- Section 610: There is no SEIOSNOSE.
- General: This rule provides definitions of words and terms concerning acquisitions in DOT. M–60's plain language review of this rule indicates no need for substantial revision.

48 CFR part 1203—Improper Business Practices and Personal Conflicts of Interest
- Section 610: There is no SEIOSNOSE.
- General: This rule provides process for reporting suspected violations of the Gratuities clause. M–60's plain language review of this rule indicates minor editorial changes are needed but no need for substantial revision.

48 CFR part 1204—Administrative Matters
- Section 610: There is no SEIOSNOSE.
- General: This rule provides

procedures for closing out contract files and supporting closeout documents. M–60's plain language review of this rule indicates no need for substantial revision.

48 CFR part 1205—Publicizing Contract Actions
- Section 610: There is no SEIOSNOSE.
- General: This rule provides methods of disseminating information. M–60's plain language review of this rule indicates no need for substantial revision.

48 CFR part 1206—Competition Requirements
- Section 610: There is no SEIOSNOSE.
- General: This rule provides information concerning competition advocates. M–60's plain language review of this rule indicates no need for substantial revision.

48 CFR part 1207—Acquisition Planning
- Section 610: There is no SEIOSNOSE.
- General: This rule provides information concerning requirements which will be followed when cost comparisons between Government and Contractor performance are conducted. M–60's plain language review of this rule indicates no need for substantial revision.

48 CFR part 1211—Describing Agency Needs
- Section 610: There is no SEIOSNOSE.
- General: This provides information concerning the need to include, as applicable, safeguards to ensure safety, security, and environmental protection in requirements documents. M–60's plain language review of this rule indicates no need for substantial revision.

48 CFR part 1213—Simplified Acquisition Procedures
- Section 610: There is no SEIOSNOSE.
- General: This provides DOT procedures for acquiring training services. M–60's plain language review of this rule indicates no need for revision.

48 CFR part 1214—Sealed Bidding
- Section 610: There is no SEIOSNOSE.
- General: This rule provides for telegraphic bids to be communicated provided procedures have been established by the COCO. M–60's plain language review of this rule indicates no need for revision.

48 CFR part 1215—Contracting By Negotiation
- Section 610: There is no SEIOSNOSE.
- General: This rule provides information concerning the solicitation and receipt of proposals and information including evaluation. M–60's plain language review of this rule indicates no need for substantial revision.

48 CFR part 1216—Types of Contracts
- Section 610: There is no SEIOSNOSE.
- General: This rule provides information concerning Fixed-Price Contracts, Incentive Contracts, Indefinite-Delivery Contracts, and Time-and-Materials, Labor-Hour, and Letter Contracts. M–60's plain language review of this rule indicates no need for substantial revision.

48 CFR part 1217—Special Contracting Methods
- Section 610: There is no SEIOSNOSE.
- General: This rule provides procedures for fixed price contracts for vessel repair, alteration, or conversion. M–60's plain language review of this rule indicates no need for substantial revision.

48 CFR part 1219—Small Business Programs
- Section 610: There is no SEIOSNOSE.
- General: This rule addresses contracting issues associated with subcontracting with Small Business, Small Disadvantaged Business, and Women-Owned Small Business concerns. It also provides some discussion of small business competitiveness demonstration program.

48 CFR part 1222—Application of Labor Laws to Government Acquisitions
- Section 610: There is no SEIOSNOSE.
- General: This rule covers aspects of basic labor policies and labor standards. Particular focus is directed to labor standards involving construction.

48 CFR part 1223—Environment, Energy and Water Efficiency, Renewable Energy Technologies, Occupational Safety, and Drug-Free Workplace
- Section 610: There is no SEIOSNOSE.
- General: This rule addresses safety requirements for selected DOT contracts. The emphasis here is on hazardous material identification and material safety data.

48 CFR part 1224—Protection of Privacy and Freedom of Information
- Section 610: There is no SEIOSNOSE.
- General: This rule includes discussion of procedures and appeals processes with a focus on the Freedom of Information Act.

48 CFR part 1227—Patents, Data, and Copyrights
- Section 610: There is no SEIOSNOSE.
- General: This rule includes discussion of procedures and appeals processes.

48 CFR part 1228—Bonds and Insurance
- Section 610: There is no SEIOSNOSE.
- General: This rule covers bonds and other financial protections, insurance, and performance and payment bonds for certain contracts.

48 CFR part 1231—Contract Cost Principles and Procedures
- Section 610: There is no SEIOSNOSE.
- General: This rule discusses contracts with commercial organizations.

48 CFR part 1232—Contract Financing
- Section 610: There is no SEIOSNOSE.
- General: This rule focuses on contract payment processes.

48 CFR part 1233—Protests, Disputes, and Appeals
- Section 610: There is no SEIOSNOSE.
- General: This rule focuses on the protests, disputes, and appeals process with a particular emphasis on CO decisions and alternative dispute resolution.

48 CFR part 1234—[Reserved]

48 CFR part 1235—Research and Development Contracting
- Section 610: There is no SEIOSNOSE.
- General: This rule includes discussion of research and development contracting and provides discussion on research misconduct.

48 CFR part 1236—Construction and Architect-Engineer Contracts
- Section 610: There is no SEIOSNOSE.
- General: This rule covers contract clauses for construction and architect-engineer contracts. It also includes discussion of special precautions for work at operating airports.

48 CFR part 1237—Service Contracting
- Section 610: There is no SEIOSNOSE.
- General: This rule includes information relating to DOT procedures for acquiring training services, and solicitation provisions and contract clauses.

48 CFR part 1239—Acquisition of Information Technology

- Section 610: There is no SEIOSNOSE.
- General: This rule includes solicitation procedures and contract clauses.

48 CFR part 1242—Contract Administration and Audit Services
- Section 610: There is no SEIOSNOSE.
- General: This rule includes appropriate contract clauses for use in audit services.

48 CFR part 1245—Government Property
- Section 610: There is no SEIOSNOSE.
- General: This rule focuses on the management of government property, reporting results of inventory, and audit of property control systems.

48 CFR part 1246—Quality Assurance
- Section 610: There is no SEIOSNOSE.
- General: This rule incorporates a discussion of warranties, and warranty terms and conditions.

48 CFR part 1247—Transportation
- Section 610: There is no SEIOSNOSE.
- General: This rule focuses on ocean transportation by U.S.-flag vessels.

48 CFR part 1252—Solicitation Provisions and Contract Clauses
- Section 610: There is no SEIOSNOSE.
- General: This rule includes, but is not limited to, evaluation of offers subject to an economic price adjustment, determination of award, performance evaluation plans, distribution of award fee, settlement of letter contracts, contract performance, subcontracts and liability and insurance.

48 CFR part 1253—Forms
- Section 610: There is no SEIOSNOSE.
- General: This rule includes prescriptions and illustrations of forms.

Year 3 (fall 2010) List of rules to be analyzed during the next year

14 CFR part 213—Terms, Conditions, and Limitations of Foreign Air Carrier Permits

14 CFR part 214—Terms, Conditions, and Limitations of Foreign Air Carrier Permits Authorizing Charter Transportation Only

14 CFR part 215—Use and Change of Names of Air Carriers, Foreign Air Carriers, and Commuter Air Carriers

14 CFR part 216—Comingling of Blind Sector Traffic by Foreign Air Carriers

14 CFR part 217—Reporting Traffic Statistics by Foreign Air Carriers in Civilian Scheduled, Charter, and Nonscheduled Services

14 CFR part 218—Lease by Foreign Air Carrier or Other Foreign Person of Aircraft With Crew

14 CFR part 221—Tariffs

14 CFR part 222—Intermodal Cargo Services by Foreign Air Carriers

14 CFR part 223—Free and Reduced-Rate Transportation

14 CFR part 232—Transportation of Mail, Review of Orders of Postmaster General

FEDERAL AVIATION ADMINISTRATION
SECTION 610 REVIEW PLAN

Year	Regulations to be reviewed	Analysis year	Review year
1	14 CFR parts 119 through 129 and parts 150 through 156	2008	2009
2	14 CFR parts 133 through 139 and parts 157 through 169	2009	2010
3	14 CFR parts 141 through 147 and parts 170 through 187	2010	2011
4	14 CFR parts 189 through 198 and parts 1 through 16	2011	2012
5	14 CFR parts 17 through 33	2012	2013
6	14 CFR parts 34 through 39 and parts 400 through 405	2013	2014
7	14 CFR parts 43 through 49 and parts 406 through 415	2014	2015
8	14 CFR parts 60 through 77	2015	2016
9	14 CFR parts 91 through 105	2016	2017
10	14 CFR parts 417 through 460	2017	2018

Section 610 Review Plan

The FAA has elected to use the two-step, two-year process used by most DOT modes in past plans. As such, the FAA has divided its rules into 10 groups as displayed in the table below. During the first year (the ''*analysis year*''), all rules published during the previous 10 years within a 10% block of the regulations will be *analyzed* to identify those with a SEIOSNOSE. During the second year (the ''*review year*''), each rule identified in the analysis year as having a SEIOSNOSE will be *reviewed* in accordance with Section 610(b) to determine if it should be continued without change or changed to minimize impact on small entities. Results of those reviews will be published in the DOT Semiannual Regulatory Agenda.

Year 3 (fall 2010) List of rules analyzed and summary of results

14 CFR part 141—Pilot Schools
- Section 610: The agency conducted a Section 610 review of this part and found no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. FAA's plain language review of these rules indicates no need for substantial revision.

14 CFR part 142—Training Centers
- Section 610: The agency conducted a Section 610 review of this part and found no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. FAA's plain language review of these rules indicates no need for substantial revision.

14 CFR part 145—Repair Stations
- Section 610: The agency conducted a Section 610 review of this part and found no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. FAA's plain language review of these rules indicates no need for substantial revision.

14 CFR part 147—Aviation Maintenance Technician Schools
- Section 610: The agency conducted a Section 610 review of this part and found no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. FAA's plain language review of these rules indicates no need for substantial revision.

14 CFR part 170—Establishment and Discontinuance Criteria for Air

Traffic Control Services and Navigational Facilities
- Section 610: The agency conducted a Section 610 review of this part and found no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. FAA's plain language review of these rules indicates no need for substantial revision.

14 CFR part 171—Non-Federal Navigation Facilities
- Section 610: The agency conducted a Section 610 review of this part and found no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. FAA's plain language review of these rules indicates no need for substantial revision.

14 CFR part 183—Representatives of the Administrator
- Section 610: The agency conducted a Section 610 review of this part and found no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. FAA's plain language review of these rules indicates no need for substantial revision.

14 CFR part 185—Testimony by Employees And Production of Records in Legal Proceedings, and Service of Legal Process and Pleadings
- Section 610: 14 CFR part 185 does not affect small entities. Therefore, amendments to it cannot have a SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. FAA's plain language review of these rules indicates no need for substantial revision.

14 CFR part 187—Fees
- Section 610: The agency conducted a Section 610 review of this part and found no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. FAA's plain language review of these rules indicates no need for substantial revision.

Year 4 (fall 2011) List of rules to be analyzed during the next year

14 CFR part 189—Use of Federal Aviation Administration Communications System 14

14 CFR part 198—Aviation Insurance

14 CFR part 1—Definitions and Abbreviations

14 CFR part 3—General Requirements

14 CFR part 11—General Rulemaking Procedures

14 CFR part 13—Investigative and Enforcement Procedures

14 CFR part 14—Rules Implementing the Equal Access to Justice Act of 1980

14 CFR part 15—Administrative Claims Under Federal Tort Claims Act

14 CFR part 16—Rules of Practice for Federally Assisted Airport Enforcement Proceedings

FEDERAL HIGHWAY ADMINISTRATION
SECTION 610 AND OTHER REVIEWS

Year	Regulations to be reviewed	Analysis year	Review year
1	None	2008	2009
2	23 CFR parts 1 to 260	2009	2010
3	23 CFR parts 420 to 470	2010	2011
4	23 CFR part 500	2011	2012
5	23 CFR parts 620 to 637	2012	2013
6	23 CFR parts 645 to 669	2013	2014
7	23 CFR 710 to 924	2014	2015
8	23 CFR 940 to 973	2015	2016
9	23 CFR parts 1200 to 1252	2016	2017
10	New parts and subparts	2017	2018

Federal-Aid Highway Program

The FHWA has adopted regulations in title 23 of the CFR, chapter I, related to the Federal-Aid Highway Program. These regulations implement and carry out the provisions of Federal law relating to the administration of Federal aid for highways. The primary law authorizing Federal aid for highways is chapter I of title 23 of the U.S.C. section 145 of title 23 expressly provides for a federally assisted State program. For this reason, the regulations adopted by the FHWA in title 23 of the CFR primarily relate to the requirements that States must meet to receive Federal funds for the construction and other work related to highways. Because the regulations in title 23 primarily relate to States, which are not defined as small entities under the Regulatory Flexibility Act, the FHWA believes that its regulations in title 23 do not have a significant economic impact on a substantial number of small entities. The FHWA solicits public comment on this preliminary conclusion.

Year 2 (fall 2009) List of rules analyzed and a summary of results

23 CFR part 1—General
- Section 610: No SEIOSNOSE. No small entities are affected.
- General: No changes are needed. These regulations are cost effective and impose the least burden. FHWA's plain language review of these rules indicates no need for substantial revision.

23 CFR part 140—Reimbursement
- Section 610: No SEIOSNOSE. This section applies primarily to State transportation agencies that are not small entities.
- General: No changes are needed. These regulations are cost effective and impose the least burden. FHWA's plain language review of these rules indicates no need for substantial revision.

23 CFR part 172—Administration of Engineering and Design-Related Service Contracts
- Section 610: No SEIOSNOSE. This section applies primarily to State transportation agencies that are not small entities.
- General: No changes are needed. These regulations are cost effective and impose the least burden. FHWA's plain language review of these rules indicates no need for substantial revision.

23 CFR part 180—Credit Assistance for Surface Transportation Projects
- Section 610: No SEIOSNOSE. This section applies primarily to State transportation agencies that are not small entities.
- General: No changes are needed. These regulations are cost effective and impose the least burden. FHWA's plain language review of these rules indicates no need for

substantial revision.

23 CFR part 190—Incentive Payments for Controlling Outdoor Advertising on the Interstate System

- Section 610: No SEIOSNOSE. This section applies primarily to State transportation agencies that are not small entities.
- General: No changes are needed. These regulations are cost effective and impose the least burden. FHWA's plain language review of these rules indicates no need for substantial revision.

23 CFR part 192—Drug Offender's Driver's License Suspension

- Section 610: No SEIOSNOSE. This section applies primarily to State transportation agencies that are not small entities.
- General: No changes are needed. These regulations are cost effective and impose the least burden. FHWA's plain language review of these rules indicates no need for substantial revision.

23 CFR part 200—Title VI Program and Related Statutes—Implementation and Review procedures

- Section 610: No SEIOSNOSE. This section applies primarily to State transportation agencies that are not small entities.
- General: No changes are needed. These regulations are cost effective and impose the least burden. FHWA's plain language review of these rules indicates no need for substantial revision.

23 CFR part 230—External Programs

- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- General: No changes are needed. These regulations are cost effective and impose the least burden. FHWA's plain language review of these rules indicates no need for substantial revision.

23 CFR part 260—Education and Training Programs

- Section 610: No SEIOSNOSE. No small entities are affected.
- General: No changes are needed. These regulations are cost effective and impose the least burden. FHWA's plain language review of these rules indicates no need for substantial revision.

Year 3 (fall 2010) List of rules that will be analyzed during the next year

23 CFR part 420—Planning and Research Program Administration

23 CFR part 450—Planning Assistance and Standards

23 CFR part 460—Public Road Mileage for Apportionment of Highway Safety Funds

23 CFR part 470—Highway Systems

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION
SECTION 610 AND OTHER REVIEWS

Year	Regulations to be reviewed	Analysis year	Review year
1	49 CFR parts 372, subpart A, and 381	2008	2009
2	49 CFR parts 386, 389, and 395	2009	2010
3	49 CFR parts 325, 388, 350, and 355	2010	2011
4	49 CFR parts 380 and 382 to 385	2011	2012
5	49 CFR parts 390 to 393 and 396 to 399	2012	2013
6	49 CFR parts 356, 367, 369 to 371, 372, subparts B–C	2013	2014
7	49 CFR parts 373, 374, 376, and 379	2014	2015
8	49 CFR parts 360, 365, 366, and 368	2015	2016
9	49 CFR parts 377, 378, and 387	2016	2017
10	49 CFR parts 303, 375, and new parts and subparts	2017	2018

Year 2 (fall 2009) List of rules analyzed and a summary of results

49 CFR part 386—Rules of Practice for Motor Carrier, Broker, Freight Forwarder, and Hazardous Materials Proceedings

- Section 610: There is SEIOSNOSE, as a significant number of small entities are affected by fees and reporting requirements in the regulation. It was found that the cost of a formal hearing to appeal a decision may have a significant impact on small firms.
- General: The Agency will assess the need for changes once the review of these regulations is complete. FMCSA's plain language review of these regulations indicates no need for substantial revision.

49 CFR part 395—Hours of Service of Drivers

- This has been postponed, due to initiation of new rulemaking; Agency is set to publish in July 2011.

Year 2 (fall 2009) List of rules with ongoing analysis

49 CFR part 389—Rulemaking Procedures—Federal Motor Carrier Safety Regulations

Year 3 (fall 2010) List of rules that will be analyzed during the next year

49 CFR part 325—Compliance With Interstate Motor Carrier Noise Emission

49 CFR part 388—Cooperative Agreements With States

49 CFR part 350—Commercial Motor Carrier Safety Assistance Program

49 CFR part 355—Compatibility of State Laws and Regulations Affecting Interstate Motor Carrier Operations

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION
SECTION 610 AND OTHER REVIEWS

Year	Regulations to be reviewed	Analysis year	Review year
1	49 CFR 571.223 through 571.500 and parts 575 and 579	2008	2009
2	23 CFR parts 1200 and 1300	2009	2010
3	49 CFR parts 501 through 526 and 571.213	2010	2011
4	49 CFR 571.131, 571.217, 571.220, 571.221, and 571.222	2011	2012
5	49 CFR 571.101 through 571.110, and 571.135, 571.138, and 571.139	2012	2013
6	49 CFR parts 529 through 578, except parts 571 and 575	2013	2014

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION—Continued
SECTION 610 AND OTHER REVIEWS

Year	Regulations to be reviewed	Analysis year	Review year
7	49 CFR 571.111 through 571.129 and parts 580 through 588	2014	2015
8	49 CFR 571.201 through 571.212	2015	2016
9	49 CFR 571.214 through 571.219, except 571.217	2016	2017
10	49 CFR parts 591 through 595 and new parts and subparts	2017	2018

Year 2 (fall 2009) List of rules analyzed and a summary of the results

23 CFR part 1200—Uniform Procedures for State Highway Safety Programs
- Section 610: No SEIOSNOSE. No small entities are affected.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

23 CFR part 1205—Highway Safety Programs; Determinations of Effectiveness
- Section 610: No SEIOSNOSE. No small entities are affected.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

23 CFR part 1206—Rules of Procedure for Invoking Sanctions Under the Highway Safety Act of 1966
- Section 610: No SEIOSNOSE. No small entities are affected.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

23 CFR part 1208—National Minimum Drinking Age
- Section 610: No SEIOSNOSE. No small entities are affected.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

23 CFR part 1210—Operation of Motor Vehicles by Intoxicated Minors
- Section 610: No SEIOSNOSE. No small entities are affected.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

23 CFR part 1215—Use of Safety Belts—Compliance and Transfer-of-Funds Procedures
- Section 610: No SEIOSNOSE. No small entities are affected.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

23 CFR part 1225—Operation of Motor Vehicles by Intoxicated Persons
- Section 610: No SEIOSNOSE. No small entities are affected.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

23 CFR part 1235—Uniform System for Parking for Persons With Disabilities
- Section 610: No SEIOSNOSE. No small entities are affected.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

23 CFR part 1240—Safety Incentive Grants for Use of Seat Belts—Allocations Based on Seat Belt Use Rates
- Section 610: No SEIOSNOSE. No small entities are affected.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

23 CFR part 1250—Political Subdivision Participation in State Highway Safety Programs
- Section 610: No SEIOSNOSE. No small entities are affected.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

23 CFR part 1251—State Highway Safety Agency
- Section 610: No SEIOSNOSE. No small entities are affected.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

23 CFR part 1252—State Matching of Planning and Administration Costs
- Section 610: No SEIOSNOSE. No small entities are affected.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

23 CFR part 1270—Open Container Laws
- Section 610: No SEIOSNOSE. No small entities are affected.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

23 CFR part 1275—Repeat Intoxicated Driver Laws
- Section 610: No SEIOSNOSE. No small entities are affected.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

23 CFR part 1313—Incentive Grant Criteria for Alcohol-Impaired Driving Prevention Programs
- Section 610: No SEIOSNOSE. No small entities are affected.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

23 CFR part 1327—Procedures for Participating in and Receiving Information From the National Driver Register Problem Driver Pointer System
- Section 610: No SEIOSNOSE. No small entities are affected.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

23 CFR part 1335—State Highway Safety Data Improvements
- Section 610: No SEIOSNOSE. No small entities are affected.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

23 CFR part 1340—Uniform Criteria for State Observational Surveys of Seat Belt Use
- Section 610: No SEIOSNOSE. No small entities are affected.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

23 CFR part 1345—Incentive Grant Criteria for Occupant Protection Programs
- Section 610: No SEIOSNOSE. No small entities are affected.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

23 CFR part 1350—Incentive Grant Criteria for Motorcycle Safety Program
- Section 610: No SEIOSNOSE. No small entities are affected.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

Year 3 (fall 2010) List of rules that will be analyzed during the next year

49 CFR part 501—Organization and Delegation of Powers and Duties

49 CFR part 509—OMB Control Numbers for Information Collection Requirements

49 CFR part 510—Information Gathering Powers

49 CFR part 511—Adjudicative Procedures

49 CFR part 512—Confidential Business Information

49 CFR part 520—Procedures for Considering Environmental Impacts

49 CFR part 523—Vehicle Classification

49 CFR part 525—Exemptions From Average Fuel Economy Standards

49 CFR part 526—Petitions and Plans for Relief Under the Automobile Fuel Efficiency Act of 1980

49 CFR 571.213—Child Restraint Systems

FEDERAL RAILROAD ADMINISTRATION SECTION 610 AND OTHER REVIEWS

Year	Regulations to be reviewed	Analysis year	Review year
1	49 CFR parts 200 and 201	2008	2009
2	49 CFR parts 207, 209, 211, 215, 238, and 256	2009	2010
3	49 CFR parts 210, 212, 214, 217, and 268	2010	2011
4	49 CFR part 219	2011	2012
5	49 CFR parts 218, 221, 241, and 244	2012	2013
6	49 CFR parts 216, 228, and 229	2013	2014
7	49 CFR parts 223 and 233	2014	2015
8	49 CFR parts 224, 225, 231, and 234	2015	2016
9	49 CFR parts 222, 227, 235, 236, 250, 260, and 266	2016	2017
10	49 CFR parts 213, 220, 230, 232, 239, 240, and 265	2017	2018

Year 2 (fall 2009) List of rules analyzed and a summary of results

49 CFR part 207—Railroad Police Officers
- Section 610: There is no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. FRA's plain language review of this rule indicates no need for substantial revision.

49 CFR part 209—Railroad Safety Enforcement Procedures
- Section 610: There is no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. FRA's plain language review of this rule indicates no need for substantial revision.

49 CFR part 211—Rules of Practice
- Section 610: There is no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. FRA's plain language review of this rule indicates no need for substantial revision.

49 CFR part 215—Railroad Freight Car Safety Standards
- Section 610: There is a SEIOSNOSE.
- General: No changes are needed. This rule already limits economic impact on small entities through appendix D of the rule. FRA's plain language review of this rule indicates no need for substantial revision.

49 CFR part 238—Passenger Equipment Safety Standards
- Section 610: There is no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. FRA's plain language review of this rule indicates no need for substantial revision.

49 CFR part 256—Financial Assistance for Railroad Passenger Terminals
- Section 610: There is no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. FRA's plain language review of the rule indicates no need for substantial revision.

Year 3 (fall 2010) List of rule(s) that will be analyzed during next year

49 CFR part 210—Railroad Noise Emission Compliance Regulations

49 CFR part 212—State Safety Participation Regulations

49 CFR part 214—Railroad Workplace Safety

49 CFR part 217—Railroad Operating Rules

49 CFR part 268—Magnetic Levitation Transportation Technology Deployment Program

FEDERAL TRANSIT ADMINISTRATION
SECTION 610 AND OTHER REVIEWS

Year	Regulations to be reviewed	Analysis year	Review year
1	49 CFR parts 604, 605, and 633	2008	2009
2	49 CFR parts 661 and 665	2009	2010
3	49 CFR part 633	2010	2011
4	49 CFR parts 609 and 611	2011	2012
5	49 CFR parts 613 and 614	2012	2013
6	49 CFR part 622	2013	2014
7	49 CFR part 630	2014	2015
8	49 CFR part 639	2015	2016
9	49 CFR parts 659 and 663	2016	2017
10	49 CFR part 665	2017	2018

Year 2 (fall 2009) List of rules analyzed and summary of results

49 CFR part 665—Bus Testing

- Section 610: The Agency has determined that the rule will not have a significant effect on a substantial number of small entities.
- General: This rulemaking amends FTA's bus testing program to incorporate brake performance and emission tests. The rule also clarifies existing regulatory requirements and was drafted using plain language techniques.

Year 3 (fall 2010) List of rules that will be analyzed during the next year

49 CFR part 605—School Bus Operations

49 CFR part 633—Capital Project Management

MARITIME ADMINISTRATION
SECTION 610 AND OTHER REVIEWS

Year	Regulations to be reviewed	Analysis year	Review year
1	46 CFR parts 201 through 205	2008	2009
2	46 CFR parts 221 through 232	2009	2010
3	46 CFR parts 249 through 296	2010	2011
4	46 CFR part 298	2011	2012
5	46 CFR parts 307 through 309	2012	2013
6	46 CFR part 310	2013	2014
7	46 CFR parts 315 through 340	2014	2015
8	46 CFR parts 345 through 381	2015	2016
9	46 CFR parts 382 through 389	2016	2017
10	46 CFR parts 390 through 393	2017	2018

Year 2 (fall 2009) List of rules analyzed and a summary of the results

46 CFR part 221—Regulated Transactions Involving Documented Vessels and Other Maritime Interests

- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- General: No changes are needed. Where confusing or wordy language has been identified, revisions will be made.

46 CFR part 232—Uniform Financial Reporting Requirements

- Section 610: No SEIOSNOSE. Some small entities may be affected, but the economic impact on small entities will not be significant.
- General: No changes are needed. Where confusing or wordy language has been identified, revisions will be made.

Year 3 (fall 2010) list of rules that will be analyzed during the next year

46 CFR part 249—Approval of Underwriters for Marine Hull Insurance

46 CFR part 251—Application for Subsidies and Other Direct Financial Aid

46 CFR part 252—Operating-Differential Subsidy for Bulk Cargo Vessels Engaged in Worldwide Services

46 CFR part 272—Requirements and Procedures for Conducting Condition Surveys and Administering Maintenance and Repair Subsidy

46 CFR part 276—Construction-Differential Subsidy Repayment

46 CFR part 277—Domestic and Foreign Trade; Interpretations

46 CFR part 280—Limitations on the Award and Payment of Operating-Differential Subsidy for Liner Operators

46 CFR part 281—Information and Procedure Required Under Liner Operating-Differential Subsidy Agreements

46 CFR part 282—Operating-Differential Subsidy for Liner Vessels Engaged in Essential Services in the Foreign Commerce of the United States

46 CFR part 283—Dividend Policy for Operators Receiving Operating-Differential Subsidy

46 CFR part 287—Establishment of Construction Reserve Funds

46 CFR part 289—Insurance of Construction-Differential Subsidy Vessels, Operating-Differential Subsidy Vessels, and of Vessels Sold or Adjusted Under the Merchant Ship Sales Act of 1946

46 CFR part 295—Maritime Security Program (MSP)

46 CFR part 296—Maritime Security Program (MSP)

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION (PHMSA)
SECTION 610 AND OTHER REVIEWS

Year	Regulations to be reviewed	Analysis year	Review year
1	49 CFR part 178	2008	2009
2	49 CFR parts 178 through 180	2009	2010
3	49 CFR parts 172 and 175	2010	2011
4	49 CFR part 171, sections 171.15 and 171.16	2011	2012
5	49 CFR parts 106, 107, 171, 190, and 195	2012	2013
6	49 CFR parts 174, 177, 191, and 192	2013	2014
7	49 CFR parts 176 and 199	2014	2015
8	49 CFR parts 172 through 178	2015	2016
9	49 CFR parts 172, 173, 174, 176, 177, and 193	2016	2017
10	49 CFR parts 173 and 194	2017	2018

Year 2 (fall 2009) List of rules analyzed and a summary of results

49 CFR part 178—Specifications for Packagings

- Section 610: There is no SEIOSNOSE. A substantial number of small entities, particularly those that use performance oriented packagings, may be affected by this rule, but the economic impact on those entities is not significant.
- General: This rule prescribes minimum Federal safety standards for the construction of DOT specification packagings, these requirements are necessary to protect transportation workers and the public and to ensure the survivability of DOT specification packagings during transportation incidents. PHMSA's plain language review of this rule indicates no need for substantial revision.

49 CFR part 179—Specifications for Tank Cars

- Section 610: There is no SEIOSNOSE. This rule prescribes specification requirements as minimum safety standards for rail tank cars used to transport hazardous materials in commerce. Some small entities may be affected, but the economic impact on small entities is not significant.
- General: Specification requirements for tank cars are considered minimum Federal safety standards that are necessary to protect transportation workers and the public and to ensure the survivability of DOT specification packagings during transportation incidents. PHMSA's plain language review of this rule indicates no need for substantial revision.

49 CFR part 180—Continuing Qualification and Maintenance of Packagings

- Section 610: There is no SEIOSNOSE. This rule impacts a substantial number of small entities, but when the survivability, durability, and service life of DOT specification packagings covered under this rule are fully considered, the economic impact on those entities is not significant.
- General: This rule prescribes requirements for maintaining and verifying the integrity of DOT specification packagings used for the transportation of hazardous materials in commerce. This rule ensures that DOT specification packagings continue to conform to the specifications to which they were originally manufactured and designed. PHMSA's plain language review of this rule indicates no need for substantial revision.

Year 3 (fall 2010) List of rules that will be analyzed during the next year

49 CFR part 172—Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, Training Requirements, and Security Plans

49 CFR part 175—Carriage By Aircraft

RESEARCH AND INNOVATIVE TECHNOLOGY ADMINISTRATION (RITA)
SECTION 610 AND OTHER REVIEWS

Year	Regulations to be reviewed	Analysis year	Review year
1	14 CFR part 241, form 41	2008	2009
2	14 CFR part 241, schedule T–100, and part 217	2009	2010
3	14 CFR part 298	2010	2011
4	14 CFR part 241, section 19–7	2011	2012
5	14 CFR part 291	2012	2013
6	14 CFR part 234	2013	2014
7	14 CFR part 249	2014	2015
8	14 CFR part 248	2015	2016
9	14 CFR part 250	2016	2017
10	14 CFR part 374a, ICAO	2017	2018

Year 1 (fall 2008) List of rules with ongoing analysis

14 CFR part 241—Uniform system of Accounts and Reports for Large Certificated Air Carriers, Form 41

Year 2 (fall 2009) List of rules analyzed and a summary of the results

14 CFR part 241—Schedule T–100

- Section 610: There is no SEIONOSE. Part 241 Schedule T–100 applies to only large certificated air carriers.
- General: Part 241 Schedule T–100 is a monthly report of on-flight market and nonstop segment traffic data for flights operated by large certificated air carriers. This regulation is being reviewed as part of an overall aviation data requirements review and modernization program, which

will also take into account the plain language initiative.

14 CFR part 217—Reporting Traffic Statistics by Foreign Air Carriers in Civilian Scheduled, Charter, and Nonscheduled Services—Schedule T–100(f)

- Section 610: There is no SEIONOSE. This regulation applies to foreign air carriers that operate to or from the United States. Currently 93 percent of the reporting carriers are large foreign air carriers.
- General: This regulation requires the submission of traffic data for operations to or from the United States. This regulation is being reviewed as part of an overall aviation data requirements review and modernization program, which will also take into account the plain language initiative.

Year 3 (fall 2010) List of rules that will be analyzed during the next year

14 CFR part 298 subpart f—Exemptions for Air Taxi and Commuter Air Carrier Operations—Reporting Requirements

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION
SECTION 610 AND OTHER REVIEWS

Year	Regulations to be reviewed	Analysis year	Review year
1	33 CFR parts 401 through 403	2008	2009

Year 1 (fall 2008) List of rules with ongoing analysis

33 CFR part 401—Seaway Regulations and Rules

33 CFR part 402—Tariff of Tolls

33 CFR part 403—Rules of Procedure of the Joint Tolls Review Board

OFFICE OF THE SECRETARY—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
237	+Use of the Seat-Strapping Method for Carrying a Wheelchair on an Aircraft	2105–AD87

+ DOT-designated significant regulation

OFFICE OF THE SECRETARY—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
238	Disadvantaged Business Enterprise; Potential Program Improvements	2105–AD75
239	+Enhancing Airline Passenger Protections—Part 2	2105–AD92

+ DOT-designated significant regulation

FEDERAL AVIATION ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
240	+Qualification, Service, and Use of Crewmembers and Aircraft Dispatchers	2120–AJ00
241	+Operation and Certification of Small Unmanned Aircraft Systems (SUAS)	2120–AJ60
242	+Repair Stations	2120–AJ61
243	+Part 121 Exiting Icing Conditions	2120–AJ74
244	+Air Carrier Maintenance Training Program (SECTION 610 REVIEW)	2120–AJ79
245	+Safety Management Systems for Part 121 Certificate Holders (SECTION 610 REVIEW)	2120–AJ86
246	+Flight Crewmember Mentoring, Leadership, and Professional Development (HR 5900)	2120–AJ87

+ DOT-designated significant regulation

FEDERAL AVIATION ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
247	+Activation of Ice Protection	2120–AJ43
248	+Air Ambulance and Commercial Helicopter Operations; Safety Initiatives and Miscellaneous Amendments.	2120–AJ53
249	+Flight and Duty Time Limitations and Rest Requirements	2120–AJ58

+ DOT-designated significant regulation

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
250	+Unified Registration System	2126–AA22
251	+Electronic On-Board Recorders and Hours of Service Supporting Documents	2126–AB20
252	+Hours of Service	2126–AB26
253	+Drivers of Commercial Vehicles: Restricting the Use of Cellular Phones (SECTION 610 REVIEW)	2126–AB29

+ DOT-designated significant regulation

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
254	+National Registry of Certified Medical Examiners	2126–AA97

+ DOT-designated significant regulation

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
255	+Safety Monitoring System and Compliance Initiative for Mexico-Domiciled Motor Carriers Operating in the United States.	2126–AA35

+ DOT-designated significant regulation

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
256	+Commercial Driver's License Testing and Commercial Learner's Permit Standards	2126–AB02

+ DOT-designated significant regulation

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
257	+Ejection Mitigation	2127–AK23

+ DOT-designated significant regulation

FEDERAL RAILROAD ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
258	+Risk Reduction Program	2130–AC11

+ DOT-designated significant regulation

FEDERAL RAILROAD ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
259	+Hours of Service: Passenger Train Employees (RULEMAKING RESULTING FROM A SECTION 610 REVIEW).	2130–AC15

+ DOT-designated significant regulation

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
260	Tariff of Tolls (COMPLETION OF A SECTION 610 REVIEW)	2135–AA29

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
261	+Hazardous Materials: Revisions to Requirements for the Transportation of Lithium Batteries	2137–AE44

+ DOT-designated significant regulation

MARITIME ADMINISTRATION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
262	+Cargo Preference—Compromise, Assessment, Mitigation, Settlement and Collection of Civil Penalties.	2133–AB75

+ DOT-designated significant regulation

DEPARTMENT OF TRANSPORTATION (DOT)

Office of the Secretary (OST)

Proposed Rule Stage

237. +Use of the Seat-Strapping Method for Carrying a Wheelchair on an Aircraft

Legal Authority: 49 U.S.C. 41705

Abstract: This rulemaking would address whether carriers should be allowed to utilize the seat-strapping method to stow a passenger's wheelchair in the aircraft cabin. This rulemaking was recently upgraded to significant.

Timetable:

Action	Date	FR Cite
NPRM	06/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Blane A Workie, Attorney, Department of Transportation, Office of the Secretary, 1200 New Jersey Avenue, SE, Washington, DC 20590, Phone: 202–366–9342, TDD Phone: 202–755–7687, Fax: 202–366–7152, E-mail: *blane.workie@ost.dot.gov*.

RIN: 2105–AD87

DEPARTMENT OF TRANSPORTATION (DOT)

Office of the Secretary (OST)

Completed Actions

238. Disadvantaged Business Enterprise; Potential Program Improvements

Legal Authority: 49 U.S.C. 329; 49 U.S.C. ch 401, 411, and 417; 49 U.S.C. 47107; 49 U.S.C. 47113; 49 U.S.C. 47123; Pub. L. 105–59, sec 101(b)

Abstract: The rule makes several improvements to the DBE program, in areas including program oversight, recipient accountability, and interstate certification.

Timetable:

Action	Date	FR Cite
ANPRM	04/08/09	74 FR 15904
ANPRM Comment Period End.	07/07/09	
NPRM	05/10/10	75 FR 25815
NPRM Comment Period End.	07/09/10	
Final Rule	01/28/11	76 FR 5083
Final Rule Effective.	02/28/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Robert C Ashby, Deputy Assistant General Counsel for Regulation and Enforcement, Department of Transportation, Office of the Secretary, 1200 New Jersey Avenue, SE, Washington, DC 20590, Phone: 202–366–4723, TDD Phone: 202–755–7687, E-mail: *bob.ashby@ost.dot.gov.*

RIN: 2105–AD75

239. +Enhancing Airline Passenger Protections—Part 2

Legal Authority: 49 U.S.C. 41712; 49 U.S.C. 40101; 49 U.S.C. 41702

Abstract: This rulemaking would enhance airline passenger protections by addressing the following areas: (1) Contingency plans for lengthy tarmac delays; (2) reporting of tarmac delay data; (3) customer service plans; (4) notification to passengers of flight status changes; (5) inflation adjustment for denied boarding compensation; (6) alternative transportation for passengers on canceled flights; (7) opt-out provisions (e.g. travel insurance); (8) contract of carriage provisions; (9) baggage fees disclosure; and (10) full fare advertising.

Timetable:

Action	Date	FR Cite
NPRM	06/08/10	75 FR 32318
Clarification to NPRM.	06/25/10	75 FR 36300
NPRM Comment Period Extended.	08/03/10	75 FR 45562
NPRM Comment Period End.	08/09/10	
Extended Comment Period End.	09/23/10	
Final Rule	04/27/11	76 FR 23110
Final Rule Effective.	08/23/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Blane A Workie, Attorney, Department of Transportation, Office of the Secretary, 1200 New Jersey Avenue, SE, Washington, DC 20590, Phone: 202–366–9342, TDD Phone: 202–755–7687, Fax: 202–366–7152, E-mail: *blane.workie@ost.dot.gov.*

RIN: 2105–AD92

BILLING CODE 4910–9X–P

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Aviation Administration (FAA)

Proposed Rule Stage

240. +Qualification, Service, and Use of Crewmembers and Aircraft Dispatchers

Legal Authority: 49 U.S.C. 106(g); 49 U.S.C. 40113; 49 U.S.C. 40119; 49 U.S.C. 44101; 49 U.S.C. 44701; 49 U.S.C. 44702; 49 U.S.C. 44705; 49 U.S.C. 44709 to 44711; 49 U.S.C. 44713; 49 U.S.C. 44716 to 44717; 49 U.S.C. 44722; 49 U.S.C. 44901; 49 U.S.C. 44903 to 44904; 49 U.S.C. 44912; 49 U.S.C. 46105

Abstract: This rulemaking would amend the regulations for crewmember and dispatcher training programs in domestic, flag, and supplemental operations. The rulemaking would enhance traditional training programs by requiring the use of flight simulation

training devices for flight crewmembers and including additional training requirements in areas that are critical to safety. The rulemaking would also reorganize and revise the qualification and training requirements. The changes are intended to contribute significantly to reducing aviation accidents.

Timetable:

Action	Date	FR Cite
NPRM	01/12/09	74 FR 1280
Proposed rule; notice of public meeting.	03/12/09	74 FR 10689
NPRM Comment Period Extended.	04/20/09	74 FR 17910
Comment Period End.	05/12/09	
Extended Comment Period End.	08/10/09	
Supplemental NPRM.	05/20/11	76 FR 29336
Supplemental NPRM Comment Period End.	07/19/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Nancy L Claussen, Federal Aviation Administration, Department of Transportation, Federal Aviation Administration, 800 Independence Ave, SW, Washington, DC 20591, Phone: 202–267–8166, E-mail: *nancy.claussen@faa.gov.*

RIN: 2120–AJ00

241. +Operation and Certification of Small Unmanned Aircraft Systems (SUAS)

Legal Authority: 49 U.S.C. 44701

Abstract: This rulemaking would enable small unmanned aircraft to safely operate in limited portions of the national airspace system (NAS). This action is necessary because it addresses the novel legal or policy issues about the minimum safety parameters for operating recreational remote control model and toy aircraft in the NAS. The intended effect of this action is to develop requirements and standards to ensure that risks are adequately mitigated, such that safety is maintained for the entire aviation community.

Timetable:

Action	Date	FR Cite
NPRM	11/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Stephen A Glowacki, Department of Transportation, Federal Aviation Administration, 800 Independence Ave, SW, Washington, DC 20591, Phone: 202–385–4898, E-mail: *stephen.a.glowacki@faa.gov.*

RIN: 2120–AJ60

242. +Repair Stations

Legal Authority: 49 U.S.C. 44701 to 44702; 49 U.S.C. 106(g); 49 U.S.C. 40113; 49 U.S.C. 44701 to 44702; 49 U.S.C. 44707; 49 U.S.C. 44709; 49 U.S.C. 44717

Abstract: This rulemaking would update and revise the regulations for repair stations. The action is necessary because many portions of the current regulations do not reflect current repair station business practices, aircraft maintenance practices, or advances in aircraft technology.

Timetable:

Action	Date	FR Cite
NPRM	11/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John J Goodwin, Department of Transportation, Federal Aviation Administration, 950 L'Enfant Plaza North, SW., Washington, DC 20024, Phone: 202 385–6417, E-mail: *john.j.goodwin@faa.gov.*

RIN: 2120–AJ61

243. +Part 121 Exiting Icing Conditions

Legal Authority: 49 U.S.C. 106(g); 49 U.S.C. 40113; 49 U.S.C. 40119; 49 U.S.C. 44101; 49 U.S.C. 44701 to 44702; 49 U.S.C. 44705; 49 U.S.C. 44709 to 44711; 49 U.S.C. 44713; 49 U.S.C. 44716 to 44717; 49 U.S.C. 44722; 49 U.S.C. 44901; 49 U.S.C. 44903 to 44904; 49 U.S.C. 44912; 49 U.S.C. 46105

Abstract: This rulemaking would require operators of certain airplanes used in air carrier service and certificated for flight in icing conditions to: 1. enable the flightcrew to determine when the airplane is in large drop icing conditions, and 2. require follow-on flightcrew action in these conditions for certain airplanes with reversible flight controls for the pitch and/or roll axis. This rulemaking is the result of information gathered from a review of icing accidents and incidents, and it is intended to improve the level of safety when airplanes are operated in icing conditions.

Timetable:

Action	Date	FR Cite
NPRM	04/00/12	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Robert Hettman, ANM–112, Transport Airplane Directorate, Department of Transportation, Federal Aviation Administration, 1601 Lind Avenue, SW, Renton, WA 98057, Phone: 425–227–2683, E-mail: *robert.hettman@faa.gov.*

RIN: 2120–AJ74

244. +Air Carrier Maintenance Training Program (Section 610 Review)

Legal Authority: 49 U.S.C. 44101; 49 U.S.C. 106(g); 49 U.S.C. 40113; 49 U.S.C. 40119; 49 U.S.C. 41706; 49 U.S.C. 44701; 49 U.S.C. 44702; 49 U.S.C. 44705; 49 U.S.C. 44709 to 47111; 49 U.S.C. 44713; 49 U.S.C. 44715 to 44717; 49 U.S.C. 44722; 49 U.S.C. 46105

Abstract: This proposed rule would require FAA approval of an air carrier maintenance program if they operate aircraft with 10 or more passenger seats. The intent of this proposed rule is to reduce the number of accidents and incidents caused by human error, fatigue, improper maintenance, inspection, or repair practices.

Timetable:

Action	Date	FR Cite
NPRM	08/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John J Hiles, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 950 L'Enfant Plaza North, SW, Washington, DC 20591, Phone: 202–385–6421, E-mail: *john.j.hiles@faa.gov.*

RIN: 2120–AJ79

245. • +Safety Management Systems for Part 121 Certificate Holders (Section 610 Review)

Legal Authority: 49 U.S.C. 106(g); 49 U.S.C. 40113; 49 U.S.C. 40119; 49 U.S.C. 41706; 49 U.S.C. 44101; 49 U.S.C. 44701 to 44702; 49 U.S.C. 44705; 49 U.S.C. 44709 to 44711; 49 U.S.C. 44713; 49 U.S.C. 44716 to 44717; 49 U.S.C. 44722; 49 U.S.C. 46105

Abstract: This rulemaking would require all part 121 air carriers to implement a safety management system (SMS). Congress passed Public Law 111–216 instructing FAA to conduct a rulemaking to require all part 121 air carriers to implement an SMS. The proposed rule must include the following safety management elements: Requirements based on risk management, quality management techniques to develop safety assurance, use of interrelated systems to measure effectiveness of safety measures, and promotion of an organization-wide safety culture. Congress further required that the FAA consider at a minimum

each of the following as part of the SMS rulemaking: (1) An Aviation Safety Action Program (ASAP), (2) A Flight Operational Quality Assurance Program (FOQA), (3) A Line Operations Safety Audit, and (4) An Advance Qualification Program.

Timetable:

Action	Date	FR Cite
NPRM	11/05/10	75 FR 68224
NPRM Comment Period End.	02/03/11	
NPRM Comment Period Extended.	01/31/11	76 FR 5296
NPRM Comment Period Extended End.	03/07/11	
Analyzing Comments.	07/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Scott VanBuren, Department of Transportation, Federal Aviation Administration, 800 Independence Ave, SW, Washington, DC 20591, Phone: 202 494–8417, E-mail: *scott.vanburen@faa.gov.*

RIN: 2120–AJ86

246. • +Flight Crewmember Mentoring, Leadership, and Professional Development (HR 5900)

Legal Authority: 49 U.S.C. 44701(a)(5)

Abstract: This rulemaking would amend the regulations for air carrier training programs under part 121. The action is necessary to ensure that air carriers establish or modify training programs that address mentoring, leadership, and professional development of flight crewmembers in part 121 operations. The amendments are intended to contribute significantly to airline safety by reducing aviation accidents.

Timetable:

Action	Date	FR Cite
NPRM	07/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Deke Abbott, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, Phone: 202–267–8266, E-mail: *deke.abbott@faa.gov.*

RIN: 2120–AJ87

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Aviation Administration (FAA)

Final Rule Stage

247. +Activation of Ice Protection

Legal Authority: 49 U.S.C. 106(g); 49 U.S.C. 40113; 49 U.S.C. 40119; 49 U.S.C. 44101; 49 U.S.C. 44701; 49 U.S.C. 44705; 49 U.S.C. 44709 to 44711; 49 U.S.C. 44713; 49 U.S.C. 44716; 49 U.S.C. 44722; 49 U.S.C. 44901; 49 U.S.C. 44903; 49 U.S.C. 44912; 49 U.S.C. 46105; 49 U.S.C. 44702; 49 U.S.C. 44717; 49 U.S.C. 44904

Abstract: This rulemaking would amend the regulations applicable to operators of certain airplanes used in air carrier service and certificated for flight in icing conditions. The standards would require either the installation of ice detection equipment or changes to the Airplane Flight Manual to ensure timely activation of the airframe ice protection system. This regulation is the result of information gathered from a review of icing accidents and incidents, and it is intended to improve the level of safety when airplanes are operated in icing conditions.

Timetable:

Action	Date	FR Cite
NPRM	11/23/09	74 FR 61055
NPRM Comment Period End.	02/22/10	
Final Rule	08/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jerry Ostronic, Air Carrier Operations Branch, AFS 220, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, Phone: 202–267–8166, Fax: 202–267–5229, E-mail: *jerry.c.ostronic@faa.gov.*

RIN: 2120–AJ43

248. +Air Ambulance and Commercial Helicopter Operations; Safety Initiatives and Miscellaneous Amendments

Legal Authority: 49 U.S.C. 106(g); 49 U.S.C. 1155; 49 U.S.C. 40101 to 40103; 49 U.S.C. 40120; 49 U.S.C. 41706; 49 U.S.C. 41721; 49 U.S.C. 44101; 49 U.S.C. 44106; 49 U.S.C. 44111; 49 U.S.C. 46306; 49 U.S.C. 46315; 49 U.S.C. 46316; 49 U.S.C. 46504; 49 U.S.C. 46506; 49 U.S.C. 46507; 49 U.S.C. 47122; 49 U.S.C. 47508; 49 U.S.C. 47528 to 47531

Abstract: This rulemaking would change equipment and operating requirements for commercial helicopter operations, including many specifically for helicopter air ambulance operations. This rulemaking is necessary to increase crew, passenger, and patient safety. The intended effect is to implement National Transportation Safety Board, Aviation Rulemaking Committee, and internal FAA recommendations.

Timetable:

Action	Date	FR Cite
NPRM	10/12/10	75 FR 62640
NPRM Comment Period End.	01/10/11	
Final Rule	05/00/12	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Edwin Miller, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, Phone: 202–267–7031, E-mail: *edwin.miller@faa.gov.*

RIN: 2120–AJ53

249. +Flight and Duty Time Limitations and Rest Requirements

Legal Authority: 49 U.S.C. 106(g); 49 U.S.C. 40113; 49 U.S.C. 40119; 49 U.S.C. 41706; 49 U.S.C. 44101; 49 U.S.C. 44701 to 44702; 49 U.S.C. 44705; 49 U.S.C. 44709 to 44710; 49 U.S.C. 44711; 49 U.S.C. 44712; 49 U.S.C. 44713; 49 U.S.C. 44715; 49 U.S.C. 44716; 49 U.S.C. 44717; 49 U.S.C. 44722; 49 U.S.C. 45101 to 45105; 49 U.S.C. 46105

Abstract: This rulemaking would amend existing flight, duty, and rest regulations applicable to certificate holders and their flightcrew members. The new requirements would eliminate the current distinctions between domestic, flag, and supplemental operations. Also, the rulemaking would provide different requirements based on the time of day, whether an individual is acclimated to a new time zone, and the likelihood of being able to sleep under different circumstances. This rulemaking is necessary to improve aviation safety by providing applicable persons with the opportunity for sufficient rest. This rulemaking is related to the following: an NPRM (RIN 2120–AF63), and a Withdrawal (RIN 2120–AI93).

Timetable:

Action	Date	FR Cite
NPRM	09/14/10	75 FR 55852
NPRM Comment Period End.	11/15/10	
Final Rule	08/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Nancy L Claussen, Federal Aviation Administration,

Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, Phone: 202–267–8166, E-mail: *nancy.claussen@faa.gov*.

RIN: 2120–AJ58

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Motor Carrier Safety Administration (FMCSA)

Proposed Rule Stage

250. +Unified Registration System

Legal Authority: Pub. L. 104–88; 109 Stat 803, 888 (1995); 49 U.S.C. 13908; Pub. L. 109–159, sec 4304

Abstract: This rulemaking would replace three current identification and registration systems: the US DOT number identification system, the commercial registration system, and the financial responsibility system, with an online Federal unified registration system (URS). This program would serve as a clearinghouse and depository of information on, and identification of, brokers, freight forwarders, and others required to register with the Department of Transportation. The Agency is revising this rulemaking to address amendments directed by Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users (SAFETEA–LU). The replacement system for the Single State Registration System, which the ICC Termination Act originally directed be merged under URS, was addressed separately in RIN 2126–AB09. The cargo insurance portion of this rulemaking has been split off into RIN 2126–AB21.

Timetable:

Action	Date	FR Cite
ANPRM	08/26/96	61 FR 43816
ANPRM Comment Period End.	10/25/96	
NPRM	05/19/05	70 FR 28990
NPRM Comment Period End.	08/17/05	
Supplemental NPRM.	10/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Valerie Height, Management Analyst, Department of Transportation, Federal Motor Carrier Safety Administration, Office of Policy Plans and Regulation (MC–PRR), 1200 New Jersey Avenue, SE., Washington, DC 20590, Phone: 202–366–0901, E-mail: *valerie.height@dot.gov*.

RIN: 2126–AA22

251. +Electronic On-Board Recorders and Hours of Service Supporting Documents

Legal Authority: 49 U.S.C. 31502; 31136(a); Pub. L. 103.311; 49 U.S.C. 31137(a)

Abstract: This rulemaking will consider revisions to RIN 2126–AA89 (Electronic On-Board Recorders for Hours of Service Drivers) to expand the number of motor carriers required to install and operate Electronic On-Board Recorders (EOBRs). FMCSA is consolidating this follow-up to the EOBR rule with the Hours Of Service Of Drivers: Supporting Documents rulemaking for development of a single NPRM in RIN 2126–AB20. In addressing Hours of Service Supporting Documents requirements in this new rulemaking, FMCSA will consider reducing or eliminating current paperwork burdens associated with supporting documents in favor of expanded EOBR use.

On January 15, 2010, the American Trucking Associations (ATA) filed a Petition for a Writ of Mandamus in the United States Court of Appeals for the District of Columbia Circuit (D.C. Cir. No. 10–1009). ATA petitioned the court to direct FMCSA to issue an NPRM on supporting documents in conformance with the requirements set forth in section 113 of the HMTAA within 60 days after the issuance of the writ and a final rule no later than 6 months after the issuance of the NPRM. The court granted the petition for writ of mandamus on September 30, 2010, ordering FMCSA to issue an NPRM on the supporting document regulations by December 30, 2010. At the request of the agency, the DC Circuit extended the deadline to January 31, 2011.

Timetable:

Action	Date	FR Cite
NPRM	02/01/11	76 FR 5537
NPRM Comment Period End.	02/28/11	
NPRM Comment Period Extended.	03/10/11	76 FR 13121
NPRM Extended Comment Period End.	05/23/11	
Analyzing Comments.	09/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Deborah M Freund, Senior Transportation Specialist, Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590, Phone: 202 366–5370, E-mail: *deborah.freund@dot.gov*.

RIN: 2126–AB20

252. +Hours of Service

Legal Authority: 49 U.S.C. 31502(b)

Abstract: This rulemaking would propose changes to the hours of service requirements for drivers operating a commercial motor vehicle transporting property. The requirement for this rulemaking was established on October 26, 2009, when Public Citizen, et al. (Petitioners) and FMCSA entered into a settlement agreement under which Petitioners´ petition for judicial review of the November 19, 2008, Final Rule on drivers´ hours of service will be held in abeyance pending the publication of an NPRM reevaluating the Hours of Service rule.

Timetable:

Action	Date	FR Cite
NPRM	12/29/10	75 FR 82170
NPRM Comment Period End.	02/02/11	
NPRM; Notice of Availability of Supplemental Documents and Corrections; Extension of Comment Period.	02/16/11	76 FR 8990
Extended Comment Period End.	03/02/11	
NPRM Comment Period Reopened.	05/29/11	76 FR 26681
NPRM Comment Period Reopened End.	06/08/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Thomas Yager, Driver and Carrier Operations Division, Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590, Phone: 202–366–4325, E-mail: *tom.yager@dot.gov*.

RIN: 2126–AB26

253. +Drivers of Commercial Vehicles: Restricting the Use of Cellular Phones (Section 610 Review)

Legal Authority: Pub. L. 98–554

Abstract: This rulemaking would restrict the use of mobile telephones while operating a commercial motor vehicle. This rulemaking is in response to Federal Motor Carrier Safety Administration-sponsored studies that analyzed safety incidents and distracted drivers. This rulemaking addresses an item on the National Transportation Safety Board´s ''Most Wanted List'' of safety recommendations.

Timetable:

Action	Date	FR Cite
NPRM	12/21/10	75 FR 80014
NPRM Comment Period End.	03/21/11	
Analyzing Comments.	06/00/11	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Mike Huntley, Chief, Vehicle and Roadside Operations Division, Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Ave, SE., Washington, DC 20590, Phone: 202 366–9209, E-mail: *michael.huntley@dot.gov.*

RIN: 2126–AB29

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Motor Carrier Safety Administration (FMCSA)

Final Rule Stage

254. +National Registry of Certified Medical Examiners

Legal Authority: Pub. L. 109–59 (2005), sec 4116

Abstract: This rulemaking would establish training, testing and certification standards for medical examiners responsible for certifying that interstate commercial motor vehicle drivers meet established physical qualifications standards; provide a database (or National Registry) of medical examiners that meet the prescribed standards for use by motor carriers, drivers, and Federal and State enforcement personnel in determining whether a medical examiner is qualified to conduct examinations of interstate truck and bus drivers; and require medical examiners to transmit electronically to FMCSA the name of the driver and a numerical identifier for each driver that is examined. The rulemaking would also establish the process by which medical examiners that fail to meet or maintain the minimum standards would be removed from the National Registry. This action is in response to section 4116 of Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users (SAFETEA–LU).

Timetable:

Action	Date	FR Cite
NPRM	12/01/08	73 FR 73129
NPRM Comment Period End.	01/30/09	
Final Rule	12/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dr. Mary D. Gunnels, Director, Office of Medical Programs, Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590, Phone: 202–366–4001, E-mail: *maggi.gunnels@dot.gov.*

RIN: 2126–AA97

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Motor Carrier Safety Administration (FMCSA)

Long-Term Actions

255. +Safety Monitoring System and Compliance Initiative for Mexico-Domiciled Motor Carriers Operating in the United States

Legal Authority: Pub. L. 107–87, sec 350; 49 U.S.C. 113; 49 U.S.C. 31136; 49 U.S.C. 31144; 49 U.S.C. 31502; 49 U.S.C. 504; 49 U.S.C. 5113; 49 U.S.C. 521(b)(5)(A)

Abstract: This rule would implement a safety monitoring system and compliance initiative designed to evaluate the continuing safety fitness of all Mexico-domiciled carriers within 18 months after receiving a provisional Certificate of Registration or provisional authority to operate in the United States. It also would establish suspension and revocation procedures for provisional Certificates of Registration and operating authority, and incorporate criteria to be used by FMCSA in evaluating whether Mexico-domiciled carriers exercise basic safety management controls. The interim rule included requirements that were not proposed in the NPRM but which are necessary to comply with the FY–2002 DOT Appropriations Act. On January 16, 2003, the Ninth Circuit Court of Appeals remanded this rule, along with two other NAFTA-related rules, to the agency, requiring a full environmental impact statement and an analysis required by the Clean Air Act. On June 7, 2004, the Supreme Court reversed the Ninth Circuit and remanded the case, holding that FMCSA is not required to prepare the environmental documents. FMCSA originally planned to publish a final rule by November 28, 2003. FMCSA will determine the next steps to be taken after enactment of any pending legislation authorizing cross border trucking.

Timetable:

Action	Date	FR Cite
NPRM	05/03/01	66 FR 22415
NPRM Comment Period End.	07/02/01	
Interim Final Rule	03/19/02	67 FR 12758
Interim Final Rule Comment Period End.	04/18/02	
Interim Final Rule Effective.	05/03/02	
Notice of Intent To Prepare an EIS.	08/26/03	68 FR 51322
EIS Public Scoping Meetings.	10/08/03	68 FR 58162
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dominick Spataro, Chief, Borders Division, Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Ave, SE, Washington, DC 20590, Phone: 202 266–2995, E-mail: *dom.spataro@dot.gov.*

RIN: 2126–AA35

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Motor Carrier Safety Administration (FMCSA)

Completed Actions

256. +Commercial Driver's License Testing and Commercial Learner's Permit Standards

Legal Authority: Pub. L. 109–347, sec 703; 49 U.S.C. 31102; Pub. L. 105–178, 112 Stat 414 (1998); Pub. L. 99–570, title XII, 100 Stat 3207 (1086); Pub. L. 102–240, sec 4007(a)(1), Stat 1914, 2151; Pub. L. 109–59 (2005), sec 4122; 49 U.S.C. 31136

Abstract: This rulemaking would establish revisions to the commercial driver's license knowledge and skills testing standards as required by section 4019 of TEA–21, implement fraud detection and prevention initiatives at the State driver licensing agencies as required by the SAFE Port Act of 2006, and establish new minimum Federal standards for States to issue commercial learner's permits (CLPs), based in part on the requirements of section 4122 of Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users (SAFETEA–LU). In addition to ensuring the applicant has the appropriate knowledge and skills to operate a commercial motor vehicle, this rule would establish the minimum information that must be on the CLP document and the electronic driver's

record. The rule would also establish maximum issuance and renewal periods, establish a minimum age limit, address issues related to a driver's State of Domicile, and incorporate previous regulatory guidance into the Federal regulations. This rulemaking would also address issues raised in the SAFE Port Act.

Timetable:

Action	Date	FR Cite
NPRM	04/09/08	73 FR 19282
NPRM Comment Period End.	06/09/08	
NPRM Comment Period Extended.	06/09/08	73 FR 32520
NPRM Comment Period End.	07/09/08	
Final Rule	05/09/11	76 FR 26854
Final Rule Effective.	07/08/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Robert Redmond, Senior Transportation Specialist, Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590, Phone: 202–366–5014, E-mail: *robert.redmond@dot.gov.*

RIN: 2126–AB02

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION (DOT)

National Highway Traffic Safety Administration (NHTSA)

Completed Actions

257. +Ejection Mitigation

Legal Authority: 49 U.S.C. 30111; 49 U.S.C. 30115; 49 U.S.C. 30117; 49 U.S.C. 30166; 49 U.S.C. 322; delegation of authority at 49 CFR 1.50

Abstract: This rulemaking would create a new Federal Motor Vehicle Safety Standard (FMVSS) for reducing occupant ejection. Currently, there are over 52,000 annual ejections in motor vehicle crashes, and over 10,000 ejected fatalities per year. This rulemaking would propose new requirements for reducing occupant ejection through passenger vehicle side widows. The requirement would be an occupant containment requirement on the amount of allowable excursion through passenger vehicle side windows. The Safe, Accountable, Flexible, Efficient, Transportation Equity Act (SAFETEA–LU) requires that ''[t]he Secretary shall also initiate a rulemaking proceeding to establish performance standards to reduce complete and partial ejections of vehicle occupants from outboard seating positions. In formulating the standards the Secretary shall consider various ejection mitigation systems. The Secretary shall issue a final rule under this paragraph no later than October 1, 2009.'' SAFETEA–LU also requires that, if the Secretary determines that the subject final rule deadline cannot be met, the Secretary shall notify and provide an explanation to the Senate Committee on Commerce, Science and Transportation and the House of Representatives Committee on Energy and Commerce of the delay. On September 24, 2009, the Secretary provided appropriate notification to Congress that the final rule will be delayed until January 31, 2011.

Timetable:

Action	Date	FR Cite
NPRM	12/02/09	74 FR 63180
NPRM Comment Period End.	02/01/10	
Final Rule	01/19/11	76 FR 3212
Final Action Effective.	03/01/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Louis Molino, Safety Standards Engineer, Department of Transportation, National Highway Traffic Safety Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590, Phone: 202–366–1833, Fax: 202–366–4329, E-mail: *louis.molino@dot.gov.*

RIN: 2127–AK23

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Railroad Administration (FRA)

Proposed Rule Stage

258. +Risk Reduction Program

Legal Authority: Pub. L. 110–432, Div A, 122 Stat 4848 *et seq.;* Rail Safety Improvement Act of 2008; sec 103, 49 U.S.C. 20156 ''Railroad Safety Risk Reduction Program''

Abstract: This rulemaking would consider appropriate contents for Risk Reduction Programs and how they should be implemented and reviewed by FRA.

Timetable:

Action	Date	FR Cite
ANPRM	12/08/10	75 FR 76345
ANPRM Comment Period End.	02/07/11	
NPRM	10/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kathryn Shelton, Trial Attorney, Department of Transportation, Federal Railroad Administration, 1200 New Jersey Ave., SE., Washington, DC 20590, Phone: 202–493–6063, E-mail: *kathryn.shelton@fra.dot.gov.*

RIN: 2130–AC11

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Railroad Administration (FRA)

Final Rule Stage

259. +Hours of Service: Passenger Train Employees (Rulemaking Resulting From a Section 610 Review)

Legal Authority: Pub. L. 110–432, Div A, 122 Stat 4848 *et seq.;* Rail Safety Improvement Act of 2008; sec 108(e) (49 U.S.C. 21109)

Abstract: This rulemaking would establish hours of service requirements for train employees engaged in commuter and intercity passenger rail transport.

Timetable:

Action	Date	FR Cite
NPRM	03/22/11	76 FR 16200
NPRM Comment Period End.	05/23/11	
Final Rule	08/00/11	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Kathryn Shelton, Trial Attorney, Department of Transportation, Federal Railroad Administration, 1200 New Jersey Ave., SE., Washington, DC 20590, Phone: 202–493–6063, E-mail: *kathryn.shelton@fra.dot.gov.*

RIN: 2130–AC15

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION (DOT)

Saint Lawrence Seaway Development Corporation (SLSDC)

Completed Actions

260. • Tariff of Tolls (Completion of a Section 610 Review)

Legal Authority: 33 U.S.C. 983(a); 33 U.S.C. 984(4) as amended and 49 CFR 1.52

Abstract: The Saint Lawrence Seaway Development Corporation (SLSDC) and the St. Lawrence Seaway Management Corporation (SLSMC) of Canada, under international agreement, jointly publish and presently administer the St. Lawrence Seaway Tariff of Tolls in their respective jurisdictions. The Tariff sets forth the level of tolls assessed on all commodities and vessels transiting the facilities operated by the SLSDC and the SLSMC. The SLSDC is revising its regulations to reflect the fees and charges levied by the SLSMC in Canada starting in the 2009 navigation season, which are effective only in Canada.

Timetable:

Action	Date	FR Cite
Final Rule	03/12/09	74 FR 10677
Final Rule Effective.	03/12/09	
NPRM	01/28/11	76 FR 5104
NPRM Comment Period End.	02/28/11	
Final Rule	03/10/11	76 FR 13088
Final Rule Effective.	03/20/11	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Craig H. Middlebrook, Deputy Administrator, Department of Transportation, Saint Lawrence Seaway Development Corporation, 1200 New Jersey Ave., SE., Washington, DC 20590, Phone: 202–366–0091, Fax: 202–366–7147, E-mail: *craig.middlebrook@sls.dot.gov.*

RIN: 2135–AA29

BILLING CODE 4910–61–P

DEPARTMENT OF TRANSPORTATION (DOT)

Pipeline and Hazardous Materials Safety Administration (PHMSA)

Final Rule Stage

261. +Hazardous Materials: Revisions to Requirements for the Transportation of Lithium Batteries

Legal Authority: 49 U.S.C. 5101 *et seq.*

Abstract: This rulemaking would amend the Hazardous Materials Regulations to comprehensively address the safe transportation of lithium cells and batteries. The intent of the rulemaking is to strengthen the current regulatory framework by imposing more effective safeguards, including design testing to address risks related to internal short circuits, and enhanced packaging, hazard communication, and operational measures for various types and sizes of lithium batteries in specific transportation contexts. The rulemaking responds to several recommendations issued by the National Transportation Safety Board.

Timetable:

Action	Date	FR Cite
NPRM	01/11/10	75 FR 1302
NPRM Comment Period End.	03/12/10	
Final Rule	08/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kevin Leary, Transportation Specialist, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590, Phone: 202–366–8553, E-mail: *kevin.leary@dot.gov.*

RIN: 2137–AE44

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION (DOT)

Maritime Administration (MARAD)

Long-Term Actions

262. +Cargo Preference—Compromise, Assessment, Mitigation, Settlement and Collection of Civil Penalties

Legal Authority: Pub. L. 110–417

Abstract: This rulemaking would establish part 383 of the Cargo Preference regulations. This rulemaking would cover Public Law 110–417, section 3511 National Defense Authorization Act for FY2009 statutory changes to the cargo preference rules, which have not been substantially revised since 1971. The rulemaking also would include compromise, assessment, mitigation, settlement, and collection of civil penalties.

Timetable: Next Action Undetermined.

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Christine Gurland, Department of Transportation, Maritime Administration, 1200 New Jersey Ave., SE., Washington, DC 20590, Phone: 202 366–5157, E-mail: *christine.gurland@dot.gov.*

RIN: 2133–AB75

[FR Doc. 2011–15494 Filed 7–6–11; 8:45 am]

BILLING CODE 4910–81–P

FEDERAL REGISTER

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Part XIII

Department of the Treasury

Semiannual Regulatory Agenda

DEPARTMENT OF THE TREASURY

31 CFR Subtitles A and B

Semiannual Agenda

AGENCY: Department of the Treasury.

ACTION: Semiannual regulatory agenda.

SUMMARY: This notice is given pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–354, September 19, 1980) and Executive Order 12866 (''Regulatory Planning and Review''), which require the publication by the Department of a semiannual agenda of regulations.

FOR FURTHER INFORMATION CONTACT: The Agency contact identified in the item relating to that regulation.

SUPPLEMENTARY INFORMATION: The semiannual regulatory agenda consists of regulations that the Department has issued or expects to issue and rules currently in effect that are under departmental or agency review. The Internet is the basic means for disseminating the Unified Agenda, and the complete Unified Agenda accordingly will be available online at *www.reginfo.gov* and *www.regulations.gov*, in a format that offers users an enhanced ability to obtain information from the Agenda database.

Only the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C. 602) are published in the **Federal Register**. For Treasury, these consist of:

(1) Rules that are in the regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and

(2) Rules that have been identified for periodic review under section 610 of the Regulatory Flexibility Act.

The information printed in the **Federal Register** is limited to fields that contain information required by the Regulatory Flexibility Act's Agenda requirements. Additional information on these entries is available in the Unified Agenda published on the Internet. The semiannual agenda of the Department of the Treasury conforms to the Unified Agenda format developed by the Regulatory Information Service Center (RISC).

Dated: February 25, 2011.

Brian J. Sonfield,

Deputy Assistant General Counsel for General Law and Regulation.

FINANCIAL CRIMES ENFORCEMENT NETWORK—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
263	Amendment to the Bank Secrecy Act Regulations—Definitions and Other Regulations Relating to Prepaid Access.	1506–AB07

INTERNAL REVENUE SERVICE—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
264	User Fees Relating to Enrollment, Registered Tax Return Preparers, and Continuing Education Programs	1545–BJ65

INTERNAL REVENUE SERVICE—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
265	Indoor Tanning Services	1545–BJ40

DEPARTMENT OF THE TREASURY (TREAS)

Financial Crimes Enforcement Network (FINCEN)

Final Rule Stage

263. Amendment to the Bank Secrecy Act Regulations—Definitions and Other Regulations Relating to Prepaid Access

Legal Authority: 12 U.S.C. 1829b; 12 U.S.C. 1951 to 1959; 31 U.S.C. 5311 to 5314; 31 U.S.C. 5316 to 5332

Abstract: The Financial Crimes Enforcement Network (FinCEN), a bureau of the Department of the Treasury (Treasury), is proposing to revise the Bank Secrecy Act (BSA) regulations applicable to Money Services Businesses to include stored value or prepaid access. In this proposed rulemaking, we are reviewing the stored value/prepaid access regulatory framework with a focus on developing appropriate BSA regulatory oversight without impeding continued development of the industry, as well as improving the ability of FinCEN, other regulators and law enforcement to safeguard the U.S. financial system from the abuses of terrorist financing, money laundering, and other financial crime.

The proposed changes are intended to address regulatory gaps that have resulted from the proliferation of prepaid innovations over the last 10 years and their increasing use as an accepted payment method. If these gaps are not addressed, there is increased potential for the use of prepaid access as a means for furthering money laundering, terrorist financing, and other illicit transactions through the financial system. This would significantly undermine many of the efforts previously taken by government and industry to safeguard the financial system through the application of BSA requirements to other areas of the financial sector.

While seeking to address vulnerabilities existing currently in the prepaid industry, FinCEN also intends for this proposed rule to provide the necessary flexibility to address new developments in technology, markets, and consumer behavior. This is important, in order to avoid creating artificial limits on a mechanism that can be an avenue to meet the financial services needs of the unbanked and the underbanked.

This rule proposes to subject certain providers of prepaid access to a comprehensive BSA regime. To make BSA reports and records valuable and meaningful, the proposed changes impose obligations on the party within any given prepaid access transaction

chain with predominant oversight and control, as well as others in a unique position to provide meaningful information to regulators and law enforcement. More specifically, the proposed changes include the following: (1) Renaming ''stored value'' as ''prepaid access'' and defining that term; (2) deleting the terms ''issuer and redeemer'' of stored value; (3) imposing registration, suspicious activity reporting and customer information recordkeeping requirements on providers of prepaid access, and new transactional recordkeeping requirements on both providers and sellers of prepaid access; and (4) exempting certain categories of prepaid access products and services posing lower risks of money laundering and terrorist financing from certain requirements.

FinCEN recognizes that the Credit CARD Act of 2009 mandated the increased regulation of prepaid access, as well as the consideration of the issue of international transport, and we will address these mandates, either through regulatory text or solicitation of comment in this rulemaking. In the course of our regulatory research into the operation of the prepaid industry, we have encountered a number of distinct issues, such as the appropriate obligations of payment networks and financial transparency at the borders, and we anticipate future rulemakings in these areas. We will seek to phase in any additional requirements, however, as the most prudent course of action for an evolving segment of the money services business (MSB) community.

Timetable:

Action	Date	FR Cite
NPRM	06/28/10	75 FR 36589
NPRM Comment Period End.	07/28/10	
NPRM Comment Period Extended.	08/28/10	75 FR 41788
Final Action	06/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Elizabeth Baltierra, Regulatory Policy Project Officer, Department of the Treasury, Financial Crimes Enforcement Network, PO Box 39, Vienna, VA 22183, Phone: 703 905–5132, E-mail: *elizabeth.baltierra@fincen.gov.*

Koko (Nettie) Ives, Department of the Treasury, Financial Crimes Enforcement Network, Suite 4600, 1099 14th Street, NW., Washington, DC 20005, Phone: 202 354–6014, E-mail: *koko.ives@fincen.gov*.

RIN: 1506–AB07

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY (TREAS)

Internal Revenue Service (IRS)

Proposed Rule Stage

264. User Fees Relating to Enrollment, Registered Tax Return Preparers, and Continuing Education Programs

Legal Authority: 31 U.S.C. 9701

Abstract: These proposed regulations will update and separate the user fees regarding enrolled agents and enrolled retirement plan agents. These regulations will also impose user fees to take the competency examination to become a registered tax return preparer and to provide continuing education programs.

Timetable:

Action	Date	FR Cite
NPRM	12/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Emily M. Lesniak, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Room 5137, Washington, DC 20224, Phone: 202 622–4570, Fax: 202 622–4500, E-mail: *emily.m.lesniak@irscounsel.treas.gov*.

RIN: 1545–BJ65

DEPARTMENT OF THE TREASURY (TREAS)

Internal Revenue Service (IRS)

Final Rule Stage

265. Indoor Tanning Services

Legal Authority: 26 U.S.C. 7805

Abstract: Proposed regulations provide guidance on the indoor tanning services tax made by the Patient Protection and Affordable Care Act of 2010, affecting users and providers of indoor tanning services.

Timetable:

Action	Date	FR Cite
NPRM	06/15/10	75 FR 33740
NPRM Comment Period End.	09/13/10	
Final Action	12/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael H. Beker, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW., Room 5022, Washington, DC 20224, Phone: 202 622–7755, Fax: 202 622–4804, E-mail: *michael.h.beker@irscounsel.treas.gov*.

RIN: 1545–BJ40

[FR Doc. 2011–15495 Filed 7–6–11; 8:45 am]

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FEDERAL REGISTER

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Part XIV

Environmental Protection Agency

Semiannual Regulatory Agenda

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Ch. I

[9267–5]
EPA–HQ–OA–2007–1172
EPA–HQ–OW–2010–0169
EPA–HQ–OW–2010–0728

Spring 2011 Regulatory Agenda

AGENCY: Environmental Protection Agency.

ACTION: Semiannual regulatory flexibility agenda and semiannual regulatory agenda.

SUMMARY: The Environmental Protection Agency (EPA) publishes the semiannual regulatory agenda online (the e-Agenda) at *http://www.reginfo.gov* and at *http://www.regulations.gov* to update the public about:

- Regulations and major policies currently under development,
- Reviews of existing regulations and major policies, and
- Rules and major policymakings completed or canceled since the last agenda.

Definitions

''E-Agenda,'' ''online regulatory agenda,'' and ''semiannual regulatory agenda'' all refer to the same comprehensive collection of information that, until 2007, was published in the **Federal Register** but that now is only available through an online database.

''Regulatory Flexibility Agenda'' refers to a document that contains information about regulations that may have a significant impact on a substantial number of small entities. We continue to publish it in the **Federal Register** because that is what is required by the Regulatory Flexibility Act of 1980.

''Monthly Action Initiation List'' (AIL) refers to a list that EPA posts online each month of the regulations newly approved for development.

''Unified Regulatory Agenda'' refers to the collection of all agencies' agendas with an introduction prepared by the Regulatory Information Service Center.

''Regulatory Agenda Preamble'' refers to the document you are reading now. It appears as part of the Regulatory Flexibility Agenda and introduces both the Regulatory Flexibility Agenda and the e-Agenda.

''Rulemaking Gateway'' refers to an online portal to EPA's priority rules with earlier and more frequently updated information about these priority actions. See section H for more information about the Rulemaking Gateway.

FOR FURTHER INFORMATION CONTACT: If you have questions or comments about a particular action, please get in touch with the agency contact listed in each agenda entry. If you have general questions about the semiannual regulatory agenda, please contact: Phil Schwartz (*schwartz.philip@epa.gov;* 202–564–6564) or Caryn Muellerleile (*muellerleile.caryn@epa.gov;* 202–564–2855).

To be placed on a mailing list for updated information on rules under development: If you would like to receive an e-mail with a link to new semiannual regulatory agendas as soon as they are published, please send an e-mail message with your name and address to: *nscep@bps-lmit.com* and put ''E-Regulatory Agenda: Electronic Copy'' in the subject line.

If you would like to regularly receive information about the rules newly approved for development, sign up for our monthly Action Initiation List by going to *http://www.epa.gov/lawsregs/search/ail.html#notification* and completing the steps listed there.

You can track progress on various aspects of EPA's priority rulemakings by signing up for RSS feeds from the Rulemaking Gateway at *http://yosemite.epa.gov/opei/RuleGate.nsf/content/getalerts.html?opendocument.*

SUPPLEMENTARY INFORMATION:

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A. Map of Regulatory Agenda Type Information

Type of information	Online locations	**Federal Register** location
Semiannual Regulatory Agenda	*http://www.reginfo.gov/, http://www.regulations.gov,* and *http://www.epa.gov/lawsregs/search/regagenda.html.*	Not in FR
Semiannual Regulatory Flexibility Agenda.	*http://www.reginfo.gov/, www.regulations.gov,* and *http://www.epa.gov/lawsregs/search/regagenda.html.*	Part XIV of today's issue
Monthly Action Initiation List	*http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=EPA–HQ-OA-2008-0265* and *http://www.epa.gov/lawsregs/search/ail.html.*	Not in FR
Rulemaking Gateway	*http://www.epa.gov/rulemaking/*	Not in FR

B. What Are EPA's Regulatory Priorities, and What Key Principles, Statutes, and Executive Orders Guide Our Rule and Policymaking Process?

Priorities

Our priorities for fiscal years 2011–2015 are laid out in our FY 2011–2015 Strategic Plan which includes five overarching strategic goals and five cross-cutting fundamental strategies for how we approach our work. The five strategic goals are:

1. Taking Action on Climate Change and Improving Air Quality;
2. Protecting America's Waters;
3. Cleaning Up Communities and Advancing Sustainable Development;
4. Ensuring the Safety of Chemicals and Preventing Pollution;
5. Enforcing Environmental Laws.

And the five fundamental cross-cutting strategies are:

1. Expanding the Conversation on Environmentalism;
2. Working for Environmental Justice and Children's Health;
3. Advancing Science, Research, and Technological Innovation;

4. Strengthening State, Tribal, and International Partnerships;

5. Strengthening the EPA's Work Force and Capabilities.

To see the entire Strategic Plan; see the link at *http://www.epa.gov/planandbudget/strategicplan.html.*

Other Key Principles, Statutes, and Executive Orders Guiding Our Rule and Policymaking Process

EPA's strength has always been our ability to adapt to the constantly changing face of environmental protection as our economy and society evolve, and science teaches us more about how humans interact with and affect the natural world. Now, more than ever, EPA must be innovative and forward looking because the environmental challenges faced by Americans all across our country are unprecedented.

In addition to meeting its mission goals and priorities as described above, EPA has begun a new initiative under Executive Order (EO) 13563, Improving Regulation and Regulatory Review, to conduct periodic retrospective review of existing significant regulations. This review is intended to determine whether any such regulations should be modified, streamlined, expanded, or repealed, so as to make the Agency's regulatory program more effective or less burdensome in achieving the regulatory objectives. More information about this review is available at *http://www.epa.gov/improvingregulations/.*

Besides the fundamental environmental laws authorizing EPA actions such as the Clean Air Act and Clean Water Act, there are legal requirements that apply to the issuance of regulations that are generally contained in the Administrative Procedure Act, the Regulatory Flexibility Act as amended by the Small Business Regulatory Enforcement Fairness Act, the Unfunded Mandates Reform Act, the Paperwork Reduction Act, the National Technology Transfer and Advancement Act, and the Congressional Review Act. We also must meet a number of requirements contained in Executive Orders 12866 (Regulatory Planning and Review; 58 FR 51735; October 4, 1993; as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review; 76 FR 3821; January 21, 2011), 12898 (Environmental Justice; 59 FR 7629; February 16, 1994), 13045 (Children's Health Protection; 62 FR 19885; April 23, 1997), 13132 (Federalism; 64 FR 43255; August 10, 1999), 13175 (Consultation and Coordination With Indian Tribal Governments; 65 FR 67249; November 9, 2000), 13211 (Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use; 66 FR 28355; May 22, 2001).

C. How Can You Be Involved in EPA's Rule and Policymaking Process?

You can make your voice heard by getting in touch with the contact person provided in each agenda entry. We encourage you to participate as early in the process as possible. You may also participate by commenting on proposed rules that we publish in the **Federal Register** (FR).

Instructions on how to submit your comments are provided in each Notice of Proposed Rulemaking (NPRMs). To be most effective, comments should contain information and data that support your position, and you also should explain why EPA should incorporate your suggestion in the rule or nonregulatory action. You can be particularly helpful and persuasive if you provide examples to illustrate your concerns and offer specific alternatives.

EPA believes our actions will be more cost-effective and protective if the development process includes stakeholders working with us to help identify the most practical and effective solutions to problems. Democracy gives real power to individual citizens, but with that power comes responsibility. You are urged to become involved in EPA's rule and policymaking process. For more information about public involvement in EPA activities, please visit *www.epa.gov/publicinvolvement.*

D. What Actions Are Included in the E-Agenda and the Regulatory Flexibility Agenda?

EPA includes regulations and certain major policy documents in the e-Agenda. However, there is no legal significance to the omission of an item from the agenda, and EPA generally does not include the following categories of actions:

- Administrative actions such as delegations of authority, changes of address, or phone numbers;
- Under the Clean Air Act: Revisions to State Implementation Plans; Equivalent Methods for Ambient Air Quality Monitoring; Deletions from the New Source Performance Standards source categories list; Delegations of Authority to States; Area Designations for Air Quality Planning Purposes;
- Under the Federal Insecticide, Fungicide, and Rodenticide Act: Registration-related decisions, actions affecting the status of currently registered pesticides, and data call-ins;
- Under the Federal Food, Drug, and Cosmetic Act: Actions regarding pesticide tolerances and food additive regulations;
- Under the Resource Conservation and Recovery Act: Authorization of State solid waste management plans; hazardous waste delisting petitions;
- Under the Clean Water Act: State Water Quality Standards; deletions from the section 307(a) list of toxic pollutants; suspensions of toxic testing requirements under the National Pollutant Discharge Elimination System (NPDES); delegations of NPDES authority to States;
- Under the Safe Drinking Water Act: Actions on State underground injection control programs.

The Regulatory Flexibility Agenda normally includes:

- Actions likely to have a significant economic impact on a substantial number of small entities.
- Rules the Agency has identified for periodic review under section 610 of the Regulatory Flexibility Act. We are closing the 610 review for two rules in 2011.

E. How Is the E-Agenda Organized?

You can now choose how both the *www.reginfo.gov* and *www.regulations.gov* versions of the e-Agenda are organized. Current choices include: EPA subagency; stage of rulemaking, which is explained below; alphabetically by title; and by the Regulation Identifier Number (RIN), which is assigned sequentially when an action is added to the agenda.

Stages of rulemaking include:

1. Prerulemaking—Prerulemaking actions are generally intended to determine whether EPA should initiate rulemaking. Prerulemakings may include anything that influences or leads to rulemaking, such as Advance Notices of Proposed Rulemaking (ANPRMs), studies or analyses of the possible need for regulatory action, announcement of reviews of existing regulations required under section 610 of the Regulatory Flexibility Act, requests for public comment on the need for regulatory action, or important preregulatory policy proposals.

2. Proposed Rule—this section includes EPA rulemaking actions that are within a year of proposal (publication of Notices of Proposed Rulemakings (NPRMs)).

3. Final Rule—this section includes rules that will be issued as a final rule within a year.

4. Long-Term Actions—this section includes rulemakings for which the next scheduled regulatory action is after April 2012. We urge you to explore becoming involved even if an action is listed in the Long-Term category. By the

time an action is listed in the Proposed Rules category, you may have missed the opportunity to participate in certain public meetings or policy dialogues.

5. Completed Actions—this section contains actions that have been promulgated and published in the **Federal Register** since publication of the Fall 2010 Agenda. It also includes actions that EPA is no longer considering. If an action appears in the completed section, it will not appear in future agendas unless the Agency decides to initiate the action again, in which case it will appear as a new entry. EPA also announces the results of the Regulatory Flexibility Act section 610 reviews in this section of the agenda.

F. What Information Is in the Regulatory Flexibility Agenda and the E-Agenda?

The Regulatory Flexibility Agenda entries include only the nine categories of information that are required by the Regulatory Flexibility Act of 1980 and by **Federal Register** Agenda printing requirements: Sequence Number, RIN, Title, Description, Statutory Authority, Section 610 Review, if applicable, Regulatory Flexibility Analysis Required, Schedule, and Contact Person. The E-Agenda has much more extensive information on these actions including such things as e-mail addresses and Internet URLs for additional information.

E-Agenda entries include:

Title: Titles for new entries (those that have not appeared in previous agendas) are preceded by a bullet (•). The notation ''Section 610 Review'' follows the title if we are reviewing the rule as part of our periodic review of existing rules under section 610 of the Regulatory Flexibility Act (RFA) (5 U.S.C. 610).

Priority: Entries are placed into one of five categories described below. OMB reviews all significant rules including both of the first two categories, ''economically significant'' and ''other significant.''

Economically Significant: Under EO 12866, a rulemaking action that may have an annual effect on the economy of $100 million or more, or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities.

Other Significant: A rulemaking that is not economically significant but is considered significant for other reasons. This category includes rules that may:

1. Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

2. Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligations of recipients; or

3. Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles in Executive Order 12866.

Substantive, Nonsignificant: A rulemaking that has substantive impacts but is not Significant, Routine and Frequent, or Informational/Administrative/Other.

Routine and Frequent: A rulemaking that is a specific case of a recurring application of a regulatory program in the Code of Federal Regulations (e.g., certain State Implementation Plans, National Priority List updates, Significant New Use Rules, State Hazardous Waste Management Program actions, and Tolerance Exemptions). If an action that would normally be classified Routine and Frequent is reviewed by the Office of Management and Budget under EO 12866, then we would classify the action as either ''Economically Significant'' or ''Other Significant.''

Informational/Administrative/Other: An action that is primarily informational or pertains to an action outside the scope of EO 12866.

Also, if a rule may be ''Major'' as defined in the Congressional Review Act (5 U.S.C. 801, *et seq.*) because it is likely to result in an annual effect on the economy of $100 million or more or meets other criteria specified in this law, appears under the ''Priority'' heading with the statement ''Major under 5 U.S.C. 801.''

Legal Authority: The sections of the United States Code (U.S.C.), Public Law (PL), Executive Order (EO), or common name of the law that authorizes the regulatory action.

CFR Citation: The sections of the Code of Federal Regulations that would be affected by the action.

Legal Deadline: An indication of whether the rule is subject to a statutory or judicial deadline, the date of that deadline, and whether the deadline pertains to a Notice of Proposed Rulemaking, a Final Action, or some other action.

Abstract: A brief description of the problem the action will address.

Timetable: The dates (and citations) that documents for this action were published in the **Federal Register** and, where possible, a projected date for the next step. Projected publication dates frequently change during the course of developing an action. The projections in the agenda are best estimates as of the date we submit the agenda for publication. For some entries, the timetable indicates that the date of the next action is ''to be determined.''

Regulatory Flexibility Analysis Required: Indicates whether EPA has prepared or anticipates that it will be preparing a regulatory flexibility analysis under section 603 or 604 of the RFA. Generally, such an analysis is required for proposed or final rules subject to the RFA that EPA believes may have a significant economic impact on a substantial number of small entities.

Small Entities Affected: Indicates whether the rule is anticipated to have any effect on small businesses, small governments, or small nonprofit organizations.

Government Levels Affected: Indicates whether the rule may have any effect on levels of government and, if so, whether the governments are State, local, tribal, or Federal.

Federalism Implications: Indicates whether the action is expected to have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government.

Unfunded Mandates: Section 202 of the Unfunded Mandates Reform Act generally requires an assessment of anticipated costs and benefits if a rule includes a mandate that may result in expenditures of more than $100 million in any one year by State, local, and tribal governments, in the aggregate, or by the private sector. If it is anticipated to exceed this $100 million threshold, we note it in this section.

Energy Impacts: Indicates whether the action is a significant energy action under EO 13211.

Sectors Affected: Indicates the main economic sectors regulated by the action. The regulated parties are identified by their North American Industry Classification System (NAICS) codes. These codes were created by the Census Bureau for collecting, analyzing, and publishing statistical data on the U.S. economy. There are more than 1,000 NAICS codes for sectors in agriculture, mining, manufacturing, services, and public administration.

International Trade Impacts: Indicates whether the action is likely to have international trade or investment effects, or otherwise be of international interest.

Agency Contact: The name, address, phone number, and e-mail address, if available, of a person who is knowledgeable about the regulation.

Additional Information: Other information about the action including docket information.

URLs: For some actions, the Internet addresses are included for reading copies of rulemaking documents, submitting comments on proposals, and getting more information about the rulemaking and the program of which it is a part. (Note: To submit comments on proposals, you can go to the associated electronic docket, which is housed at *www.regulations.gov.* Once there, follow the online instructions to access the docket in question and submit comments. A docket identification (ID) number will assist in the search for materials. We include this number in the additional information section of many of the agenda entries that have already been proposed.)

RIN: The Regulation Identifier Number is used by OMB to identify and track rulemakings. The first four digits of the RIN stand for the EPA office with lead responsibility for developing the action.

G. How Can You Find Out About Rulemakings That Start Up After the Regulatory Agenda Is Signed?

EPA posts monthly information of new rulemakings that the Agency's senior managers have decided that we should develop. This list is also distributed via e-mail. You can see the current list, known as the Action Initiation List at *http://www.epa.gov/lawsregs/search/ail.html* where you will also find information about how to get an e-mail notification when a new list is posted.

H. What Tools for Mining Regulatory Agenda Data and for Finding More About EPA Rules and Policies Are Available at Reginfo.gov, EPA.gov, and Regulations.gov?

1. The http://www.reginfo.gov/ Searchable Database

The Regulatory Information Service Center and Office of Information and Regulatory Affairs have a Federal regulatory dashboard that allows users to view the Regulatory Agenda database (*http://www.reginfo.gov/public/do/eAgendaMain*), which includes powerful search, display, and data transmission options. At that site you can:

1. *See the preamble.* At the URL listed above for the Unified Agenda and Regulatory Plan, find ''Current Agenda Agency Preambles.'' Environmental Protection Agency is listed alphabetically under ''Other Executive Agencies.''

2. *Get a complete list of EPA's entries in the current edition of the Agenda.* Use the drop-down menu in the ''Select Agency'' box to find Environmental Protection Agency and ''Submit.''

3. *View the contents of all of EPA's entries in the current edition of the Agenda.* Choose ''Search'' from the ''Unified Agenda'' selection in the toolbar at the top of the page. Within the ''Search of Agenda/Regulatory Plan'' screen, open ''Advanced Search,'' then ''Continue.'' Select ''Environmental Protection Agency'' and ''Continue.'' Select ''Search,'' then ''View All RIN Data (Max 350).''

4. *Get a listing of entries with specified characteristics.* Follow the procedure described immediately above for viewing the contents of all entries, but on the screen entitled ''Advanced Search—Select Additional Fields,'' choose the characteristics you are seeking before ''Search.'' For example, if you wish to see a listing of all economically significant actions that may have a significant economic impact on a substantial number of small businesses, you would check ''Economically Significant'' under ''Priority'' and ''Business'' under ''Regulatory Flexibility Analysis Required.''

5. *Download the results of your searches in XML format.*

2. Subject Matter EPA Web Sites

Some actions listed in the Agenda include a URL that provides additional information.

3. Public Dockets

When EPA publishes either an Advanced Notice of Proposed Rulemaking (ANPRM) or a NPRM in the **Federal Register**, the Agency typically establishes a docket to accumulate materials throughout the development process for that rulemaking. The docket serves as the repository for the collection of documents or information related to a particular Agency action or activity. EPA most commonly uses dockets for rulemaking actions, but dockets may also be used for Regulatory Flexibility Act section 610 reviews of rules with significant economic impacts on a substantial number of small entities and for various non-rulemaking activities, such as **Federal Register** documents seeking public comments on draft guidance, policy statements, information collection requests under the Paperwork Reduction Act, and other non-rule activities. Docket information should be in that action's agenda entry. All of EPA's public dockets can be located at *www.regulations.gov.*

4. EPA's Rulemaking Gateway

EPA's Rulemaking Gateway (*http://www.epa.gov/rulemaking/*) serves as a portal to EPA's priority rules, providing you with earlier and more frequently updated information about Agency regulations than is provided by the Regulatory Agenda.

The Rulemaking Gateway provides information as soon as work begins and provides updates on a monthly basis as new information becomes available. Time-sensitive information, such as notice of a public meeting, is updated on a daily basis. Not all of EPA's Regulatory Agenda entries appear on the Rulemaking Gateway; only priority rulemakings can be found on the Gateway.

I. Reviews of Rules With Significant Impacts on a Substantial Number of Small Entities

Section 610 of the RFA requires that an agency review, within 10 years of promulgation, each rule that has or will have a significant economic impact on a substantial number of small entities. EPA is closing the 610 review for two rules in 2011.

Rule reviewed	RIN	Docket ID No.
Effluent Guidelines and Standards for the Centralized Waste Treatment Industry (Section 610 Review).	2040–AF18	EPA–HQ–OW–2010–0169
National Primary Drinking Water Regulations; Arsenic and Clarifications to Compliance and New Source Contaminants Monitoring (Section 610 Review).	2040–AF24	EPA–HQ–OW–2010–0728

EPA has established official public dockets for these 610 Reviews under the docket identification (ID) numbers as indicated above. All documents in the dockets are listed on the *www.regulations.gov* Web site. Although listed in the index, some information is not publicly available; e.g., confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material,

is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy at the Water docket, EPA/DC, EPA West, Room 3334, 1301 Constitution Avenue, NW., Washington, DC 20460. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744.

J. What Other Special Attention Do We Give to the Impacts of Rules on Small Businesses, Small Governments, and Small Nonprofit Organizations?

For each of our rulemakings, we consider whether there will be any adverse impact on any small entity. EPA attempts to fit the regulatory requirements, to the extent feasible, to the scale of the businesses, organizations, and governmental jurisdictions subject to the regulation.

Under RFA/SBREFA (the Regulatory Flexibility Act as amended by the Small Business Regulatory Enforcement Fairness Act), the Agency must prepare a formal analysis of the potential negative impacts on small entities, convene a Small Business Advocacy Review Panel (proposed rule stage), and prepare a Small Entity Compliance Guide (final rule stage) unless the Agency certifies a rule will not have a significant economic impact on a substantial number of small entities. For more detailed information about the Agency's policy and practice with respect to implementing RFA/SBREFA, please visit the RFA/SBREFA Web site at *http://www.epa.gov/sbrefa/.*

For a list of the rules under development for which a Regulatory Flexibility Analysis will be required, go to *http://www.regulations.gov/fdmspublic/component/main?main=UnifiedAgenda* and click on Regulatory Flexibility Analysis—Required toward the bottom of the page.

K. Thank You for Collaborating With Us

Finally, we would like to thank those of you who choose to join with us in making progress on the complex issues involved in protecting human health and the environment. Collaborative efforts such as EPA's open rulemaking process are a valuable tool for addressing the problems we face, and the regulatory agenda is an important part of that process.

Dated: March 15, 2011.

Louise Wise,

Deputy Associate Administrator, Office of Policy.

10CLEAN AIR ACT—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
266	National Emission Standards for Hazardous Air Pollutants From Coal- and Oil-fired Electric Utility Steam Generating Units and Standards of Performance for Electric Utility Steam Generating Units.	2060–AP52
267	Revision of New Source Performance Standards for New Residential Wood Heaters	2060–AP93

10CLEAN AIR ACT—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
268	Implementation of the 1997 8–Hr Ozone NAAQS: Classification of Subpart 1 Areas and Revision to AntiBacksliding Provisions; Deletion of Obsolete 1–Hr Ozone Standard Provisions.	2060–AO96
269	Supplemental Determinations for Renewable Fuels Produced Under the Final RFS2 Program From Palm Oil.	2060–AQ36

10CLEAN AIR ACT—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
270	SAN No. 5367 NESHAP: Brick and Structural Clay Products and Clay Products	2060–AP69
271	Supplemental Determination for Renewable Fuels Produced Under the Final RFS2 Program From Pulpwood.	2060–AQ49
272	Supplemental Determination for Renewable Fuels Produced Under the Final RFS2 Program From Sorghum.	2060–AQ64

10CLEAN AIR ACT—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
273	National Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers.	2060–AM44
274	National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial & Institutional Boilers and Process Heaters.	2060–AQ25

FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT (FIFRA)—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
275	Pesticides; Certification of Pesticide Applicators	2070–AJ20
276	Pesticides; Agricultural Worker Protection Standard Revisions	2070–AJ22
277	Pesticides; Reconsideration of Exemptions for Insect Repellents	2070–AJ45

TOXIC SUBSTANCES CONTROL ACT (TSCA)—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
278	Lead; Renovation, Repair, and Painting Program for Public and Commercial Buildings	2070–AJ56
279	Formaldehyde Emissions From Pressed Wood Products	2070–AJ44

TOXIC SUBSTANCE CONTOL ACT (TSCA)—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
280	Lead; Clearance and Clearance Testing Requirements for the Renovation, Repair, and Painting Program	2070–AJ57

COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND LIABILITY ACT—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
281	Financial Responsibility Requirements Under CERCLA Section 108(b) for Classes of Facilities in the Hard Rock Mining Industry.	2050–AG61

70CLEAN WATER ACT—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
282	Stormwater Regulations Revision to Address Discharges From Developed Sites	2040–AF13

70CLEAN WATER ACT—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
283	Effluent Guidelines and Standards for the Centralized Waste Treatment Industry (COMPLETION OF A SECTION 610 REVIEW).	2040–AF18

SAFE DRINKING WATER ACT (SDWA)—PRERULE STAGE

Sequence No.	Title	Regulation Identifier No.
284	National Primary Drinking Water Regulations; Arsenic and Clarifications to Compliance and New Source Contaminants Monitoring (SECTION 610 REVIEW).	2040–AF24

SAFE DRINKING WATER ACT (SDWA)—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
285	SAN No. 2281 National Primary Drinking Water Regulations: Radon	2040–AA94

ENVIRONMENTAL PROTECTION AGENCY (EPA)

10Clean Air Act

Proposed Rule Stage

266. National Emission Standards for Hazardous Air Pollutants from Coal– and Oil–Fired Electric Utility Steam Generating Units and Standards of Performance for Electric Utility Steam Generating Units

Legal Authority: Clean Air Act sec 112(d); Clean Air Act sec 111(b)

Abstract: On May 18, 2005 (70 FR 28606), EPA published a final rule requiring reductions in emissions of mercury from Electric Utility Steam Generating Units. That rule was vacated on February 8, 2008, by the U.S. Court of Appeals for the District of Columbia Circuit. As a result of that vacatur, coal- and oil-fired electric utility steam generating units remain on the list of sources that must be regulated under section 112 of the Clean Air Act (CAA). The Agency will develop standards under CAA section 112(d) which will reduce hazardous air pollutant (HAP) emissions from this source category. Recent court decisions on other CAA section 112(d) rules will be considered in developing this regulation.

Under this action EPA will also propose amendments to the criteria pollutant new source performance standards (NSPS) for utilities. On February 27, 2006, EPA promulgated amendments to the utility NSPS and was subsequently sued by multiple state attorney general offices and environmental organizations. On September 2, 2009, EPA was granted a voluntary remand without vacatur of the 2006 amendments. Combining the two rules is a single action provides interested parties the opportunity to provide comments on the combined requirements of the 2 rules. It also avoids double counting either costs or environmental benefits of the separate rules.

Timetable:

Action	Date	FR Cite
NPRM	05/03/11	76 FR 24976
NPRM Comment Period End.	07/05/11	
Final Action	12/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Bill Maxwell, Environmental Protection Agency, Air and Radiation, D243–01, RTP, NC 27711, Phone: 919 541–5430, Fax: 919 541–5450, E-mail: *maxwell.bill@epamail.epa.gov.*

Robert J Wayland, Environmental Protection Agency, Air and Radiation, C439–01, Research Triangle Park, NC 27711, Phone: 919 541–1045, E-mail: *wayland.robertj@epamail.epa.gov.*

RIN: 2060–AP52

267. Revision of New Source Performance Standards for New Residential Wood Heaters

Legal Authority: CAA sec 111

Abstract: EPA is revising the New Source Performance Standards (NSPS) for residential wood heaters under the Clean Air Act Section 111(b)(1)(B). This action is necessary because it updates the 1988 NSPS to reflect significant advancements in wood heater technologies and design, broaden the range of residential wood heating appliances covered by the regulation, and improve and streamline implementation procedures. This rule is expected to require manufacturers to redesign wood heaters to be cleaner and lower emitting. In general, the design changes will also make the heaters perform better and be more efficient. The revisions are also expected to retain the requirement for manufacturers to contract for testing of model lines by third-party independent laboratories, report the results to EPA, and label the models accordingly. This action does not apply to existing residential woodstoves, pellet stoves and other residential biomass heating units and may apply to other units.

Timetable:

Action	Date	FR Cite
NPRM	02/00/12	
Final Action	06/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Gil Wood, Environmental Protection Agency, Air and Radiation, C404–05, RTP, NC 27711, Phone: 919 541–5272, Fax: 919 541–0242, E-mail: *wood.gil@epa.gov.*

David Cole, Environmental Protection Agency, Air and Radiation, C404–05, RTP, NC 27711, Phone: 919 541–5565, Fax: 919 541–0242, E-mail: *cole.david@epa.gov.*

RIN: 2060–AP93

ENVIRONMENTAL PROTECTION AGENCY (EPA)

10Clean Air Act

Final Rule Stage

268. Implementation of the 1997 8–Hr Ozone NAAQS: Classification of Subpart 1 Areas and Revision to Anti-backsliding Provisions; Deletion of Obsolete 1–Hr Ozone Standard Provisions.

Legal Authority: 42 U.S.C. 7410; 42 U.S.C. 7511 to 7511f; 42 U.S.C. 7601(a)(1)

Abstract: This rulemaking action would revise the rule for implementation of the 8-hour ozone national ambient air quality standard (NAAQS) to address partial vacatur by the U.S. Circuit Court of Appeals for the District of Columbia Circuit. The rulemaking would remove the portions of the regulatory text vacated by the Court, specifically: (1) the provision that places some 8-hour ozone nonattainment areas under title I, part D, subpart 1 of the CAA; (2) remove the exemption from anti-backsliding for the following three obligations under the now-revoked 1-hour ozone NAAQS:

—New source review;
—CAA Section 185 penalty fees for severe and extreme areas that fail to attain the 1-hour standard by their attainment date; and
—Contingency measures for failure to attain the 1-hour standard or make reasonable progress toward attainment.

The rule would also address: (1) The classification system for nonattainment areas that the implementation rule originally covered under Clean Air Act (CAA) title I, part D, subpart 1; and (2) contingency measures that apply as anti-backsliding measures under the now-revoked 1-hour standard. The rule would also remove an obsolete provision in the 1-hour ozone standard itself (40 CFR 50.9(c)).

Timetable:

Action	Date	FR Cite
NPRM	01/16/09	74 FR 2936
NPRM Comment Period End.	02/17/09	
Final Action	06/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Lynn Dail, Environmental Protection Agency, Air and Radiation, C539–01, RTP, NC 27711, Phone: 919 541–2363, Fax: 919 541–5689, E-mail: *dail.lynn@epamail.epa.gov.*

Kimber Scavo, Environmental Protection Agency, Air and Radiation, 1200 Pennsylvania Ave, NW, RTP, NC 27711, Phone: 919 541–3354, Fax: 919 541–4028, E-mail: *scavo.kimber@epamail.epa.gov.*

RIN: 2060–AO96

269. Supplemental Determinations for Renewable Fuels Produced Under the Final RFS2 Program From Palm Oil

Legal Authority: Clean Air Act sec 211(o)

Abstract: As indicated in the final rule for the Renewable Fuels Standard Program, while the Agency issued lifecycle greenhouse gas (GHG) threshold determinations for the major fuel pathways projected to meet the bulk of the RFS volume mandates, assessments of other new fuel pathways such as biofuels produced from palm oil, could not be completed in time for the final rule. In the process of assessing these fuels, the Agency is issuing determinations through several supplemental notices to the final rule.

Timetable:

Action	Date	FR Cite
Direct Final Action	10/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Paul Argyropoulos, Environmental Protection Agency, Air and Radiation, 6520J ARN, Washington, DC 20460, Phone: 202 564–1123, Fax: 202 564–1686, E-mail: *argyropoulos.paul@epa.gov.*

David Korotney, Environmental Protection Agency, Air and Radiation, AAFC, Ann Arbor, MI 48105, Phone: 734 214–4507, E-mail: *korotney.david@epamail.epa.gov.*

RIN: 2060–AQ36

ENVIRONMENTAL PROTECTION AGENCY (EPA)

10Clean Air Act

Long-Term Actions

270. Neshap: Brick and Structural Clay Products and Clay Products

Legal Authority: Not Yet Determined

Abstract: This rulemaking will establish emission limits for hazardous air pollutants (HF, HCl and metals) emitted from brick and clay ceramics kilns and glazing operations at clay ceramics production facilities. The brick and structural clay products industry primarily includes facilities that manufacture brick, clay, pipe, roof tile, extruded floor and wall tile, and other extruded dimensional clay products from clay, shale, or a combination of the two. The manufacturing of brick and structural clay products involves mining, raw material processing (crushing, grinding, and screening), mixing, forming, cutting or shaping, drying, and firing. Ceramics are defined as a class of inorganic, nonmetallic solids that are subject to high temperature in manufacture and/or use. The clay ceramics manufacturing source category includes facilities that manufacture traditional ceramics, which include ceramic tile, dinnerware, sanitaryware, pottery, and porcelain. The primary raw material used in the manufacture of these traditional ceramics is clay. The manufacturing of clay ceramics involves raw material processing (crushing, grinding, and screening), mixing, forming, shaping, drying, glazing, and firing.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jeff Telander, Environmental Protection Agency, Air and Radiation, D243–02, RTP, NC 27711, Phone: 919 541–5427, Fax: 919 541–5600, E-mail: *telander.jeff@epamail.epa.gov.*

Steve Fruh, Environmental Protection Agency, Air and Radiation, D243–02, RTP, NC 27711, Phone: 919 541–2837, Fax: 919 541–3207, E-mail: *fruh.steve@epa.gov.*

RIN: 2060–AP69

271. Supplemental Determination for Renewable Fuels Produced Under the Final RFS2 Program From Pulpwood

Legal Authority: Clean Air Act sec 211(o)

Abstract: As indicated in the final rule for the Renewable Fuels Standard Program, while the Agency issued lifecycle greenhouse gas (GHG) threshold determinations for the major fuel pathways projected to meet the bulk of the RFS volume mandates, assessments of other new fuel pathways such as renewable fuels from pulpwood could not be completed in time for the final rule. In the process of assessing these fuels, the Agency is issuing determinations through several supplemental notices to the final rule.

Timetable:

Action	Date	FR Cite
Direct Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Paul Argyropoulos, Environmental Protection Agency, Air and Radiation, 6520J ARN, Washington, DC 20460, Phone: 202 564–1123, Fax: 202 564–1686, E-mail: *argyropoulos.paul@epa.gov.*

David Korotney, Environmental Protection Agency, Air and Radiation, AAFC, Ann Arbor, MI 48105, Phone: 734 214–4507, E-mail: *korotney.david@epamail.epa.gov.*

RIN: 2060–AQ49

272. • Supplemental Determination for Renewable Fuels Produced Under the Final RFS2 Program From Sorghum

Legal Authority: Clean Air Act sec 211(o)

Abstract: As indicated in the final rule for the Renewable Fuels Standard Program, while the Agency issued lifecycle greenhouse gas (GHG) threshold determinations for the major fuel pathways projected to meet the bulk of the RFS volume mandates, assessments of other new fuel pathways such as renewable fuels from sorghum could not be completed in time for the final rule. In the process of assessing these fuels, the Agency is issuing determinations through several supplemental notices to the final rule.

Timetable:

Action	Date	FR Cite
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Paul Argyropoulos, Environmental Protection Agency, Air and Radiation, 6520J ARN, Washington, DC 20460, Phone: 202 564–1123, Fax: 202 564–1686, E-mail: *argyropoulos.paul@epa.gov.*

David Korotney, Environmental Protection Agency, Air and Radiation, AAFC, Ann Arbor, MI 48105, Phone: 734 214–4507, E-mail: *korotney.david@epamail.epa.gov.*

RIN: 2060–AQ64

ENVIRONMENTAL PROTECTION AGENCY (EPA)

10Clean Air Act

Completed Actions

273. National Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers

Legal Authority: Clean Air Act sec 112

Abstract: The Clean Air Act (CAA) requires that EPA develop standards for

toxic air pollutants, also known as hazardous air pollutants or air toxics for certain categories of sources. These pollutants are known or suspected to cause cancer and other serious health and environmental effects. This regulatory action will develop emission standards for boilers located at area sources. An area source facility emits or has the potential to emit less than 10 tons per year (tpy) of any single air toxic or less than 25 tpy of any combination of air toxics. Boilers burn coal and other substances such as oil or biomass (e.g., wood) to produce steam or hot water, which is then used for energy or heat. Industrial boilers are used in manufacturing, processing, mining, refining, or any other industry. Commercial and institutional boilers are used in commercial establishments, medical centers, educational facilities and municipal buildings. The majority of area source boilers covered by this proposed rule are located at commercial and institutional facilities and are generally owned or operated by small entities. EPA estimates that there are approximately 183,000 existing area source boilers at 91,000 facilities in the United States and that approximately 6,800 new area source boilers will be installed over the next 3 years. The rule will cover boilers located at area source facilities that burn coal, oil, biomass, or secondary ''non-waste'' materials. Natural gas-fired area source boilers are not part of the categories to be regulated. The rule will reduce emissions of a number of toxic air pollutants including mercury, metals, and organic air toxics. The standards for area sources must be technology-based. Standards for area sources can be based on either generally available control technology (GACT), or maximum achievable control technology (MACT). To determine GACT, we look at methods, practices and techniques that are commercially available and appropriate for use by the sources in the category. We consider the economic impacts on sources in the category and the technical capabilities of the firms to operate and maintain the emissions control systems. MACT can be based on the emissions reductions achievable through application of measures, processes, methods, systems, or techniques, but must at least meet minimum control levels as defined in the Clean Air Act. Economic impacts cannot be considered when determining those minimum control levels.

Timetable:

Action	Date	FR Cite
NPRM	06/04/10	75 FR 31895
NPRM Comment Period End.	07/19/10	
NPRM Extension of Comment Period.	06/09/10	75 FR 32682
NPRM Extension of Comment Period End.	08/03/10	
Final Action	03/21/11	76 FR 15554

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mary Johnson, Environmental Protection Agency, Air and Radiation, D243–01, Research Triangle Park, NC 27711, Phone: 919 541–5025, E-mail: *johnson.mary@epa.gov.*

Robert J Wayland, Environmental Protection Agency, Air and Radiation, C439–01, Research Triangle Park, NC 27711, Phone: 919 541–1045, E-mail: *wayland.robertj@epamail.epa.gov.*

RIN: 2060–AM44

274. National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial & Institutional Boilers and Process Heaters

Legal Authority: Clean Air Act section 112

Abstract: Section 112 of the Clean Air Act (CAA) outlines the statutory requirements for EPA's stationary source air toxics program. Section 112 mandates that EPA develop standards for hazardous air pollutants (HAP) for both major and area sources listed under section 112(c). This regulatory action will finalize emission standards for boilers and process heaters located at major sources. Section 112(d)(2) requires that emission standards for major sources be based on the maximum achievable control technology (MACT). Industrial boilers and institutional/commercial boilers are on the list of section 112(c)(6) source categories. In this rulemaking, EPA will finalize standards for these source categories.

Timetable:

Action	Date	FR Cite
NPRM	06/04/10	75 FR 32006
NPRM Extension of Comment Period.	06/09/10	75 FR 32682
Final Action	03/21/11	76 FR 15608

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brian Shrager, Environmental Protection Agency, Air and Radiation, C439–01, Research Triangle Park, NC 27711, Phone: 919 541–7689, E-mail: *shrager.brian@epa.gov.*

Robert J Wayland, Environmental Protection Agency, Air and Radiation, C439–01, Research Triangle Park, NC 27711, Phone: 919 541–1045, E-mail: *wayland.robertj@epamail.epa.gov.*

RIN: 2060–AQ25

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

Proposed Rule Stage

275. Pesticides; Certification of Pesticide Applicators

Legal Authority: 7 U.S.C. 136; 7 U.S.C. 136i; 7 U.S.C. 136w

Abstract: EPA is proposing change to the federal regulations under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) that guide the certified pesticide applicator program (40 CFR 171). Change is sought to strengthen the regulations to better protect pesticide applicators and the public and the environment from harm due to pesticide exposure. The possible need for change arose from EPA discussions with key stakeholders. EPA has been in extensive discussions with stakeholders since 1997 when the Certification and Training Assessment Group (CTAG) was established. CTAG is a forum used by regulatory and academic stakeholders to discuss the current state of, and the need for improvements in, the national certified pesticide applicator program. Throughout these extensive interactions with stakeholders, EPA has learned of the potential need for changes to the regulation.

Timetable:

Action	Date	FR Cite
NPRM	05/00/12	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kathy Davis, Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, 7506P, Washington, DC 20460, Phone: 703 308–7002, Fax: 703 308–2962, E-mail: *davis.kathy@epa.gov.*

Richard Pont, Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, 7506P, Washington, DC 20460, Phone: 703 305–6448, Fax: 703 308–2962, E-mail: *pont.richard@epa.gov.*

RIN: 2070–AJ20

276. Pesticides; Agricultural Worker Protection Standard Revisions

Legal Authority: 7 U.S.C. 136 and 136(w)

Abstract: EPA is developing a proposal under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) to revise the federal regulations guiding agricultural worker protection (40 CFR 170). The changes under consideration are intended to improve agricultural workers' ability to protect themselves from potential exposure to pesticides and pesticide residues. In addition, EPA is proposing to make adjustments to improve and clarify current requirements and facilitate enforcement. Other changes sought are to bring hazard communication requirements more in line with OSHA requirements and make improvements to pesticide safety training, with improved worker safety the intended outcome. The potential need for change arose from EPA discussions with key stakeholders beginning in 1996 and continuing through 2004. EPA held nine public meetings throughout the country during which the public submitted written and verbal comments on issues of their concern. In 2000 through 2004, EPA held meetings where invited stakeholders identified their issues and concerns with the regulations.

Timetable:

Action	Date	FR Cite
NPRM	05/00/12	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kathy Davis, Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, 7506P, Washington, DC 20460, Phone: 703 308–7002, Fax: 703 308–2962, E-mail: *davis.kathy@epa.gov.*

Richard Pont, Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, 7506P, Washington, DC 20460, Phone: 703 305–6448, Fax: 703 308–2962, E-mail: *pont.richard@epa.gov.*

RIN: 2070–AJ22

277. Pesticides; Reconsideration of Exemptions for Insect Repellents

Legal Authority: 7 U.S.C. 136(a) and 136(w)

Abstract: EPA is developing rulemaking to modify the minimum risk pesticides exemption under 40 CFR 152.25(f) to exclude personally applied insect repellents from the exemption and require an abbreviated data set for such products. EPA is taking this action because these pesticides claim to control pests of significant public health importance.

Timetable:

Action	Date	FR Cite
NPRM	01/00/12	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kathryn Boyle, Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, 7506P, Washington, DC 20460, Phone: 703 305–6304, Fax: 703 305–5884, E-mail: *boyle.kathryn@epa.gov.*

Niva Kramek, Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, 7506P, Washington, DC 20460, Phone: 703 605–1193, Fax: 703 305–5884, E-mail: *kramek.niva@epa.gov.*

RIN: 2070–AJ45

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Toxic Substances Control Act (TSCA)

Proposed Rule Stage

278. Lead; Renovation, Repair, and Painting Program for Public and Commercial Buildings

Legal Authority: 15 U.S.C. 2682(c)(3)

Abstract: Section 402(c)(3) of the Toxic Substances Control Act (TSCA) requires EPA to regulate renovation or remodeling activities in target housing (most pre-1978 housing), pre-1978 public buildings, and commercial buildings that create lead-based paint hazards. On April 22, 2008, EPA issued a final rule to address lead-based paint hazards created by these activities in target housing and child-occupied facilities built before 1978 (child-occupied facilities are a subset of public and commercial buildings or facilities where children under age 6 spend a great deal of time). The 2008 rule established requirements for training renovators, other renovation workers, and dust sampling technicians; for certifying renovators, dust sampling technicians, and renovation firms; for accrediting providers of renovation and dust sampling technician training; for renovation work practices; and for recordkeeping. This new rulemaking will address renovation or remodeling activities in the remaining buildings described in TSCA section 402(c)(3): public buildings built before 1978 and commercial buildings that are not child-occupied facilities. On May 6, 2010, EPA announced the commencement of proceedings to propose lead-safe work practices and other requirements for renovations on the exteriors of public and commercial buildings and to determine whether lead-based paint hazards are created by interior renovation, repair, and painting projects in public and commercial buildings. For those renovations in the interiors of public and commercial buildings that create lead-based paint hazards, EPA will propose regulations to address these hazards.

Timetable:

Action	Date	FR Cite
ANPRM	05/06/10	75 FR 24848
NPRM; Exteriors	12/00/11	
Final Action	07/00/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Hans Scheifele, Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, 7404T, Washington, DC 20460, Phone: 202 564–3122, E-mail: *scheifele.hans@epa.gov.*

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RIN: 2070–AJ56

279. Formaldehyde Emissions From Pressed Wood Products

Legal Authority: 15 U.S.C. 2697 (TSCA sec 601)

Abstract: In 2008, EPA initiated a proceeding under Toxics Substance and Control Act (TSCA) to investigate risks posed by formaldehyde emitted from pressed wood products. An advance notice of proposed rulemaking (ANPRM) sought to engage stakeholders to contribute to obtaining a better understanding of the available control technologies and approaches, industry practices, and the implementation of California's formaldehyde emission limits. Subsequently, EPA developed an industry survey to obtain more information on these ANPR topics and continued to assess the hazards of and exposures to formaldehyde emissions from pressed wood products. On July 7, 2010, the Formaldehyde Standards for Composite Wood Products Act was enacted. This law amends TSCA to establish specific formaldehyde emission limits for hardwood plywood, particleboard, and medium-density fiberboard, which limits are identical to the California emission limits for these products. The law further requires EPA to promulgate implementing regulations by January 1, 2013.

Timetable:

Action	Date	FR Cite
ANPRM	12/03/08	73 FR 73620
ANPRM: Extension of Comment Period.	01/30/09	74 FR 5632
NPRM	01/00/12	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Cindy Wheeler, Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, 7404T, Washington, DC 20460, Phone: 202 566–0484, E-mail: *wheeler.cindy@epa.gov.*

Lynn Vendinello, Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, 7404T, Washington, DC 20460, Phone: 202 566–0514, E-mail: *vendinello.lynn@epa.gov.*

RIN: 2070–AJ44

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Toxic Substances Control Act (TSCA)

Final Rule Stage

280. Lead; Clearance and Clearance Testing Requirements for the Renovation, Repair, and Painting Program

Legal Authority: 15 U.S.C. 2601(c); 15 U.S.C. 2682(c)(3); 15 U.S.C. 2684; 15 U.S.C. 2686 and 2687

Abstract: On May 6, 2010, EPA proposed several revisions to the 2008 Lead Renovation, Repair, and Painting Program (RRP) rule that established accreditation, training, certification, and recordkeeping requirements as well as work practice standards for persons performing renovations for compensation in most pre-1978 housing and child-occupied facilities. Current requirements include training renovators, other renovation workers, and dust sampling technicians; for certifying renovators, dust sampling technicians, and renovation firms; for accrediting providers of renovation and dust sampling technician training; for renovation work practices; and for recordkeeping. EPA is particularly concerned about dust lead hazards generated by renovations because of the well documented toxicity of lead, especially to younger children. This proposal includes additional requirements designed to ensure that lead-based paint hazards generated by renovation work are adequately cleaned after renovation work is finished and before the work areas are re-occupied. Specifically, EPA proposed to require dust wipe testing after many renovations covered by the RRP rule. For a subset of jobs involving demolition or removal of plaster through destructive means or the disturbance of paint using machines designed to remove paint through high-speed operation, such as power sanders or abrasive blasters, this proposal would also require the renovation firm to demonstrate, through dust wipe testing, that dust-lead levels remaining in the work area are below regulatory levels.

Timetable:

Action	Date	FR Cite
NPRM	05/06/10	75 FR 25038
NPRM Extension of Comment Period.	07/07/10	75 FR 38959
Final Action	07/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Cindy Wheeler, Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, 7404T, Washington, DC 20460, Phone: 202 566–0484, E-mail: *wheeler.cindy@epa.gov.*

Michelle Price, Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, 7404T, Washington, DC 20460, Phone: 202 566–0744.

RIN: 2070–AJ57

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Comprehensive Environmental Response, Compensation and Liability Act

Proposed Rule Stage

281. Financial Responsibility Requirements Under Cercla Section 108(B) for Classes of Facilities in the Hard Rock Mining Industry

Legal Authority: 42 U.S.C. 9601 *et seq.;* 42 U.S.C. 9608 (b)

Abstract: Section 108(b) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, establishes certain authorities concerning financial responsibility requirements. The Agency has identified classes of facilities within the Hard Rock mining industry as those for which financial responsibility requirements will be first developed. EPA intends to include requirements for financial responsibility, as well as notification and implementation.

Timetable:

Action	Date	FR Cite
Priority Notice	07/28/09	74 FR 37213
NPRM	02/00/12	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ben Lesser, Environmental Protection Agency, Solid Waste and Emergency Response, 5302P, Washington, DC 20460, Phone: 703 308–0314, E-mail: *lesser.ben@epa.gov.*

David Hockey, Environmental Protection Agency, Solid Waste and Emergency Response, 5303P, Washington, DC 20460, Phone: 703 308–8846, E-mail: *hockey.david@epa.gov.*

RIN: 2050–AG61

ENVIRONMENTAL PROTECTION AGENCY (EPA)

70Clean Water Act

Proposed Rule Stage

282. Stormwater Regulations Revision to Address Discharges from Developed Sites

Legal Authority: 33 U.S.C. 1251 *et seq.*

Abstract: Stormwater discharge from developed areas is a major cause of degradation of surface waters. This is true for both conveyance of pollutants and the erosive power of increased stormwater flow rates and volumes. Current stormwater regulations were promulgated in 1990 and 1999. In 2006, the Office of Water asked the National Research Council (NRC) to review the stormwater program and recommend ways to strengthen it. The NRC Report, which was finalized in October 2008, found that the current stormwater program ‘‘ * * * is not likely to adequately control stormwater’s contribution to waterbody impairment’’ and recommended that EPA take action to address the harmful effects of stormwater flow. This proposed action would establish requirements for, at minimum, managing stormwater discharges from newly developed and re-developed sites, to reduce the amount of pollutants in stormwater discharges entering receiving waters by reducing the discharge of excess stormwater. This action may also expand the scope of municipal separate storm sewer systems (MS4) required to be regulated under NPDES permits, to include rapidly developing areas and to cover some discharges that are not currently regulated. The Phase I and Phase II MS4 regulations might also be combined and amended, and may include provisions for better managing existing discharges.

Timetable:

Action	Date	FR Cite
NPRM	09/00/11	
Final Action	11/00/12	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Connie Bosma, Environmental Protection Agency, Water, 4203M, Washington, DC 20460, Phone: 202 564–6773, Fax: 202 564–6392, E-mail: *bosma.connie@epamail.epa.gov*.

Janet Goodwin, Environmental Protection Agency, Water, 4303T, Washington, DC 20460, Phone: 202 566–1060, E-mail: *goodwin.janet@epamail.epa.gov*.

RIN: 2040–AF13

ENVIRONMENTAL PROTECTION AGENCY (EPA)

70Clean Water Act

Completed Actions

283. Effluent Guidelines and Standards for the Centralized Waste Treatment Industry (Completion of a Section 610 Review)

Legal Authority: 5 U.S.C. 610

Abstract: In December 2000, EPA promulgated effluent limitations for the Centralized Waste Treatment (CWT) Point Source Category at 40 CFR 437 (65 FR 81241, December 22, 2000). A CWT facility treats or recovers hazardous or non-hazardous industrial waste, wastewater, or used material from off-site. The regulation established wastewater discharge standards for three major types of wastes: metal-bearing, oily, and organic. EPA issued a Small Entity Compliance Guide, which provides easy-to-read descriptions of the regulations and other helpful information on how to comply such as a question and answer section.

Pursuant to Section 610 of the Regulatory Flexibility Act, on April 26, 2010, EPA initiated a review of the rule to determine if it should be continued without change, or should be rescinded or amended to minimize adverse economic impacts on small entities (75 FR 21882). As part of this review, EPA considered, and solicited comments on, the following factors: (1) The continued need for the rule; (2) the nature of complaints or comments received concerning the rule; (3) the complexity of the rule; (4) the extent to which the rule overlaps, duplicates, or conflicts with other Federal, State, or local government rules; and (5) the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule. The comment period closed July 31, 2010. EPA received no comments, and the Agency has concluded that the rule needs no revisions at this time to minimize the impacts on small entities. The rule will remain in effect without modification.

The Docket ID number is EPA–HQ–OW–2010–0169. EPA summarized the results of the review in a report, which is available in the rulemaking docket referenced above. You can access that docket at *http://www.regulations.gov.*

Timetable:

Action	Date	FR Cite
Final Action	12/22/00	65 FR 81241
Begin Review	04/26/10	75 FR 21882
End Comment Period.	07/31/10	75 FR 21882
End Review	04/25/11	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Erik Helm, Environmental Protection Agency, Water, 4303T, Washington, DC 20460, Phone: 202 566–1049, Fax: 202 566–1053, E-mail: *helm.erik@epamail.epa.gov*.

RIN: 2040–AF18

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Safe Drinking Water Act (SDWA)

Prerule Stage

284. National Primary Drinking Water Regulations; Arsenic and Clarifications to Compliance and New Source Contaminants Monitoring (Section 610 Review)

Legal Authority: 5 U.S.C. 610

Abstract: On January 22, 2001, EPA revised the Maximum Contaminant Level (MCL) for arsenic to 0.010 mg/L (10.0 μg/L). This regulation applies to non-transient non-community water systems and to community water systems (66 FR 6976). While EPA has taken steps to evaluate and mitigate impacts on small entities as part of the promulgation of the Arsenic Rule, EPA reviewed the National Primary Drinking Water Rule (NPDWR) for arsenic pursuant to section 610 of the Regulatory Flexibility Act (5 U.S.C. 610). As part of this review, EPA considered and solicited comments on the following factors: (1) The continued need for the rule; (2) the nature of complaints or comments received concerning the rule; (3) the complexity of the rule; (4) the extent to which the rule overlaps, duplicates, or conflicts with other Federal, State, or local government rules; and (5) the degree to which the technology, economic conditions or other factors have changed in the area affected by the rule. EPA is currently reviewing the public comments received in response to this review and is developing a response to comment document, which will be posted in the docket (#EPA–OW–2010–0728) upon completion of this review by fall 2011. The docket can be accessed at *http://www.regulations.gov.*

Timetable:

Action	Date	FR Cite
Final Rule	01/22/01	66 FR 6976
Initiate 610 Review.	12/20/10	75 FR 79844
End Comment Period.	02/18/11	
Completion of 610 Review.	10/00/11	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Stephanie Flaharty, Environmental Protection Agency, Water, 4601M, Washington, DC 20460, Phone: 202 564–5072, E-mail: *flaharty.stephanie@epamail.epa.gov*.

Wynne Miller, Environmental Protection Agency, Water, 4607M, Washington, DC 20460, Phone: 202 564–4887, Fax: 202 564–3760, E-mail: *miller.wynne@epamail.epa.gov*.

RIN: 2040–AF24

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Safe Drinking Water Act (SDWA)

Long-Term Actions

285. National Primary Drinking Water Regulations: Radon

Legal Authority: 42 U.S.C. 300f, *et seq.*

Abstract: In 1999, EPA proposed regulations for radon which provide flexibility in how to manage the health risks from radon in drinking water. The proposal was based on the unique framework in the 1996 SDWA. The proposed regulation would provide for either a maximum contaminant level (MCL), or an alternative maximum contaminant level (AMCL) with a multimedia mitigation (MMM) program to address radon in indoor air. Under the proposal, public water systems in States that adopted qualifying MMM programs would be subject to the AMCL, while those in States that did not adopt such programs would be subject to the MCL.

Timetable:

Action	Date	FR Cite
ANPRM	09/30/86	51 FR 34836
NPRM Original	07/18/91	56 FR 33050
Notice99	02/26/99	64 FR 9560
NPRM	11/02/99	64 FR 59246
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Rebecca Allen, Environmental Protection Agency, Water, 4607M, Washington, DC 20460, Phone: 202 564–4689, Fax: 202 564–3760, E-mail: *allen.rebeccak@epamail.epa.gov*.

Eric Burneson, Environmental Protection Agency, Water, 4607M, Washington, DC 20460, Phone: 202 564–5250, E-mail: *burneson.eric@epamail.epa.gov*.

RIN: 2040–AA94

[FR Doc. 2011–15496 Filed 7–6–11; 8:45 am]

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Part XV

General Services Administration

Semiannual Regulatory Agenda

GENERAL SERVICES ADMINISTRATION

41 CFR Chs. 101, 102, 105, 300, 301, and 302

48 CFR Chs. 5 and 61

Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: General Services Administration (GSA).

ACTION: Semiannual Regulatory Agenda.

SUMMARY: This agenda announces the proposed regulatory actions that GSA plans for the next 12 months and those that were completed since the fall 2010 edition. This agenda was developed under the guidelines of Executive Order 12866, ''Regulatory Planning and Review.'' GSA's purpose in publishing this agenda is to allow interested persons an opportunity to participate in the rulemaking process. GSA also invites interested persons to recommend existing significant regulations for review to determine whether they should be modified or eliminated. Proposed rules may be reviewed in their entirety at the Government's rulemaking Web site at *http://www.regulations.gov.*

Since the fall 2007 edition, the Internet has been the basic means for disseminating the Unified Agenda. The complete Unified Agenda will be available online at *www.reginfo.gov*, in a format that offers users a greatly enhanced ability to obtain information from the Agenda database.

Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C. 602), GSA's printed agenda entries include only:

(1) Rules that are in the Agency's regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and

(2) Any rules that the Agency has identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's Agenda requirements. Additional information on these entries is available in the Unified Agenda published on the Internet. In addition, for fall editions of the Agenda, the entire Regulatory Plan will continue to be printed in the **Federal Register**, as in past years, including GSA's regulatory plan.

FOR FURTHER INFORMATION CONTACT: Hada Flowers, Division Director, Regulatory Secretariat Division (202) 208–7282.

Dated: March 14, 2011.

Kathleen M. Turco,

Associate Administrator, Office of Governmentwide Policy.

Dated: February 25, 2011.

Millisa Gary,

Acting Director, Acquisition Policy Division.

Dated: March 14, 2011.

Janet Dobbs,

Director, Office of Travel, Transportation & Asset Management.

Dated: February 23, 2011.

Chris Giavis,

Office of Real Property Asset Management.

Dated: February 24, 2011.

Travis Murphy,

General Attorney, Office of General Counsel.

Dated: February 25, 2011.

Sloan Farrell,

Acting Division Director, External Programs, Office of Civil Rights.

GENERAL SERVICES ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
286	Cooperative Purchasing-Acquisition of Security and Law Enforcement Related Goods and Services (Schedule 84) by State and Local Governments Through Federal Supply Schedules.	3090–AI68
287	General Services Administration Acquisition Regulation; GSAR Case 2006–G507, Rewrite of Part 538, Federal Supply Schedule Contracting.	3090–AI77
288	GSAR Case 2011–G503, Implementation of Information Technology Security Provision	3090–AJ15

GENERAL SERVICES ADMINISTRATION (GSA)

Final Rule Stage

Office of Acquisition Policy

286. Cooperative Purchasing—Acquisition of Security and Law Enforcement Related Goods and Services (Schedule 84) by State and Local Governments Through Federal Supply Schedules

Legal Authority: 40 U.S.C. 121(c); 40 U.S.C. 502(c)(1)(B)

Abstract: The General Services Administration (GSA) is amending the General Services Administration Acquisition Regulation (GSAR) to implement Public Law 110–248, The Local Preparedness Acquisition Act. The Act authorizes the Administrator of General Services to provide for the use by State or local governments of Federal Supply Schedules of the General Services Administration (GSA) for alarm and signal systems, facility management systems, firefighting and rescue equipment, law enforcement and security equipment, marine craft and related equipment, special purpose clothing, and related services (as contained in Federal supply classification code group 84 or any amended or subsequent version of that Federal supply classification group).

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/19/08	73 FR 54334
Interim Final Rule Comment Period End.	11/18/08	
Final Rule	09/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: William Clark, Procurement Analyst, General Services Administration, 1275 First Street, NE., Washington, DC 20417, Phone: 202 219–1813, E-mail: *william.clark@gsa.gov.*

RIN: 3090–AI68

287. General Services Administration Acquisition Regulation; GSAR Case 2006–G507, Rewrite of Part 538, Federal Supply Schedule Contracting

Legal Authority: 40 U.S.C. 121(c)

Abstract: The General Services Administration (GSA) is amending the General Services Administration Acquisition Regulation (GSAR) to revise sections of GSAR part 538 that provide requirements for Federal Supply Schedule Contracting actions. Areas included in the rewrite include the following: Subpart 538.1, Definitions; subpart 538.4, Administrative Matters; subpart 538.7, Acquisition Planning; subpart 538.9, Contractor Qualifications; subpart 538.12, Acquisition of Commercial Items—FSS; subpart

538.15, Negotiation and Award of Contracts; subpart 538.17, Administration of Evergreen Contracts; subpart 538.19, FSS and Small Business Programs; subpart 538.25, Requirements for Foreign Entities; subpart 538.42, Contract Administration and subpart 538.43, Contract Modifications.

Timetable:

Action	Date	FR Cite
NPRM	01/26/09	74 FR 4596
NPRM Comment Period End.	03/27/09	
Final Rule	12/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Deborah Lague, Procurement Analyst, General Services Administration, 1275 First Street, NE., Washington, DC 20417, Phone: 202 694–8149, E-mail: *deborah.lague@gsa.gov.*

RIN: 3090–AI77

Office of Governmentwide Policy

288. • GSAR Case 2011–G503, Implementation of Information Technology Security Provision

Legal Authority: 40 U.S.C. 121(c)

Abstract: The General Services Administration is issuing an interim rule amending the General Services Administration Acquisition Regulation (GSAR), Part 507, Acquisition Planning; Part 511.1, Selecting and Developing Requirement Documents; Part 539, Acquisition of Information Technology; and Part 552, Solicitation Provisions and Contract Clauses to implement policy and guidelines for contracts and orders that include information technology (IT) supplies, services and systems with security requirements. This is a significant regulatory action and, therefore, was subject to review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/00/11	
Interim Final Rule Comment Period End.	11/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Deborah Lague, Procurement Analyst, General Services Administration, 1275 First Street, NE., Washington, DC 20417, Phone: 202 694–8149, E-mail: *deborah.lague@gsa.gov.*

RIN: 3090–AJ15

[FR Doc. 2011–15497 Filed 7–6–11; 8:45 am]

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Part XVI

Small Business Administration

Semiannual Regulatory Agenda

SMALL BUSINESS ADMINISTRATION

13 CFR Ch. I

Semiannual Regulatory Agenda

AGENCY: U.S. Small Business Administration (SBA).

ACTION: Semiannual Regulatory Agenda.

SUMMARY: This Regulatory Agenda is a semiannual summary of all current and projected rulemakings, existing regulations, and completed actions of the Small Business Administration (SBA). This agenda provides the public with information about SBA's regulatory activity. SBA expects that this information will enable the public to be more aware of, and effectively participate in, the SBA's regulatory activity. SBA invites the public to submit comments on any aspect of this Agenda.

FOR FURTHER INFORMATION CONTACT:

General

Please direct general comments or inquiries to Martin ''Sparky'' Conrey, Assistant General Counsel for Legislation and Appropriations, U.S. Small Business Administration, 409 Third Street SW., Washington, DC 20416, (202) 619–0638, *martin.conrey@sba.gov.*

Specific

Please direct specific comments and inquiries on individual regulatory activities identified in this agenda to the individual listed in the summary of the regulation as the point of contact for that regulation.

SUPPLEMENTARY INFORMATION: SBA provides this notice under the requirements of the Regulatory Flexibility Act, 5 U.S.C. sections 601 to 612 and Executive Order 12866, ''Regulatory Planning and Review,'' which require each agency to publish a semiannual agenda of regulations. The regulatory agenda is a summary of all current and projected rulemakings, as well as actions completed since the publication of the last regulatory agenda for the agency. SBA's last semiannual regulatory agenda was published on December 20, 2010 at 75 FR 79864. The semiannual agenda of the SBA conforms to the Unified Agenda format developed by the Regulatory Information Service Center.

Beginning in fall 2007, the Internet became the basic means for disseminating the Unified Agenda. The complete Unified Agenda will be available online at *http://www.reginfo.gov* in a format that greatly enhances a user's ability to obtain information about the rules in the agency's Agenda.

The Regulatory Flexibility Act requires federal agencies to publish their regulatory flexibility agendas in the **Federal Register**. Therefore, SBA's printed agenda entries include regulatory actions that are in the SBA's regulatory flexibility agenda. A regulatory flexibility agenda shall contain, among other things, ''a brief description of the subject area of any rule, which is likely to have a significant economic impact on a substantial number of small entities.'' Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's Agenda requirements. Additional information on these entries is available in the Unified Agenda published on the Internet.

Dated: March 2, 2011.

Karen G. Mills,

Administrator.

SMALL BUSINESS ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
289	Small Business Technology Transfer (STTR) Policy Directive	3245–AF45
290	Small Business Innovation Research Program Policy Directive	3245–AF84
291	SBA Express Loan Program; Export Express Program	3245–AF85
292	Implementation of Military Reservist and Veteran Small Business Reauthorization and Opportunity Act of 2008.	3245–AF87
293	Implementation of Small Business Disaster Response and Loan Improvement Act of 2008: Expedited Disaster Assistance Program.	3245–AF88
294	Implementation of Small Business Disaster Response and Loan Improvement Act of 2008: Private Loan Disaster Program.	3245–AF99
295	Interest Rate—Resetting Fixed Interest Rate	3245–AG03
296	504 Regulatory Enhancements	3245–AG04
297	Small Business Size Standards for Loan, Investment, and Surety Programs	3245–AG05
298	Small Business Size Standards: Transportation and Warehousing Industries	3245–AG08
299	Statement of Personal History (Form 912) Modification	3245–AG11
300	Small Business Jobs Act: Small Business Size Standards; Alternative Size Standard for 7(a) and 504 Business Loan Programs.	3245–AG16
301	Small Business Jobs Act: Multiple Award Contracts and Small Business Set-Asides	3245–AG20
302	Small Business Jobs Act: Bundling and Contract Consolidation	3245–AG21
303	Small Business Jobs Act: Subcontract Integrity	3245–AG22
304	Small Business Jobs Act: Small Business Size and Status Integrity	3245–AG23
305	Small Business Jobs Act: Small Business Mentor-Protégé Programs	3245–AG24
306	Small Business Size Standards for Utilities Industries	3245–AG25
307	Small Business Size Standards for Information Industries	3245–AG26
308	Small Business Size Standards for Administrative and Support, Waste Management and Remediation Services Industries.	3245–AG27
309	Small Business Size Standards: Real Estate, Rental and Leasing Industries	3245–AG28
310	Small Business Size Standards: Educational Services Industries	3245–AG29
311	Small Business Size Standards: Health Care and Social Assistance Services Industries	3245–AG30
312	Small Business Size Standards: Application of Nonmanufacturer Rule to Processors and other Producers	3245–AG31

SMALL BUSINESS ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
313	Lender Oversight Program	3245–AE14
314	Small Business Size Standards: Professional, Scientific, and Technical Services	3245–AG07

SMALL BUSINESS ADMINISTRATION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
315	Small Business Development Centers (SBDC) Program Revisions	3245–AE05

SMALL BUSINESS ADMINISTRATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
316	Small Business Size Regulations; (8)a Business Development/Small Disadvantaged Business Status Determination.	3245–AF53
317	Small Business, Small Disadvantaged Business, HUBZone, and Service-Disabled Veteran-Owned Protest and Appeal Regulations.	3245–AF65

SMALL BUSINESS ADMINISTRATION (SBA)

Proposed Rule Stage

289. Small Business Technology Transfer (STTR) Policy Directive

Legal Authority: 15 U.S.C. 638

Abstract: SBA plans on updating the STTR Policy Directive to address and clarify certain relevant executive and statutory requirements. SBA also plans on making changes to the Directive to allow for improved data collection and reporting from participating agencies; and revising the definitions of some terms.

Timetable:

Action	Date	FR Cite
NPRM	08/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Edsel M. Brown Jr., Assistant Director, Office of Innovation, Small Business Administration, 409 Third Street, SW, Washington, DC 20416, Phone: 202 205–6450, E-mail: *edsel.brown@sba.gov.*

RIN: 3245–AF45

290. Small Business Innovation Research Program Policy Directive

Legal Authority: 15 U.S.C. 638

Abstract: SBA plans to update the SBIR Policy Directive to address and clarify certain relevant executive and statutory requirements. SBA also plans on making changes to the Directive to allow for improved data collection and reporting from participating agencies; and revising the definitions of some terms.

Timetable:

Action	Date	FR Cite
NPRM	09/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Edsel M. Brown Jr., Assistant Director, Office of Innovation, Small Business Administration, 409 Third Street, SW, Washington, DC 20416, Phone: 202 205–6450, E-mail: *edsel.brown@sba.gov.*

RIN: 3245–AF84

291. SBA Express Loan Program; Export Express Program

Legal Authority: 15 U.S.C. 636(a)(31) and (35)

Abstract: SBA plans to issue regulations for the SBA Express loan program codified in section 7(a)(31) of the Small Business Act. The SBA Express loan program reduces the number of Government mandated forms and procedures, streamlines the processing and reduces the cost of smaller, less complex SBA loans. Particular features of the SBA Express loan program include: (1) SBA Express loans carry a maximum SBA guaranty of 50 percent; (2) a response to an SBA Express loan application will be given within 36 hours; (3) lenders and borrowers can negotiate the interest rate, which may not exceed SBA maximums; and (4) qualified lenders may be granted authorization to make eligibility determinations. SBA also plans to issue regulations for the Export Express Program codified at 7(a)(35) of the Small Business Act. The Export Express Program, made permanent by the Small Business Jobs Act, makes guaranteed financing available for export development activities.

Timetable:

Action	Date	FR Cite
NPRM	01/00/12	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Grady Hedgespeth, Director, Office of Financial Assistance, Small Business Administration, 409 Third Street, SW., Washington, DC 20416, Phone: 202 205–7562, Fax: 202 481–0248, E-mail: *grady.hedgespeth@sba.gov.*

RIN: 3245–AF85

292. Implementation of Military Reservist and Veteran Small Business Reauthorization and Opportunity Act of 2008

Legal Authority: 15 U.S.C. 632(q); 15 U.S.C. 636(j)

Abstract: SBA plans to issue regulations to implement section 205 of the Military Reservist and Veteran Small Business Reauthorization and Opportunity Act. This Act provides that any time limitation on any qualification, certification, or period of participation imposed under the Small Business Act on any program that is available to small business concerns shall be extended for a small business concern that is owned and controlled by a veteran who was called or ordered to active duty or a service-disabled veteran who became such a veteran due to an injury or illness incurred or aggravated in the

active military duty. These regulations will provide guidance on tolling of time limitations for veteran-owned small businesses.

Timetable:

Action	Date	FR Cite
NPRM	08/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dean R. Koppel, Assistant Director, Office of Policy and Research, Small Business Administration, 409 Third Street, SW, Washington, DC 20416, Phone: 202 205–7322, Fax: 202 481–1540, E-mail: *dean.koppel@sba.gov.*

RIN: 3245–AF87

293. Implementation of Small Business Disaster Response and Loan Improvement Act of 2008: Expedited Disaster Assistance Program

Legal Authority: 15 U.S.C. 636(j)

Abstract: This proposed rule would establish and implement an expedited disaster assistance business loan program under which the SBA will guarantee short-term loans made by private lenders to eligible small businesses located in a catastrophic disaster area. The maximum loan amount is $150,000, and SBA will guarantee timely payment of principal and interest to the lender. The maximum loan term will be 180 days, and the interest rate will be limited to 300 basis points over the Federal funds rate.

Timetable:

Action	Date	FR Cite
NPRM	01/00/12	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Grady Hedgespeth, Director, Office of Financial Assistance, Small Business Administration, 409 Third Street SW., Washington, DC 20416, Phone: 202 205–7562, Fax: 202 481–0248, E-mail: *grady.hedgespeth@sba.gov.*

RIN: 3245–AF88

294. Implementation of Small Business Disaster Response and Loan Improvement Act of 2008: Private Loan Disaster Program

Legal Authority: 15 U.S.C. 636

Abstract: This proposed rule would establish and implement a private disaster loan program under which SBA will guarantee loans made by qualified lenders to eligible small businesses and homeowners located in a catastrophic disaster area. Private disaster loans made under this programs will have the same terms and conditions as SBA's direct disaster loans. In addition, SBA will guarantee timely payment of principal and interest to the lender. SBA may guarantee up to 85 percent of any loan under this program and the maximum loan amount is $2 million.

Timetable:

Action	Date	FR Cite
NPRM	01/00/12	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Grady Hedgespeth, Director, Office of Financial Assistance, Small Business Administration, 409 Third Street SW., Washington, DC 20416, Phone: 202 205–7562, Fax: 202 481–0248, E-mail: *grady.hedgespeth@sba.gov.*

RIN: 3245–AF99

295. Interest Rate—Resetting Fixed Interest Rate

Legal Authority: 15 U.S.C. 634

Abstract: SBA currently offers either a fixed or variable interest rate for 7(a) loans. In addition to these rates, the Agency is working to develop a shorter term fixed interest rate with the ability to be re-set at periodic intervals. This type of rate is currently available in the commercial market place and will help provide additional options for small business borrowers. By authorizing this option, SBA is recognizing a need to allow lenders to utilize market opportunities.

Timetable:

Action	Date	FR Cite
NPRM	01/00/12	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Grady Hedgespeth, Director, Office of Financial Assistance, Small Business Administration, 409 Third Street SW., Washington, DC 20416, Phone: 202 205–7562, Fax: 202 481–0248, E-mail: *grady.hedgespeth@sba.gov.*

RIN: 3245–AG03

296. 504 Regulatory Enhancements

Legal Authority: 15 U.S.C. 695 *et seq.*

Abstract: SBA proposes to revise the regulations for the Agency's 504 Certified Development Company (CDC) Loan Program in order to (1) simplify processes and reduce the regulatory burdens on program participants while maintaining appropriate controls to mitigate risk; (2) increase opportunities for other nonprofit economic development entities to participate in the program either as independent CDCs or affiliates of CDCs, especially in communities not currently served; (3) expand the area of operations for CDCs from statewide to regional; (4) hold CDC Board of Directors more accountable for the CDCs economic development, financial strength, executive compensation and portfolio performance; (5) clarify current regulations; and (6) update the regulations with statutory requirements.

Timetable:

Action	Date	FR Cite
NPRM	01/00/12	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Andrew B. McConnell Jr., Chief, 504 Loan Program, Office of Financial Assistance, Small Business Administration, 409 Third Street SW., Washington, DC 20416, Phone: 202 205–7238, E-mail: *andrew.mcconnell@sba.gov.*

RIN: 3245–AG04

297. Small Business Size Standards for Loan, Investment, and Surety Programs

Legal Authority: 15 U.S.C. 632, 634(b)(6), 636(b), 637, 644, 662(5)

Abstract: SBA currently sets different size standards for participation in its financial assistance programs. 7(a) borrowers use the standards set out for procurement programs or a temporary alternate standard; 504 borrowers may use the 7(a) standards or an alternate standard; SBIC investment may be made to small businesses that qualify through another standard; and Surety Bond program participants must meet still different requirements. As part of an overall Agency program, SBA will review financial program eligibility regulations in order to update size eligibility requirements among these programs.

Timetable:

Action	Date	FR Cite
NPRM	08/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Grady Hedgespeth, Director, Office of Financial Assistance, Small Business Administration, 409 Third Street SW., Washington, DC 20416, Phone: 202 205–7562, Fax: 202 481–0248, E-mail: *grady.hedgespeth@sba.gov.*

RIN: 3245–AG05

298. Small Business Size Standards: Transportation and Warehousing Industries

Legal Authority: 15 U.S.C. 632(a)

Abstract: The U.S. Small Business Administration (SBA) proposes to modify small business size standards for industries in the North American Industry Classification System (NAICS) Sector 48–49, Transportation and Warehousing Industries. As part of its ongoing initiative to review all size standards, SBA will evaluate each industry in Sector 48–49 to determine whether the existing size standards should be retained or revised. This is one of a series of proposed rules that will examine industries grouped by an NAICS Sector. SBA has applied its ''Size Standards Methodology,'' which is available on its Web site at *http://www.sba.gov/size,* to this proposed rule.

Timetable:

Action	Date	FR Cite
NPRM	09/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dr. Khem Raj Sharma, Chief, Office of Size Standards, Small Business Administration, 409 Third Street SW, Washington, DC 20416, Phone: 202 205–7189, Fax: 202 205–6390, E-mail: *khem.sharma@sba.gov.*

RIN: 3245–AG08

299. Statement of Personal History (Form 912) Modification

Legal Authority: 15 U.S.C. 634

Abstract: Form 912, Statement of Personal History, is required of certain responsible parties that have an interest in an SBA loan. Contained on this form among other information are various questions concerning past arrest records and or convictions. SBA will modify and clarify regulations concerning who needs to complete this form in an effort to simplify and accelerate the loan approval process.

Timetable:

Action	Date	FR Cite
NPRM	01/00/12	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Grady Hedgespeth, Director, Office of Financial Assistance, Small Business Administration, 409 Third Street SW., Washington, DC 20416, Phone: 202 205–7562, Fax: 202 481–0248, E-mail: *grady.hedgespeth@sba.gov.*

RIN: 3245–AG11

300. Small Business Jobs Act: Small Business Size Standards; Alternative Size Standard for 7(A) and 504 Business Loan Programs

Legal Authority: Pub. L. 111–240, sec 1116

Abstract: SBA will amend its size eligibility criteria for Business Loans and for development company loans under title V of the Small Business Investment Act (504). For the SBA 7(a) Business Loan Program, the amendments will provide an alternative size standard for loan applicants that do not meet the small business size standards for their industries. For the 504 Program, the amendments will increase the current alternative standard for applicants for 504 loans. The Small Business Jobs Act of 2010 (Jobs Act) established alternative size standards that apply to both of these programs until the SBA's Administrator establishes other alternative size standards. This interim final rule will be effective when published because the alternative size standards that the Jobs Act established were effective September 27, 2010, the date of its enactment. These alternative size standards do not affect other Federal government programs, including Federal procurement.

Timetable:

Action	Date	FR Cite
NPRM	10/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dr. Khem Raj Sharma, Chief, Office of Size Standards, Small Business Administration, 409 Third Street SW, Washington, DC 20416, Phone: 202 205–7189, Fax: 202 205–6390, E-mail: *khem.sharma@sba.gov.*

RIN: 3245–AG16

301. Small Business Jobs Act: Multiple Award Contracts and Small Business Set-Asides

Legal Authority: Pub. L. 111–240, sec 1311, 1331

Abstract: The U.S. Small Business Administration (SBA) is proposing regulations that will establish guidance under which Federal agencies may set aside part of a multiple award contract for small business concerns, set aside orders placed against multiple award contracts for small business concerns and reserve one or more awards for small business concerns under full and open competition for a multiple award contract. These regulations will apply to small businesses, including those small businesses eligible for SBA's socio-economic programs.

Timetable:

Action	Date	FR Cite
NPRM	10/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dean R. Koppel, Assistant Director, Office of Policy and Research, Small Business Administration, 409 Third Street SW, Washington, DC 20416, Phone: 202 205–7322, Fax: 202 481–1540, E-mail: *dean.koppel@sba.gov.*

RIN: 3245–AG20

302. Small Business Jobs Act: Bundling and Contract Consolidation

Legal Authority: Pub. L. 111–240, sec 1312, 1313

Abstract: The U.S. Small Business Administration is proposing regulations that will set forth a government-wide policy on bundling, which will address teams and joint ventures of small businesses and the requirement that each federal agency must publish on its website the rationale for any bundled contract. In addition, the proposed regulations will address contract consolidation and the limitations on the use of such consolidation in Federal procurement to include ensuring that the head of a Federal agency may not carry out a consolidated contract over $2 million unless the Senior Procurement Executive or Chief Acquisition Officer ensures that market research has been conducted and determines that the consolidation is necessary and justified. Further, the proposed regulations will address two new pilot programs: the three year pilot program called the ''Electronic Procurement Center Representative (ePCR) Program'' and the Small Business Teaming Pilot Program for teaming and joint ventures involving small businesses.

Timetable:

Action	Date	FR Cite
NPRM	08/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dean R. Koppel, Assistant Director, Office of Policy and Research, Small Business Administration, 409 Third Street SW, Washington, DC 20416, Phone: 202 205–7322, Fax: 202 481–1540, E-mail: *dean.koppel@sba.gov.*

RIN: 3245–AG21

303. Small Business Jobs Act: Subcontract Integrity

Legal Authority: Pub. L. 111–240, secs 1321 and 1322, 1334

Abstract: The U.S. Small Business Administration is proposing regulations that address subcontracting compliance and the interrelationship between contracting offices, small business offices and program offices relating to oversight and review activities. The proposed regulation will also address the statutory requirement that a large business prime contractor must represent that it will make good faith efforts to award subcontracts to small businesses at the same percentage as indicated in the subcontracting plan submitted as part of its proposal for a contract and that if the percentage is not met, the large business prime contractor must provide a written justification and explanation to the contracting officer. Finally, the proposed regulation may also address the statutory requirement that a prime contractor must notify the contracting officer in writing if it has paid a reduced price to a subcontractor for goods and services or if the payment to the subcontractor is more than 90 days past due.

Timetable:

Action	Date	FR Cite
NPRM	09/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dean R. Koppel, Assistant Director, Office of Policy and Research, Small Business Administration, 409 Third Street SW, Washington, DC 20416, Phone: 202 205–7322, Fax: 202 481–1540, E-mail: *dean.koppel@sba.gov.*

RIN: 3245–AG22

304. Small Business Jobs Act: Small Business Size and Status Integrity

Legal Authority: Pub. L. 111–240, sec 1341 and 1343

Abstract: The U.S. Small Business Administration is proposing regulations that will address the intentional misrepresentations of small business status as a ''presumption of loss against the Government.'' In addition, the proposed rule will address the statutory requirement that no business may continue to certify itself as small on the Online Representation and Certifications Application (ORCA) without first providing an annual certification.

Timetable:

Action	Date	FR Cite
NPRM	10/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dean R. Koppel, Assistant Director, Office of Policy and Research, Small Business Administration, 409 Third Street SW, Washington, DC 20416, Phone: 202 205–7322, Fax: 202 481–1540, E-mail: *dean.koppel@sba.gov.*

RIN: 3245–AG23

305. Small Business Jobs Act: Small Business Mentor-Protégé Programs

Legal Authority: Pub. L. 111–240, sec 1347

Abstract: The U.S. Small Business Administration is proposing regulations to establish mentor-protégé programs for the Service Disabled Veteran-Owned, HUBZone, and Women-Owned Small Business Programs. These mentor-protégé programs will be comparable to the 8(a) Business Development mentor-protégé program set forth in 13 CFR part 124.

Timetable:

Action	Date	FR Cite
NPRM	08/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dean R. Koppel, Assistant Director, Office of Policy and Research, Small Business Administration, 409 Third Street SW, Washington, DC 20416, Phone: 202 205–7322, Fax: 202 481–1540, E-mail: *dean.koppel@sba.gov.*

RIN: 3245–AG24

306. • Small Business Size Standards for Utilities Industries

Legal Authority: 15 U.S.C. 632(a)

Abstract: SBA is conducting a comprehensive review of all small business size standards to determine whether the existing size standards should be retained or revised. As part of this effort, SBA has evaluated each industry NAICS Sector 22, Utilities Industries, and revised size standards for certain industries in the sector. This is one of a series of proposed rules that will examine industries grouped by an NAICS Sector. SBA has applied its ''Size Standards Methodology,'' which is available on its Web site at *http://www.sba.gov/size,* to this proposed rule.

Timetable:

Action	Date	FR Cite
NPRM	09/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dr. Khem Raj Sharma, Chief, Office of Size Standards, Small Business Administration, 409 Third Street SW, Washington, DC 20416, Phone: 202 205–7189, Fax: 202 205–6390, E-mail: *khem.sharma@sba.gov.*

RIN: 3245–AG25

307. • Small Business Size Standards for Information Industries

Legal Authority: 15 U.S.C. 632(a)

Abstract: SBA is conducting a comprehensive review of all small business size standards to determine whether the existing size standards should be retained or revised. As part of this effort, SBA has evaluated each industry NAICS Sector 51, Information Industries, and revised size standards for certain industries in the sector. This is one of a series of proposed rules that will examine industries grouped by an NAICS Sector. SBA has applied its ''Size Standards Methodology,'' which is available on its Web site at *http://www.sba.gov/size,* to this proposed rule.

Timetable:

Action	Date	FR Cite
NPRM	10/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dr. Khem Raj Sharma, Chief, Office of Size Standards, Small Business Administration, 409 Third Street SW, Washington, DC 20416, Phone: 202 205–7189, Fax: 202 205–6390, E-mail: *khem.sharma@sba.gov.*

RIN: 3245–AG26

308. • Small Business Size Standards for Administrative and Support, Waste Management and Remediation Services Industries

Legal Authority: 15 U.S.C. 632(a)

Abstract: SBA is conducting a comprehensive review of all small business size standards to determine whether the existing size standards should be retained or revised. As part of this effort, SBA has evaluated each industry NAICS Sector 56, Administrative and Support, Waste Management and Remediation Services Industries, and revised size standards for certain industries in the sector. This is one of a series of proposed rules that will examine industries grouped by an NAICS Sector. SBA has applied its ''Size Standards Methodology,'' which is available on its Web site at *http://www.sba.gov/size,* to this proposed rule.

Timetable:

Action	Date	FR Cite
NPRM	10/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dr. Khem Raj Sharma, Chief, Office of Size Standards, Small Business Administration, 409 Third Street SW, Washington, DC 20416, Phone: 202 205–7189, Fax: 202 205–6390, E-mail: *khem.sharma@sba.gov.*

RIN: 3245–AG27

309. • Small Business Size Standards: Real Estate, Rental and Leasing Industries

Legal Authority: 15 U.S.C. 632(a)

Abstract: SBA is conducting a comprehensive review of all small business size standards to determine whether the existing size standards should be retained or revised. As part of this effort, SBA has evaluated each industry NAICS Sector 53, Real Estate, Rental and Leasing Industries, and revised size standards for certain industries in the sector. This is one of a series of proposed rules that will examine industries grouped by an NAICS Sector. SBA has applied its ''Size Standards Methodology,'' which is available on its Web site at *http://www.sba.gov/size,* to this proposed rule.

Timetable:

Action	Date	FR Cite
NPRM	11/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dr. Khem Raj Sharma, Chief, Office of Size Standards, Small Business Administration, 409 Third Street, SW, Washington, DC 20416

Phone: 202 205–7189, Fax: 202 205–6390, E-mail: *khem.sharma@sba.gov.*

RIN: 3245–AG28

310. • Small Business Size Standards: Educational Services Industries

Legal Authority: 15 U.S.C. 632(a)

Abstract: SBA is conducting a comprehensive review of all small business size standards to determine whether the existing size standards should be retained or revised. As part of this effort, SBA has evaluated each industry NAICS Sector 61, Educational Services Industries, and revised size standards for certain industries in the sector. This is one of a series of proposed rules that will examine industries grouped by an NAICS Sector. SBA has applied its ''Size Standards Methodology,'' which is available on its Web site at *http://www.sba.gov/size,* to this proposed rule.

Timetable:

Action	Date	FR Cite
NPRM	11/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dr. Khem Raj Sharma, Chief, Office of Size Standards, Small Business Administration, 409 Third Street, SW, Washington, DC 20416, Phone: 202 205–7189, Fax: 202 205–6390, E-mail: *khem.sharma@sba.gov.*

RIN: 3245–AG29

311. • Small Business Size Standards: Health Care and Social Assistance Services Industries

Legal Authority: 15 U.S.C. 632(a)

Abstract: SBA is conducting a comprehensive review of all small business size standards to determine whether the existing size standards should be retained or revised. As part of this effort, SBA has evaluated each industry NAICS Sector 62, Health Care and Social Assistance Services Industries, and revised size standards for certain industries in the sector. This is one of a series of proposed rules that will examine industries grouped by an NAICS Sector. SBA has applied its ''Size Standards Methodology,'' which is available on its Web site at *http://www.sba.gov/size,* to this purposed rule.

Timetable:

Action	Date	FR Cite
NPRM	10/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dr. Khem Raj Sharma, Chief, Office of Size Standards, Small Business Administration, 409 Third Street, SW, Washington, DC 20416, Phone: 202 205–7189, Fax: 202 205–6390, E-mail: *khem.sharma@sba.gov.*

RIN: 3245–AG30

312. • Small Business Size Standards: Application of Nonmanufacturer Rule to Processors and Other Producers

Legal Authority: 15 U.S.C. 632(a)

Abstract: SBA will clarify that contracting officers may not categorize a Federal government procurement using a North American Industry Classification System (NAICS) code that designates a public entity (NAICS Sector 92) when they will award or anticipate awarding the contract to a private entity. Entities in Sector 92 cannot qualify as small business concerns because they are not organized for profit. SBA intends to further clarify how the non-manufacturer rule applies to supply contracts.

Timetable:

Action	Date	FR Cite
NPRM	07/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dr. Khem Raj Sharma, Chief, Office of Size Standards, Small Business Administration, 409 Third Street, SW, Washington, DC 20416, Phone: 202 205–7189, Fax: 202 205–6390, E-mail: *khem.sharma@sba.gov.*

RIN: 3245–AG31

SMALL BUSINESS ADMINISTRATION (SBA)

Final Rule Stage

313. Lender Oversight Program

Legal Authority: 15 U.S.C. 634(5)(b)(6),(b)(7),(b)(14),(h) and note; 687(f),697(e)(c)(8), and 650

Abstract: This rule implements the Small Business Administration's (SBA) statutory authority under the Small Business Reauthorization and Manufacturing Assistance Act of 2004 (Reauthorization Act) to regulate Small Business Lending Companies (SBLCs) and non-federally regulated lenders (NFRLs). It also conforms SBA rules for the section 7(a) Business Loan Program and the Certified Development Company (CDC) Program.

In particular, this rule: (1) Defines SBLCs and NFRLs; (2) clarifies SBA's authority to regulate SBLCs and NFRLs; (3) authorizes SBA to set certain minimum capital standards for SBLCs, to issue cease and desist orders, and revoke or suspend lending authority of SBLCs and NFRLs; (4) establishes the Bureau of Premier Certified Lender Program Oversight in the Office of Credit Risk management; (5) transfers existing SBA enforcement authority over CDCs from the Office of Financial Assistance to the appropriate official in the Office of Capital Access; and (6) defines SBA's oversight and enforcement authorities relative to all SBA lenders participating in the 7(a) and CDC programs and intermediaries in the Microloan program.

Timetable:

Action	Date	FR Cite
NPRM	10/31/07	72 FR 61752

Action	Date	FR Cite
NPRM Comment Period Extended.	12/20/07	72 FR 72264
NPRM Comment Period End.	02/29/08	
Interim Final Rule	12/11/08	73 FR 75498
Interim Final Rule Comment Period End.	03/11/09	
Interim Final Rule Effective.	01/12/09	
Final Action	08/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Janet A. Tasker, Director, Office of Credit Risk Management, Small Business Administration, 409 Third Street, SW, Washington, DC 20416, Phone: 202 205–3049, E-mail: *janet.tasker@sba.gov.*

RIN: 3245–AE14

314. Small Business Size Standards: Professional, Scientific, and Technical Services

Legal Authority: 15 U.S.C. 632(a)

Abstract: The U.S. Small Business Administration (SBA) proposes to modify small business size standards for industries in the North American Industry Classification System (NAICS) Sector 54, Professional, Scientific and Technical Services. As part of its ongoing initiative to review all size standards, SBA will evaluate each industry in Sector 54 to determine whether the existing size standards should be retained or revised. This is one of a series of proposed rules that will examine industries grouped by an NAICS Sector. SBA has applied its ''Size Standards Methodology,'' which is available on its Web site at *http://www.sba.gov/size,* to this proposed rule.

Timetable:

Action	Date	FR Cite
NPRM	03/16/11	76 FR 14323
NPRM Comment Period End.	05/16/11	
Final Action	11/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dr. Khem Raj Sharma, Chief, Office of Size Standards, Small Business Administration, 409 Third Street, SW, Washington, DC 20416, Phone: 202 205–7189, Fax: 202 205–6390, E-mail: *khem.sharma@sba.gov.*

RIN: 3245–AG07

SMALL BUSINESS ADMINISTRATION (SBA)

Long-Term Actions

315. Small Business Development Centers (SBDC) Program Revisions

Legal Authority: 15 U.S.C. 634(b)(6); 15 U.S.C. 648

Abstract: This rule would update Small Business Development Center (SBDC) program regulations by amending among things, the (1) procedures for approving and funding of SBDCs; (2) approval procedures for travel outside the continental U.S. and U.S. territories; (3) procedures and requirements regarding findings and disputes resulting from financial exams, programmatic reviews, accreditation reviews, and other SBA oversight activities; (4) requirements for new and renewal applications for SBDC awards, including the requirements for electronic submission through the approved electronic Government submission facility; and (5) provisions regarding the collection and use of individual SBDC client data.

Timetable:

Action	Date	FR Cite
NPRM	06/00/12	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Antonio Doss, Phone: 202 205–6766, E-mail: *antonio.doss@sba.gov.*

RIN: 3245–AE05

SMALL BUSINESS ADMINISTRATION (SBA)

Completed Actions

316. Small Business Size Regulations; (8)A Business Development/Small Disadvantaged Business Status Determination

Legal Authority: 15 U.S.C. 634(b)(6), 636(j), 637(a) and (d)

Abstract: This rule makes a number of changes to the regulations governing the 8(a) Business Development (8(a) BD) Program and several changes to SBA's size regulations. Some of the changes involve technical issues, such as changing the term ''SIC code'' to ''NAICS code'' to reflect the national conversion to the North American Industry Classification System. SBA has learned through experience that certain of its rules governing the 8(a) BD program are too restrictive and serve to unfairly preclude firms from being admitted to the program. In other cases, SBA has determined that a rule is too expansive or indefinite and has sought to restrict or clarify that rule. Changes are also being made to correct past public or agency misinterpretation. Also, new situations have arisen that were not anticipated when the current rules were drafted and the rule covers those situations. Finally, one of the changes, implements statutory changes that impact Native Hawaiian Organizations.

Completed:

Reason	Date	FR Cite
Final Rule	02/11/11	76 FR 8222
Final Rule Effective.	03/14/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: LeAnn Delaney, Phone: 202 205–6731, E-mail: *leann.delaney@sba.gov.*

RIN: 3245–AF53

317. Small Business, Small Disadvantaged Business, Hubzone, and Service–Disabled Veteran–Owned Protest and Appeal Regulations

Legal Authority: 15 U.S.C. 632; 15 U.S.C. 634

Abstract: SBA has standardized protest and appeal regulations across all small business programs and clarified the effect of a negative determination on the procurement in question. The rule clarifies that an award should not be made to an ineligible concern, and in cases where an award has been made prior to an SBA final decision finding a business to be ineligible, the contracting agency shall either terminate the contract, not exercise an option, or not award further task or delivery orders to the ineligible concern. SBA clarified how contracting officers select NAICS codes for multiple award task and delivery order contracts. The changes were prompted by recent bid protest litigation, a survey of cases handled by SBA's Government Contracting Area Offices, and recent rulings by SBA's Office of Hearings and Appeals.

Completed:

Reason	Date	FR Cite
Final Action	02/02/11	76 FR 5680
Final Rule Effective.	03/04/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Khem Raj Sharma, Phone: 202 205–7189, Fax: 202 205–6390, E-mail: *khem.sharma@sba.gov.*

RIN: 3245–AF65

[FR Doc. 2011–15498 Filed 7–6–11; 8:45 am]

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FEDERAL REGISTER

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Part XVII

Department of Defense
General Services Administration
National Aeronautics and Space Administration

Federal Acquisition Regulation; Semiannual Regulatory Agenda

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Ch. 1

Semiannual Regulatory Agenda

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Semiannual regulatory agenda.

SUMMARY: This agenda provides summary descriptions of regulations being developed by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council in compliance with Executive Order 12866, ''Regulatory Planning and Review.'' This agenda is being published to allow interested persons an opportunity to participate in the rulemaking process.

The Regulatory Secretariat Division has attempted to list all regulations pending at the time of publication, except for minor and routine or repetitive actions; however, unanticipated requirements may result in the issuance of regulations that are not included in this agenda. There is no legal significance to the omission of an item from this listing. Also, the dates shown for the steps of each action are estimated and are not commitments to act on or by the dates shown.

Published proposed rules may be reviewed in their entirety at the Government's rulemaking Web site at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Hada Flowers, Division Director, Regulatory Secretariat Director, Room 783E, 1275 First Street, NE., Washington, DC 20417, (202) 501–4755.

SUPPLEMENTARY INFORMATION: DoD, GSA, and NASA, under their several statutory authorities, jointly issue and maintain the FAR through periodic issuance of changes published in the **Federal Register** and produced electronically as Federal Acquisition Circulars (FACs).

The electronic version of the FAR, including changes, can be accessed on the FAR Web site at *http://www.acquisition.gov/far.*

Dated: March 8, 2011.

Joseph A. Neurauter,

Director, Office of Acquisition Policy and Senior Procurement Executive.

DOD/GSA/NASA (FAR)—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
318	FAR Case 2010–004, Biobased Procurements	9000–AM03
319	FAR Case 2010–011, Standard Form 330 for Architect-Engineer Services	9000–AM04

DOD/GSA/NASA (FAR)—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
320	FAR Case 2009–009, American Recovery and Reinvestment Act of 2009 (the Recovery Act)—Reporting Requirements.	9000–AL21
321	FAR Case 2010–008, Recovery Act Subcontract Reporting Procedures	9000–AL63
322	FAR Case 2008–039, Reporting Executive Compensation and First-Tier Subcontract Awards	9000–AL66
323	FAR Case 2011–004, Socio-Economic Parity	9000–AL88
324	FAR Case 2010–015, Woman-Owned Small Business Federal Contract Assistance Program	9000–AL97
325	FAR Case 2009–016, Constitutionality of Federal Contracting Programs for Minority-Owned and Other Small Businesses.	9000–AM05

DOD/GSA/NASA (FAR)—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
326	FAR Case 2011–015, Extension of Sunset Date for Protests of Task and Delivery Orders	9000–AM08

DOD/GSA/NASA (FAR)—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
327	FAR Case 2006–005, HUBZone Program Revisions	9000–AL18

DEPARTMENT OF DEFENSE/ GENERAL SERVICES ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (FAR)

Proposed Rule Stage

318. FAR Case 2010–004, Biobased Procurements

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. 137; 42 U.S.C. 2473(c)

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement changes to 7 U.S.C. 8102, as amended by Public Law 110–246. The rule proposes to change the definition of ''biobased product'' and require contractors to report annually the product types and dollar value of any biobased products purchased during the preceding fiscal year on service and construct contracts where such products may be purchased.

Timetable:

Action	Date	FR Cite
NPRM	06/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: William Clark, Procurement Analyst, DOD/GSA/NASA (FAR), 1275 First Street, NE., Washington, DC 20417, Phone: 202 219–1813, E-mail: *william.clark@gsa.gov*.

RIN: 9000–AM03

319. FAR Case 2010–011, Standard Form 330 for Architect-Engineer Services

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 42 U.S.C. 2473(c)

Abstract: This rule deletes part 2 of the SF 330, which collects general qualifications data not related to a particular planned contract action. The Online Representations and Certifications Application (ORCA) now collects this data centrally from interested A&E vendors at the time they complete the other representations and certifications in ORCA. This rule is being routed for review and comments.

Timetable:

Action	Date	FR Cite
NPRM	09/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Curtis Glover, DOD/GSA/NASA (FAR), 1275 First Street, NE., Washington, DC 20417, Phone: 202 501–1448, E-mail: *curtis.glover@gsa.gov*.

RIN: 9000–AM04

DEPARTMENT OF DEFENSE/ GENERAL SERVICES ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (FAR)

Final Rule Stage

320. FAR Case 2009–009, American Recovery and Reinvestment Act of 2009 (The Recovery Act)—Reporting Requirements

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 42 U.S.C. 2473(c)

Abstract: DoD, GSA, and NASA will adopt as final, the interim rule that amended the Federal Acquisition Regulation (FAR) to implement section 1512 of Division A of the American Recovery and Reinvestment Act of 2009, which requires contractors to report on their use of Recovery Act funds.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/31/09	74 FR 14639
Interim Final Rule Comment Period End.	06/01/09	
Final Rule	09/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: William Clark, Procurement Analyst, DOD/GSA/NASA (FAR), 1275 First Street, NE., Washington, DC 20417, Phone: 202 219–1813, E-mail: *william.clark@gsa.gov*.

RIN: 9000–AL21

321. FAR Case 2010–008, Recovery Act Subcontract Reporting Procedures

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 42 U.S.C. 2473(c)

Abstract: DoD, GSA and NASA will adopt as a final rule amending the FAR to revise three subparagraphs and add one subparagraph to the clause at FAR 52.204–11. This rule does not require renegotiation of existing Recovery Act contracts that include the clause dated March 2009 (published at 74 FR 14639). This change will require first-tier subcontractors with Recovery Act funded awards of $25,000 or more, to report jobs information to the prime contractor for reporting into FederalReporting.gov. It also will require the prime contractor to submit its first report on or before the 10th day after the end of the calendar quarter in which the prime contractor received the award, and quarterly thereafter.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/02/10	75 FR 38684
Interim Final Rule Comment Period End.	08/31/10	
Final Rule	09/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Karlos Morgan, Procurement Analyst, DOD/GSA/NASA (FAR), 1275 First Street, NE., Washington, DC 20417, Phone: 202 501–2364, E-mail: *karlos.morgan@gsa.gov*.

RIN: 9000–AL63

322. FAR Case 2008–039, Reporting Executive Compensation and First-Tier Subcontract Awards

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 42 U.S.C. 2473(c)

Abstract: DoD, GSA, and NASA will adopt as final, with changes, the interim rule that amended the Federal Acquisition Regulation (FAR) to implement section 2 of the Federal Funding Accountability and Transparency Act of 2006 (Pub. L. 109–282), as amended by section 6202 of Public Law 110–252, which requires the Office of Management and Budget (OMB) to establish a free, public, website containing full disclosure of all Federal contract award information. This rule requires contractors to report executive compensation and first-tier subcontractor awards on contracts expected to be $25,000 or more, except classified contracts, and contracts with individuals.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/08/10	75 FR 39414
Interim Final Rule Comment Period End.	09/07/10	
Final Rule	06/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: William Clark, Procurement Analyst, DOD/GSA/NASA (FAR), 1275 First Street, NE., Washington, DC 20417, Phone: 202 219–1813, E-mail: *william.clark@gsa.gov*.

RIN: 9000–AL66

323. FAR Case 2011–004, Socio-Economic Parity

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 42 U.S.C. 2473(c)

Abstract: DoD, GSA, and NASA issued an interim rule amending the Federal Acquisition Regulation (FAR) to implement section 1347 of the ''Small Business Jobs Act of 2010.'' Section 1347 clarifies the contracting officer's

ability to use discretion when determining whether an acquisition will be restricted to small businesses participating in the 8(a), HUBZone, or Service-disabled veteran-owned programs. There is no order of priority among small businesses in the 8(a) Business Development program, the HUBZone program, or the SDVOSB program.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/16/11	76 FR 14566
Interim Final Rule Effective.	03/16/11	
Interim Final Rule Comment Period End.	05/16/11	
Final Action	09/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Karlos Morgan, Procurement Analyst, DOD/GSA/NASA (FAR), 1275 First Street, NE., Washington, DC 20417, Phone: 202 501–2364, E-mail: *karlos.morgan@gsa.gov*.

RIN: 9000–AL88

324. FAR Case 2010–015, Woman-Owned Small Business Federal Contract Assistance Program

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 42 U.S.C. 2473(c)

Abstract: DoD, GSA, and NASA are issuing an interim rule amending the Federal Acquisition Regulation (FAR) to implement the Small Business Administration's regulations establishing the Women-Owned Small Business Program.

The Small Business Act assists in leveling the procurement playing field to enable small business concerns, including women-owned small business (WOSB) concerns and economically disadvantaged women-owned small business (EDWOSB) concerns, to compete for Federal contracting opportunities.

On December 21, 2000, Congress enacted the Small Business Reauthorization Act of 2000 (''Act'') (Pub. L. 106–554). Section 811 of Appendix I of the Act amended the Small Business Act to include section 8(m), which authorized the restriction of competition for Federal contracts in certain industries to EDWOSB concerns or WOSB concerns eligible under the WOSB Program.

This interim rule provides the contracting community additional resources to meet the Government's procurement needs. The addition of FAR subpart 19.15 incorporates coverage of the Women-Owned Small Business Program.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/01/11	76 FR 18304
Interim Final Rule Effective.	04/01/11	
Interim Final Rule Comment Period End.	05/31/11	
Final Action	09/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Karlos Morgan, Procurement Analyst, DOD/GSA/NASA (FAR), 1275 First Street, NE., Washington, DC 20417, Phone: 202 501–2364, E-mail: *karlos.morgan@gsa.gov*.

RIN: 9000–AL97

325. FAR Case 2009–016, Constitutionality of Federal Contracting Programs for Minority-Owned and Other Small Businesses

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 42 U.S.C. 2473(c)

Abstract: This rule implements the decision of the Rothe case. The Rothe case concerns the constitutionality of 10 U.S.C. 2323, section 1207 as enacted in 2006, that sets a 5 percent goal of DOD contracting dollars to small businesses, incorporating minorities and the award of contracts to SDBs at prices up to 10 percent above the fair market price. The Rothe case found that section 1207 is ''facially unconstitutional'' and impacts not only SDBs but certain institutions of higher learning (i.e., HBCUs/MIs). This is a significant regulatory action and, therefore, was subject to review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Karlos Morgan, Procurement Analyst, DOD/GSA/NASA (FAR), 1275 First Street, NE., Washington, DC 20417, Phone: 202 501–2364, E-mail: *karlos.morgan@gsa.gov*.

RIN: 9000–AM05

DEPARTMENT OF DEFENSE/ GENERAL SERVICES ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (FAR)

Long-Term Actions

326. • FAR Case 2011–015, Extension of Sunset Date for Protests of Task and Delivery Orders

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; 42 U.S.C. 2473(c)

Abstract: This interim rule amends the Federal Acquisition Regulation (FAR) to implement section 825 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011. The statute extends the sunset date for protests against the award of task or delivery orders by DoD, NASA, and the Coast Guard from May 27, 2011 to September 30, 2016.

Timetable:

Action	Date	FR Cite
Interim Final Rule	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Deborah Lague, Procurement Analyst, DOD/GSA/NASA (FAR), 1275 First Street, NE., Washington, DC 20417, Phone: 202 694–8149, E-mail: *deborah.lague@gsa.gov*.

RIN: 9000–AM08

DEPARTMENT OF DEFENSE/ GENERAL SERVICES ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (FAR)

Completed Actions

327. FAR Case 2006–005, Hubzone Program Revisions

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 42 U.S.C. 2473(c)

Abstract: DoD, GSA, and NASA are amending the Federal Acquisition Regulation (FAR) to implement revisions to the Small Business Administration's HUBZone Program as a result of revisions to the Small Business Administration's regulations.

Completed:

Reason	Date	FR Cite
Final Action	12/13/10	75 FR 77727
Final Action Effective.	01/12/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Karlos Morgan, Phone: 202 501–2364, E-mail: *karlos.morgan@gsa.gov.*

RIN: 9000–AL18

[FR Doc. 2011–15499 Filed 7–6–11; 8:45 am]

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Part XVIII

Consumer Product Safety Commission

Semiannual Regulatory Agenda

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Ch. II

Semiannual Regulatory Agenda

AGENCY: U.S. Consumer Product Safety Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: In this document, the Commission publishes its semiannual regulatory flexibility agenda. In addition, this document includes an agenda of regulatory actions the Commission expects to be under development or review by the agency during the next year. This document meets the requirements of the Regulatory Flexibility Act and Executive Order 12866.

DATES: The Commission welcomes comments on each subject area of the agenda, particularly from small businesses, small organizations, and other small entities. Written comments concerning the agenda should be received in the Office of the Secretary by July 20, 2011.

ADDRESSES: Comments on the regulatory flexibility agenda should be captioned ''Regulatory Flexibility Agenda'' and be e-mailed to *cpsc-os@cpsc.gov* or filed by fax to (301) 504–0127. Comments may also be mailed or delivered to the Office of the Secretary, U.S. Consumer Product Safety Commission, Room 502, 4330 East West Highway, Bethesda, MD 20814–4408.

FOR FURTHER INFORMATION CONTACT: For further information on the agenda in general, contact Mary T. Boyle, Office of the General Counsel, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814–4408; *mboyle@cpsc.gov*. For further information regarding a particular item on the agenda, consult the individual listed in the column headed ''Contact'' for that particular item.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act (RFA) (5 U.S.C. 601 to 612) contains several provisions intended to reduce unnecessary and disproportionate regulatory requirements on small businesses, small governmental organizations, and other small entities. Section 602 of the RFA (5 U.S.C. 602) requires each agency to publish twice each year a regulatory flexibility agenda containing a brief description of the subject area of any rule expected to be proposed or promulgated that is likely to have a ''significant economic impact'' on a ''substantial number'' of small entities. The agency must also provide a summary of the nature of the rule and a schedule for acting on each rule for which the agency has issued a notice of proposed rulemaking.

The regulatory flexibility agenda is also required to contain the name and address of the agency official knowledgeable about the items listed. Further, agencies are required to provide notice of their agendas to small entities and to solicit their comments by direct notification, or by inclusion in publications likely to be obtained by such entities.

Additionally, Executive Order 12866 requires each agency to publish twice each year a regulatory agenda of regulations under development or review during the next year and states that such an agenda may be combined with the agenda published in accordance with the RFA. The regulatory flexibility agenda lists the regulatory activities expected to be under development or review during the next 12 months. It includes all such activities, whether or not they may have a significant economic impact on a substantial number of small entities. This agenda also includes regulatory activities that appeared in the September 2010 agenda and have been completed by the Commission prior to publication of this agenda.

The agenda contains a brief description and summary of each regulatory activity, including the objectives and legal basis for each; an approximate schedule of target dates, subject to revision, for the development or completion of each activity; and the name and telephone number of a knowledgeable agency official concerning particular items on the agenda. All agency contacts have the same address: U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814–4408.

Beginning in fall 2007, the Internet became the basic means for dissemination of the Unified Agenda. The complete Unified Agenda will be available online at *www.reginfo.gov*, in a format that offers users a greatly enhanced ability to obtain information from the Agenda database.

Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C. 602), the Commission's printed agenda entries include only:

(1) Rules that are in the Agency's regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act because they are likely to have a significant economic impact on a substantial number of small entities; and

(2) Any rules that the Agency has identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's agenda requirements. Additional information on these entries is available in the Unified Agenda published on the Internet.

Dated: February 25, 2011.

Todd A. Stevenson,

Secretary, Consumer Product Safety Commission.

CONSUMER PRODUCT SAFETY COMMISSION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
328	Options To Address Crib Safety Hazards	3041–AC57
329	Toddler Beds	3041–AC82
330	Bicycle Regulation Amendments	3041–AC95

CONSUMER PRODUCT SAFETY COMMISSION (CPSC)

Completed Actions

328. Options To Address Crib Safety Hazards

Legal Authority: Consumer Product Safety Improvement Act, Pub. L. 110–314, sec 104(b)(1)(A)

Abstract: Section 104(b) of the Consumer Product Safety Improvement Act of 2008 (CPSIA) requires the Consumer Product Safety Commission (Commission) to promulgate consumer product safety standards for durable infant or toddler products. These standards are to be ''substantially the same as'' applicable voluntary standards or more stringent than the voluntary standards if the Commission concludes that more stringent requirements would further reduce the risk of injury associated with the product. Full-size and non-full-size cribs are among the products for which such standards are to be issued. Section 104(c) of the CPSIA makes it a prohibited act for certain entities, including child care facilities, family child care homes, and places of public accommodation affecting commerce, to provide for use cribs that do not comply with the crib standards. The Commission published an advance notice of proposed rulemaking (ANPRM) in preparation for this rulemaking, which discussed options to address hazards that the staff had identified. The ANPRM was published on November 25, 2008. On July 14, 2010, the Commission voted to approve publication of a Notice of Proposed Rulemaking (NPRM) in the **Federal Register** proposing standards for full-size and non-full-size cribs. The NPRM was published in the **Federal Register** on July 23, 2010, and the comment period closed October 6, 2010. On December 15, 2010, the Commission voted to approve publication of a final rule. The final rule was published in the **Federal Register** on December 28, 2010.

Timetable:

Action	Date	FR Cite
Staff Sent Draft ANPRM to Commission.	11/05/08	
Commission Decision on ANPRM.	11/14/08	
ANPRM Published in the **Federal Register**.	11/25/08	73 FR 71570
ANPRM Comment Period End.	01/26/09	
Staff Sends Briefing Package to Commission.	06/30/10	
Commission Decision.	07/14/10	
NPRM	07/23/10	75 FR 43308
NPRM Comment Period End.	10/06/10	
Staff Sends Briefing Package to Commission.	12/01/10	
Commission Decision.	12/15/10	
Final Rule	12/28/10	75 FR 81766

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Patricia L. Edwards, Project Manager, Consumer Product Safety Commission, Directorate for Engineering Sciences, 4330 East West Highway, Bethesda, MD 20814–4408, Phone: 301 504–7577, E-mail: *pedwards@cpsc.gov*.

RIN: 3041–AC57

329. Toddler Beds

Legal Authority: Pub. L. 110–314, sec 104

Abstract: Section 104 of the Consumer Product Safety Improvement Act of 2008 (CPSIA) requires the Commission to issue consumer product safety standards for durable infant or toddler products. The Commission is directed to assess the effectiveness of applicable voluntary standards and, in accordance with the Administrative Procedure Act, promulgate consumer product safety standards that are substantially the same as the voluntary standard or more stringent than the voluntary standard if the Commission determines that more stringent standards would further reduce the risk of injury associated with the product. The CPSIA requires that not later than August 14, 2008, the Commission begin rulemaking for at least two categories of durable infant or toddler products and promulgate two such standards every six months thereafter. On March 17, 2010, the Commission voted to approve publication of a notice of proposed rulemaking (NPRM) for toddler beds. The NPRM published in the **Federal Register** on April 28, 2010, and the comment period ended July 12, 2010. The proposed standard is based on ASTM F 1821–09, Standard Consumer Product Safety Specification for Toddler Beds, with some changes and additions. Staff is preparing a briefing package for Commission consideration of the final rule.

Timetable:

Action	Date	FR Cite
Staff Sends Briefing Package to Commission.	03/03/10	
Commission Decision.	03/17/10	
NPRM	04/28/10	75 FR 22291
NPRM Comment Period End.	07/12/10	
Staff Sends Briefing Package to Commission.	03/23/11	
Commission Decision.	04/13/11	
Final Rule	04/20/11	76 FR 22019

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Celestine T. Kiss, Project Manager, Consumer Product Safety Commission, Directorate for Engineering Sciences, 4330 East West Highway, Bethesda, MD 20814, Phone: 301 504–7739, E-mail: *ckiss@cpsc.gov*.

RIN: 3041–AC82

330. Bicycle Regulation Amendments

Legal Authority: 15 U.S.C. 1261 and 1262, Federal Hazardous Substances Act

Abstract: Section 102 of the Consumer Product Safety Improvement Act of 2008 (CPSIA) requires third party testing for certain children's products. Bicycles would be tested in accordance with 16 CFR part 1512. On April 1, 2010, the Bicycle Product Suppliers Association (BPSA) petitioned the Commission for an extension of the stay of enforcement as it relates to 16 CFR part 1512, the CPSC safety regulations for bicycles. The BPSA contended that laboratory capacity was still inadequate. It also asserted that 16 CFR part 1512 is ''out of date in many respects,'' and urged the Commission to revise the regulation. In a letter dated June 4, 2010, the BPSA outlined specific requirements in 16 CFR part 1512 that are problematic for certification. The Commission issued a Notice of Proposed Rulemaking (NPRM), published in the **Federal Register** on November 1, 2010, in which the Commission proposed limited changes to 16 CFR part 1512 to facilitate the requisite testing and certification. Following the end of the comment period, staff is preparing a briefing package for Commission consideration of a final rule.

Timetable:

Action	Date	FR Cite
Staff Sends Briefing Package to Commission.	10/13/10	
Commission Decision.	10/22/10	
NPRM	11/01/10	75 FR 67043

Action	Date	FR Cite
NPRM Comment Period End.	01/18/11	
Staff Sends Briefing Package to Commission.	04/25/11	
Commission Decision.	05/05/11	
Final Rule	05/13/11	76 FR 27882

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Vincent Amodeo, Project Manager, Consumer Product Safety Commission, Directorate for Engineering Sciences, 4330 East West Highway, Bethesda, MD 20814, Phone: 301 504–7570, E-mail: *vamodeo@cpsc.gov*.

RIN: 3041–AC95

[FR Doc. 2011–15500 Filed 7–6–11; 8:45 am]

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Part XIX

Federal Communications Commission

Semiannual Regulatory Agenda

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

Unified Agenda of Federal Regulatory and Deregulatory Actions—Spring 2011

AGENCY: Federal Communications Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: Twice a year, in spring and fall, the Commission publishes in the **Federal Register** a list in the Unified Agenda of those major items and other significant proceedings under development or review that pertain to the Regulatory Flexibility Act. See 5 U.S.C. 602. The Unified Agenda also provides the Code of Federal Regulations citations and legal authorities that govern these proceedings.

ADDRESSES: Federal Communications Commission, 445 12th Street SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Maura McGowan, Telecommunications Specialist, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554; (202) 418–0990.

SUPPLEMENTARY INFORMATION:

Unified Agenda of Major and Other Significant Proceedings

The Commission encourages public participation in its rulemaking process. To help keep the public informed of significant rulemaking proceedings, the Commission has prepared a list of important proceedings now in progress. The General Services Administration publishes the Unified Agenda in the **Federal Register** in the spring and fall of each year.

The following terms may be helpful in understanding the status of the proceedings included in this report:

Docket Number—assigned to a proceeding if the Commission has issued either a Notice of Proposed Rulemaking or a Notice of Inquiry concerning the matter under consideration. The Commission has used docket numbers since January 1, 1978. Docket numbers consist of the last two digits of the calendar year in which the docket was established plus a sequential number that begins at 1 with the first docket initiated during a calendar year (*e.g.,* Docket No. 96–1 or Docket No. 99–1). The abbreviation for the responsible bureau usually precedes the docket number, as in ''MM Docket No. 96–222,'' which indicates that the responsible bureau is the Mass Media Bureau (now the Media Bureau). A docket number consisting of only five digits (*e.g.,* Docket No. 29622) indicates that the docket was established before January 1, 1978.

Notice of Inquiry (NOI)—issued by the Commission when it is seeking information on a broad subject or trying to generate ideas on a given topic. A comment period is specified during which all interested parties may submit comments.

Notice of Proposed Rulemaking (NPRM)—issued by the Commission when it is proposing a specific change to Commission rules and regulations. Before any changes are actually made, interested parties may submit written comments on the proposed revisions.

Further Notice of Proposed Rulemaking (FNPRM)—issued by the Commission when additional comment in the proceeding is sought.

Memorandum Opinion and Order (MO&O)—issued by the Commission to deny a petition for rulemaking, conclude an inquiry, modify a decision, or address a petition for reconsideration of a decision.

Rulemaking (RM) Number—assigned to a proceeding after the appropriate bureau or office has reviewed a petition for rulemaking, but before the Commission has taken action on the petition.

Report and Order (R&O)—issued by the Commission to state a new or amended rule or state that the Commission rules and regulations will not be revised.

Marlene H. Dortch,

Secretary, Federal Communications Commission.

CONSUMER AND GOVERNMENTAL AFFAIRS BUREAU—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
331	Policies and Rules Governing Interstate Pay-Per-Call and Other Information Services Pursuant to the Telecommunications Act of 1996 (CC Docket Nos. 96–146, 93–22).	3060–AG42
332	Implementation of the Subscriber Selection Changes Provision of the Telecommunications Act of 1996 (CC Docket No. 94–129).	3060–AG46
333	Implementation of the Telecommunications Act of 1996; Access to Telecommunications Service, Telecommunications Equipment, and Customer Premises Equipment by Persons With Disabilities.	3060–AG58
334	Telecommunications Relay Services, the Americans With Disabilities Act of 1990, and the Telecommunications Act of 1996 (CC Docket No. 90–571).	3060–AG75
335	Rules and Regulations Implementing the Telephone Consumer Protection Act (TCPA) of 1991 (CG Docket No. 02–278).	3060–AI14
336	Rules and Regulations Implementing Section 225 of the Communications Act (Telecommunications Relay Service) (CG Docket No. 03–123).	3060–AI15
337	Rules and Regulations Implementing the Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003 (CG Docket No. 04–53).	3060–AI20
338	Rules and Regulations Implementing Minimum Customer Account Record Exchange (CARE) Obligations on All Local and Interexchange Carriers (CG Docket No. 02–386).	3060–AI58
339	Consumer Information and Disclosure and Truth in Billing and Billing Format	3060–AI61
340	Closed Captioning of Video Programming (SECTION 610 REVIEW)	3060–AI72
341	Accessibility of Programming Providing Emergency Information	3060–AI75
342	Empowering Consumers to Avoid Bill Shock, Consumer Information and Disclosure; CG Docket No. 10–207, CG Docket No. 09–158.	3060–AJ51

OFFICE OF ENGINEERING AND TECHNOLOGY—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
343	New Advanced Wireless Services (ET Docket No. 00–258)	3060–AH65
344	Exposure to Radiofrequency Electromagnetic Fields	3060–AI17
345	Unlicensed Operation in the TV Broadcast Bands (ET Docket No. 04–186)	3060–AI52
346	Unlicensed Devices and Equipment Approval (ET Docket No. 03–201)	3060–AI54
347	Fixed and Mobile Services in the Mobile Satellite Service (ET Docket No. 10–142)	3060–AJ46
348	Innovation in the Broadcast Television Bands; ET Docket No. 10–235	3060–AJ57
349	Radio Experimentation and Market Trials Under Part 5 of the Commission's Rules and Streamlining Other Related Rules; ET Docket No. 10–236.	3060–AJ62

OFFICE OF ENGINEERING AND TECHNOLOGY—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
350	Revision of the Rules Regarding Ultra-Wideband Transmission	3060–AH47

INTERNATIONAL BUREAU—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
351	Establishment of Rules and Policies for the Digital Audio Radio Satellite Service in the 2310–2360 MHz Frequency Band (IB Docket No. 95–91; GEN Docket No. 90–357).	3060–AF93
352	Allocation and Designation of Spectrum in the 36.0–43.5 GHz Band	3060–AH23
353	Space Station Licensing Reform (IB Docket No. 02–34)	3060–AH98
354	Mitigation of Orbital Debris (IB Docket No. 02–54)	3060–AI06
355	Amendment of the Commission's Rules (IB Docket No. 04–47)	3060–AI41
356	Reporting Requirements for U.S. Providers of International Telecommunications Services (IB Docket No. 04–112).	3060–AI42
357	Review of the Spectrum Sharing Plan Among Non-Geostationary Satellite Orbit Mobile Satellite Service Systems in the 1.6/2.4 GHz Bands (IB Docket No. 02–364).	3060–AI44
358	Amendment of the Commission's Rules To Allocate Spectrum and Adopt Service Rules and Procedures To Govern the Use of Vehicle-Mounted Earth Stations (IB Docket No. 07–101).	3060–AI90

INTERNATIONAL BUREAU—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
359	Streamlining the Commission's Rules and Regulations for Satellite Application and Licensing Procedures (IB Docket No. 95–117).	3060–AD70
360	Streamlining Earth Station Licensing Rules (IB Docket No. 00–248)	3060–AH60

MEDIA BUREAU—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
361	Cable Television Rate Regulation	3060–AF41
362	Cable Television Rate Regulation: Cost of Service	3060–AF48
363	Cable Home Wiring	3060–AG02
364	Competitive Availability of Navigation Devices (CS Docket No. 97–80)	3060–AG28
365	Digital Audio Broadcasting Systems (MM Docket No. 99–325)	3060–AH40
366	Second Periodic Review of Rules and Policies Affecting the Conversion to DTV	3060–AH54
367	Revision of EEO Rules and Policies (MM Docket No. 98–204)	3060–AH95
368	Broadcast Multiple and Cross-Ownership Limits	3060–AH97
369	Establishment of Rules for Digital Low Power Television, Television Translator, and Television Booster Stations (MB Docket No. 03–185).	3060–AI38
370	Joint Sales Agreements in Local Television Markets (MB Docket No. 04–256)	3060–AI55
371	Revision of Procedures Governing Amendments to FM Table of Allotments and Changes of Community of License in the Radio Broadcast Services (MB Docket No. 05–210).	3060–AI63
372	Digital Television Distributed Transmission System Technologies (MB Docket No. 05–312)	3060–AI68
373	Implementation of the Cable Communications Policy Act of 1984 as Amended by the Cable Television Consumer Protection and Competition Act of 1992 (MB Docket No. 05–311).	3060–AI69
374	Program Access Rules—Sunset of Exclusive Contracts Prohibition and Examination of Programming Tying Arrangements (MB Docket Nos. 07–29, 07–198).	3060–AI87
375	Third Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television (MB Docket No. 07–91).	3060–AI89

MEDIA BUREAU—LONG-TERM ACTIONS—Continued

Sequence No.	Title	Regulation Identifier No.
376	Broadcast Localism (MB Docket No. 04–233)	3060–AJ04
377	Creating a Low Power Radio Service (MM Docket No. 99–25)	3060–AJ07
378	Sponsorship Identification Rules and Embedded Advertising (MB Docket No. 08–90)	3060–AJ10
379	An Inquiry Into the Commission's Policies and Rules Regarding AM Radio Service Directional Antenna Performance Verification (MM Docket No. 93–177).	3060–AJ17
380	Amendment of Parts 73 and 74 of the Commission's Rules To Establish Rules for Replacement Digital Low Power Television Translator Stations (MB Docket No. 08–253).	3060–AJ18
381	Policies To Promote Rural Radio Service and To Streamline Allotment and Assignment Procedures (MB Docket No. 09–52).	3060–AJ23
382	Promoting Diversification of Ownership in the Broadcast Services (MB Docket No. 07–294)	3060–AJ27
383	Implementation of Section 203 of the Satellite Television Extension and Localism Act of 2010 (STELA) (MB Docket No. 10–148).	3060–AJ43

MEDIA BUREAU—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
384	Direct Broadcast Public Interest Obligations (MM Docket No. 93–25)	3060–AH59

OFFICE OF MANAGING DIRECTOR—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
385	Assessment and Collection of Regulatory Fees	3060–AI79
386	Amendment of Part 1 of the Commission's Rules, Concerning Practice and Procedure, Amendment of CORES Registration System; MD Docket No. 10–234.	3060–AJ54

PUBLIC SAFETY AND HOMELAND SECURITY BUREAU—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
387	Revision of the Rules To Ensure Compatibility With Enhanced 911 Emergency Calling Systems	3060–AG34
388	Enhanced 911 Services for Wireline	3060–AG60
389	In the Matter of the Communications Assistance for Law Enforcement Act	3060–AG74
390	Development of Operational, Technical, and Spectrum Requirements for Public Safety Communications Requirements.	3060–AG85
391	1998 Biennial Regulatory Review—Review of Accounts Settlement in Maritime Mobile and Maritime Mobile-Satellite Radio Services (IB Docket No. 98–96).	3060–AH30
392	Implementation of 911 Act	3060–AH90
393	Commission Rules Concerning Disruptions to Communications	3060–AI22
394	E911 Requirements for IP–Enabled Service Providers	3060–AI62
395	Recommendations of the Independent Panel Reviewing the Impact of Hurricane Katrina on Communications Networks.	3060–AI78
396	Stolen Vehicle Recovery System (SVRS)	3060–AJ01
397	Commercial Mobile Alert System	3060–AJ03
398	Emergency Alert System	3060–AJ33
399	Wireless E911 Location Accuracy Requirements; PS Docket No. 07–114	3060–AJ52

WIRELESS TELECOMMUNICATIONS BUREAU—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
400	Implementation of the Communications Act, Amendment of the Commission's Rules—Broadband PCS Competitive Bidding and the Commercial Mobile Radio Service Spectrum Cap.	3060–AG21
401	Service Rules for the 746 to 764 and 776 to 794 MHz Bands, and Revisions to the Commission's Rules.	3060–AH32
402	Amendment of Parts 13 and 80 of the Commission's Rules Governing Maritime Communications	3060–AH55
403	Competitive Bidding Procedures	3060–AH57
404	Reexamination of Roaming Obligations of Commercial Mobile Radio Service Providers	3060–AH83
405	Facilitating the Provision of Spectrum-Based Services to Rural Areas	3060–AI31
406	Improving Public Safety Communications in the 800 MHz Band Industrial/Land Transportation and Business Channels.	3060–AI34
407	Review of Part 87 of the Commission's Rules Concerning Aviation (WT Docket No. 01–289)	3060–AI35

WIRELESS TELECOMMUNICATIONS BUREAU—LONG-TERM ACTIONS—Continued

Sequence No.	Title	Regulation Identifier No.
408	Implementation of the Commercial Spectrum Enhancement Act (CSEA) and Modernization of the Commission's Competitive Bidding Rules and Procedures (WT Docket No. 05–211).	3060–AI88
409	Facilitating the Provision of Fixed and Mobile Broadband Access, Educational and Other Advanced Services in the 2150–2162 and 2500–2690 MHz Bands.	3060–AJ12
410	Amendment of the Rules Regarding Maritime Automatic Identification Systems (WT Docket No. 04–344).	3060–AJ16
411	Service Rules for Advanced Wireless Services in the 2155–2175 MHz Band	3060–AJ19
412	Service Rules for Advanced Wireless Services in the 1915 to 1920 MHz, 1995 to 2000 MHz, 2020 to 2025 MHz, and 2175 to 2180 MHz Bands.	3060–AJ20
413	Rules Authorizing the Operation of Low Power Auxiliary Stations in the 698–806 MHz Band, WT Docket No. 08–166; Public Interest Spectrum Coalition, Petition for Rulemaking Regarding Low Power Auxiliary.	3060–AJ21
414	Amendment of the Commission's Rules To Improve Public Safety Communications in the 800 MHz Band, and To Consolidate the 800 MHz and 900 MHz Business and Industrial/Land Transportation Pool Channels.	3060–AJ22
415	Amendment of Part 101 to Accommodate 30 MHz Channels in the 6525–6875 MHz Band and Provide Conditional Authorization on Channels in the 21.8–22.0 and 23.0–23.2 GHz Band (WT Docket No. 04–114).	3060–AJ28
416	In the Matter of Service Rules for the 698 to 746, 747 to 762 and 777 to 792 MHz Bands	3060–AJ35
417	National Environmental Act Compliance for Proposed Tower Registrations; In the Matter of Effects on Migratory Birds.	3060–AJ36
418	Amendment of Part 90 of the Commission's Rules	3060–AJ37
419	Amendment of Part 101 of the Commission's Rules for Microwave Use and Broadcast Auxiliary Service Flexibility.	3060–AJ47
420	2004 and 2006 Biennial Regulatory Reviews—Streamlining and Other Revisions of the Commission's Rules Governing Construction, Marking, and Lighting of Antenna Structures.	3060–AJ50
421	Universal Service Reform Mobility Fund (WT Docket No. 10–208)	3060–AJ58
422	Fixed and Mobile Services in the Mobile Satellite Service Bands at 1525–1559 MHz and 1626.5–1660.5 MHz, 1610–1626.5 MHz and 2483.5–2500 MHz, and 2000–2020 MHz and 2180–2200 MHz.	3060–AJ59

WIRELESS TELECOMMUNICATIONS BUREAU—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
423	2000 Biennial Regulatory Review Spectrum Aggregation Limits for Commercial Mobile Radio Services.	3060–AH81
424	In the Matter of Promoting Efficient Use of Spectrum Through Elimination of Barriers to the Development of Secondary Markets.	3060–AH82

WIRELINE COMPETITION BUREAU—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
425	Implementation of the Universal Service Portions of the 1996 Telecommunications Act	3060–AF85
426	Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Customer Information.	3060–AG43
427	Implementation of the Local Competition Provisions of the Telecommunications Act of 1996	3060–AG50
428	Local Telephone Networks That LECs Must Make Available to Competitors	3060–AH44
429	2000 Biennial Regulatory Review—Telecommunications Service Quality Reporting Requirements	3060–AH72
430	Access Charge Reform and Universal Service Reform	3060–AH74
431	Numbering Resource Optimization	3060–AH80
432	National Exchange Carrier Association Petition	3060–AI47
433	IP-Enabled Services	3060–AI48
434	Consumer Protection in the Broadband Era	3060–AI73
435	Establishing Just and Reasonable Rates for Local Exchange Carriers (WC Docket No. 07–135)	3060–AJ02
436	Jurisdictional Separations	3060–AJ06
437	Service Quality, Customer Satisfaction, Infrastructure and Operating Data Gathering (WC Docket Nos. 08–190, 07–139, 07–204, 07–273, 07–21).	3060–AJ14
438	Form 477; Development of Nationwide Broadband Data To Evaluate Reasonable and Timely Deployment of Advanced Services to All Americans.	3060–AJ15
439	Preserving the Open Internet; Broadband Industry Practices	3060–AJ30
440	Local Number Portability Porting Interval and Validation Requirements (WC Docket No 07–244)	3060–AJ32
441	Electronic Tariff Filing System (ETFS); WC Docket No. 10–141	3060–AJ41

WIRELINE COMPETITION BUREAU—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
442	Implementation of NET 911 Improvement Act	3060–AJ09
443	Petition To Establish Procedural Requirements To Govern Proceedings for Forbearance Under Section 10 of the Communications Act of 1934, as Amended (WC Docket No.07–267).	3060–AJ31

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Consumer and Governmental Affairs Bureau

Long-Term Actions

331. Policies and Rules Governing Interstate Pay-Per-Call and Other Information Services Pursuant to the Telecommunications Act of 1996 (CC Docket Nos. 96–146, 93–22)

Legal Authority: 47 U.S.C. 228

Abstract: The Commission received comments on proposed rules designed to implement the 1996 Telecommunications Act with respect to information services to prevent abusive and deceptive practices by entities that might try to circumvent the statutory requirements. The proposed rules address generally the use of dialing sequences other than the 900 service access code to provide information services. The Commission issued an NPRM on these issues July 16, 2004.

Timetable:

Action	Date	FR Cite
NPRM	07/26/96	61 FR 39107
Order	07/26/96	61 FR 39084
NPRM Comment Period End.	09/16/96	
Notice to Refresh Record.	03/27/03	68 FR 14939
Comment Period End.	05/27/03	
NPRM	10/15/04	69 FR 61184
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Colleen Heitkamp, Chief, Consumer Policy Div., Federal Communications Commission, Consumer & Governmental Affairs Bureau, 445 12th Street SW, Washington, DC 20554, Phone: 202 418–0974, E-mail: *colleen.heitkamp@fcc.gov.*

RIN: 3060–AG42

332. Implementation of the Subscriber Selection Changes Provision of the Telecommunications Act of 1996 (CC Docket No. 94–129)

Legal Authority: 47 U.S.C. 154; 47 U.S.C. 201; 47 U.S.C. 258

Abstract: In December 1998, the Commission established new rules and policies implementing section 258 of the Communications Act of 1934, as amended by the Telecommunications Act of 1996, which makes it unlawful for any telecommunications carrier to ''submit or execute a change in a subscriber's selection of a provider of telecommunications exchange service or telephone toll service except in accordance with such verification procedures as the Commission shall prescribe.'' The rules provide, among other things, that any telecommunications carrier that violates such verification procedures and that collects charges for telephone exchange service or telephone toll service from a subscriber shall be liable to the carrier previously selected by the subscriber in an amount equal to 150 percent of all charges paid by the subscriber after such violation. In April 2000, the Commission modified the slamming liability rules by giving victims of slamming adequate redress, ensuring that carriers that slam do not profit from their fraud, and allowing States to act as the primary administrator of slamming complaints. In May 2001, the Commission adopted streamlined procedures for the carrier-to-carrier sale or transfer of customer bases.

In February 2003, the Commission adopted a Reconsideration Order and Second FNPRM. The Reconsideration Order addresses, amongst other things, the requirement that a carrier's sales agent drop-off a carrier change request phone call once the customer has been connected to an independent third party verifier, and the applicability of our slamming rules to local exchange carriers. In the Second FNPRM, the Commission sought comment on rule modifications with respect to third party verifications.

On January 4, 2008, the Commission released an Order that confirmed that a LEC that is executing a carrier change on behalf of another carrier may not re-verify whether the person listed on the change order is actually authorized to do so.

On January 9, 2008, the Commission released a Fourth Report and Order that modified the slamming rules regarding the content of independent third party verifications of a consumer's intent to switch carriers.

Timetable:

Action	Date	FR Cite
MO&O on Recon and FNPRM.	08/14/97	62 FR 43493
FNPRM Comment Period End.	09/30/97	
Second R&O and Second FNPRM.	02/16/99	64 FR 7745
First Order on Recon.	04/13/00	65 FR 47678
Third R&O and Second Order on Recon.	11/08/00	65 FR 66934
Third FNPRM	01/29/01	66 FR 8093
Order	03/01/01	66 FR 12877
First R&O and Fourth R&O.	06/06/01	66 FR 30334
Second FNPRM	03/17/03	68 FR 19176
Third Order on Recon.	03/17/03	68 FR 19152
Second FNPRM Comment Period End.	06/17/03	
First Order on Recon & Fourth Order on Recon.	03/15/05	70 FR 12605
Fifth Order on Recon.	03/23/05	70 FR 14567
Order	02/04/08	73 FR 6444
Fourth R&O	03/12/08	73 FR 13144
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Nancy Stevenson, Deputy Chief, Consumer Policy Div., Federal Communications Commission, Consumer and Governmental Affairs Bureau, 445 12th Street, SW., Washington, DC 20554, Phone: 202 418–7039, Fax: 202 418–0236, E-mail: *nancy.stevenson@fcc.gov.*

RIN: 3060–AG46

333. Implementation of the Telecommunications Act of 1996; Access to Telecommunications Service, Telecommunications Equipment, and Customer Premises Equipment by Persons With Disabilities

Legal Authority: 47 U.S.C. 255; 47 U.S.C. 251(a)(2)

Abstract: These proceedings implement the provisions of sections 255 and 251(a)(2) of the Communications Act and related sections of the Telecommunications Act of 1996 regarding the accessibility of

telecommunications equipment and services to persons with disabilities.

Timetable:

Action	Date	FR Cite
R&O	08/14/96	61 FR 42181
NOI	09/26/96	61 FR 50465
NPRM	05/22/98	63 FR 28456
R&O	11/19/99	64 FR 63235
Further NOI	11/19/99	64 FR 63277
Public Notice	01/07/02	67 FR 678
R&O	08/06/07	72 FR 43546
NPRM	11/21/07	72 FR 65494
R&O	05/07/08	73 FR 25566
R&O	06/12/08	73 FR 33324
Public Notice	08/01/08	73 FR 45008
Policy Statement and 2nd R&O.	09/08/10	75 FR 54508
FNPRM	09/08/10	75 FR 54564
Final Rule Announcement of Effective Date.	12/14/10	75 FR 77781
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Cheryl J. King, Deputy Chief, Disability Rights Office, Federal Communications Commission, Consumer and Governmental Affairs Bureau, 445 12th Street, SW., Washington, DC 20554, Phone: 202 418–2284, TDD Phone: 202 418–0416, Fax: 202 418–0037, E-mail: *cheryl.king@fcc.gov.*

RIN: 3060–AG58

334. Telecommunications Relay Services, the Americans With Disabilities Act of 1990, and the Telecommunications Act of 1996 (CC Docket No. 90–571)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 225

Abstract: This item addresses the requirement that telecommunications relay services be capable of handling any type of call normally provided by common carriers.

Timetable:

Action	Date	FR Cite
NPRM	12/04/90	55 FR 50037
R&O and Request for Comments.	08/01/91	56 FR 36729
Order on Recon & Second R&O.	03/03/93	58 FR 12175
FNPRM	03/30/93	58 FR 12204
MO&O	11/28/95	60 FR 58626
Order	09/08/97	62 FR 47152
Second NPRM	04/05/01	66 FR 18059
Fifth R&O	02/07/03	68 FR 6352
Fifth R&O (Correction).	02/24/03	68 FR 8553
Public Notice	08/27/04	69 FR 52694
Petitions for Recon of Fifth R&O Denied.	09/01/04	69 FR 53346
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Karen Peltz Strauss, Deputy Chief, Consumer and Governmental Affairs Bureau, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554, Phone: 202 418–2388, E-mail: *karen.strauss@fcc.gov.*

RIN: 3060–AG75

335. Rules and Regulations Implementing the Telephone Consumer Protection Act (TCPA) of 1991 (CG Docket No. 02–278)

Legal Authority: 47 U.S.C. 227

Abstract: On July 3, 2003, the Commission released a Report and Order establishing, along with the FTC, a national do-not-call registry. The Commission's Report and Order also adopted rules on the use of predictive dialers, the transmission of caller ID information by telemarketers, and the sending of unsolicited fax advertisements.

On September 21, 2004, the Commission released an Order amending existing safe harbor rules for telemarketers subject to the do-not-call registry to require such telemarketers to access the do-not-call list every 31 days, rather than every 3 months.

On April 5, 2006, the Commission adopted a Report and Order and Third Order on Reconsideration amending its facsimile advertising rules to implement the Junk Fax Protection Act of 2005. On October 14, 2008, the Commission released an Order on Reconsideration addressing certain issues raised in petitions for reconsideration and/or clarification of the Report and Order and Third Order on Reconsideration.

On January 4, 2008, the Commission released a Declaratory Ruling, clarifying that autodialed and prerecorded message calls to wireless numbers that are provided by the called party to a creditor in connection with an existing debt are permissible as calls made with the ''prior express consent'' of the called party.

Following a December 4, 2007 NPRM, on June 17, 2008, the Commission released a Report and Order amending its rules to require sellers and/or telemarketers to honor registrations with the National Do-Not-Call Registry indefinitely, unless the registration is cancelled by the consumer or the number is removed by the database administrator.

On January 22, 2010, the Commission released an NPRM proposing to require sellers and telemarketers to obtain express written consent from recipients before making prerecorded telemarketing calls, commonly known as ''robocalls,'' even when the caller has an established business relationship with the consumer. The proposals also, among other things, would require that prerecorded telemarketing calls include an automated, interactive mechanism by which a consumer may ''opt out'' of receiving future prerecorded messages from a seller or telemarketer.

Timetable:

Action	Date	FR Cite
NPRM	10/08/02	67 FR 62667
FNPRM	04/03/03	68 FR 16250
Order	07/25/03	68 FR 44144
Order Effective	08/25/03	
Order on Recon	08/25/03	68 FR 50978
Order	10/14/03	68 FR 59130
FNPRM	03/31/04	69 FR 16873
Order	10/08/04	69 FR 60311
Order	10/28/04	69 FR 62816
Order on Recon	04/13/05	70 FR 19330
Order	06/30/05	70 FR 37705
NPRM	12/19/05	70 FR 75102
Public Notice	04/26/06	71 FR 24634
Order	05/03/06	71 FR 25967
NPRM	12/14/07	72 FR 71099
Declaratory Ruling	02/01/08	73 FR 6041
R&O	07/14/08	73 FR 40183
Order on Recon	10/30/08	73 FR 64556
NPRM	03/22/10	75 FR 13471
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kurt Schroeder, Deputy Chief, Consumer Policy Div., Federal Communications Commission, Consumer and Governmental Affairs Bureau, 445 12th Street SW., Washington, DC 20554, Phone: 202 632–0966, E-mail: *kurt.schroeder@fcc.gov.*

RIN: 3060–AI14

336. Rules and Regulations Implementing Section 225 of the Communications Act (Telecommunications Relay Service) (CG Docket No. 03–123)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 225

Abstract: This proceeding established a new docket flowing from the previous telecommunications relay service (TRS) history, CC Docket No. 98–67. This proceeding continues the Commission's inquiry into improving the quality of TRS and furthering the goal of functional equivalency, consistent with Congress' mandate that TRS regulations encourage the use of existing technology and not discourage or impair the development of new technology. In this docket, the Commission explores ways to improve emergency preparedness for TRS facilities and services, new TRS technologies, public access to information and outreach, and issues

related to payments from the Interstate TRS Fund.

Timetable:

Action	Date	FR Cite
NPRM	08/25/03	68 FR 50993
R&O, Order on Recon.	09/01/04	69 FR 53346
FNPRM	09/01/04	69 FR 53382
Public Notice	02/17/05	70 FR 8034
Declaratory Ruling/Interpretation.	02/25/05	70 FR 9239
Public Notice	03/07/05	70 FR 10930
Order	03/23/05	70 FR 14568
Public Notice/Announcement of Date.	04/06/05	70 FR 17334
Order	07/01/05	70 FR 38134
Order on Recon	08/31/05	70 FR 51643
R&O	08/31/05	70 FR 51649
Order	09/14/05	70 FR 54294
Order	09/14/05	70 FR 54298
Public Notice	10/12/05	70 FR 59346
R&O/Order on Recon.	12/23/05	70 FR 76208
Order	12/28/05	70 FR 76712
Order	12/29/05	70 FR 77052
NPRM	02/01/06	71 FR 5221
Declaratory Ruling/Clarification.	05/31/06	71 FR 30818
FNPRM	05/31/06	71 FR 30848
FNPRM	06/01/06	71 FR 31131
Declaratory Ruling/Dismissal of Petition.	06/21/06	71 FR 35553
Clarification	06/28/06	71 FR 36690
Declaratory Ruling on Recon.	07/06/06	71 FR 38268
Order on Recon	08/16/06	71 FR 47141
MO&O	08/16/06	71 FR 47145
Clarification	08/23/06	71 FR 49380
FNPRM	09/13/06	71 FR 54009
Final Rule; Clarification.	02/14/07	72 FR 6960
Order	03/14/07	72 FR 11789
R&O	08/06/07	72 FR 43546
Public Notice	08/16/07	72 FR 46060
Order	11/01/07	72 FR 61813
Public Notice	01/04/08	73 FR 863
R&O/Declaratory Ruling.	01/17/08	73 FR 3197
Order	02/19/08	73 FR 9031
Order	04/21/08	73 FR 21347
R&O	04/21/08	73 FR 21252
Order	04/23/08	73 FR 21843
Public Notice	04/30/08	73 FR 23361
Order	05/15/08	73 FR 28057
Declaratory Ruling	07/08/08	73 FR 38928
FNPRM	07/18/08	73 FR 41307
R&O	07/18/08	73 FR 41286
Public Notice	08/01/08	73 FR 45006
Public Notice	08/05/08	73 FR 45354
Public Notice	10/10/08	73 FR 60172
Order	10/23/08	73 FR 63078
2nd R&O and Order on Recon.	12/30/08	73 FR 79683
Order	05/06/09	74 FR 20892
Public Notice	05/07/09	74 FR 21364
NPRM	05/21/09	74 FR 23815
Public Notice	05/21/09	74 FR 23859
Public Notice	06/12/09	74 FR 28046
Order	07/29/09	74 FR 37624
Public Notice	08/07/09	74 FR 39699
Order	09/18/09	74 FR 47894
Order	10/26/09	74 FR 54913
Public Notice	05/12/10	75 FR 26701
Order Denying Stay Motion (Release Date).	07/09/10	
Order	08/13/10	75 FR 49491
Order	09/03/10	75 FR 54040
NPRM	11/02/10	75 FR 67333
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Karen Peltz Strauss, Deputy Chief, Consumer and Governmental Affairs Bureau, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, Phone: 202 418–2388, E-mail: *karen.strauss@fcc.gov.*

RIN: 3060–AI15

337. Rules and Regulations Implementing the Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003 (CG Docket No. 04–53)

Legal Authority: 15 U.S.C. 7706; 15 U.S.C. 7712; Pub. L. 108–187

Abstract: The Commission has adopted rules to protect consumers from unwanted electronic mobile service messages to implement the Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003.

Timetable:

Action	Date	FR Cite
NPRM	03/31/04	69 FR 16873
NPRM Comment Period End.	05/17/04	
Order	09/16/04	69 FR 55765
Order	06/15/05	70 FR 34665
Order on Recon (Release Date).	03/22/07	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kurt Schroeder, Deputy Chief, Consumer Policy Div., Federal Communications Commission, Consumer and Governmental Affairs Bureau, 445 12th Street SW., Washington, DC 20554, Phone: 202 632–0966, E-mail: *kurt.schroeder@fcc.gov.*

RIN: 3060–AI20

338. Rules and Regulations Implementing Minimum Customer Account Record Exchange (CARE) Obligations on All Local and Interexchange Carriers (CG Docket No. 02–386)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 201 and 202; 47 U.S.C. 303(r)

Abstract: On December 20, 2002, the Commission issued a Public Notice directing interested parties to file comments on issues raised in a petition filed with the Commission by Americatel Corporation and on a separate petition filed by AT&T, Sprint, and MCI. The petitions asked the Commission to address problems relating to the exchange of customer account records between local and long distance telephone service providers. On March 25, 2004, the Commission released a Notice of Proposed Rulemaking (NPRM) in CG Docket No. 02–386 seeking further comment on the two petitions and seeking comment as to whether to replace the current voluntary industry process for the exchange of customer account information between local and long distance service providers with mandatory, minimum standards applicable to all such providers.

On February 25, 2005, the Commission released a Report and Order and Further Notice of Proposed Rulemaking in CG Docket No. 02–386. The Report and Order adopted final rules governing the exchange of customer account information between local and long distance telephone service providers. The Commission adopted these rules to help to ensure that consumers' phone service bills are accurate and that their carrier selection requests are honored and executed without undue delay. In the Further Notice of Proposed Rulemaking (FNPRM), the Commission sought comment on the need for rules governing the exchange of customer account information between local telephone service providers.

On April 15, 2005, and June 15, 2005, a coalition of local and long distance carriers proposed minor modifications and clarifications to section 64.4002 of the Commission's CARE rules. On August 29, 2005, the Commission released a public notice requesting comment on the coalition's proposed clarifications and modifications. Notice of the proposed changes was published in the **Federal Register** on September 7, 2005 (70 FR 53137). The comment cycle established by the August 29 public notice closed October 3, 2005.

On September 13, 2006, the Commission released an Order on Reconsideration adopting the clarifications and technical corrections to the Report and Order, as proposed by the coalition of carriers.

On December 21, 2007, the Commission released a Report and Order declining to adopt mandatory data exchange requirements between local exchange carriers.

Timetable:

Action	Date	FR Cite
NPRM	04/19/04	69 FR 20845
NPRM Comment Period End.	06/18/04	
R&O and FNPRM	06/02/05	70 FR 32258
FNPRM Comment Period End.	08/01/05	
Public Notice	08/29/05	70 FR 53137
Public Notice Comment Period End.	10/03/05	
Order on Recon	12/13/06	71 FR 74819
R&O	01/08/08	73 FR 1297
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Nancy Stevenson, Deputy Chief, Consumer Policy Div., Federal Communications Commission, Consumer and Governmental Affairs Bureau, 445 12th Street SW., Washington, DC 20554, Phone: 202 418–7039, Fax: 202 418–0236, E-mail: *nancy.stevenson@fcc.gov*.

RIN: 3060–AI58

339. Consumer Information and Disclosure and Truth in Billing and Billing Format

Legal Authority: 47 U.S.C. 201; 47 U.S.C. 258

Abstract: In 1999, the Commission adopted truth-in-billing rules to address concerns that there is consumer confusion relating to billing for telecommunications services. On March 18, 2005, the Commission released an Order and FNPRM to further facilitate the ability of telephone consumers to make informed choices among competitive service offerings.

On August 28, 2009, the Commission released a Notice of Inquiry which asks questions about information available to consumers at all stages of the purchasing process for all communications services, including (1) choosing a provider; (2) choosing a service plan; (3) managing use of the service plan; and (4) deciding whether and when to switch an existing provider or plan.

On December 14, 2010, the Commission released a Notice of Proposed Rulemaking proposing rules that would require mobile service providers to provide usage alerts and information that will assist consumers in avoiding unexpected charges on their bills.

Timetable:

Action	Date	FR Cite
FNPRM	05/25/05	70 FR 30044
R&O	05/25/05	70 FR 29979
NOI	08/28/09	
Public Notice	05/20/10	75 FR 28249
Public Notice	06/11/10	75 FR 33303
NPRM	11/26/10	75 FR 72773
NPRM Comment Period End.	12/27/10	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Richard D. Smith, Special Counsel, Federal Communications Commission, Consumer and Governmental Affairs Bureau, 445 12th Street SW., Washington, DC 20554, Phone: 717 338–2797, Fax: 717 338–2574, E-mail: *richard.smith@fcc.gov*.

RIN: 3060–AI61

340. Closed Captioning of Video Programming (Section 610 Review)

Legal Authority: 47 U.S.C. 613

Abstract: The Commission's closed captioning rules are designed to make video programming more accessible to deaf and hard of hearing Americans. This proceeding resolves some issues regarding the Commission's closed captioning rules that were raised for comment in 2005, and also seeks comment on how a certain exemption from the closed captioning rules should be applied to digital multicast broadcast channels.

Timetable:

Action	Date	FR Cite
NPRM	02/03/97	62 FR 4959
R&O	09/16/97	62 FR 48487
Order on Recon	10/28/98	63 FR 55959
NPRM	09/26/05	70 FR 56150
Order and Declaratory Ruling.	01/13/09	74 FR 1594
NPRM	01/13/09	74 FR 1654
Final Rule Announcement of Effective Date.	02/19/10	75 FR 7370
Order	02/19/10	75 FR 7368
Order Suspending Effective Date.	02/19/10	75 FR 7369
Final Rule Correction.	09/11/09	74 FR 46703
Waiver Order	10/04/10	75 FR 61101
Public Notice	11/17/10	75 FR 70168
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Eliot Greenwald, Consumer & Governmental Affairs Bureau, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, Phone: 202 418–2235, E-mail: *eliot.greenwald@fcc.gov*.

RIN: 3060–AI72

341. Accessibility of Programming Providing Emergency Information

Legal Authority: 47 U.S.C. 613

Abstract: In this proceeding, the Commission adopted rules detailing how video programming distributors must make emergency information accessible to persons with hearing and visual disabilities.

Timetable:

Action	Date	FR Cite
FNPRM	01/21/98	63 FR 3070
NPRM	12/01/99	64 FR 67236
NPRM Correction	12/22/99	64 FR 71712
Second R&O	05/09/00	65 FR 26757
R&O	09/11/00	65 FR 54805
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Eliot Greenwald, Consumer & Governmental Affairs Bureau, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, Phone: 202 418–2235, E-mail: *eliot.greenwald@fcc.gov*.

RIN: 3060–AI75

342. • Empowering Consumers to Avoid Bill Shock, Consumer Information and Disclosure; CG Docket No. 10–207, CG Docket No. 09–158

Legal Authority: 47 U.S.C. 201; 47 U.S.C. 303; 47 U.S.C. 332

Abstract: On October 14, 2010, the Commission released a Notice of Proposed Rulemaking which proposes rule that would require mobile service providers to provide usage alerts and information that will assist consumers in avoiding unexpected charges on their bills.

Timetable:

Action	Date	FR Cite
Public Notice	05/20/10	75 FR 28249
NPRM	11/26/10	75 FR 72773
NPRM Comment Period End.	12/27/10	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Richard D. Smith, Special Counsel, Federal Communications Commission, Consumer and Governmental Affairs Bureau, 445 12th Street SW., Washington, DC 20554, Phone: 717 338–2797, Fax: 717 338–2574, E-mail: *richard.smith@fcc.gov*.

RIN: 3060–AJ51

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Office of Engineering and Technology

Long-Term Actions

343. New Advanced Wireless Services (ET Docket No. 00–258)

Legal Authority: 47 U.S.C. 154(i); 47 U.S.C. 157(a); 47 U.S.C. 303(c); 47 U.S.C. 303(f); 47 U.S.C. 303(g); 47 U.S.C. 303(r)

Abstract: This proceeding explores the possible uses of frequency bands below 3 GHz to support the introduction of new advanced wireless services, including third generations as well as future generations of wireless systems. Advanced wireless systems could provide for a wide range of voice data and broadband services over a variety of mobile and fixed networks.

The Third Notice of Proposed Rulemaking discusses the frequency bands that are still under consideration in this proceeding and invites additional comments on their disposition. Specifically, it addresses the Unlicensed Personal Communications Service (UPCS) band at 1910–1930 MHz, the Multipoint Distribution Service (MDS) spectrum at 2155–2160/62 MHz bands, the Emerging Technology spectrum, at 2160–2165 MHz, and the bands reallocated from MSS 91990–2000 MHz, 2020–2025 MHz, and 2165–2180 MHz. We seek comment on these bands with respect to using them for paired or unpaired Advance Wireless Service (AWS) operations or as relocation spectrum for existing services.

The 7th Report and Order facilitates the introduction of Advanced Wireless Service (AWS) in the band 1710–1755 MHz—an integral part of a 90 MHz spectrum allocation recently reallocated to allow for such new and innovative wireless services. We largely adopt the proposals set forth in our recent AWS Fourth NPRM in this proceeding that are designed to clear the 1710–1755 MHz band of incumbent Federal Government operations that would otherwise impede the development of new nationwide AWS services. These actions are consistent with previous actions in this proceeding and with the United States Department of Commerce, National Telecommunications and Information Administration (NTIA) 2002 Viability Assessment, which addressed relocation and reaccommodation options for Federal Government operations in the band.

The 8th Report and Order reallocated the 2155–2160 MHz band for Fixed and Mobile services and designates the 2155–2175 MHz band for Advanced Wireless Service (AWS) use. This proceeding continues the Commission's ongoing efforts to promote spectrum utilization and efficiency with regard to the provision of new services, including Advanced Wireless Services.

The Order requires Broadband Radio Service (BRS) licensees in the 2150–2160/62 MHz band to provide information on the construction status and operational parameters of each incumbent BRS system that would be the subject of relocation.

The Notice of Proposed Rule Making requested comments on the specific relocation procedures applicable to Broadband Radio Service (BRS) operations in the 2150–2160/62 MHz band, which the Commission recently decided will be relocated to the newly restructured 2495–2690 MHz band. The Commission also requested comments on the specific relocation procedures applicable to Fixed Microwave Service (FS) operations in the 2160–2175 MHz band.

The Office of Engineering and Technology (OET) and the Wireless Telecommunications Bureau (WTB) set forth the specific data that Broadband Radio Service (BRS) licensees in the 2150–2160/62 MHz band must file along with the deadline date and procedures for filing this data on the Commission's Universal Licensing System (ULS). The data will assist in determining future AWS licensee's relocation obligations.

The 9th Report and Order established procedures for the relocation of Broadband Radio Service (BRS) operations from the 2150–2160/62 MHz band, as well as for the relocation of Fixed Microwave Service (FS) operations from the 2160–2175 MHz band, and modified existing relocation procedures for the 2110–2150 MHz and 2175–2180 MHz bands. It also established cost-sharing rules to identify the reimbursement obligations for Advanced Wireless Service (AWS) and Mobile Satellite Service (MSS) entrants benefiting from the relocation of incumbent FS operations in the 2110–2150 MHz and 2160–2200 MHz bands and AWS entrants benefiting from the relocation of BRS incumbents in the 2150–2160/62 MHz band. The Commission continues its ongoing efforts to promote spectrum utilization and efficiency with regard to the provision of new services, including AWS. The Order dismisses a petition for reconsideration filed by the Wireless Communications Association International, Inc. (WCA) as moot.

Two petitions for Reconsideration were filed in response to the 9th Report and Order.

Timetable:

Action	Date	FR Cite
NPRM	01/23/01	66 FR 7438
NPRM Comment Period End.	03/09/01	
Final Report	04/11/01	66 FR 18740
FNPRM	09/13/01	66 FR 47618
MO&O	09/13/01	66 FR 47591
First R&O	10/25/01	66 FR 53973
Petition for Recon	11/02/01	66 FR 55666
Second R&O	01/24/03	68 FR 3455
Third NPRM	03/13/03	68 FR 12015
Seventh R&O	12/29/04	69 FR 7793
Petition for Recon	04/13/05	70 FR 19469
Eighth R&O	10/26/05	70 FR 61742
Order	10/26/05	70 FR 61742
NPRM	10/26/05	70 FR 61752
Public Notice	12/14/05	70 FR 74011
Ninth R&O and Order.	05/24/06	71 FR 29818
Petition for Recon	07/19/06	71 FR 41022
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Rodney Small, Economist, Federal Communications Commission, Office of Engineering and Technology, 445 12th Street SW., Washington, DC 20554, Phone: 202 418–2452, Fax: 202 418–1944, E-mail: *rodney.small@fcc.gov*.

RIN: 3060–AH65

344. Exposure to Radiofrequency Electromagnetic Fields

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 302 and 303; 47 U.S.C. 309(j); 47 U.S.C. 336

Abstract: The Notice of Proposed Rulemaking (NPRM) proposed amendments to the FCC rules relating to compliance of transmitters and facilities with guidelines for human exposure to radio frequency (RF) energy.

Timetable:

Action	Date	FR Cite
NPRM	09/08/03	68 FR 52879
NPRM Comment Period End.	12/08/03	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ira Keltz, Electronics Engineer, Federal Communications Commission, Office of Engineering and Technology, 445 12th Street SW., Washington, DC 20554, Phone: 202 418–0616, Fax: 202 418–1944, E-mail: *ikeltz@fcc.gov*.

RIN: 3060–AI17

345. Unlicensed Operation in the TV Broadcast Bands (ET Docket No. 04–186)

Legal Authority: 47 U.S.C. 154(i); 47 U.S.C. 302; 47 U.S.C. 303(e) and 303(f); 47 U.S.C. 303(r); 47 U.S.C. 307

Abstract: The Commission adopted rules to allow unlicensed radio transmitters to operate in the broadcast television spectrum at locations where that spectrum is not being used by licensed services (this unused TV spectrum is often termed ''white spaces''). This action will make a significant amount of spectrum available for new and innovative products and services, including broadband data and other services for businesses and consumers. The actions taken are a conservative first step that includes many safeguards to prevent harmful interference to incumbent communications services. Moreover, the Commission will closely oversee the development and introduction of these devices to the market and will take whatever actions may be necessary to avoid, and if necessary correct, any interference that may occur.

The Second Memorandum Opinion and Order finalizes rules to make the unused spectrum in the TV bands available for unlicensed broadband wireless devices. This particular spectrum has excellent propagation characteristics that allow signals to reach farther and penetrate walls and other structures. Access to this spectrum could enable more powerful public Internet connections—super Wi-Fi hot spots—with extended range, fewer dead spots, and improved individual speeds as a result of reduced congestion on existing networks. This type of ''opportunistic use'' of spectrum has great potential for enabling access to other spectrum bands and improving spectrum efficiency. The Commission's actions here are expected to spur investment and innovation in applications and devices that will be used not only in the TV band but eventually in other frequency bands as well.

Timetable:

Action	Date	FR Cite
NPRM	06/18/04	69 FR 34103
First R&O	11/17/06	71 FR 66876
FNPRM	11/17/06	71 FR 66897
R&O and MO&O	02/17/09	74 FR 7314
Petitions for Reconsideration.	04/13/09	74 FR 16870
Second MO&O	12/06/10	75 FR 75814
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Hugh Van Tuyl, Electronics Engineer, Federal Communications Commission, Office of Engineering and Technology, 445 12th Street SW., Washington, DC 20554, Phone: 202 418–7506, Fax: 202 418–1944, E-mail: *hugh.vantuyl@fcc.gov.*

RIN: 3060–AI52

346. Unlicensed Devices and Equipment Approval (ET Docket No. 03–201)

Legal Authority: 47 U.S.C. 154; 47 U.S.C. 302(a); 47 U.S.C. 303; 47 U.S.C. 306

Abstract: The Notice of Proposed Rulemaking (NPRM) proposed to update section 15.247 of the rules to allow the use of more efficient antenna technologies with unlicensed devices.

The Report and Order updates several technical rules for unlicensed radiofrequency devices in part 15 of the Commission's rules. The rule changes will allow device manufacturers to develop expanded applications for unlicensed devices and will allow unlicensed device operators, including Wireless Internet Service providers greater flexibility to modify or substitute parts as long as the overall system operation is unchanged. The changes are part of an ongoing process of updating our rules to promote more efficient sharing of spectrum used by unlicensed devices and remove unnecessary regulations that inhibit such sharing. The Commission received one petition for reconsideration in this proceeding.

The Second Report and Order amended the Commission's rules to provide for more efficient equipment authorization of both existing modular transmitter devices and emerging partitioned (or ''split'') modular transmitter devices. These rule changes will benefit manufacturers by allowing greater flexibility in certifying equipment and providing relief from the need to obtain a new equipment authorization each time the same transmitter is installed in a different final product. The rule changes will also enable manufacturers to develop more flexible and more advanced unlicensed transmitter technologies. The Commission further found that modular transmitter devices authorized in accordance with the revised equipment authorization procedures will not pose any increased risk of interference to other radio operations.

The Further NPRM, seeks comment on whether there is a need to require unlicensed transmitters operating in the 915 MHz band under sections 15.247 and 15.249 of the rules to comply with a spectrum etiquette requirement, and the impact that requiring an etiquette would have on the development and operation of unlicensed 915 MHz devices operating under those rule sections. The Commission also seeks comment on the particular etiquette suggested by Cellnet that would require digitally modulated spread spectrum transmitters operating in the 915 MHz band under section 15.247 of the rules to operate at less than the 1-watt maximum power if they are continuously silent less than 90 percent of the time within a 0.4 second interval. This etiquette would require that the maximum permitted power level decrease in accordance with a specified formula as the silent interval between transmission decreases. The Commission further seeks comment on alternatives to the etiquette suggested by Cellnet.

The Memorandum Opinion and Order dismissed two petitions for reconsideration of the rules adopted in the Report and Order, 69 FR 54027, September 7, 2004, in this proceeding. It dismissed a petition for reconsideration filed by Warren C. Havens and Telesaurus Holdings GB LLC (Havens) requesting that the Commission suspend the rule changes adopted for unlicensed devices in the 902–928 MHz (915 MHz) band until such time as it completes a formal inquiry with regard to the potential effect of such changes to Location and Monitoring Service (LMS) licensees in the band. The Commission also dismissed a petition for reconsideration filed by Cellnet Technology (Cellnet) requesting that the Commission adopt spectrum sharing requirements in the unlicensed bands, for example, a ''spectrum etiquette,'' particularly in the 915 MHz band.

Timetable:

Action	Date	FR Cite
NPRM	09/17/03	68 FR 68823
NPRM Comment Period End.	01/09/04	
R&O	09/07/04	69 FR 54027
Petition for Recon	11/19/04	69 FR 67736
Petition for Recon	02/15/05	70 FR 7737
Second R&O	05/23/07	72 FR 28889
FNPRM	08/01/07	72 FR 42011
FNPRM Comment Period End.	10/15/07	
MO&O	08/01/07	72 FR 41937
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Hugh Van Tuyl, Electronics Engineer, Federal Communications Commission, Office of Engineering and Technology, 445 12th Street SW., Washington, DC 20554,

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RIN: 3060–AI54

347. Fixed and Mobile Services in the Mobile Satellite Service (ET Docket No. 10–142)

Legal Authority: 47 U.S.C. 154(i) and 301; 47 U.S.C. 303(c) and 303(f); 47 U.S.C. 303(r) and 303(y); 47 U.S.C. 310

Abstract: The Notice of Proposed Rule Making proposes to take a number of actions to further the provision of terrestrial broadband services in the MSS bands. In the 2 GHz MSS band, the Commission proposes to add co-primary Fixed and Mobile allocations to the existing Mobile-Satellite allocation. This will lay the groundwork for providing additional flexibility in use of the 2 GHz spectrum in the future. The Commission also proposes to apply the terrestrial secondary market spectrum leasing rules and procedures to transactions involving terrestrial use of the MSS spectrum in the 2 GHz, Big LEO, and L-bands in order to create greater certainty and regulatory parity with bands licensed for terrestrial broadband service.

The Commission also asks, in a Notice of Inquiry, about approaches for creating opportunities for full use of the 2 GHz band for stand-alone terrestrial uses. The Commission requests comment on ways to promote innovation and investment throughout the MSS bands while also ensuring market-wide mobile satellite capability to serve important needs like disaster recovery and rural access.

Timetable:

Action	Date	FR Cite
NPRM	08/16/10	75 FR 49871
NPRM Comment Period End.	09/15/10	
Reply Comment Period End.	09/30/10	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Nicholas Oros, Electronics Engineer, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, Phone: 202 418–0636, E-mail: *nicholas.oros@fcc.gov*.

RIN: 3060–AJ46

348. • Innovation in the Broadcast Television Bands; ET Docket No. 10–235

Legal Authority: 47 U.S.C. 154(i); 47 U.S.C. 301; 47 U.S.C. 302; 47 U.S.C. 303(e); 47 U.S.C. 303(f); 47 U.S.C. 303(r)

Abstract: The Commission initiated this proceeding to further its ongoing commitment to addressing America's growing demand for wireless broadband services, spur ongoing innovation and investment in mobile and ensure that America keeps pace with the global wireless revolution, by making a significant amount of new spectrum available for broadband. The approach proposed is consistent with the goal set forth in the National Broadband Plan (the Plan) to repropose up to 120 megahertz from the broadcast television bands for new wireless broadband uses through, in part, voluntary contributions of spectrum to an incentive auction. Reallocation of this spectrum as proposed will provide the necessary flexibility for meeting the requirements of these new applications.

Timetable:

Action	Date	FR Cite
NPRM	02/01/11	76 FR 5521
NPRM Comment Period End.	03/18/11	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Alan Stillwell, Deputy Chief, OET, Federal Communications Commission, Office of Engineering and Technology, 445 12th Street SW., Washington, DC 20554, Phone: 202 418–2925, E-mail: *alan.stillwell@fcc.gov*.

RIN: 3060–AJ57

349. • Radio Experimentation and Market Trials Under Part 5 of the Commission's Rules and Streamlining Other Related Rules; ET Docket No. 10–236

Legal Authority: 47 U.S.C. 154(i); 47 U.S.C. 301 and 303

Abstract: The Commission initiated this proceeding to promote innovation and efficiency in spectrum use in the Experimental Radio Service (ERS). For many years, the ERS has provided fertile ground for testing innovative ideas that have led to new services and new devices for all sectors of the economy. The Commission proposes to leverage the power of experimental radio licensing to accelerate the rate at which these ideas transform from prototypes to consumer devices and services. Its goal is to inspire researchers to dream, discover and deliver the innovations that push the boundaries of the broadband ecosystem. The resulting advancements in devices and services available to the American public and greater spectrum efficiency over the long term will promote economic growth, global competitiveness, and a better way of life for all America

Timetable:

Action	Date	FR Cite
NPRM	02/08/11	76 FR 6928
NPRM Comment Period End.	03/10/11	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Burtle, Chief, Experimental Licensing Branch, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, Phone: 202 418–2445, E-mail: *james.burtle@fcc.gov*.

RIN: 3060–AJ62

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Office of Engineering and Technology

Completed Actions

350. Revision of the Rules Regarding Ultra-Wideband Transmission

Legal Authority: 47 U.S.C. 154; 47 U.S.C. 302 to 304; 47 U.S.C. 307; 47 U.S.C. 544A

Abstract: The First Report and Order amends the Commission's rules to permit the marketing and operation of certain types of new products incorporating Ultra-Wideband (UWB) technology. UWB devices operate by employing very narrow or short duration pulses that result in very large or wideband transmission bandwidths. UWB technology holds great promise for a vast array of new applications that we believe will provide significant benefits for public safety, businesses and consumers. With appropriate technical standards, UWB devices can operate using spectrum occupied by existing radio services without causing interference, thereby permitting scarce spectrum resources to be used more efficiently.

The Memorandum Opinion and Order responded to fourteen petitions for reconsideration that were filed in response to the regulations for unlicensed ultra-wideband (UWB) operations. In general, this document does not make any significant changes to the existing UWB parameters as the Commission is reluctant to do so until it has more experience with UWB devices. The Commission believes that any major changes to the rules for existing UWB product categories at this early stage would be disruptive to

current industry product development efforts.

The Further Notice of Proposed Rulemaking proposed new rules to address issues raised by some of the petitions for reconsideration that were outside the scope of the proceeding. New rules were proposed to address issues regarding the operation of low pulse repetition frequency UWB systems, including vehicular radars, in the 3.1–10.6 GHz band; and the operation frequency hopping vehicular radars in the 22–29 GHz band as UWB devices. The Commission also proposed new rules that would establish new peak power limits for wideband part 15 devices that do not operate as UWB devices and proposed to eliminate the definition of a UWB device.

The Second Report and Order and Second Memorandum Opinion and Order responds to two petitions for reconsideration that were filed in response to the Commission's decision to establish regulations for unlicensed UWB operation. It also responds to the rulemaking proposals contained in the Memorandum Opinion and Order and Further Notice of Proposed Rulemaking in this docket. The order establishes new rules for wideband unlicensed devices operating in the 5925–7250 MHz, 16.2–17.7 GHz, and 22.12–29 GHz bands.

The Third Memorandum Opinion and Order and Memorandum Opinion and Order reaffirmed certain rules and procedures for ultra-wideband (''UWB'') devices that operate on an unlicensed basis of the Commission's rules. This action terminates the Ultra-Wideband Transmission Systems proceeding and thus provides certainty for the continued development of UWB equipment, including ground penetrating radars for underground imaging, through wall imaging systems, short-range high capacity data links, and other applications. This action terminates this proceeding.

Timetable:

Action	Date	FR Cite
NPRM	06/14/00	65 FR 37332
NPRM Comment Period End.	10/12/00	
First R&O	05/16/02	67 FR 34852
MO&O	04/22/03	68 FR 19746
FNPRM	04/22/03	68 FR 19773
Second R&O and Second MO&O.	02/09/05	70 FR 6771
Third MO&O and MO&O.	10/12/10	75 FR 62477

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John Reed, Electronics Engineer, Federal Communications Commission, Office of Engineering and Technology, 445 12th Street, SW., Washington, DC 20554, Phone: 202 418–2455, Fax: 202 418–1944, E-mail: *jreed@fcc.gov*.

RIN: 3060–AH47

FEDERAL COMMUNICATIONS COMMISSION (FCC)

International Bureau

Long-Term Actions

351. Establishment of Rules and Policies for the Digital Audio Radio Satellite Service in the 2310–2360 MHZ Frequency Band (IB Docket No. 95–91; GEN Docket No. 90–357)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 151(i); 47 U.S.C. 154(j); 47 U.S.C. 157; 47 U.S.C. 309(j)

Abstract: In 1997, the Commission adopted service rules for the satellite digital audio radio service (SDARS) in the 2320–2345 MHz frequency band and sought further comment on proposed rules governing the use of complementary SDARS terrestrial repeaters. The Commission released a second further notice of proposed rulemaking in January 2008, to consider new proposals for rules to govern terrestrial repeaters operations. The Commission released a Second Report and Order on May 20, 2010, which adopted rules governing the operation of SDARS terrestrial repeaters, including establishing a blanket licensing regime for repeaters operating up to 12 kilowatts average equivalent isotropically radiated power.

Timetable:

Action	Date	FR Cite
NPRM	06/15/95	60 FR 35166
R&O	03/11/97	62 FR 11083
FNPRM	04/18/97	62 FR 19095
Second FNPRM	01/15/08	73 FR 2437
FNPRM Comment Period End.	03/17/08	
2nd R&O	05/20/10	75 FR 45058
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

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RIN: 3060–AF93

352. Allocation and Designation of Spectrum in the 36.0–43.5 GHz Band

Legal Authority: 47 U.S.C. 154(i); 47 U.S.C. 301 and 302; 47 U.S.C. 303(e) to 303(g); 47 U.S.C. 303(r); 47 U.S.C. 304; 47 U.S.C. 307

Abstract: This item adopts a plan for nongovernment operations in the 36.0–51.4 GHz portion of the V-band, establishing priorities for different services in different parts of this band.

Timetable:

Action	Date	FR Cite
NPRM	04/04/97	62 FR 16129
R&O	01/15/99	64 FR 2585
Correction	02/08/99	64 FR 6138
Correction	02/10/99	64 FR 6565
Notice of Petition for Recon.	03/22/99	64 FR 13796
Order on Recon	12/01/99	
FNPRM	07/05/01	66 FR 35399
Second R&O	08/25/04	69 FR 52198
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Sean O'More, Attorney Advisor, Federal Communications Commission, International Bureau, 445 12th Street, SW., Washington, DC 20554, Phone: 202 418–2453, E-mail: *sean.omore@fcc.gov*.

RIN: 3060–AH23

353. Space Station Licensing Reform (IB Docket No. 02–34)

Legal Authority: 47 U.S.C. 154(i); 47 U.S.C. 157; 47 U.S.C. 303(c); 47 U.S.C. 303(g); *et seq.*

Abstract: The Commission adopted a Notice of Proposed Rulemaking (NPRM) to streamline its procedures for reviewing satellite license applications. Before 2003, the Commission used processing rounds to review those applications. In a processing round, when an application was filed, the International Bureau (Bureau) issued a public notice establishing a cut-off date for other mutually exclusive satellite applications, and then considered all those applications together. In cases where sufficient spectrum to accommodate all the applications was not available, the Bureau directed the applicants to negotiate a mutually agreeable solution. Those negotiations took a long time, and delayed provision of satellite services to the public.

The NPRM invited comment on two alternatives for expediting the satellite application process. One alternative was to replace the processing round procedure with a ''first-come, first-served'' procedure that would allow the Bureau to issue a satellite license to the first party filing a complete, acceptable application. The other alternative was to streamline the processing round procedure by adopting one or more of the following proposals: (1) Place a time

limit on negotiations; (2) establish criteria to select among competing applicants; (3) divide the available spectrum evenly among the applicants.

In the First Report and Order in this proceeding, the Commission determined that different procedures were better-suited for different kinds of satellite applications. For most geostationary orbit (GSO) satellite applications, the Commission adopted a first-come, first-served approach. For most non-geostationary orbit (NGSO) satellite applications, the Commission adopted a procedure in which the available spectrum is divided evenly among the qualified applicants. The Commission also adopted measures to discourage applicants from filing speculative applications, including a bond requirement, payable if a licensee misses a milestone. The bond amounts originally were $5 million for each GSO satellite, and $7.5 million for each NGSO satellite system. These were interim amounts. Concurrently with the First Report and Order, the Commission adopted an FNPRM to determine whether to revise the bond amounts on a long-term basis.

In the Second Report and Order, the Commission adopted a streamlined procedure for certain kinds of satellite license modification requests.

In the Third Report and Order, the Commission adopted a standardized application form for satellite licenses, and adopted a mandatory electronic filing requirement for certain satellite applications.

In the Fourth Report and Order, the Commission revised the bond amounts based on the record developed in response to FNPRM. The bond amounts are now $3 million for each GSO satellite, and $5 million for each NGSO satellite system.

Timetable:

Action	Date	FR Cite
NPRM	03/19/02	67 FR 12498
NPRM Comment Period End.	07/02/02	
Second R&O (Release Date).	06/20/03	68 FR 62247
Second FNPRM (Release Date).	07/08/03	68 FR 53702
Third R&O (Release Date).	07/08/03	68 FR 63994
FNPRM	08/27/03	68 FR 51546
First R&O	08/27/03	68 FR 51499
FNPRM Comment Period End.	10/27/03	
Fourth R&O (Release Date).	04/16/04	69 FR 67790
Fifth R&O, First Order on Recon (Release Date).	07/06/04	69 FR 51586
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Fern Jarmulnek, Associate Chief, Satellite and Radio Communication Division, Federal Communications Commission, International Bureau, 445 12th Street SW., Washington, DC 20554, Phone: 202 418–0751, Fax: 202 418–0748, E-mail: *fjarmuln@fcc.gov.*

RIN: 3060–AH98

354. Mitigation of Orbital Debris (IB Docket No. 02–54)

Legal Authority: 47 U.S.C. 154(i); 47 U.S.C. 157(a); 47 U.S.C. 303(c); 47 U.S.C. 303(f) and 303(g); 47 U.S.C. 303(r)

Abstract: The Commission has adopted rules that require all entities seeking FCC authorization for satellite services to address orbital debris mitigation as part of their application for FCC authorization. Orbital debris consists of artificial objects orbiting the Earth that are not functional spacecraft. In addition, the Commission established requirements for the removal of geostationary spacecraft from operational orbits at the end of their useful lives and amended the Commission's rules regarding orbit-raising maneuvers, the use of inclined orbits, and orbital longitudinal tolerance station-keeping requirements. The Commission indicated that it will seek further comment on the application of the Commission's longitudinal tolerance station-keeping requirements for Fixed-Satellite space stations to space stations in the Mobile-Satellite Service and remote sensing services.

Timetable:

Action	Date	FR Cite
NPRM	05/03/02	67 FR 22376
NPRM Comment Period End.	08/16/02	
First R&O	08/27/03	68 FR 59127
Second R&O	09/09/04	69 FR 54581
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Stephen Duall, Attorney, Federal Communications Commission, International Bureau, 445 12th Street, SW., Washington, DC 20554, Phone: 202 418–1103, Fax: 202 418–0748, E-mail: *stephen.duall@fcc.gov.*

RIN: 3060–AI06

355. Amendment of the Commission's Rules (IB Docket No. 04–47)

Legal Authority: 47 U.S.C. 34 to 39; 47 U.S.C. 151; 47 U.S.C. 161; 47 U.S.C. 201 to 205; *et seq.*

Abstract: The FCC amended several rules in the Report and Order. Specifically, the FCC (1) amended the procedures for discontinuing an international service; (2) allowed U.S. carriers to resell the U.S.-inbound service of foreign carriers; and, (3) amended the submarine cable landing licensing procedures to comply with the Coastal Zone Management Act of 1972 (CZMA). The North American Submarine Cable Association filed a petition for reconsideration regarding the amendment to the submarine cable landing licensing rules. In the Order on Reconsideration, the FCC reaffirmed that the CZMA applies to its submarine cable landing licensing and clarified the rules to ensure the rules comply with the CZMA review procedures established by the National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

Timetable:

Action	Date	FR Cite
NPRM	03/22/04	69 FR 13276
NPRM Comment Period End.	06/07/04	
R&O	09/25/07	72 FR 54363
Petition for Recon	01/02/08	73 FR 187
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: David Krech, Attorney Advisor, Federal Communications Commission, International Bureau, 445 12th Street, SW., Washington, DC 20554, Phone: 202 418–1460, Fax: 202 418–2824, E-mail: *david.krech@fcc.gov.*

RIN: 3060–AI41

356. Reporting Requirements for U.S. Providers of International Telecommunications Services (IB Docket No. 04–112)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 161; 47 U.S.C. 201 to 205; *et seq.*

Abstract: FCC is reviewing the reporting requirements to which carriers providing U.S. international services are subject under 47 CFR part 43. FCC proposes to amend 47 CFR 43.61 and 47 CFR 43.82 and to repeal 47 CFR 43.53.

Timetable:

Action	Date	FR Cite
NPRM	04/12/04	

Action	Date	FR Cite
NPRM Comment Period End.	08/23/04	69 FR 29676
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: David Krech, Attorney Advisor, Federal Communications Commission, International Bureau, 445 12th Street, SW., Washington, DC 20554, Phone: 202 418–1460, Fax: 202 418–2824, E-mail: *david.krech@fcc.gov.*

RIN: 3060–AI42

357. Review of the Spectrum Sharing Plan Among Non-Geostationary Satellite Orbit Mobile Satellite Service Systems in the 1.6/2.4 Ghz Bands (IB Docket No. 02–364)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 302(a); 47 U.S.C. 303(e); *et seq.*

Abstract: This docket involves the spectrum sharing plan for the low earth orbit satellite systems in the 1.6 GHz and 2.4 GHz bands (Big LEOs). In November 2007, the Commission resolved the 1.6 GHz spectrum sharing plan between Globalstar Inc. and Iridium Satellite LLC, whereby Globalstar will have exclusive MSS use of 7.775 megahertz of spectrum at 1610–1617.775 MHz, Iridium will have exclusive MSS use of 7.775 megahertz of spectrum at 1618.725–1626.5 MHz, and the two Big LEO operators will share 0.95 megahertz of spectrum at 1617.775–1618.725 MHz. Separately, in April 2006, the Commission affirmed the spectrum sharing plan between Globalstar and the fixed and mobile (except aeronautical mobile) services in the 2495–2500 MHz band in order to accommodate the relocation of Broadband Radio Service Channel 1 to the 2496–2502 MHz band. (Iridium does not operate in the 2.4 GHz band.)

Timetable:

Action	Date	FR Cite
NPRM	01/29/03	68 FR 33666
R&O	08/09/04	69 FR 48157
FNPRM	08/09/04	69 FR 48192
Petitions for Recon.	10/12/04	69 FR 60626
First Order on Recon.	06/19/06	71 FR 35178
Petitions for Further Recon.	07/27/06	71 FR 44029
Second Order on Recon and Second R&O.	12/13/07	72 FR 70807
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Howard Griboff, Deputy Chief, Federal Communications Commission, International Bureau, 445 12th Street, SW., Washington, DC 20554, Phone: 202 418–0657, Fax: 202 418–1414, E-mail: *howard.griboff@fcc.gov.*

RIN: 3060–AI44

358. Amendment of the Commission's Rules To Allocate Spectrum and Adopt Service Rules and Procedures To Govern the Use of Vehicle-Mounted Earth Stations (IB Docket No. 07–101)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i) and (j); 47 U.S.C. 157(a); 47 U.S.C. 301; 47 U.S.C. 303(c); 47 U.S.C. 303(f); 47 U.S.C. 303(g); 47 U.S.C. 303(r); 47 U.S.C. 303(y); 47 U.S.C. 308

Abstract: The Commission seeks comment on the proposed amendment of parts 2 and 25 of the Commission's rules to allocate spectrum for use with Vehicle-Mounted Earth Stations (VMES) in the Fixed-Satellite Service in the Ku-band uplink at 14.0–14.5 GHz and Ku-band downlink at 11.72–12.2 GHz on a primary basis, and in the extended Ku-band downlink at 10.95–11.2 GHz and 11.45–11.7 GHz on a non-protected basis, and to adopt Ku-band VMES licensing and service rules modeled on the FCC's rules for Ku-band Earth Stations on Vessels (ESVs). The record in this proceeding will provide a basis for Commission action to facilitate introduction of this proposed service.

Timetable:

Action	Date	FR Cite
NPRM	07/08/07	72 FR 39357
NPRM Comment Period End.	09/04/07	
R&O	11/04/09	74 FR 57092
Petition for Reconsideration.	04/14/10	75 FR 19401
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Howard Griboff, Deputy Chief, Federal Communications Commission, International Bureau, 445 12th Street, SW., Washington, DC 20554, Phone: 202 418–0657, Fax: 202 418–1414, E-mail: *howard.griboff@fcc.gov.*

RIN: 3060–AI90

FEDERAL COMMUNICATIONS COMMISSION (FCC)

International Bureau

Completed Actions

359. Streamlining the Commission's Rules and Regulations for Satellite Application and Licensing Procedures (IB Docket No. 95–117)

Legal Authority: 47 U.S.C. 4; 47 U.S.C. 154; 47 U.S.C. 303; 47 U.S.C. 554; 47 U.S.C. 701 to 744

Abstract: On February 10, 1997, the FCC adopted rules and policies that streamlined the application and licensing requirements of part 25 of its rules, which deals with communication satellites and earth stations. The streamlined rules waived the construction permit requirement for satellite space stations, changed the license term for temporary fixed earth stations; and adjusted or changed the rules concerning minor modifications and basic requirements for satellite service applications. The streamlined rules also resulted in the creation of a new application form, FCC Form 312. Form 312 eliminated from the International Bureau's use of the FCC Form 493, FCC Form 430, FCC Form 702, and FCC Form 704. Petitions for Reconsideration were filed in this matter. In March 1997, the Commission released a Public Notice concerning these petitions. The Commission addressed the issues in the Petitions for Reconsideration in an Order released on October 10, 2008. The docket in this proceeding is now closed.

Timetable:

Action	Date	FR Cite
NPRM	09/09/95	60 FR 46252
R&O, Recon Pending.	02/10/97	62 FR 5924
Public Notice/Petitions for Recon.	03/26/97	62 FR 14430
Order on Reconsideration.	11/29/08	73 FR 70897

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Steven Spaeth, Assistant Division Chief, Federal Communications Commission, International Bureau, 445 12th Street, SW., Washington, DC 20554, Phone: 202 418–1539, Fax: 202 418–0748, E-mail: *steven.spaeth@fcc.gov.*

RIN: 3060–AD70

360. Streamlining Earth Station Licensing Rules (IB Docket No. 00–248)

Legal Authority: 47 U.S.C. 701 to 744

Abstract: The Commission has found several cases in which modifying or eliminating rules could facilitate

licensing of earth stations, thereby expediting the provision of useful satellite services to the public, without unreasonably increasing the risk of harmful interference to existing earth station or space station operators, or terrestrial wireless operators in shared frequency bands.

Specifically, this Notice of Proposed Rulemaking (NPRM) considers the following rule revisions: (1) Codifying streamlined procedures for case-by-case examination of earth stations using ''non-routine'' antennas, non-routine power levels, or both; (2) relaxing some current requirements, such as increasing power and power density limits, and allowing some temporary fixed earth stations to begin operation sooner than is now permitted; (3) streamlining the very small aperture terminal (VSAT) rules, and revising the Commission's power level rules to provide for various types of VSAT multiple access methods; (4) adopting a simplified license application form for ''routine'' earth stations; and (5) other miscellaneous rule revisions. The Commission also invites comment on extending these proposed rules to the KA-band.

On September 26, 2002, the Commission adopted a Further Notice of Proposed Rulemaking in this proceeding. This Further NPRM invited comment on refinements to the proposals in the NPRM to relax some earth station technical requirements, and on an alternative to the VSAT proposals in the NPRM. The Further NPRM also seeks comment on proposals made by commenters in response to the First NPRM.

In the First Report and Order in this proceeding, the Commission extended the license term for earth station licenses from 10 to 15 years.

In the Second Report and Order in this proceeding, the Commission adopted rules allowing unlicensed receive-only earth stations to receive transmissions from non-U.S.-licensed satellites on the Permitted List.

In the Third Report and Order in this proceeding, the Commission adopted a streamlined application form for certain earth station licenses, and adopted a mandatory electronic filing requirement for those earth station applications.

In the Fourth Report and Order in this proceeding, the Commission extended the mandatory electronic filing requirement to all earth station applications.

In the Fifth Report and Order in this proceeding, the Commission adopted the following proposals from the NPRM: (1) Codifying streamlined procedures for non-routine antennas; (2) relaxing power and power density limits, and allowing routine KU-band temporary fixed earth stations to begin operations sooner; (3) revising certain VSAT rules; and (4) other miscellaneous rule revisions. One petition for reconsideration was filed in response to this Order on July 5, 2005.

In the Sixth Report and Order in this proceeding, the Commission adopted revisions to the earth station antenna gain pattern requirements, as proposed in the Further Notice. Two petitions for reconsideration were filed in response to this Order on July 8, 2005.

In the Third Further Notice of Proposed Rulemaking, the Commission invited comment on adopting off-axis EIRP envelops for C-band and KU-band FSS earth stations.

In the Seventh Report and Order in this proceeding, the Commission considered and rejected its proposal in the NPRM to make revisions to part 23 of its rules.

In the Eighth Report and Order in this proceeding, the Commission adopted the proposals in the Third FNPRM, in large part. This proceeding is now closed.

Timetable:

Action	Date	FR Cite
NPRM	01/08/01	66 FR 1283
First R&O	03/19/02	67 FR 12485
FNPRM	12/24/02	67 FR 78399
Second R&O (Release Date).	06/20/03	68 FR 2247
Second FNPRM	09/12/03	68 FR 53702
Third R&O	11/12/03	68 FR 63994
Fourth R&O	08/06/04	69 FR 47790
Fifth R&O	06/02/05	70 FR 32249
Sixth R&O	06/08/05	70 FR 33373
Third FNPRM	06/08/05	70 FR 33426
Seventh R&O	09/28/05	70 FR 56580
Public Notice/Petition for Recon.	10/26/05	70 FR 61825
Eighth R&O	11/24/08	73 FR 70897

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Steven Spaeth, Assistant Division Chief, Federal Communications Commission, International Bureau, 445 12th Street, SW., Washington, DC 20554, Phone: 202 418–1539, Fax: 202 418–0748, E-mail: *steven.spaeth@fcc.gov.*

RIN: 3060–AH60

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Media Bureau

Long-Term Actions

361. CABLE TELEVISION RATE REGULATION

Legal Authority: 47 U.S.C. 154; 47 U.S.C. 543

Abstract: The Commission has adopted rate regulations to implement section 623 of the 1992 Cable Act to ensure that cable subscribers nationwide enjoy the rates that would be charged by cable systems operating in a competitive environment. Reconsideration was requested. The Fourteenth Order on Reconsideration addresses petitions on issues governing regulated services by cable systems. In a subsequent notice, comment was sought on recalibrating the competitive differential between rates of systems subject to effective competition and noncompetitive systems. In addition, comment was sought as to whether there may be a different approach to establish reasonable rates on the basic service tier.

Timetable:

Action	Date	FR Cite
NPRM	01/04/93	58 FR 48
R&O and FNPRM	05/21/93	58 FR 29736
MO&O and FNPRM.	08/18/93	58 FR 43816
Third R&O	11/30/93	58 FR 63087
Order on Recon, Fourth R&O, and Fifth NPRM.	04/15/94	59 FR 17943
Third Order on Recon.	04/15/94	59 FR 17961
Fifth Order on Recon and FNPRM.	10/13/94	59 FR 51869
Fourth Order on Recon.	10/21/94	59 FR 53113
Sixth Order on Recon, Fifth R&O, and Seventh NPRM.	12/06/94	59 FR 62614
Seventh Order on Recon.	01/25/95	60 FR 4863
Ninth Order on Recon.	02/27/95	60 FR 10512
Eighth Order on Recon.	03/17/95	60 FR 14373
Sixth R&O and Eleventh Order on Recon.	07/12/95	60 FR 35854
Thirteenth Order on Recon.	10/05/95	60 FR 52106
Twelfth Order on Recon.	10/26/95	60 FR 54815
Tenth Order on Recon.	04/08/96	61 FR 15388
Order on Recon of the First R&O and FNPRM.	04/15/96	61 FR 16447
MO&O	02/12/97	62 FR 6491
Report on Cable Industry Prices.	02/24/97	62 FR 8245
R&O	03/31/97	62 FR 15118
Fourteenth Order on Recon.	10/15/97	62 FR 53572
NPRM and Order	09/05/02	67 FR 56882
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John Norton, Deputy Division Chief, Policy Division, Federal Communications Commission, Media Bureau, 445 12th Street, SW., Washington, DC 20554, Phone: 202 418–7037, TDD Phone: 202 418–7172, Fax: 202 418–1196, E-mail: *john.norton@fcc.gov.*

RIN: 3060–AF41

362. Cable Television Rate Regulation: Cost of Service

Legal Authority: 47 U.S.C. 154; 47 U.S.C. 543

Abstract: The Commission has established rules pursuant to which cable operators may set rates for regulated cable service in accordance with traditional cost-of-service principles, as modified to take account of unique characteristics of the cable industry. In the latest NPRM, comment was sought on rule changes that may be necessary or desirable in order to account for changes in the regulatory process resulting from the end of the Commission's statutory authority to regulate certain tiers of cable programming service.

Timetable:

Action	Date	FR Cite
NPRM	07/30/93	58 FR 40762
R&O	04/15/94	59 FR 17975
Second NPRM	04/15/94	59 FR 18066
MO&O	10/14/94	59 FR 52087
Second R&O/First Order on Recon/FNPRM.	03/08/96	61 FR 9361
Correction	03/22/96	61 FR 11749
NPRM and Order	09/05/02	67 FR 56882
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John Norton, Deputy Division Chief, Policy Division, Federal Communications Commission, Media Bureau, 445 12th Street SW., Washington, DC 20554, Phone: 202 418–7037, TDD Phone: 202 418–7172, Fax: 202 418–1196, E-mail: *john.norton@fcc.gov.*

RIN: 3060–AF48

363. Cable Home Wiring

Legal Authority: 47 U.S.C. 544(i)

Abstract: On October 6, 1997, the FCC adopted a Report and Order and Second Notice of Proposed Rulemaking (FCC 97–376) that amends its cable inside wiring rules to enhance competition in the video distribution marketplace. The Second FNPRM seeks comment on, among other things, whether there are circumstances where the FCC should adopt restrictions on exclusive contracts in order to further promote competition in the multiple dwelling unit marketplace. The 2nd Report and Order addresses multiple dwelling units when the occupant charges video service providers. In the First Order on Reconsideration and the Second Report and Order, the Commission modified its rules in part. The United States Court of Appeals for the District of Columbia Circuit remanded a portion of the Commission decision back to the Commission for further consideration. In September 2004, the Commission issued an FNPRM in response to the courts' decision. The subsequent Report and Order and Declaratory Ruling concluded that cable wiring behind sheet rock is physically inaccessible for determining the demarcation point.

Timetable:

Action	Date	FR Cite
NPRM	11/17/92	57 FR 54209
R&O	03/02/93	58 FR 11970
NPRM	02/01/96	61 FR 3657
First Order on Recon & FNPRM.	02/16/96	61 FR 6210
FNPRM	09/03/97	62 FR 46453
R&O and Second FNPRM.	11/14/97	62 FR 60165
First Order on Recon and Second R&O.	03/21/03	68 FR 13850
FNPRM	10/15/04	69 FR 61193
R&O and Declaratory Ruling.	08/30/07	72 FR 50074
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John Norton, Deputy Division Chief, Policy Division, Federal Communications Commission, Media Bureau, 445 12th Street SW., Washington, DC 20554, Phone: 202 418–7037, TDD Phone: 202 418–7172, Fax: 202 418–1196, E-mail: *john.norton@fcc.gov.*

RIN: 3060–AG02

364. Competitive Availability of Navigation Devices (CS Docket No. 97–80)

Legal Authority: 47 U.S.C. 549

Abstract: The Commission has adopted rules to address the mandate expressed in section 629 of the Communications Act to ensure the commercial availability of ''navigation devices,'' the equipment used to access video programming and other services from multichannel video programming systems.

Specifically, the Commission required MVPDs to make available by, a security element (known as a ''cablecard'') separate from the basic navigation device (e.g., cable set-top boxes, digital video recorders, and television receivers with navigation capabilities). The separation of the security element from the host device required by this rule (referred to as the ''integration ban'') was designed to enable unaffiliated manufacturers, retailers, and other vendors to commercially market host devices while allowing MVPDs to retain control over their system security. Also, in this proceeding, the Commission adopted unidirectional ''plug and play'' rules, to govern compatibility between MVPDs and navigation devices manufactured by consumer electronics manufacturers not affiliated with cable operators.

In the most recent FNPRM, the Commission proposed new rules to improve the operation of the CableCard regime.

Timetable:

Action	Date	FR Cite
NPRM	03/05/97	62 FR 10011
R&O	07/15/98	63 FR 38089
Order on Recon	06/02/99	64 FR 29599
FNPRM & Declaratory Ruling.	09/28/00	65 FR 58255
FNPRM	01/16/03	68 FR 2278
Order and FNPRM.	06/17/03	68 FR 35818
Second R&O	11/28/03	68 FR 66728
FNPRM	11/28/03	68 FR 66776
Order on Recon	01/28/04	69 FR 4081
Second R&O	06/22/05	70 FR 36040
Third FNPRM	07/25/07	72 FR 40818
4th FNPRM	05/14/10	75 FR 27256
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brendan Murray, Attorney Advisor, Policy Division, Federal Communications Commission, Media Bureau, 445 12th Street SW., Washington, DC 20554, Phone: 202 418–1573, E-mail: *brendan.murray@fcc.gov.*

RIN: 3060–AG28

365. Digital Audio Broadcasting Systems (MM Docket No. 99–325)

Legal Authority: 47 U.S.C. 154; 47 U.S.C. 303

Abstract: The rulemaking proceeding was initiated to foster the development and implementation of terrestrial digital audio broadcasting (DAB). The transition to DAB promises the benefits that have generally accompanied digitalization—better audio fidelity, more robust transmission systems, and the possibility of new auxiliary services. In the First Report and Order, the Commission selected in-band, on-channel as the technology that will permit AM and FM radio broadcasters to introduce digital operations. Consideration of formal standard-setting

procedures and related broadcasting licensing and service rule changes are addressed in a Further Notice of Proposed Rulemaking. Further technical guidance is provided in a Second Report and Order.

Timetable:

Action	Date	FR Cite
NPRM	11/09/99	64 FR 61054
First R&O	12/23/02	67 FR 78193
FNPRM and NOI	05/14/04	69 FR 27815
Second R&O	08/15/07	72 FR 45712
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Peter Doyle, Chief, Audio Division, Media Bureau, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, Phone: 202 418–2700, E-mail: *peter.doyle@fcc.gov*.

RIN: 3060–AH40

366. Second Periodic Review of Rules and Policies Affecting the Conversion to DTV

Legal Authority: 47 U.S.C. 4(i) and 4(j); 47 U.S.C. 303(r); 47 U.S.C. 307; 47 U.S.C. 309; 47 U.S.C. 336

Abstract: On January 18, 2001, the Commission adopted a Report and Order (R&O) and Further Notice of Proposed Rulemaking, addressing a number of issues related to the conversion of the nation's broadcast television system from analog to digital television. The Second Report and Order resolved several major technical issues including the issue of receiver performance standards, DTV tuners, and revisions to certain components of the DTV transmission standard. A subsequent NPRM commenced the Commission's second periodic review of the progress of the digital television conversion. The resulting R&O adopted a multi-step process to create a new DTV table of allotments and authorizations. Also in the R&O, the Commission adopted replication and maximization deadlines for DTV broadcasters and updated rules in recognition revisions to broadcast transmission standards.

The Second R&O adopts disclosure requirements for televisions that do not include a digital tuner.

Timetable:

Action	Date	FR Cite
NPRM	03/23/00	65 FR 15600
R&O	02/13/01	66 FR 9973
MO&O	12/18/01	66 FR 65122
Third MO&O and Order on Recon.	10/02/02	67 FR 61816
Second R&O and Second MO&O.	10/11/02	67 FR 63290
NPRM	02/18/03	68 FR 7737
R&O	10/04/04	69 FR 59500
Second R&O	05/10/07	72 FR 26554
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Eloise Gore, Associate Bureau Chief, Federal Communications Commission, Media Bureau, 445 12th Street SW., Washington, DC 20554, Phone: 202 418–1066, TDD Phone: 202 418–7172, Fax: 202 418–1069, E-mail: *eloise.gore@fcc.gov*.

RIN: 3060–AH54

367. Revision of EEO Rules and Policies (MM Docket No. 98–204)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 257; 47 U.S.C. 301; 47 U.S.C. 303; 47 U.S.C. 307 to 309; 47 U.S.C. 334; 47 U.S.C. 403; 47 U.S.C. 554

Abstract: FCC authority to govern Equal Employment Opportunity (EEO) responsibilities of cable television operators was codified in the Cable Communications Policy Act of 1984. This authority was extended to television broadcast licensees and other multi-channel video programming distributors in the Cable and Television Consumer Protection Act of 1992. In the Second Report and Order, the FCC adopted new EEO rules and policies. This action was in response to a decision of the U.S. Court of Appeals for the District of Columbia Circuit that found prior EEO rules unconstitutional. The Third Notice of Proposed Rulemaking (NPRM) requests comment as to the applicability of the EEO rules to part-time employees. The Third Report and Order adopted revised forms for broadcast station and MVPDs Annual Employment Report. In the Fourth NPRM, comment was sought regarding public access to the data contained in the forms.

Timetable:

Action	Date	FR Cite
NPRM	01/14/02	67 FR 1704
Second R&O and Third NPRM.	01/07/03	68 FR 670
Correction	01/13/03	68 FR 1657
Fourth NPRM	06/23/04	69 FR 34986
Third R&O	06/23/04	69 FR 34950
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Lewis Pulley, Asst. Chief, Policy Division, Media Bureau, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, Phone: 202 418–1450, E-mail: *lewis.pulley@fcc.gov.*

RIN: 3060–AH95

368. Broadcast Multiple and Cross-Ownership Limits

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 152(a); 47 U.S.C. 154(i); 47 U.S.C. 303; 47 U.S.C. 307; 47 U.S.C. 309 and 310

Abstract: In 2002, the Commission undertook a comprehensive review of its broadcast multiple and cross-ownership limits examining: Cross-ownership of TV and radio stations; local TV ownership limits; national TV cap; and dual network rule.

The Report and Order replaced the newspaper/broadcast cross-ownership and radio and TV rules with a tiered approach based on the number of television stations in a market. Petitions for Reconsideration are pending. Also, the Third Circuit Court of Appeals remanded portions of the Commission's decisions. In June 2006, the Commission adopted a Further Notice of Proposed Rulemaking initiating the 2006 review of the broadcast ownership rules. The further notice also sought comment on how to address the issues raised by the Third Circuit. Additional questions are raised for comment in a Second Further Notice of Proposed Rulemaking.

In the Report and Order and Order on Reconsideration, the Commission adopted rule changes regarding newspaper/broadcast cross-ownership, but otherwise generally retained the other broadcast ownership rules currently in effect. An appeal of this action is before the Third Circuit.

Timetable:

Action	Date	FR Cite
NPRM	10/05/01	66 FR 50991
R&O	08/05/03	68 FR 46286
Public Notice	02/19/04	69 FR 9216
FNPRM	08/09/06	71 FR 4511
Second FNPRM	08/08/07	72 FR 44539
R&O and Order on Recon.	02/21/08	73 FR 9481
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Amy Brett, Asst. Div. Chief, Industry Analysis Div., Federal Communications Commission, Media Bureau, 445 12th Street, SW., Washington, DC 20554, Phone: 202 418–2703, E-mail: *amy.brett@fcc.gov*.

RIN: 3060–AH97

369. Establishment of Rules for Digital Low Power Television, Television Translator, and Television Booster Stations (MB Docket No. 03–185)

Legal Authority: 47 U.S.C. 309; 47 U.S.C. 336

Abstract: This proceeding initiates the digital television conversion for low power television (LPTV) and television translator stations. The rules and policies adopted as a result of this proceeding provide the framework for these stations' conversion from analog to digital broadcasting. The Report and Order adopts definitions and permissible use provisions for digital TV translator and LPTV stations. The FNPRM considers the remaining issues requiring resolution in order to complete the low power television digital transition.

Timetable:

Action	Date	FR Cite
NPRM	09/26/03	68 FR 55566
NPRM Comment Period End.	11/25/03	
R&O	11/29/04	69 FR 69325
FNPRM and MO&O.	10/18/10	75 FR 63766
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Shaun Maher, Attorney Advisor, Federal Communications Commission, Mass Media Bureau, 445 12th Street, SW., Washington, DC 20554, Phone: 202 418–2324, Fax: 202 418–2827, E-mail: *shaun.maher@fcc.gov*.

RIN: 3060–AI38

370. Joint Sales Agreements in Local Television Markets (MB Docket No. 04–256)

Legal Authority: 47 U.S.C. 151 to 152(a); 47 U.S.C. 154(i); 47 U.S.C. 303; *et seq.*

Abstract: A joint sales agreement (JSA) is an agreement with a licensee of a brokered station that authorizes a broker to sell some or all of the advertising time for the brokered station in return for a fee or percentage of revenues paid to the licensee. The Commission has sought comment on whether TV JSAs should be attributed for purposes of determining compliance with the Commission's multiple ownership rules.

Timetable:

Action	Date	FR Cite
NPRM	08/26/04	69 FR 52464
NPRM Comment Period End.	09/27/04	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Amy Brett, Asst. Div. Chief, Industry Analysis Div., Federal Communications Commission, Media Bureau, 445 12th Street, SW., Washington, DC 20554, Phone: 202 418–2703, E-mail: *amy.brett@fcc.gov.*

RIN: 3060–AI55

371. Revision of Procedures Governing Amendments to FM Table of Allotments and Changes of Community of License in the Radio Broadcast Services (MB Docket No. 05–210)

Legal Authority: 47 U.S.C. 154; 47 U.S.C. 303

Abstract: The rulemaking was initiated to reduce backlog in, and streamline, the FM allotment procedures and, to a lesser extent, streamline certain procedures pertaining to AM applications. Although the Commission has made important changes to streamline the processing of radio broadcast applications, the basic procedures for amending the Table have not changed since 1982. The Notice seeks comment on a number of specific rule and procedural changes in the handling of FM and AM applications and rulemaking petitions to amend the Table. In the area of applications procedures, the Notice seeks comments on various proposals designed to encourage only bona fide proponents to submit petitions and to limit the complexity of such petitions. If these changes are adopted, it will expedite the approval and implementation on new and upgraded radio service to the public. The Report and Order adopted the proposals from the notice. Petitions for reconsideration are pending.

Timetable:

Action	Date	FR Cite
NPRM	06/22/05	70 FR 44537
NPRM Comment Period End.	10/03/05	
R&O	12/20/06	71 FR 76208
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Tom Nessinger, Attorney Advisor, Federal Communications Commission, Media Bureau, 445 12th Street, SW., Washington, DC 20554, Phone: 202 418–2709, E-mail: *thomas.nessinger@fcc.gov.*

RIN: 3060–AI63

372. Digital Television Distributed Transmission System Technologies (MB Docket No. 05–312)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i) to (j); 47 U.S.C. 157; 47 U.S.C. 301; *et seq.*

Abstract: A digital television transmission system (DTS) employs multiple synchronized transmitters spread around a station's service area. Such distributed transmitters fill in unserved areas in the parent station's coverage area. The Notice of Proposed Rulemaking (NPRM) examines issues related to the use of DTS and proposes rules for future DTS operation. The Report and Order adopts the technical and licensing rules necessary to implement DTS service.

Timetable:

Action	Date	FR Cite
NPRM	12/07/05	70 FR 72763
NPRM Comment Period End.	02/06/06	
R&O	12/05/08	73 FR 74047
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Evan Baranoff, Attorney, Policy Division, Federal Communications Commission, Media Bureau, 445 12th Street, SW., Washington, DC 20554, Phone: 202 418–2120, E-mail: *evan.baranoff@fcc.gov.*

RIN: 3060–AI68

373. Implementation of the Cable Communications Policy Act of 1984 as Amended by the Cable Television Consumer Protection and Competition Act of 1992 (MB Docket No. 05–311)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 541(a)(1); 47 U.S.C. 556(c)

Abstract: Section 621(a)(1) of the Communications Act of 1934, as amended, states in relevant part that ''a franchising authority . . . may not unreasonably refuse to award an additional competitive franchise.'' The Notice of Proposed Rulemaking (NPRM) solicits comment on implementation of section 621(a)(1)'s directive, and whether the franchising process unreasonably impedes the achievement of the interrelated Federal goals of enhanced cable competition and accelerated broadband deployment and, if so, how the Commission should act to address that problem.

The subsequent Report and Order found that certain actions by local franchising authorities constitute an unreasonable refusal to award a competitive franchise within the

meaning of section 621(a)(1). The item included a Further Notice of Proposed Rulemaking (FNPRM) seeking comment on how the findings should affect existing franchises.

In the Second Report and Order, a number of the rules promulgated in this docket are extended to incumbent cable operators.

Timetable:

Action	Date	FR Cite
NPRM	12/19/05	70 FR 73973
NPRM Comment Period End.	02/13/06	
R&O and FNPRM	03/21/07	72 FR 13230
FNPRM Comment Period End.	04/20/07	
Second R&O	11/23/07	72 FR 65670
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Holly Saurer, Attorney Advisor, Policy Division, Federal Communications Commission, Media Bureau, 445 12th Street, SW., Washington, DC 20554, Phone: 202 418–7283, Fax: 202 418–1069, E-mail: *holly.saurer@fcc.gov.*

RIN: 3060–AI69

374. Program Access Rules—Sunset of Exclusive Contracts Prohibition and Examination of Programming Tying Arrangements (MB Docket Nos. 07–29, 07–198)

Legal Authority: 47 U.S.C. 548

Abstract: The program access provisions of the Communications Act (section 628) generally prohibit exclusive contracts for satellite delivered programming between programmers in which a cable operator has an attributable interest (vertically integrated programmers) and cable operators. This limitation was set to expire on October 5, 2007, unless circumstances in the video programming marketplace indicate that an extension of the prohibition continues ''to be necessary to preserve and protect competition and diversity in the distribution of video programming.'' The October 2007 Report and Order concluded the prohibition continues to be necessary, and accordingly, retained it until October 5, 2012. The accompanying Notice of Proposed Rulemaking (NPRM) sought comment on revisions to the Commission's program access and retransmission consent rules. The associated Report and Order adopted rules to permit complainants to pursue program access claims regarding terrestrially delivered cable affiliated programming.

Timetable:

Action	Date	FR Cite
NPRM	03/01/07	72 FR 9289
NPRM Comment Period End.	04/02/07	
R&O	10/04/07	72 FR 56645
NPRM	10/31/07	72 FR 61590
NPRM Comment Period End.	11/30/07	
R&O	03/02/10	75 FR 9692
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: David Konczal, Policy Division, Media Bureau, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554, Phone: 202 418–2228, E-mail: *david.konczal@fcc.gov.*

RIN: 3060–AI87

375. Third Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television (MB Docket No. 07–91)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 154(j); 47 U.S.C. 301 to 303; 47 U.S.C. 307 to 309; 47 U.S.C. 312; 47 U.S.C. 316; 47 U.S.C. 318 and 319; 47 U.S.C. 324 and 325; 47 U.S.C. 336 and 337

Abstract: Congress has mandated that after February 17, 2009, full-power broadcast stations must transmit only in digital signals, and may no longer transmit analog signals. This proceeding is the Commission's third periodic review of the transition of the nation's broadcast television system from analog to digital television (DTV). The Commission conducts these periodic reviews in order to assess the progress of the transition and make any necessary adjustments to the Commission's rules and policies to facilitate the introduction of DTV service and the recovery of spectrum at the end of the transition. In this review, the Commission considers how to ensure that broadcasters complete construction of their final post-transition (digital) facilities by the statutory deadline.

Timetable:

Action	Date	FR Cite
NPRM	07/09/07	72 FR 37310
NPRM Comment Period End.	08/08/07	
R&O	01/30/08	73 FR 5634
Order on Clarification.	07/10/08	73 FR 39623
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Evan Baranoff, Attorney, Policy Division, Federal Communications Commission, Media Bureau, 445 12th Street, SW., Washington, DC 20554, Phone: 202 418–2120, E-mail: *evan.baranoff@fcc.gov.*

RIN: 3060–AI89

376. Broadcast Localism (MB Docket No. 04–233)

Legal Authority: 47 U.S.C. 154(i); 47 U.S.C. 303; 47 U.S.C. 532; 47 U.S.C. 536

Abstract: The concept of localism has been a cornerstone of broadcast regulation. The Commission has consistently held that as temporary trustee of the public's airwaves, broadcasters are obligated to operate their stations to serve the public interest. Specifically, broadcasters are required to air programming responsive to the needs and issues of the people in their licensed communities. The Commission opened this proceeding to seek input on a number of issues related to broadcast localism.

Timetable:

Action	Date	FR Cite
Report and NPRM	02/13/08	73 FR 8255
NPRM Comment Period End.	03/14/08	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mary Beth Murphy, Division Chief, Policy Division, Federal Communications Commission, Media Bureau, 445 12th Street, SW., Washington, DC 20554, Phone: 202 418–2132, E-mail: *marybeth.murphy@fcc.gov.*

RIN: 3060–AJ04

377. Creating a Low Power Radio Service (MM Docket No. 99–25)

Legal Authority: 47 U.S.C. 151 to 152; 47 U.S.C. 154(i); 47 U.S.C. 303; 47 U.S.C. 403; 47 U.S.C. 405

Abstract: This proceeding was initiated to establish a new noncommercial educational low power FM radio service for non-profit community organizations and public safety entities. In January 2000, the Commission adopted a Report and Order establishing two classes of LPFM stations, 100 watt (LP100) and 10 watt (LP10) facilities, with service radii of approximately 3.5 miles and 1–2 miles, respectively. The Report and Order also established ownership and eligibility rules for the LPFM service. The Commission generally restricted ownership to entities with no attributable interest in any other broadcast station or other media. To

choose among entities filing mutually exclusive applications for LPFM licenses, the Commission established a point system favoring local ownership and locally originated programming. The Report and Order imposed separation requirements for LPFM with respect to full power stations operating on co-, first- and second-adjacent and intermediate frequency (IF) channels. In December 2000, legislation was enacted that required the Commission to modify its rules to (i) prescribe LPFM station third-adjacent channel interference protection standards and (ii) prohibit any applicant from obtaining an LPFM station license if the applicant previously has engaged in the unlicensed operation of a station. In March 2001, the Commission adopted a Second Report and Order implementing this statute.

In a Further Notice issued in 2005, the Commission reexamined some of its rules governing the LPFM service, noting that the rules may need adjustment in order to ensure that the Commission maximizes the value of the LPFM service without harming the interests of full-power FM stations or other Commission licensees. The Commission sought comment on a number of issues with respect to LPFM ownership restrictions and eligibility.

The Third Report and Order resolves issues raised in the Further Notice. The accompanying Second Further Notice of Proposed Rulemaking (FNPRM) considers rule changes to avoid the potential loss of LPFM stations.

Timetable:

Action	Date	FR Cite
NPRM	02/16/99	64 FR 7577
R&O	02/15/00	65 FR 7616
MO&O and Order on Recon.	11/09/00	65 FR 67289
Second R&O	05/10/01	66 FR 23861
Second Order on Recon and FNPRM.	07/07/05	70 FR 3918
Third R&O and Second FNPRM.	01/17/08	73 FR 3202
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Peter Doyle, Chief, Audio Division, Media Bureau, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554, Phone: 202 418–2700, E-mail: *peter.doyle@fcc.gov*.

RIN: 3060–AJ07

378. Sponsorship Identification Rules and Embedded Advertising (MB Docket No. 08–90)

Legal Authority: 47 U.S.C. 154(i) and (j); 47 U.S.C. 303(r); 47 U.S.C. 303(a); 47 U.S.C. 317; 47 U.S.C. 405; 47 U.S.C. 508

Abstract: The Commission undertook this proceeding to seek comment on the relationship between the Commission's sponsorship identification rules and the increasing reliance on industry by embedded advertising techniques. Due to recent technological changes that allow consumers to more easily bypass traditional commercial content, content providers may be turning to more subtle and sophisticated means of incorporating commercial messages into programming. The NPRM will seek to determine how embedded advertising affects the efficacy of the sponsorship identification rules in protecting the public's right to know who is paying to air commercials or other programming matter on broadcast outlets and cable television systems.

Timetable:

Action	Date	FR Cite
NPRM and NOI	07/24/08	73 FR 43194
NPRM Comment Period End.	09/22/08	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brendan Murray, Attorney Advisor, Policy Division, Federal Communications Commission, Media Bureau, 445 12th Street, SW., Washington, DC 20554, Phone: 202 418–1573, E-mail: *brendan.murray@fcc.gov*.

RIN: 3060–AJ10

379. An Inquiry Into the Commission's Policies and Rules Regarding AM Radio Service Directional Antenna Performance Verification (MM Docket No. 93–177)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 303; 47 U.S.C. 308

Abstract: This proceeding is part of a streamlining initiative to simplify the Media Bureau's licensing procedures. The Report and Order in this proceeding simplified traditional proof of performance requirements for directional AM stations. The Second Report and Order further reduces regulatory burdens on AM broadcasters by permitting the use of computer modeling.

The Second Further Notice seeks comment on proposals to synchronize rules regarding tower construction near AM antennas.

Timetable:

Action	Date	FR Cite
NPRM	07/27/99	64 FR 40539
R&O	04/25/01	66 FR 20752
FNPRM	04/25/01	66 FR 20779
Second R&O	10/30/08	73 FR 64558
Second FNPRM	12/11/08	73 FR 75376
Second FNPRM Comment Period End.	01/12/09	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ann Gallagher, Audio Division, Media Bureau, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554, Phone: 202 418–2716, E-mail: *ann.gallagher@fcc.gov*.

RIN: 3060–AJ17

380. Amendment of Parts 73 and 74 of the Commission's Rules To Establish Rules for Replacement Digital Low Power Television Translator Stations (MB Docket No. 08–253)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i) and (j); 47 U.S.C. 157; 47 U.S.C. 301; 47 U.S.C. 302(a); 47 U.S.C. 303; 47 U.S.C. 307 to 309; 47 U.S.C. 312; 47 U.S.C. 316; 47 U.S.C. 318 and 319; 47 U.S.C. 324 and 325; 47 U.S.C. 336 and 337

Abstract: This proceeding was initiated to create a new digital television translator service to permit full-service television stations to continue to provide digital service to viewers within their coverage areas who have lost service as a result of the stations' digital transition.

Timetable:

Action	Date	FR Cite
NPRM	01/02/09	74 FR 61
NPRM Comment Period End.	01/12/09	
R&O	06/02/09	74 FR 26300
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Barbara A. Kreisman, Chief, Video Division, Media Bureau, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554, Phone: 202 418–1600, E-mail: *barbara.kreisman@fcc.gov*.

RIN: 3060–AJ18

381. Policies To Promote Rural Radio Service and To Streamline Allotment and Assignment Procedures (MB Docket No. 09–52)

Legal Authority: 47 U.S.C. 151 and 152; 47 U.S.C. 154(i); 47 U.S.C. 303; 47 U.S.C. 307 and 309(j)

Abstract: This proceeding was commenced to consider a number of changes to the Commission's rules and procedures to carry out the statutory goal of distributing radio service fairly and equitably, and to increase the transparency and efficiency of radio broadcast auction and licensing processes. In the NPRM, comment is sought on specific proposals regarding the procedures used to award commercial broadcast spectrum in the AM and FM broadcast bands. The accompanying Report and Order adopts rules that provide tribes a priority to obtain broadcast radio licenses in tribal communities. The Commission concurrently adopted a Further Notice of Proposed Rulemaking seeking comment on whether to extend the tribal priority to tribes that do not possess tribal land.

Timetable:

Action	Date	FR Cite
NPRM	05/13/09	74 FR 22498
NPRM Comment Period End.	07/10/09	
First R&O	03/04/10	75 FR 9797
FNPRM	03/04/10	75 FR 9856
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Peter Doyle, Chief, Audio Division, Media Bureau, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554, Phone: 202 418–2700, E-mail: *peter.doyle@fcc.gov.*

RIN: 3060–AJ23

382. Promoting Diversification of Ownership in the Broadcast Services (MB Docket No. 07–294)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 152(a); 47 U.S.C. 154(i) and (j); 47 U.S.C. 257; 47 U.S.C. 303(r); 47 U.S.C. 307 to 310; 47 U.S.C. 336; 47 U.S.C. 534 and 535

Abstract: Diversity and competition are longstanding and important Commission goals. The measures proposed, as well as those adopted in this proceeding, are intended to promote diversity of ownership of media outlets. In the Report and Order and third FNPRM, measures are enacted to increase participation in the broadcasting industry by new entrants and small businesses, including minority- and women-owned businesses. In the Report and Order and fourth FNPRM, the Commission adopts improvements to its data collection in order to obtain an accurate and comprehensive assessment of minority and female broadcast ownership in the United States. The Memorandum Opinion & Order addressed petitions for Reconsideration of the rules, and also sought comment on a proposal to expand the reporting requirements to non-attributable interests.

Timetable:

Action	Date	FR Cite
R&O	05/16/08	73 FR 28361
3rd FNPRM	05/16/08	73 FR 28400
R&O	05/27/09	74 FR 25163
4th FNPRM	05/27/09	74 FR 25305
5th NPRM (release date).	10/16/09	
MO&O	10/30/09	74 FR 56131
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Amy Brett, Asst. Div. Chief, Industry Analysis Div., Federal Communications Commission, Media Bureau, 445 12th Street, SW., Washington, DC 20554, Phone: 202 418–2703, E-mail: *amy.brett@fcc.gov.*

RIN: 3060–AJ27

383. Implementation of Section 203 of the Satellite Television Extension and Localism Act of 2010 (STELA) (MB Docket No. 10–148)

Legal Authority: 47 U.S.C. 340

Abstract: In this proceeding, the Commission modified its satellite television ''significantly viewed'' rules to implement Section 203 of the Satellite Television Extension and Localism Act of 2010 (STELA). Section 203 of the STELA amends section 340 of the Communications Act, which gives satellite carriers the authority to offer out-of-market but ''significantly viewed'' broadcast television network stations as part of their local service to subscribers.

Timetable:

Action	Date	FR Cite
NPRM	07/28/10	75 FR 44198
R&O	11/29/10	75 FR 72968
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Evan Baranoff, Attorney, Policy Division, Federal Communications Commission, Media Bureau, 445 12th Street, SW., Washington, DC 20554, Phone: 202 418–2120, E-mail: *evan.baranoff@fcc.gov.*

RIN: 3060–AJ43

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Media Bureau

Completed Actions

384. Direct Broadcast Public Interest Obligations (MM Docket No. 93–25)

Legal Authority: 47 U.S.C. 335

Abstract: The Commission adopted rules in 1998 that implement section 25 of the Cable Television Consumer Protection and Competition Act of 1992, as codified at section 335 of the Communications Act of 1934. Section 335 directs the Commission to impose certain public interest obligations on direct broadcast satellite providers.

Timetable:

Action	Date	FR Cite
NPRM	03/08/93	58 FR 12917
R&O	02/08/99	64 FR 52399
Order on Recon	04/22/04	69 FR 21761
Order on Recon	04/28/04	69 FR 23155

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Rosalee Chiara, Staff Attorney, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554, Phone: 202 418–0754, E-mail: *rchiara@fcc.gov.*

RIN: 3060–AH59

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Office of Managing Director

Long-Term Actions

385. Assessment and Collection of Regulatory Fees

Legal Authority: 47 U.S.C. 159

Abstract: Section 9 of the Communications Act of 1934, as amended, 47 U.S.C. 159, requires the FCC to recover the cost of its activities by assessing and collecting annual regulatory fees from beneficiaries of the activities.

Timetable:

Action	Date	FR Cite
NPRM	04/06/06	71 FR 17410
NPRM Comment Period End.	02/14/06	
R&O	08/02/06	71 FR 43842
NPRM	05/02/07	72 FR 24213
NPRM Comment Period End.	05/03/07	
R&O	08/16/07	72 FR 45908

Action	Date	FR Cite
FNPRM	08/16/07	72 FR 46010
FNPRM Comment Period End.	09/17/07	
NPRM	05/28/08	73 FR 30563
NPRM Comment Period End.	05/30/08	
R&O	08/26/08	73 FR 50201
FNPRM	08/26/08	73 FR 50285
FNPRM Comment Period End.	09/25/08	
2nd R&O	05/12/09	74 FR 22104
NPRM and Order	06/02/09	74 FR 26329
NPRM Comment Period End.	06/04/09	
R&O	08/11/09	74 FR 40089
NPRM	04/26/10	75 FR 21536
NPRM Comment Period End.	05/04/10	
R&O	07/19/10	75 FR 41932
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roland Helvajian, Office of the Managing Director, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554, Phone: 202 418–0444, E-mail: *roland.helvajian@fcc.gov.*

RIN: 3060–AI79

386. • Amendment of Part 1 of the Commission's Rules, Concerning Practice and Procedure, Amendment of Cores Registration System; MD Docket No. 10–234

Legal Authority: 47 U.S.C. 154(i); 47 U.S.C. 158(c)(2); 47 U.S.C. 159(c)(2); 47 U.S.C. 303(r); 5 U.S.C. 5514; 31 U.S.C. 7701(c)(1)

Abstract: This Notice of Proposed Rulemaking proposes revisions intended to make the Commission's Registration System (CORES) more feature-friendly and improve the Commission's ability to comply with various statutes that govern debt collection and the collection of personal information by the federal government. The proposed modifications to CORES partly include: Requiring entities and individuals to rely primarily upon a single FRN that may, at their discretion, be linked to subsidiary or associated accounts; allowing entities to identify multiple points of contact; eliminating some of our exceptions to the requirement that entities and individuals provide their Taxpayer Identification Number (TIN) at the time of registration; requiring FRN holders to provide their e-mail addresses; modifying CORES log-in procedures; adding attention flags and automated notices that would inform FRN holders of their financial standing before the Commission; and adding data fields to enable FRN holders to indicate their tax-exempt status and notify the Commission of pending bankruptcy proceedings.

Timetable:

Action	Date	FR Cite
NPRM	02/01/11	76 FR 5652
NPRM Comment Period End.	03/03/11	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mr. Warren Firschein, Attorney, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554, Phone: 202 418–0844, E-mail: *warren.firschein@fcc.gov.*

RIN: 3060–AJ54

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Public Safety and Homeland Security Bureau

Long-Term Actions

387. Revision of the Rules To Ensure Compatibility With Enhanced 911 Emergency Calling Systems

Legal Authority: 47 U.S.C. 134(i); 47 U.S.C. 151; 47 U.S.C. 201; 47 U.S.C. 208; 47 U.S.C. 215; 47 U.S.C. 303; 47 U.S.C. 309

Abstract: In a series of orders in several related proceedings issued since 1996, the Federal Communications Commission has taken action to improve the quality and reliability of 911 emergency services for wireless phone users. Rules have been adopted governing the availability of basic 911 services and the implementation of enhanced 911 (E911) for wireless services.

Timetable:

Action	Date	FR Cite
FNPRM	08/02/96	61 FR 40374
R&O	08/02/96	61 FR 40348
MO&O	01/16/98	63 FR 2631
Second R&O	06/28/99	64 FR 34564
Third R&O	11/04/99	64 FR 60126
Second MO&O	12/29/99	64 FR 72951
Fourth MO&O	10/02/00	65 FR 58657
FNPRM	06/13/01	66 FR 31878
Order	11/02/01	66 FR 55618
R&O	05/23/02	67 FR 36112
Public Notice	07/17/02	67 FR 46909
Order to Stay	07/26/02	
Order on Recon	01/22/03	68 FR 2914
FNPRM	01/23/03	68 FR 3214
R&O, Second FNPRM.	02/11/04	69 FR 6578
Second R&O	09/07/04	69 FR 54037
NPRM	06/20/07	72 FR 33948
NPRM Comment Period End.	09/18/07	
R&O	02/14/08	73 FR 8617
Public Notice	09/25/08	73 FR 55473
Comment Period End.	10/18/08	
Public Notice	11/18/09	74 FR 59539
Comment Period End.	12/04/09	
FNPRM	11/02/10	75 FR 67321
Order, Comment Period Extension.	01/07/11	76 FR 1126
Comment Period End.	02/18/11	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Tom Beers, Chief, Policy Division, Federal Communications Commission, Public Safety and Homeland Security Bureau, 445 12th Street, SW., Washington, DC 20554, Phone: 202 418–0952, E-mail: *tom.beers@fcc.gov.*

RIN: 3060–AG34

388. Enhanced 911 Services for Wireline

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 201; 47 U.S.C. 222; 47 U.S.C. 251

Abstract: The rules generally will assist State governments in drafting legislation that will ensure that multi-line telephone systems are compatible with the enhanced 911 network.

Timetable:

Action	Date	FR Cite
NPRM	10/11/94	59 FR 54878
FNPRM	01/23/03	68 FR 3214
Second FNPRM	02/11/04	69 FR 6595
R&O	02/11/04	69 FR 6578
Public Notice	01/13/05	70 FR 2405
Comment Period End.	03/29/05	
NOI	01/13/11	76 FR 2297
NOI Comment Period End.	03/14/11	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Tom Beers, Chief, Policy Division, Federal Communications Commission, Public Safety and Homeland Security Bureau, 445 12th Street, SW., Washington, DC 20554, Phone: 202 418–0952, E-mail: *tom.beers@fcc.gov.*

RIN: 3060–AG60

389. In the Matter of the Communications Assistance for Law Enforcement Act

Legal Authority: 47 U.S.C. 229; 47 U.S.C. 1001 to 1008

Abstract: All of the decisions in this proceeding thus far are aimed at implementation of provisions of the Communications Assistance for Law Enforcement Act.

Timetable:

Action	Date	FR Cite
NPRM	10/10/97	62 FR 63302
Order	01/13/98	63 FR 1943
FNPRM	11/16/98	63 FR 63639
R&O	01/29/99	64 FR 51462
Order	03/29/99	64 FR 14834
Second R&O	09/23/99	64 FR 51462
Third R&O	09/24/99	64 FR 51710
Order on Recon	09/28/99	64 FR 52244
Policy Statement	10/12/99	64 FR 55164
Second Order on Recon.	05/04/01	66 FR 22446
Order	10/05/01	66 FR 50841
Order on Remand	05/02/02	67 FR 21999
NPRM	09/23/04	69 FR 56976
First R&O	10/13/05	70 FR 59704
Second R&O	07/05/06	71 FR 38091
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Tom Beers, Chief, Policy Division, Federal Communications Commission, Public Safety and Homeland Security Bureau, 445 12th Street, SW., Washington, DC 20554, Phone: 202 418–0952, E-mail: *tom.beers@fcc.gov.*

RIN: 3060–AG74

390. Development of Operational, Technical, and Spectrum Requirements for Public Safety Communications Requirements

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 160; 47 U.S.C. 201 and 202; 47 U.S.C. 303; 47 U.S.C. 337(a); 47 U.S.C. 403

Abstract: This item takes steps toward developing a flexible regulatory framework to meet vital current and future public safety communications needs.

Timetable:

Action	Date	FR Cite
NPRM	10/09/97	62 FR 60199
Second NPRM	11/07/97	62 FR 60199
First R&O	11/02/98	63 FR 58645
Third NPRM	11/02/98	63 FR 58685
MO&O	11/04/99	64 FR 60123
Second R&O	08/08/00	65 FR 48393
Fourth NPRM	08/25/00	65 FR 51788
Second MO&O	09/05/00	65 FR 53641
Third MO&O	11/07/00	65 FR 66644
Third R&O	11/07/00	65 FR 66644
Fifth NPRM	02/16/01	66 FR 10660
Fourth R&O	02/16/01	66 FR 10632
MO&O	09/27/02	67 FR 61002
NPRM	11/08/02	67 FR 68079
R&O	12/13/02	67 FR 76697
NPRM	04/27/05	70 FR 21726
R&O	04/27/05	70 FR 21671
NPRM	04/07/06	71 FR 17786
NPRM	09/21/06	71 FR 55149
Ninth NPRM	01/10/07	72 FR 1201
Ninth NPRM Comment Period End.	02/26/07	
R&O and FNPRM	05/02/07	72 FR 24238
R&O and FNPRM Comment Period End.	05/23/07	
Second R&O	08/24/07	72 FR 48814
Second FNPRM	05/21/08	73 FR 29582
Third FNPRM	10/03/08	73 FR 57750
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jeff Cohen, Senior Legal Counsel, Federal Communications Commission, Public Safety and Homeland Security Bureau, 445 12th Street, SW., Washington, DC 20554, Phone: 202 418–0799, E-mail: *jeff.cohen@fcc.gov.*

RIN: 3060–AG85

391. 1998 Biennial Regulatory Review—Review of Accounts Settlement In Maritime Mobile and Maritime Mobile-Satellite Radio Services (IB Docket No. 98–96)

Legal Authority: 47 U.S.C. 154(i) and 154(j); 47 U.S.C. 201 to 205; 47 U.S.C. 303(r)

Abstract: The FCC seeks comment regarding Accounts Settlement in the Maritime Mobile and Maritime Mobile Satellite Service (MSS) Radio Services.

Timetable:

Action	Date	FR Cite
NPRM	07/24/98	63 FR 39800
FNPRM	07/28/99	64 FR 40808
R&O	07/28/99	64 FR 40774
Comment Period Extended.	09/03/99	64 FR 48337
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Timothy Peterson, Chief of Staff, PSHSB, Federal Communications Commission, Public Safety and Homeland Security Bureau, 445 12th Street, SW., Washington, DC 20554, Phone: 202 418–1575.

RIN: 3060–AH30

392. Implementation of 911 Act

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i) and 154(j); 47 U.S.C. 157; 47 U.S.C. 160; 47 U.S.C. 202; 47 U.S.C. 208; 47 U.S.C. 210; 47 U.S.C. 214; 47 U.S.C. 251(e); 47 U.S.C. 301; 47 U.S.C. 303; 47 U.S.C. 308 to 309(j); 47 U.S.C. 310

Abstract: This proceeding is separate from the Commission's proceeding on Enhanced 911 Emergency Systems (E911) in that it is intended to implement provisions of the Wireless Communications and Public Safety Act of 1999 through the promotion of public safety by the deployment of a seamless, nationwide emergency communications infrastructure that includes wireless communications services. More specifically, a chief goal of the proceeding is to ensure that all emergency calls are routed to the appropriate local emergency authority to provide assistance. The E911 proceeding goes a step further and is aimed at improving the effectiveness and reliability of wireless 911 dispatchers with additional information on wireless 911 calls.

Timetable:

Action	Date	FR Cite
Fourth R&O, Third NPRM, and NPRM.	09/19/00	65 FR 56752
Fifth R&O, First R&O, and MO&O.	01/14/02	67 FR 1643
Final Rule	01/25/02	67 FR 3621
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: David H. Siehl, Attorney, Federal Communications Commission, Public Safety and Homeland Security Bureau, 445 12th Street SW., Washington, DC 20554, Phone: 202 418–1313, Fax: 202 418–2816, E-mail: *david.siehl@fcc.gov.*

RIN: 3060–AH90

393. Commission Rules Concerning Disruptions to Communications

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 303(r)

Abstract: The Report and Order extended the Commission's disruption reporting requirements to communications providers who are not wireline carriers. The Commission also streamlined compliance with the reporting requirements through electronic filing with a ''fill in the blank'' template and by simplifying the application of that rule. In addition, the Commission delegated authority to the Chief, Office of Engineering and Technology, to make the revisions to the filing system and template necessary to improve the efficiency of reporting and

to reduce, where reasonably possible, the time for providers to prepare, and for the Commission staff to review, the communications disruption reports required to be filed. Such authority was subsequently delegated to the Chief of the Public Safety and Homeland Security Bureau. These actions will allow the Commission to obtain the necessary information regarding service disruptions in an efficient and expeditious manner and to achieve significant concomitant public interest benefits.

The Commission received nine petitions for reconsideration in this proceeding, which are pending.

The Further Notice of Proposed Rulemaking (NPRM) expands the record in the proceeding to focus specifically on the unique communications needs of airports, including wireless and satellite communications. In this regard, the Commission requested comment on the additional types of airport communications (e.g., wireless, satellite) that should be required to file service disruption reports—particularly from a homeland security and defense perspective. These types of airport communications may include, for example, communications that are provided by ARINC as well as commercial communications (e.g., air-to-ground and ground-to-air telephone communications) as well as intra-airline commercial links. The Commission also requested comment on whether the outage-reporting requirements for special facilities should be extended to cover general aviation airports (GA) and, if so, what the applicable threshold criteria should be.

Timetable:

Action	Date	FR Cite
NPRM	03/26/04	69 FR 15761
FNPRM	11/26/04	69 FR 68859
R&O	12/03/04	69 FR 70316
Announcement of Effective Date and Partial Stay.	12/30/04	69 FR 78338
Petition for Recon	02/15/05	70 FR 7737
Amendment of Delegated Authority.	02/21/08	73 FR 9462
Public Notice	08/02/10	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Lisa Fowlkes, Deputy Bureau Chief, Public Safety and Homeland Security Bureau, Federal Communications Commission, Public Safety and Homeland Security Bureau, 445 12th Street SW., Washington, DC 20554, Phone: 202 418–7452, E-mail: *lisa.fowlkes@fcc.gov*.

RIN: 3060–AI22

394. E911 Requirements For IP-Enabled Service Providers

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i) and 154(j); 47 U.S.C. 251(e); 47 U.S.C. 303(r)

Abstract: The notice seeks comment on what additional steps the Commission should take to ensure that providers of voice-over Internet protocol services that interconnect with the public switched telephone network provide ubiquitous and reliable enhanced 911 service.

Timetable:

Action	Date	FR Cite
NPRM	06/29/05	70 FR 37307
NPRM Comment Period End.	09/12/05	
NPRM	06/20/07	72 FR 33948
NPRM Comment Period End.	09/18/07	
FNPRM, NOI	11/02/10	75 FR 67321
Order, Extension of Comment Period.	01/07/11	76 FR 1126
Reply Comment Period End.	02/18/11	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Tom Beers, Chief, Policy Division, Federal Communications Commission, Public Safety and Homeland Security Bureau, 445 12th Street SW., Washington, DC 20554, Phone: 202 418–0952, E-mail: *tom.beers@fcc.gov*.

RIN: 3060–AI62

395. Recommendations of the Independent Panel Reviewing the Impact of Hurricane Katrina on Communications Networks

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 218; 47 U.S.C. 303(r)

Abstract: In the Order released June 8, 2007 (EB Docket No. 06–119 and WC Docket No. 06–63), the Commission directed the Public Safety and Homeland Security Bureau to implement several of the recommendations made by the Independent Panel reviewing the impact of Hurricane Katrina on Communications Networks (Independent Panel). The Commission also adopted rules requiring some communications providers to have emergency/backup power and requiring certain communications providers to conduct analyses and submit reports on the redundancy and resiliency of their 911 and E911 networks and/or systems. Finally, the Commission extended limited regulatory relief from Section 272 of the Communications Act of 1934, as amended, previously accorded by the Wireline Competition Bureau.

In an Order on Reconsideration released on October 4, 2007, the Commission considered six petitions for reconsideration and/or clarification of the June 2007 Order that adopted the backup power rule (section 12.2 of the Commission's rules). The Order on Reconsideration granted in part and denied in part the petitions. The Commission modified the backup power rule to address several meritorious issues raised by petitioners. This modification will facilitate carrier compliance and reduce the burden on local exchange carriers and commercial mobile radio service providers, while continuing to further important homeland security and public safety goals.

The wireless industry challenged the backup power rule in the U.S. Court of Appeals for the District of Columbia Circuit and, with some wireline providers, challenged the associated information collection before OMB. In February 2008, the Court issued a stay of the rule pending appeal, and, on July 8, 2008, the Court issued an order holding its decision on the challenge to the backup power rule in abeyance pending action by OMB on the information collection associated with the revised rule. In November 2008, OMB rejected the information collection.

As a result of the actions by the Court and OMB, the backup power rule has never gone into effect. In December 2008, the FCC's Office of General Counsel requested that the Court dismiss the pending appeals of the backup power rule and informed the Court that the Commission plans to issue an NPRM to develop a revised rule. On July 31, 2009, the Court dismissed the petitions for review as moot and ordered that the backup power rule by vacated and this mandate was issued until September 18, 2009.

Timetable:

Action	Date	FR Cite
NPRM	07/07/06	71 FR 38564
NPRM Comment Period End.	08/07/06	
Order	07/11/07	72 FR 37655
Delay of Effective Date of Rule.	08/10/07	72 FR 44978
Petitions for Recon.	08/20/07	72 FR 46485
Order on Recon	10/11/07	72 FR 57879

Action	Date	FR Cite
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Lisa Fowlkes, Deputy Bureau Chief, Public Safety and Homeland Security Bureau, Federal Communications Commission, Public Safety and Homeland Security Bureau, 445 12th Street SW., Washington, DC 20554, Phone: 202 418–7452, E-mail: *lisa.fowlkes@fcc.gov*.

RIN: 3060–AI78

396. Stolen Vehicle Recovery System (SVRS)

Legal Authority: 47 U.S.C. 151 and 152; 47 U.S.C. 154(i); 47 U.S.C. 301 to 303

Abstract: The Report and Order amends 47 CFR 90.20(e)(6) governing stolen vehicle recovery system operations at 173.075 MHz, by increasing the radiated power limit for narrowband base stations; increasing the power output limit for narrowband base stations; increasing the power output limit for narrowband mobile transceivers; modifying the base station duty cycle; increasing the tracking duty cycle for mobile transceivers; and retaining the requirement for TV channel 7 interference studies and that such studies must be served on TV channel 7 stations.

Timetable:

Action	Date	FR Cite
NPRM	08/23/06	71 FR 49401
NPRM Comment Period End.	10/10/06	
R&O	10/14/08	73 FR 60631
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Zenji Nakazawa, Assoc. Chief, Policy Division, Federal Communications Commission, Public Safety and Homeland Security Bureau, 445 12th Street SW., Washington, DC 20554, Phone: 202 418–7949, E-mail: *zenji.nakazaw@fcc.gov*.

RIN: 3060–AJ01

397. Commercial Mobile Alert System

Legal Authority: Pub. L. 109–347 title VI; EO 13407; 47 U.S.C. 151; 47 U.S.C. 154(i)

Abstract: In the Notice of Proposed Rulemaking (NPRM), the Commission initiated a comprehensive rulemaking to establish a commercial mobile alert system under which commercial mobile service providers may elect to transmit emergency alerts to the public. The Commission has issued three orders adopting CMAS rules as required by statute. Issues raised in an FNPRM regarding testing requirements for non-commercial educational and public broadcast television stations remain outstanding.

Timetable:

Action	Date	FR Cite
NPRM	01/03/08	73 FR 545
NPRM Comment Period End.	02/04/08	
First R&O	07/24/08	73 FR 43009
Second R&O	08/14/08	73 FR 47550
FNPRM	08/14/08	73 FR 47568
FNPRM Comment Period End.	09/15/08	
Third R&O	09/22/08	73 FR 54511
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Lisa Fowlkes, Deputy Bureau Chief, Public Safety and Homeland Security Bureau, Federal Communications Commission, Public Safety and Homeland Security Bureau, 445 12th Street SW., Washington, DC 20554, Phone: 202 418–7452, E-mail: *lisa.fowlkes@fcc.gov*.

RIN: 3060–AJ03

398. Emergency Alert System

Legal Authority: 47 U.S.C. 151 and 152; 47 U.S.C. 154(i) and 154(o); 47 U.S.C. 301 ; 47 U.S.C. 393(r) and 303(v); 47 U.S.C. 307 and 309; 47 U.S.C. 335 and 403; 47 U.S.C. 544(g); 47 U.S.C. 606 and 615

Abstract: This revision of 47 CFR part 11 provides for national-level testing of the Emergency Alert System.

Timetable:

Action	Date	FR Cite
NPRM	01/12/10	75 FR 4760
NPRM Comment Period End.	03/30/10	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Eric Ehrenreich, Attorney Advisor, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554, Phone: 202 418–1726, E-mail: *eric.ehrenreich@fcc.gov*.

RIN: 3060–AJ33

399. • Wireless E911 Location Accuracy Requirements; PS Docket No. 07–114

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 332

Abstract: Related to the proceedings in which the FCC has previously acted to improve the quality of all emergency services, this action requires wireless carriers to take steps to provide more specific automatic location information in connection with 911 emergency calls to Public Safety Answering Points (PSAPs) in areas where wireless carriers have not done so in the past. Wireless licensees must now satisfy amended Enhanced 911 location accuracy standards at either a county-based or a PSAP-based geographic level.

Timetable:

Action	Date	FR Cite
NPRM	06/20/07	72 FR 33948
NPRM Comment Period End.	07/11/07	
R&O	02/14/08	73 FR 8617
Public Notice	09/25/08	73 FR 55473
Comment Period End.	10/14/08	
Public Notice	11/18/09	74 FR 59539
Comment Period End.	12/04/09	
2nd R&O	11/18/10	75 FR 70604
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Tom Beers, Chief, Policy Division, Federal Communications Commission, Public Safety and Homeland Security Bureau, 445 12th Street, SW., Washington, DC 20554, Phone: 202 418–0952, E-mail: *tom.beers@fcc.gov*.

RIN: 3060–AJ52

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Wireless Telecommunications Bureau

Long-Term Actions

400. Implementation of the Communications Act, Amendment of the Commission's Rules—Broadband PCS Competitive Bidding and the Commercial Mobile Radio Service Spectrum Cap

Legal Authority: 47 U.S.C. 154(i); 47 U.S.C. 301 and 302; 47 U.S.C. 303(r); 47 U.S.C. 309(j); 47 U.S.C. 332

Abstract: NPRM to modify the competitive bidding rules for the Broadband PCS F Block. Report and Order, adopted June 21, 1996, modified the PCS/cellular rule and the cellular spectrum cap.

Timetable:

Action	Date	FR Cite
O on Recon of Fifth MO&O and D, E, & F R&O.	11/15/00	65 FR 68927
Final Rule	03/02/01	66 FR 13022
Final Rule	06/04/01	66 FR 29911
Third NPRM	08/27/04	69 FR 52632
Third NPRM Comment Period Extended.	10/04/04	69 FR 59166
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Audrey Bashkin, Staff Attorney, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554, Phone: 202 418–7535, E-mail: *abashkin@fcc.gov*.

RIN: 3060–AG21

401. Service Rules for the 746 to 764 and 776 to 794 MHZ Bands, and Revisions to the Commission's Rules

Legal Authority: 47 U.S.C. 1; 47 U.S.C. 4(i); 47 U.S.C. 7; 47 U.S.C. 10; 47 U.S.C. 201 and 202; 47 U.S.C. 208; 47 U.S.C. 214; 47 U.S.C. 301; 47 U.S.C. 303; 47 U.S.C. 307 and 308; 47 U.S.C. 309(j) and 309(k); 47 U.S.C. 310 and 311; 47 U.S.C. 315; 47 U.S.C. 317; 47 U.S.C. 324; 47 U.S.C. 331 and 332; 47 U.S.C. 336

Abstract: The Report and Order in this proceeding adopts service rules for licensing and auction of commercial services in spectrum in the 700 MHz band to be vacated by UHF television licensees.

Timetable:

Action	Date	FR Cite
NPRM	07/07/99	64 FR 36686
R&O	01/20/00	65 FR 3139
Second R&O	04/04/00	65 FR 17594
MO&O and FNPRM.	07/12/00	65 FR 42879
Second MO&O	02/06/01	66 FR 9035
Third R&O	02/14/01	66 FR 10204
Second MO&O	02/15/01	66 FR 10374
Order on Recon of Third R&O.	10/10/01	66 FR 51594
Third MO&O and Order.	07/30/02	67 FR 49244
Second FNPRM	05/21/08	73 FR 29582
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: William Huber, Attorney Advisor, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street, SW., Washington, DC 20554, Phone: 202 418–2109, Fax: 202 418–0890, E-mail: *whuber@fcc.gov*.

RIN: 3060–AH32

402. Amendment of Parts 13 and 80 of the Commission's Rules Governing Maritime Communications

Legal Authority: 47 U.S.C. 302 to 303

Abstract: This matter concerns the amendment of the rules governing maritime communications in order to consolidate, revise and streamline the regulations as well as address new international requirements and improve the operational ability of all users of marine radios.

Timetable:

Action	Date	FR Cite
NPRM	03/24/00	65 FR 21694
NPRM	08/17/00	65 FR 50173
NPRM	05/17/02	67 FR 35086
Report & Order	08/07/03	68 FR 46957
Second R&O, Sixth R&O, Second FNPRM.	04/06/04	69 FR 18007
Comments Due	06/07/04	
Reply Comments Due.	07/06/04	
Second R&O and Sixth R&O.	11/08/04	69 FR 64664
NPRM	11/08/06	71 FR 65447
Final Action	01/25/08	73 FR 4475
Petition for Reconsideration.	03/18/08	73 FR 14486
4th R&O [Release Date].	06/10/10	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jeff Tobias, Attorney Advisor, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554, Phone: 202 418–0680, E-mail: *jeff.tobias@fcc.gov*.

RIN: 3060–AH55

403. Competitive Bidding Procedures

Legal Authority: 47 U.S.C. 154; 47 U.S.C. 301 to 303; 47 U.S.C. 309; 47 U.S.C. 332

Abstract: This proceeding proposes resumption of installment payments for broadband Personal Communications Services (PCS), for example, for C and F Block, with payment deadline to be reinstated as of March 31, 1998. The proposal contemplates, inter alia, changes to the FCC's C Block rules to govern re-auction of surrendered spectrum in the C Block. The proposal was released on October 16, 1997, and published in the **Federal Register**.

Timetable:

Action	Date	FR Cite
Second R&O	10/24/97	62 FR 55348
FNPRM	10/24/97	62 FR 55375
Order on Recon of Second R&O.	04/08/98	63 FR 17111
Fourth R&O	09/23/98	63 FR 50791
Second Order on Recon of Second R&O.	05/18/99	64 FR 26887
Recon of Fourth R&O.	03/16/00	65 FR 14213
FNPRM	06/13/00	65 FR 37092
Sixth R&O and Order on Recon.	09/05/00	65 FR 53620
Order on Recon	02/12/01	66 FR 9773
Final Rule	07/21/03	68 FR 42984
Final Rule	09/30/05	70 FR 57183
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Audrey Bashkin, Staff Attorney, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554, Phone: 202 418–7535, E-mail: *abashkin@fcc.gov*.

RIN: 3060–AH57

404. Reexamination of Roaming Obligations of Commercial Mobile Radio Service Providers

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 152(n); 47 U.S.C. 154(i) and 154(j); 47 U.S.C. 201(b); 47 U.S.C. 251(a); 47 U.S.C. 253; 47 U.S.C. 303(r); 47 U.S.C. 332(c)(1)(B); 47 U.S.C. 309

Abstract: This rulemaking considers whether the Commission should adopt an automatic roaming rule for voice services for Commercial Mobile Radio Services and whether the Commission should adopt a roaming rule for mobile data services.

Timetable:

Action	Date	FR Cite
NPRM	11/21/00	65 FR 69891
NPRM	09/28/05	70 FR 56612
NPRM	01/19/06	71 FR 3029
FNPRM	08/30/07	72 FR 50085
Final Rule	08/30/07	72 FR 50064
Final Rule	04/28/10	75 FR 22263
FNPRM	04/28/10	75 FR 22338
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Peter Trachtenberg, Assoc. Div. Chief SCPD, WTB, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554, Phone: 202 418–7369, E-mail: *peter.trachtenberg@fcc.gov*.

Christina Clearwater, Asst. Div. Chief, SCPD, WTB, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th

Street SW., Washington, DC 20554, Phone: 202 418–1893, E-mail: *christina.clearwater@fcc.gov*.

RIN: 3060–AH83

405. Facilitating the Provision of Spectrum-Based Services to Rural Areas

Legal Authority: Not Yet Determined

Abstract: This rulemaking will facilitate the provision of spectrum-based services to rural areas.

Timetable:

Action	Date	FR Cite
NPRM	11/12/03	68 FR 64050
NPRM Comment Period End.	01/26/04	
NPRM	12/15/04	69 FR 75174
NPRM Comment Period End.	01/14/05	
Final Rule	12/15/04	69 FR 75144
Final Rule	04/27/05	70 FR 21652
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Paul D'Ari, Spectrum and Competition Policy Division, Wireless Bureau, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, Phone: 202 418–1550, Fax: 202 418–7447, E-mail: *paul.dari@fcc.gov*.

RIN: 3060–AI31

406. Improving Public Safety Communications in the 800 MHZ Band Industrial/Land Transportation and Business Channels

Legal Authority: 47 U.S.C. 154(i); 47 U.S.C. 303(f); 47 U.S.C. 303(r); 47 U.S.C. 332

Abstract: The Commission seeks to improve public safety communications in the 800 MHz band and consolidate the 800 MHz Industrial/Land Transportation and Business Pool channels.

Timetable:

Action	Date	FR Cite
NPRM	04/05/02	67 FR 16351
NPRM Comment Period End.	05/06/02	
Final Rule	08/19/02	67 FR 53754
Proposed Rule	02/10/03	68 FR 6687
Final Rule	11/22/04	69 FR 67823
Final Rule	11/22/04	69 FR 67853
Final Rule	02/08/05	70 FR 6750
Final Rule	02/08/05	70 FR 6761
Final Rule	04/06/05	70 FR 17327
Notice	06/15/05	70 FR 34764
Final Rule	09/28/05	70 FR 56583
Notice	10/26/05	70 FR 61823
Final Rule	12/28/05	70 FR 76704
Proposed Rule	09/21/06	71 FR 55149
Clarification	06/20/07	72 FR 33914
Final Rule	07/20/07	72 FR 39756
Final Rule; Correction.	09/28/07	72 FR 54847
Notice	09/28/07	72 FR 55208
Final Rule; Clarification.	10/05/07	72 FR 56923
Petition for Recon	10/01/07	72 FR 55772
Proposed Rule	11/13/07	72 FR 63869
Petition for Recon	11/14/07	72 FR 65734
Proposed Rule	03/31/08	73 FR 16822
Final Rule	06/13/08	73 FR 33728
Proposed Rule	07/13/08	73 FR 40274
Petition for Recon	07/28/08	73 FR 4375
Final Rule	11/17/08	73 FR 67794
Final Rule	02/06/09	74 FR 6235
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael Wilhelm, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554, Phone: 202 418–0870, E-mail: *michael.wilhelm@fcc.gov.*

RIN: 3060–AI34

407. Review of Part 87 of the Commission's Rules Concerning Aviation (WT Docket No. 01–289)

Legal Authority: 47 U.S.C. 154; 47 U.S.C. 303; 47 U.S.C. 307(e)

Abstract: This proceeding is intended to streamline, consolidate and revise our part 87 rules governing the Aviation Radio Service. The rule changes are designed to ensure these rules reflect current technological advances.

Timetable:

Action	Date	FR Cite
NPRM	10/16/01	66 FR 64785
NPRM Comment Period End.	03/14/02	
R&O and FNPRM	10/16/03	
FNPRM	04/12/04	69 FR 19140
FNPRM Comment Period End.	07/12/04	
R&O	06/14/04	69 FR 32577
NPRM	12/06/06	71 FR 70710
NPRM Comment Period End.	03/06/07	
Final Rule	12/06/06	71 FR 70671
3rd R&O [Release Date].	06/15/10	
Stay Order (Release Date).	01/11/11	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jeff Tobias, Attorney Advisor, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street, SW., Washington, DC 20554, Phone: 202 418–0680, E-mail: *jeff.tobias@fcc.gov.*

RIN: 3060–AI35

408. Implementation of the Commercial Spectrum Enhancement Act (CSEA) and Modernization of the Commission's Competitive Bidding Rules and Procedures (WT Docket No. 05–211)

Legal Authority: 15 U.S.C. 79; 47 U.S.C. 151; 47 U.S.C. 154(i) and (j); 47 U.S.C. 155; 47 U.S.C. 155(c); 47 U.S.C. 157; 47 U.S.C. 225; 47 U.S.C. 303(r); 47 U.S.C. 307; 47 U.S.C. 309; 47 U.S.C. 309(j); 47 U.S.C. 325(e); 47 U.S.C. 334; 47 U.S.C. 336; 47 U.S.C. 339; 47 U.S.C. 554

Abstract: This proceeding implements rules and procedures needed to comply with the recently enacted Commercial Spectrum Enhancement Act (CSEA). It establishes a mechanism for reimbursing federal agencies out of spectrum auction proceeds for the cost of relocating their operations from certain ''eligible frequencies'' that have been reallocated from Federal to non-Federal use. It also seeks to improve the Commission's ability to achieve Congress's directives with regard to designated entities and to ensure that, in accordance with the intent of Congress, every recipient of its designated entity benefits is an entity that uses its licenses to directly provide facilities-based telecommunications services for the benefit of the public.

Timetable:

Action	Date	FR Cite
NPRM	06/14/05	70 FR 43372
NPRM Comment Period End.	08/26/05	
Declaratory Ruling	06/14/05	70 FR 43322
R&O	01/24/06	71 FR 6214
FNPRM	02/03/06	71 FR 6992
FNPRM Comment Period End.	02/24/06	
Second R&O	04/25/06	71 FR 26245
Order on Recon of Second R&O.	06/02/06	71 FR 34272
NPRM	06/21/06	71 FR 35594
NPRM Comment Period End.	08/21/06	
Reply Comment Period End.	09/19/06	
Second Order and Recon of Second R&O.	04/04/08	73 FR 18528
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kelly Quinn, Assistant Chief, Auctions and Spectrum Access Division, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554, Phone: 202 418–7384, E-mail: *kelly.quinn@fcc.gov.*

RIN: 3060–AI88

409. Facilitating the Provision of Fixed and Mobile Broadband Access, Educational and Other Advanced Services in the 2150–2162 and 2500–2690 MHZ Bands

Legal Authority: 47 U.S.C. 154; 47 U.S.C. 301 to 303; 47 U.S.C. 307; 47 U.S.C. 309; 47 U.S.C. 332; 47 U.S.C. 336 and 337

Abstract: The Commission seeks comment on whether to assign Educational Broadband Service (EBS) spectrum in the Gulf of Mexico. It also seeks comment on how to license unassigned and available EBS spectrum. Specifically, we seek comment on whether it would be in the public interest to develop a scheme for licensing unassigned EBS spectrum that avoids mutual exclusivity; we ask whether EBS eligible entities could participate fully in a spectrum auction; we seek comment on the use of small business size standards and bidding credits for EBS if we adopt a licensing scheme that could result in mutually exclusive applications; we seek comment on the proper market size and size of spectrum blocks for new EBS licenses; and we seek comment on issuing one license to a State agency designated by the Governor to be the spectrum manager, using frequency coordinators to avoid mutually exclusive EBS applications, as well as other alternative licensing schemes. The Commission must develop a new licensing scheme for EBS in order to achieve the Commission's goal of facilitating the development of new and innovative wireless services for the benefit of students throughout the nation.

Timetable:

Action	Date	FR Cite
NPRM	04/02/03	68 FR 34560
NPRM Comment Period End.	09/08/03	
FNPRM	07/29/04	69 FR 72048
FNPRM Comment Period End.	01/10/03	
R&O	07/29/04	69 FR 72020
MO&O	04/27/06	71 FR 35178
FNPRM	03/20/08	73 FR 26067
FNPRM Comment Period End.	07/07/08	
MO&O	03/20/08	73 FR 26032
MO&O	09/28/09	74 FR 49335
FNPRM	09/28/09	74 FR 49356
FNPRM Comment Period End.	10/13/09	
R&O	06/03/10	75 FR 33729
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John Schauble, Deputy Chief, Broadband Division, WTB, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554, Phone: 202 418–0797, E-mail: *john.schauble@fcc.gov.*

RIN: 3060–AJ12

410. Amendment of the Rules Regarding Maritime Automatic Identification Systems (WT Docket No. 04–344)

Legal Authority: 47 U.S.C. 154; 47 U.S.C. 302(a); 47 U.S.C. 303; 47 U.S.C. 306; 47 U.S.C. 307(e); 47 U.S.C. 332; 47 U.S.C. 154(i); 47 U.S.C. 161

Abstract: This action adopts additional measures for domestic implementation of Automatic Identification Systems (AIS), an advanced marine vessel tracking and navigation technology that can significantly enhance our nation's homeland security as well as maritime safety.

Timetable:

Action	Date	FR Cite
Final Rule	01/29/09	74 FR 5117
Final Rule Effective.	03/02/09	
Petition for Recon	04/03/09	74 FR 15271
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jeff Tobias, Attorney Advisor, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street, SW., Washington, DC 20554, Phone: 202 418–0680, E-mail: *jeff.tobias@fcc.gov.*

RIN: 3060–AJ16

411. Service Rules for Advanced Wireless Services in the 2155–2175 MHZ Band

Legal Authority: 47 U.S.C. 151 and 152; 47 U.S.C. 154(i); 47 U.S.C. 157; 47 U.S.C. 160; 47 U.S.C. 201; 47 U.S.C. 214; 47 U.S.C. 301

Abstract: This proceeding explores the possible uses of the 2155–2175 MHz frequency band (AWS–3) to support the introduction of new advanced wireless services, including third generations as well as future generations of wireless systems. Advanced wireless systems could provide for a wide range of voice data and broadband services over a variety of mobile and fixed networks.

The Notice of Proposed Rulemaking (NPRM) sought comment on what service rules should be adopted in the AWS–3 band. We requested comment on rules for licensing this spectrum in a manner that will permit it to be fully and promptly utilized to bring advanced wireless services to American consumers. Our objective is to allow for the most effective and efficient use of the spectrum in this band, while also encouraging development of robust wireless broadband services. We proposed to apply our flexible, market-oriented rules to the band in order to meet this objective.

Thereafter, the Commission released a Further Notice of Proposed Rulemaking (FNPRM), seeking comment on the Commission's proposed AWS–3 rules, which include adding 5 megahertz of spectrum (2175–80 MHz) to the AWS–3 band, and requiring licensees of that spectrum to provide—using up to 25 percent of its wireless network capacity—free, two-way broadband Internet service at engineered data rates of at least 768 kbps downstream.

Timetable:

Action	Date	FR Cite
NPRM	11/14/07	72 FR 64013
NPRM Comment Period End.	01/14/08	
FNPRM	06/25/08	73 FR 35995
FNPRM Comment Period End.	08/11/08	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Peter Daronco, Associate Div. Chief, Broadband Div., Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street, SW., Washington, DC 20554, Phone: 202 418–7235, E-mail: *peter.daronco@fcc.gov.*

RIN: 3060–AJ19

412. Service Rules for Advanced Wireless Services in the 1915 to 1920 MHZ, 1995 to 2000 MHZ, 2020 to 2025 MHZ, and 2175 to 2180 MHZ Bands

Legal Authority: 47 U.S.C. 151 and 152; 47 U.S.C. 154(i); 47 U.S.C. 157; 47 U.S.C. 160; 47 U.S.C. 201; 47 U.S.C. 214; 47 U.S.C. 301; . . .

Abstract: This proceeding explores the possible uses of the 1915–1920 MHz, 1995–2000 MHz, 2020–2025 MHz, and 2175–2180 MHz Bands (collectively AWS–2) to support the introduction of new advanced wireless services, including third generations as well as future generations of wireless systems. Advanced wireless systems could provide for a wide range of voice data and broadband services over a variety of mobile and fixed networks.

The Notice of Proposed Rulemaking (NPRM) sought comment on what service rules should be adopted in the AWS–2 band. We requested comment on rules for licensing this spectrum in a manner that will permit it to be fully

and promptly utilized to bring advanced wireless services to American consumers. Our objective is to allow for the most effective and efficient use of the spectrum in this band, while also encouraging development of robust wireless broadband services.

Thereafter, the Commission released a Further Notice of Proposed Rulemaking (FNPRM), seeking comment on the Commission's proposed rules for the 1915–1920 MHz and 1995–2000 MHz bands. In addition, the Commission proposed to add 5 megahertz of spectrum (2175–80 MHz band) to the 2155–2175 MHz band, and would require the licensee of the 2155–2180 MHz band to provide—using up to 25 percent of its wireless network capacity—free, two-way broadband Internet service at engineered data rates of at least 768 kbps downstream.

Timetable:

Action	Date	FR Cite
NPRM	11/02/04	69 FR 63489
NPRM Comment Period End.	01/24/05	
FNPRM	06/25/08	73 FR 35995
FNPRM Comment Period End.	08/11/08	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Peter Daronco, Associate Div. Chief, Broadband Div., Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street, SW., Washington, DC 20554, Phone: 202 418–7235, E-mail: *peter.daronco@fcc.gov*.

RIN: 3060–AJ20

413. Rules Authorizing the Operation of Low Power Auxiliary Stations in the 698–806 MHZ Band, WT Docket No. 08–166; Public Interest Spectrum Coalition, Petition for Rulemaking Regarding Low Power Auxiliary

Legal Authority: 47 U.S.C. 151 and 152; 47 U.S.C. 154(i) and 154(j); 47 U.S.C. 301 and 302(a); 47 U.S.C. 303; 47 U.S.C. 303(r); 47 U.S.C. 304; 47 U.S.C. 307 to 309; 47 U.S.C. 316; 47 U.S.C. 332; 47 U.S.C. 336 and 337

Abstract: In the Notice of Proposed Rulemaking and Order, to facilitate the DTV transition the Commission tentatively concludes to amend its rules to make clear that the operation of low power auxiliary stations within the 700 MHz Band will no longer be permitted after the end of the DTV transition. The Commission also tentatively concludes to prohibit the manufacture, import, sale, offer for sale, or shipment of devices that operate as low power auxiliary stations in the 700 MHz Band. In addition, for those licensees that have obtained authorizations to operate low power auxiliary stations in spectrum that includes the 700 MHz Band beyond the end of the DTV transition, the Commission tentatively concludes that it will modify these licenses so as not to permit such operations in the 700 MHz Band after February 17, 2009. The Commission also seeks comment on issues raised by the Public Interest Spectrum Coalition (PISC) in its informal complaint and petition for rulemaking.

The Commission also imposes a freeze on the filing of new license applications that seek to operate on any 700 MHz Band frequencies (698–806 MHz) after the end of the DTV transition, February 17, 2009, as well as on granting any request for equipment authorization of low power auxiliary station devices that would operate in any of the 700 MHz Band frequencies. The Commission also holds in abeyance, until the conclusion of this proceeding, any pending license applications and equipment authorization requests that involve operation of low power auxiliary devices on frequencies in the 700 MHz Band after the end of the DTV transition.

On January 15, 2010, the Commission released a Report and Order that prohibits the distribution and sale of wireless microphones that operate in the 700 MHz Band (698–806 MHz, channels 52–69) and includes a number of provisions to clear these devices from that band. These actions help complete an important part of the DTV transition by clearing the 700 MHz Band to enable the rollout of communications services for public safety and the deployment of next generation wireless devices.

On January 15, 2010, the Commission also released a Further Notice of Proposed Rulemaking seeking comment on the operation of low power auxiliary stations, including wireless microphones, in the core TV bands (channels 2–51, excluding channel 37). Among the issues the Commission is considering in the Further Notice are revisions to its rules to expand eligibility for licenses to operate wireless microphones under part 74; the operation of wireless microphones on an unlicensed basis in the core TV bands under part 15; technical rules to apply to low power wireless audio devices, including wireless microphones, operating in the core TV bands on an unlicensed basis under part 15 of the rules; and long term solutions to address the operation of wireless microphones and the efficient use of the core TV spectrum.

Timetable:

Action	Date	FR Cite
NPRM	09/03/08	73 FR 51406
NPRM Comment Period End.	10/20/08	
R&O	01/22/10	75 FR 3622
FNPRM	01/22/10	75 FR 3682
FNPRM Comment Period End.	03/22/10	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: G. William Stafford, Attorney, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554, Phone: 202 418–0563, Fax: 202 418–3956, E-mail: *bill.stafford@fcc.gov*.

RIN: 3060–AJ21

414. Amendment of the Commission's Rules To Improve Public Safety Communications in the 800 MHZ Band, and To Consolidate the 800 MHZ and 900 MHZ Business and Industrial/Land Transportation Pool Channels

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 303; 47 U.S.C. 309; 47 U.S.C. 332

Abstract: This action adopts rules that retain the current site-based licensing paradigm for the 900 MHz B/ILT ''white space''; adopts interference protection rules applicable to all licensees operating in the 900 MHz B/ILT spectrum; and lifts, on a rolling basis, the freeze placed on applications for new 900 MHz B/ILT licenses in September 2004—the lift being tied to the completion of rebanding in each 800 MHz National Public Safety Planning Advisory Committee (NPSPAC) region.

Timetable:

Action	Date	FR Cite
NPRM	03/18/05	70 FR 13143
NPRM Comment Period End.	06/12/05	70 FR 23080
Final Rule	12/16/08	73 FR 67794
Petition for Recon	03/12/09	74 FR 10739
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael Connelly, Attorney Advisor, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street, SW., Washington, DC 20554, Phone: 202 418–0132, E-mail: *michael.connelly@fcc.gov*.

RIN: 3060–AJ22

415. Amendment of Part 101 To Accommodate 30 MHZ Channels in the 6525–6875 MHZ Band and Provide Conditional Authorization on Channels in the 21.8–22.0 and 23.0–23.2 GHZ Band (WT Docket No. 04–114)

Legal Authority: 47 U.S.C. 151 and 152; 47 U.S.C. 154(i); 47 U.S.C. 157; 47 U.S.C. 160; 47 U.S.C. 201; 47 U.S.C. 214; 47 U.S.C. 301 to 303; 47 U.S.C. 307 to 310; 47 U.S.C. 319; 47 U.S.C. 324; 47 U.S.C. 332 and 333

Abstract: The Commission seeks comments on modifying its rules to authorize channels with bandwidths of as much as 30 MHz in the 6525–6875 MHz band. We also propose to allow conditional authorization on additional channels in the 21.8–22.0 and 23.0–23.2 GHz bands.

Timetable:

Action	Date	FR Cite
NPRM	06/29/09	74 FR 36134
NPRM Comment Period End.	07/22/09	
R&O	06/11/10	75 FR 41767
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John Schauble, Deputy Chief, Broadband Division, WTB, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554, Phone: 202 418–0797, E-mail: *john.schauble@fcc.gov*.

RIN: 3060–AJ28

416. In the Matter of Service Rules for the 698 to 746, 747 to 762 and 777 to 792 MHZ Bands

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 303(r); 47 U.S.C. 309

Abstract: This is one of several docketed proceedings involved in the establishment of rules governing wireless licenses in the 698–806 MHz Band (the 700 MHz Band). This spectrum is being vacated by television broadcasters in TV Channels 52–69. It is being made available for wireless services, including public safety and commercial services, as a result of the digital television (DTV) transition. This docket has to do with service rules for the commercial services, and is known as the 700 MHz Commercial Services proceeding.

Timetable:

Action	Date	FR Cite
NPRM	08/03/06	71 FR 48506
NPRM	09/20/06	
FNPRM	05/02/07	72 FR 24238
FNPRM Comment Period End.	05/23/07	
R&O	07/31/07	72 FR 48814
Order on Recon	09/24/07	72 FR 56015
Second FNPRM	05/14/08	73 FR 29582
Second FNPRM Comment Period End.	06/20/08	
Third FNPRM	09/05/08	73 FR 57750
Third FNPRM Comment Period End.	11/03/08	
Second R&O	02/20/09	74 FR 8868
Final Rule	03/04/09	74 FR 8868
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Paul D'Ari, Spectrum and Competition Policy Division, Wireless Bureau, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554, Phone: 202 418–1550, Fax: 202 418–7447, E-mail: *paul.dari@fcc.gov*.

RIN: 3060–AJ35

417. National Environmental Act Compliance for Proposed Tower Registrations; In the Matter of Effects on Migratory Birds

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 303(q); 47 U.S.C. 303(r); 47 U.S.C. 309(g); 42 U.S.C. 4321 *et seq.*

Abstract: On April 14, 2009, American Bird Conservancy, Defenders of Wildlife, and National Audubon Society filed a Petition for Expedited Rulemaking and Other Relief. The petitioners request that the Commission adopt on an expedited basis a variety of new rules, which they assert are necessary to comply with environmental statutes and their implementing regulations. This proceeding addresses the Petition for Expedited Rulemaking and Other Relief.

Timetable:

Action	Date	FR Cite
NPRM	11/22/06	71 FR 67510
NPRM Comment Period End.	02/20/07	
New NPRM Comment Period End.	05/23/07	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jeff Steinberg, Deputy Chief, Spectrum and Competition Div, WTB, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street, SW., Washington, DC 20554, Phone: 202 418–0896.

RIN: 3060–AJ36

418. Amendment of Part 90 of the Commission's Rules

Legal Authority: 47 U.S.C. 154; 47 U.S.C. 303

Abstract: This proceeding considers rule changes impacting miscellaneous part 90 Private Land Mobile Radio rules.

Timetable:

Action	Date	FR Cite
NPRM	06/13/07	72 FR 32582
FNPRM	04/14/10	75 FR 19340
Order on Recon (Release Date).	06/07/10	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Rodney P Conway, Engineer, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street, SW., Washington, DC 20554, Phone: 202 418–2904, Fax: 202 418–1944, E-mail: *rodney.conway@fcc.gov*.

RIN: 3060–AJ37

419. Amendment of Part 101 of the Commission's Rules for Microwave Use and Broadcast Auxiliary Service Flexibility

Legal Authority: 47 U.S.C. 151 and 152; 47 U.S.C. 154 (i) and 157; 47 U.S.C. 160 and 201; 47 U.S.C. 214; 47 U.S.C. 301 to 303; 47 U.S.C. 307 to 310; 47 U.S.C. 319 and 324; 47 U.S.C. 332 and 333

Abstract: In this document, the Commission commences a proceeding to remove regulatory barriers to the use of spectrum for wireless backhaul and other point-to-point and point-to-multipont communications.

Timetable:

Action	Date	FR Cite
NPRM	08/05/10	75 FR 52185
NPRM Comment Period End.	11/22/10	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John Schauble, Deputy Chief, Broadband Division, WTB, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, Phone: 202 418–0797, E-mail: *john.schauble@fcc.gov*.

RIN: 3060–AJ47

420. 2004 and 2006 Biennial Regulatory Reviews—Streamlining and Other Revisions of the Commission's Rules Governing Construction, Marking, and Lighting of Antenna Structures

Legal Authority: 47 U.S.C. 154(i)–(j) and 161; 47 U.S.C. 303(q)

Abstract: In this NPRM, in WT Docket No. 10–88, the Commission seeks comment on revisions to part 17 of the Commission's rules governing construction, marking, and lighting of antenna structures. The Commission initiated this proceeding to update and modernize the part 17 rules. These proposed revisions are intended to improve compliance with these rules and allow the Commission to enforce them more effectively, helping to better ensure the safety of pilots and aircraft passengers nationwide. The proposed revisions would also remove outdated and burdensome requirements without compromising the Commission's statutory responsibility to prevent antenna structures from being hazards or menaces to air navigation.

Timetable:

Action	Date	FR Cite
NPRM	05/21/10	75 FR 28517
NPRM Comment Period End.	07/20/10	
NPRM Reply Comment Period End.	08/19/10	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John Borkowski, Attorney-Advisor, Federal Communications Commission, 2025 M Street, NW., Washington, DC 20554, Phone: 202 634–2443.

RIN: 3060–AJ50

421. • Universal Service Reform Mobility Fund (WT Docket No. 10–208)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 155; 47 U.S.C. 160; 47 U.S.C. 201; 47 U.S.C. 205; 47 U.S.C. 225; 47 U.S.C. 254; 47 U.S.C. 301; 47 U.S.C. 303; 47 U.S.C. 303(c); 47 U.S.C. 303(f); 47 U.S.C. 303(r); 47 U.S.C. 303(y); 47 U.S.C. 309; 47 U.S.C. 310

Abstract: This proceeding proposes the creation of the Mobility Fund to provide an initial infusion of funds toward solving persistent gaps in mobile services through targeted, one-time support for the build-out of current-and next-generation wireless infrastructure in areas where these services are unavailable.

Timetable:

Action	Date	FR Cite
NPRM	10/14/10	75 FR 67060
NPRM Comment Period End.	01/18/11	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Scott Mackoul, Attorney Advisor, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street, SW., Washington, DC 20554, Phone: 202 418–0660.

RIN: 3060–AJ58

422. • Fixed and Mobile Services in the Mobile Satellite Service Bands at 1525–1559 MHZ and 1626.5–1660.5 MHZ, 1610–1626.5 MHZ and 2483.5–2500 MHZ, and 2000–2020 MHZ and 2180–2200 MHZ

Legal Authority: 47 U.S.C. 151 and 154; 47 U.S.C. 303 and 310

Abstract: The Commission proposes steps to make additional spectrum available for new investment in mobile broadband networks while ensuring that the United States maintains robust mobile satellite service capabilities. Mobile broadband is emerging as one of America's most dynamic innovation and economic platforms. Yet tremendous demand growth will soon test the limits of spectrum availability. 90 megahertz of spectrum allocated to the Mobile Satellite Service (MSS)—in the 2 GHz band, Big LEO band, and L-band—are potentially available for terrestrial mobile broadband use. The Commission seeks to remove regulatory barriers to terrestrial use, and to promote additional investments, such as those recently made possible by a transaction between Harbinger Capital Partners and SkyTerra Communications, while retaining sufficient market-wide MSS capability. The Commission proposes to add co-primary Fixed and Mobile allocations to the 2 GHz band, consistent with the International Table of Allocations. This allocation modification is a precondition for more flexible licensing of terrestrial services within the band. Second, the Commission proposes to apply the Commission's secondary market policies and rules applicable to terrestrial services to all transactions involving the use of MSS bands for terrestrial services in order to create greater predictability and regulatory parity with bands licensed for terrestrial mobile broadband service. The Commission also requests comment on further steps we can take to increase the value, utilization, innovation, and investment in MSS spectrum generally.

Timetable:

Action	Date	FR Cite
NPRM	07/15/10	75 FR 49871
NPRM Comment Period End.	09/30/10	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jeremy Marcus, Asst. Division Chief, Broadband Div., Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street, SW., Washington, DC 20554, Phone: 202 418–1530, Fax: 202 418–1567, E-mail: *jeremy.marcus@fcc.gov*.

RIN: 3060–AJ59

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Wireless Telecommunications Bureau

Completed Actions

423. 2000 Biennial Regulatory Review Spectrum Aggregation Limits For Commercial Mobile Radio Services

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 161; 47 U.S.C. 303(g); 47 U.S.C. 303(r)

Abstract: The Commission has adopted a final rule in a proceeding reexamining the need for Commercial Mobile Radio Services spectrum aggregation limits.

Timetable:

Action	Date	FR Cite
NPRM	02/12/01	66 FR 9798
NPRM Comment Period End.	05/14/01	
Final Rule	01/14/02	67 FR 1626
Correction to Final Rule.	01/31/02	67 FR 4675
Petition for Recon	03/21/02	67 FR 13183

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael J. Rowan, Special Counsel, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554, Phone: 202 418–1883, Fax: 202 418–7447 E-mail: *michael.rowan@fcc.gov*.

RIN: 3060–AH81

424. In the Matter of Promoting Efficient Use of Spectrum Through Elimination of Barriers to the Development of Secondary Markets

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 157; 47 U.S.C. 160; 47 U.S.C. 201 and 202; 47 U.S.C.

208; 47 U.S.C. 214; 47 U.S.C. 301; 47 U.S.C. 303; 47 U.S.C. 308 to 310

Abstract: The Commission has opened a proceeding to examine actions it may take to remove unnecessary regulatory barriers to the development of more robust secondary markets in radio spectrum usage rights.

Timetable:

Action	Date	FR Cite
NPRM	12/26/00	65 FR 81475
Correction	01/29/01	66 FR 8149
NPRM Comment Period End.	02/09/01	
NPRM	11/25/03	68 FR 66232
Final Rule	11/25/03	68 FR 66252
NPRM Comment Period End.	01/05/04	
Final Rule	02/12/04	69 FR 6920
Final Rule	02/25/04	69 FR 8569
Final Rule	11/15/04	69 FR 65544
Final Rule	12/27/04	69 FR 77522
NPRM	12/27/04	69 FR 77560
Final Rule	08/01/07	72 FR 41935
Final Rule	01/26/09	74 FR 4344

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Paul D'Ari, Spectrum and Competition Policy Division, Wireless Bureau, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554, Phone: 202 418–1550, Fax: 202 418–7447, E-mail: *paul.dari@fcc.gov*.

RIN: 3060–AH82

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Wireline Competition Bureau

Long-Term Actions

425. Implementation of the Universal Service Portions of the 1996 Telecommunications Act

Legal Authority: 47 U.S.C. 151 *et seq.*

Abstract: The goals of Universal Service, as mandated by the 1996 Act, are to promote the availability of quality services at just, reasonable, and affordable rates; increase access to advanced telecommunications services throughout the Nation; advance the availability of such services to all consumers, including those in low income, rural, insular, and high cost areas at rates that are reasonably comparable to those charged in urban areas. In addition, the 1996 Act states that all providers of telecommunications services should contribute to Federal universal service in some equitable and nondiscriminatory manner; there should be specific, predictable, and sufficient Federal and State mechanisms to preserve and advance universal service; all schools, classrooms, health care providers, and libraries should, generally, have access to advanced telecommunications services; and finally, that the Federal-State Joint Board and the Commission should determine those other principles that, consistent with the 1996 Act, are necessary to protect the public interest. More recently, modernization efforts for continuous improvements to the universal service programs are being realized consistent and in keeping with the goals envisioned by the National Broadband Plan.

On February 19, 2010, the Commission released an Order and Notice of Proposed Rulemaking that enabled schools that receive funding from the E-rate program to allow members of the general public to use the schools' Internet access during non-operating hours through funding year 2010 (July 1, 2010 through June 30, 2010) and sought comment on revising its rules to make this change permanent.

On March 18, 2010, the Commission issued a Report & Order and Memorandum Opinion & Order. In this order, the Commission addressed an inequitable asymmetry in the Commission's current rules governing the receipt of universal service high-cost local switching support (LSS) by small incumbent local exchange carriers (LECs). By modifying the Commission's rules to permit incumbent LECs that lose lines to receive additional LSS when they cross a threshold, the order provides LSS to all small LECs on the same basis. Nothing in the order is intended to address the long-term role of LSS in the Commission's high-cost universal service policies, which the Commission is considering as part of comprehensive universal service reform. April 16, 2010, the Commission issued an Order and NPRM addressing high-cost universal service support for non-rural carriers serving insular areas. In the NPRM, the Commission sought comment on amending its rules to provide additional low-income support in Puerto Rico.

On April 21, 2010, the Commission issued a Notice of Inquiry and Notice of Proposed Rulemaking, the first in a series of proceedings to kick off universal service support reform that is key to making broadband service available for millions of Americans who lack access. This NOI and NPRM sought comment on first steps to reform the distribution of universal service high-cost support.

Timetable:

Action	Date	FR Cite
Recommended Decision Federal–State Joint Board, Universal Service.	11/08/96	61 FR 63778
First R&O	05/08/97	62 FR 32862
Second R&O	05/08/97	62 FR 32862
Order on Recon	07/10/97	62 FR 40742
R&O and Second Order on Recon.	07/18/97	62 FR 41294
Second R&O, and FNPRM.	08/15/97	62 FR 47404
Third R&O	10/14/97	62 FR 56118
Second Order on Recon.	11/26/97	62 FR 65036
Fourth Order on Recon.	12/30/97	62 FR 2093
Fifth Order on Recon.	06/22/98	63 FR 43088
Fifth R&O	10/28/98	63 FR 63993
Eighth Order on Recon.	11/21/98	
Second Recommended Decision.	11/25/98	63 FR 67837
Thirteenth Order on Recon.	06/09/99	64 FR 30917
FNPRM	06/14/99	64 FR 31780
FNPRM	09/30/99	64 FR 52738
Fourteenth Order on Recon.	11/16/99	64 FR 62120
Fifteenth Order on Recon.	11/30/99	64 FR 66778
Tenth R&O	12/01/99	64 FR 67372
Ninth R&O and Eighteenth Order on Recon.	12/01/99	64 FR 67416
Nineteenth Order on Recon.	12/30/99	64 FR 73427
Twentieth Order on Recon.	05/08/00	65 FR 26513
Public Notice	07/18/00	65 FR 44507
Twelfth R&O, MO&O and FNPRM.	08/04/00	65 FR 47883
FNPRM and Order.	11/09/00	65 FR 67322
FNPRM	01/26/01	66 FR 7867
R&O and Order on Recon.	03/14/01	66 FR 16144
NPRM	05/08/01	66 FR 28718
Order	05/22/01	66 FR 35107
Fourteenth R&O and FNPRM.	05/23/01	66 FR 30080
FNPRM and Order.	01/25/02	67 FR 7327
NPRM	02/15/02	67 FR 9232
NPRM and Order	02/15/02	67 FR 10846
FNPRM and R&O	02/26/02	67 FR 11254
NPRM	04/19/02	67 FR 34653
Order and Second FNPRM.	12/13/02	67 FR 79543
NPRM	02/25/03	68 FR 12020
Public Notice	02/26/03	68 FR 10724
Second R&O and FNPRM.	06/20/03	68 FR 36961
Twenty–Fifth Order on Recon, R&O, Order, and FNPRM.	07/16/03	68 FR 41996
NPRM	07/17/03	68 FR 42333
Order	07/24/03	68 FR 47453
Order	08/06/03	68 FR 46500

Action	Date	FR Cite
Order and Order on Recon.	08/19/03	68 FR 49707
Order on Remand, MO&O, FNPRM.	10/27/03	68 FR 69641
R&O, Order on Recon, FNPRM.	11/17/03	68 FR 74492
R&O, FNPRM	02/26/04	69 FR 13794
R&O, FNPRM	04/29/04	
NPRM	05/14/04	69 FR 3130
NPRM	06/08/04	69 FR 40839
Order	06/28/04	69 FR 48232
Order on Recon & Fourth R&O.	07/30/04	69 FR 55983
Fifth R&O and Order.	08/13/04	69 FR 55097
Order	08/26/04	69 FR 57289
Second FNPRM	09/16/04	69 FR 61334
Order & Order on Recon.	01/10/05	70 FR 10057
Sixth R&O	03/14/05	70 FR 19321
R&O	03/17/05	70 FR 29960
MO&O	03/30/05	70 FR 21779
NPRM & FNPRM	06/14/05	70 FR 41658
Order	10/14/05	70 FR 65850
Order	10/27/05	
NPRM	01/11/06	71 FR 1721
Report Number 2747.	01/12/06	71 FR 2042
Order	02/08/06	71 FR 6485
FNPRM	03/15/06	71 FR 13393
R&O and NPRM	07/10/06	71 FR 38781
Order	01/01/06	71 FR 6485
Order	05/16/06	71 FR 30298
MO&O and FNPRM.	05/16/06	71 FR 29843
R&O	06/27/06	71 FR 38781
Public Notice	08/11/06	71 FR 50420
Order	09/29/06	71 FR 65517
Public Notice	03/12/07	72 FR 36706
Public Notice	03/13/07	72 FR 40816
Public Notice	03/16/07	72 FR 39421
Notice of Inquiry	04/16/07	
NPRM	05/14/07	72 FR 28936
Recommended Decision.	11/20/07	
Order	02/14/08	73 FR 8670
NPRM	03/04/08	73 FR 11580
NPRM	03/04/08	73 FR 11591
R&O	05/05/08	73 FR 11837
Public Notice	07/02/08	73 FR 37882
NPRM	08/19/08	73 FR 48352
Notice of Inquiry	10/14/08	73 FR 60689
Order on Remand, R&O, FNPRM.	11/12/08	73 FR 66821
R&O	05/22/09	74 FR 2395
Order & NPRM	03/24/10	75 FR 10199
R&O and MO&O	04/08/10	75 FR 17872
NOI and NPRM	05/13/10	75 FR 26906
Order and NPRM	05/28/10	75 FR 30024
NPRM	06/09/10	75 FR 32699
NPRM	08/09/10	75 FR 48236
NPRM	09/21/10	75 FR 56494
R&O	12/03/10	75 FR 75393
Order	01/27/11	76 FR 4827
Order (Release Date).	02/09/11	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes

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RIN: 3060–AF85

426. Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Customer Information

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 222; 47 U.S.C. 272; 47 U.S.C. 303(r)

Abstract: The Commission adopted rules implementing the new statutory framework governing carrier use and disclosure of customer proprietary network information (CPNI) created by section 222 of the Communications Act of 1934, as amended. CPNI includes, among other things, to whom, where, and when a customer places a call, as well as the types of service offerings to which the customer subscribes and the extent to which the service is used.

Timetable:

Action	Date	FR Cite
NPRM	05/28/96	61 FR 26483
Public Notice	02/25/97	62 FR 8414
Second R&O and FNPRM.	04/24/98	63 FR 20364
Order on Recon	10/01/99	64 FR 53242
Final Rule, Announcement of Effective Date.	01/26/01	66 FR 7865
Clarification Order and Second NPRM.	09/07/01	66 FR 50140
Third R&O and Third FNPRM.	09/20/02	67 FR 59205
NPRM	03/15/06	71 FR 13317
NPRM	06/08/07	72 FR 31782
Final Rule, Announcement of Effective Date.	06/08/07	72 FR 31948
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

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RIN: 3060–AG43

427. Implementation of the Local Competition Provisions of the Telecommunications Act of 1996

Legal Authority: 47 U.S.C. 151 to 155; 47 U.S.C. 157; 47 U.S.C. 201 to 205; 47 U.S.C. 207 to 209; 47 U.S.C. 218; 47 U.S.C. 251

Abstract: On August 8, 1996, the Commission adopted the Local Competition Second Report and Order (FCC 96–333), implementing the dialing parity, nondiscriminatory access, network disclosure, and numbering administration provisions of the Telecommunications Act of 1996. On July 19, 1999, the Commission released the First Order on Reconsideration (FCC 99–170), denying the petition for reconsideration of the Local Competition Second Report and Order filed by Beehive Telephone Company, Inc., which related to numbering administration.

On September 9, 1999, the Commission released the Second Order on Reconsideration (FCC 99–227), resolving petitions for reconsideration of rules adopted in the Local Competition Second Report and Order to implement the requirement of 47 U.S.C. section 251(b)(3) that LECs provide non-discriminatory access to directory assistance, directory listing, and operator services. At the same time, the Commission released a Notice of Proposed Rulemaking (NPRM) (also FCC 99–227) seeking comment on issues related to developments in, and the convergence of, directory publishing and directory assistance.

On October 21, 1999, the Commission released the Third Order on Reconsideration (FCC 99–243), resolving the remaining petitions for reconsideration regarding numbering administration under 47 U.S.C. section 251(e)(1). On January 23, 2001, the Commission released a First Report and Order (FCC 01–27) resolving issues raised in the September 9, 1999 NPRM and concluding, among other things, that competing directory assistance (DA) providers that are certified as competitive local exchange carriers (competitive LECs), are agents of competitive LECs, or that offer call completion services are entitled to nondiscriminatory access to LEC local DA databases.

On January 9, 2002, the Commission released the Directory Assistance NPRM (FCC 01–384), in which the Commission solicited comment on whether there is sufficient competition in the retail DA market, and if not, what if any action the Commission should take to promote such competition. The Commission sought specific comment on whether alternative dialing methods would promote competition. Proposed methods include: (1) Presubscription to 411; (2) utilizing national 555 numbers; (3) utilizing carrier access codes (1010 numbers); and (4) utilizing 411XX numbers. The Commission also sought comment on whether the 411 dialing code should be eliminated. This

proceeding is pending before the Commission.

On January 29, 2002, the Commission released an Order on Reconsideration (FCC 02–11) dismissing petitions for reconsideration or clarification of the Local Competition Second Report and Order regarding dialing parity under 47 U.S.C. section 251(b)(3) and network disclosure under 47 U.S.C. section 251(c)(5).

On May 3, 2005, the Commission released an Order on Reconsideration (FCC 05–93) resolving petitions for reconsideration of the Second Order on Reconsideration and the First Report and Order. The Commission clarified its rules regarding the use of DA data obtained pursuant to section 251(b)(3) of the Act, and denied BellSouth and SBC's joint petition for reconsideration which sought authority to place contractual restrictions on competing DA providers' use of DA information. The Commission reaffirmed that LECs are required to provide nondiscriminatory access to their entire local DA database including local DA data acquired from third parties. The Commission also accepted Qwest's request to withdraw its petition for reconsideration of the First Report and Order, and resolved SBC's petition for reconsideration of the Second Order on Reconsideration.

Timetable:

Action	Date	FR Cite
NPRM	04/25/96	61 FR 18311
NPRM Reply Comment Period End.	06/03/96	
Second R&O	09/06/96	61 FR 47284
Second Order on Recon.	09/27/99	64 FR 51910
NPRM	09/27/99	64 FR 51949
Third Order on Recon.	11/18/99	64 FR 62983
First R&O	02/21/01	66 FR 10965
NPRM	02/14/02	67 FR 6902
Order on Recon	08/17/05	70 FR 48290
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

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RIN: 3060–AG50

428. Local Telephone Networks that LECS Must Make Available to Competitors

Legal Authority: 47 U.S.C. 251

Abstract: The Commission adopted rules applicable to incumbent local exchange carriers (LECs) to permit competitive carriers to access portions of the incumbent LECs' networks on an unbundled basis. Unbundling allows competitors to lease portions of the incumbent LECs' network to provide telecommunications services. These rules are intended to accelerate the development of local exchange competition.

Timetable:

Action	Date	FR Cite
Second FNPRM	04/26/99	64 FR 20238
Fourth FNPRM	01/14/00	65 FR 2367
Errata Third R&O and Fourth FNPRM.	01/18/00	65 FR 2542
Second Errata Third R&O and Fourth FNPRM.	01/18/00	65 FR 2542
Supplemental Order.	01/18/00	65 FR 2542
Third R&O	01/18/00	65 FR 2542
Correction	04/11/00	65 FR 19334
Supplemental Order Clarification.	06/20/00	65 FR 38214
Public Notice	02/01/01	66 FR 8555
Public Notice	03/05/01	66 FR 18279
Public Notice	04/10/01	
Public Notice	04/23/01	
Public Notice	05/14/01	
NPRM	01/15/02	67 FR 1947
Public Notice	05/29/02	
Public Notice	08/01/02	
Public Notice	08/13/02	
NPRM	08/21/03	68 FR 52276
R&O and Order on Remand.	08/21/03	68 FR 52276
Errata	09/17/03	
Report	10/09/03	68 FR 60391
Order	10/28/03	
Order	01/09/04	
Public Notice	01/09/04	
Public Notice	02/18/04	
Order	07/08/04	
Second R&O	07/08/04	69 FR 43762
Order on Recon	08/09/04	69 FR 54589
Interim Order	08/20/04	69 FR 55111
NPRM	08/20/04	69 FR 55128
Public Notice	09/10/04	
Public Notice	09/13/04	
Public Notice	10/20/04	
Order on Recon	12/29/04	69 FR 77950
Order on Remand	02/04/04	
Public Notice	04/25/05	70 FR 29313
Public Notice	05/25/05	70 FR 34765
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

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RIN: 3060–AH44

429. 2000 Biennial Regulatory Review—Telecommunications Service Quality Reporting Requirements

Legal Authority: 47 U.S.C. 154(i) and 154(j); 47 U.S.C. 201(b); 47 U.S.C. 303(r); 47 U.S.C. 403

Abstract: This NPRM proposes to eliminate our current service quality reports (ARMIS Report 43–05 and 43–06) and replace them with a more consumer-oriented report. The NPRM proposes to reduce the reporting categories from more than 30 to 6, and addresses the needs of carriers, consumers, state public utility commissions, and other interested parties.

Timetable:

Action	Date	FR Cite
NPRM	12/04/00	65 FR 75657
Order	02/06/02	67 FR 5670
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jeremy Miller, Deputy Chief, Industry Analysis and Technology Div., Federal Communications Commission, Wireline Competition Bureau, 445 12th Street SW., Washington, DC 20554, Phone: 202 418–1507, Fax: 202 418–1413, E-mail: *jeremy.miller@fcc.gov*.

RIN: 3060–AH72

430. Access Charge Reform and Universal Service Reform

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i) and 154(j); 47 U.S.C. 201 to 205; 47 U.S.C. 254; 47 U.S.C. 403

Abstract: On October 11, 2001, the Commission adopted an Order reforming the interstate access charge and universal service support system for rate-of-return incumbent carriers. The Order adopts three principal reforms. First, the Order modifies the interstate access rate structure for small carriers to align it more closely with the manner in which costs are incurred. Second, the Order removes implicit support for universal service from the rate structure and replaces it with explicit, portable support. Third, the Order permits small carriers to continue to set rates based on the authorized rate of return of 11.25 percent. The Order became effective on January 1, 2002, and the support mechanism established by the Order was implemented beginning July 1, 2002.

The Commission also adopted a Further Notice of Proposed Rulemaking (FNPRM) seeking additional comment on proposals for incentive regulation, increased pricing flexibility for rate-of-

return carriers, and proposed changes to the Commission's ''all-or-nothing'' rule. Comments on the FNPRM were due on February 14, 2002, and reply comments on March 18, 2002.

On February 12, 2004, the Commission adopted a Second Report and Order resolving several issues on which the Commission sought comment in the FNPRM. First, the Commission modified the ''all-or-nothing'' rule to permit rate-of-return carriers to bring recently acquired price cap lines back to rate-of-return regulation. Second, the Commission granted rate-of-return carriers the authority immediately to provide geographically deaveraged transport and special access rates, subject to certain limitations. Third, the Commission merged Long Term Support (LTS) with Interstate Common Line Support (ICLS).

The Commission also adopted a Second FNPRM seeking comment on two specific plans that propose establishing optional alternative regulation mechanisms for rate-of-return carriers. In conjunction with the consideration of those alternative regulation proposals, the Commission sought comment on modification that would permit a rate-of-return carrier to adopt an alternative regulation plan for some study areas, while retaining rate-of-return regulation for other of its study areas. Comments on the Second FNPRM were due on April 23, 2004, and May 10, 2004.

Timetable:

Action	Date	FR Cite
NPRM	01/25/01	66 FR 7725
NPRM Comment Period End.	02/26/01	
FNPRM	11/30/01	66 FR 59761
FNPRM Comment Period End.	12/31/01	
R&O	11/30/01	66 FR 59719
Second FNPRM	03/23/04	69 FR 13794
Second FNPRM Comment Period End.	04/23/04	
Order	05/06/04	69 FR 25325
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

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RIN: 3060–AH74

431. Numbering Resource Optimization

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 201 *et seq.;* 47 U.S.C. 251(e)

Abstract: In 1999, the Commission released the Numbering Resource Optimization Notice of Proposed Rulemaking (Notice) in CC Docket 99–200. The Notice examined and sought comment on several administrative and technical measures aimed at improving the efficiency with which telecommunications numbering resources are used and allocated. It incorporated input from the North American Numbering Council (NANC), a Federal advisory committee, which advises the Commission on issues related to number administration. In the Numbering Resource Optimization First Report and Order and Further Notice of Proposed Rulemaking (NRO First Report and Order), released on March 31, 2000, the Commission adopted a mandatory utilization data reporting requirement, a uniform set of categories of numbers for which carriers must report their utilization, and a utilization threshold framework to increase carrier accountability and incentives to use numbers efficiently. In addition, the Commission adopted a single system for allocating numbers in blocks of 1,000, rather than 10,000, wherever possible, and established a plan for national rollout of thousands-block number pooling. The Commission also adopted numbering resource reclamation requirements to ensure that unused numbers are returned to the North American Numbering Plan (NANP) inventory for assignment to other carriers. Also, to encourage better management of numbering resources, carriers are required, to the extent possible, to first assign numbering resources within thousands blocks (a form of sequential numbering).

In the NRO Second Report and Order, the Commission adopted a measure that requires all carriers to use at least 60 percent of their numbering resources before they may get additional numbers in a particular area. That 60 percent utilization threshold increases to 75 percent over the next 3 years. The Commission also established a 5-year term for the national Pooling Administrator and an auditing program to verify carrier compliance with the Commission's rules. Furthermore, the Commission addressed several issues raised in the Notice, concerning area code relief. Specifically, the Commission declined to amend the existing Federal rules for area code relief or specify any new Federal guidelines for the implementation of area code relief. The Commission also declined to state a preference for either all-services overlays or geographic splits as a method of area code relief. Regarding mandatory nationwide ten-digit dialing, the Commission declined to adopt this measure at the present time. Furthermore, the Commission declined to mandate nationwide expansion of the ''D digit'' (the ''N'' of an NXX or central office code) to include 0 or 1, or to grant state commissions the authority to implement the expansion of the D digit as a numbering resource optimization measure at the present time.

In the NRO Third Report and Order, the Commission addressed national thousands-block number pooling administration issues, including declining to alter the implementation date for covered CMRS carriers to participate in pooling. The Commission also addressed Federal cost recovery for national thousands-block number pooling, and continued to require States to establish cost recovery mechanisms for costs incurred by carriers participating in pooling trials. The Commission reaffirmed the Months-To-Exhaust (MTE) requirement for carriers. The Commission declined to lower the utilization threshold established in the Second Report and Order, and declined to exempt pooling carriers from the utilization threshold. The Commission also established a safety valve mechanism to allow carriers that do not meet the utilization threshold in a given rate center to obtain additional numbering resources.

In the NRO Third Report and Order, the Commission lifted the ban on technology-specific overlays (TSOs), and delegated authority to the Common Carrier Bureau, in consultation with the Wireless Telecommunications Bureau, to resolve any such petitions. Furthermore, the Commission found that carriers who violate our numbering requirements, or fail to cooperate with an auditor conducting either a ''for cause'' or random audit, should be denied numbering resources in certain instances. The Commission also reaffirmed the 180-day reservation period, declined to impose fees to extend the reservation period, and found that State commissions should be allowed password-protected access to the NANPA database for data pertaining to NPAs located within their State.

The measures adopted in the NRO orders will allow the Commission to monitor more closely the way numbering resources are used within the NANP, and will promote more efficient allocation and use of NANP resources by tying a carrier's ability to

obtain numbering resources more closely to its actual need for numbers to serve its customers. These measures are designed to create national standards to optimize the use of numbering resources by: (1) Minimizing the negative impact on consumers of premature area code exhausts; (2) ensuring sufficient access to numbering resources for all service providers to enter into or to compete in telecommunications markets; (3) avoiding premature exhaust of the NANP; (4) extending the life of the NANP; (5) imposing the least societal cost possible, and ensuring competitive neutrality, while obtaining the highest benefit; (6) ensuring that no class of carrier or consumer is unduly favored or disfavored by the Commission's optimization efforts; and (7) minimizing the incentives for carriers to build and carry excessively large inventories of numbers.

In NRO Third Order on Recon in CC Docket No. 99–200, Third Further Notice of Proposed Rulemaking in CC Docket No. 99–200 and Second Further Notice of Proposed Rulemaking in CC Docket No, 95–116, the Commission reconsidered its findings in the NRO Third Report and Order regarding the local Number portability (LNP) and thousands-block number pooling requirements for carriers in the top 100 Metropolitan Statistical areas (MSAs). Specifically, the Commission reversed its clarification that those requirements extend to all carriers in the largest 100 MSAs, regardless of whether they have received a request from another carrier to provide LNP. The Commission also sought comment on whether the Commission should again extend the LNP requirements to all carriers in the largest 100 MSAs, regardless of whether they receive a request to provide LNP. The Commission also sought comment on whether all carriers in the top 100 MSAs should be required to participate in thousands-block number pooling, regardless of whether they are required to be LNP capable. In addition, the Commission sought comment on whether all MSAs included in Combined Metropolitan Statistical Areas (CMSAs) on the Census Bureau's list of the largest 100 MSAs should be included on the Commission's list of the top 100 MSAs.

In the NRO Fourth Report and Order and Further Notice of Proposed Rulemaking, the Commission reaffirmed that carriers must deploy LNP in switches within the 100 largest Metropolitan Statistical Areas (MSAs) for which another carrier has made a specific request for the provision of LNP. The Commission delegated the authority to state commissions to require carriers operating within the largest 100 MSAs that have not received a specific request for LNP from another carrier to provide LNP, under certain circumstances and on a case-by-case basis. The Commission concluded that all carriers, except those specifically exempted, are required to participate in thousands-block number pooling in accordance with the national rollout schedule, regardless of whether they are required to provide LNP, including commercial mobile radio service (CMRS) providers that were required to deploy LNP as of November 24, 2003. The Commission specifically exempted from the pooling requirement rural telephone companies and Tier III CMRS providers that have not received a request to provide LNP. The Commission also exempted from the pooling requirement carriers that are the only service provider receiving numbering resources in a given rate center. Additionally, the Commission sought further comment on whether these exemptions should be expanded to include carriers where there are only two service providers receiving numbering resources in the rate center. Finally, the Commission reaffirmed that the 100 largest MSAs identified in the 1990 U.S. Census reports as well as those areas included on any subsequent U.S. Census report of the 100 largest MSAs.

In the NRO Order and Fifth Further Notice of Proposed Rulemaking, the Commission granted petitions for delegated authority to implement mandatory thousands-block pooling filed by the Public Service Commission of West Virginia, the Nebraska Public Service Commission, the Oklahoma Corporation Commission, the Michigan Public Service Commission, and the Missouri Public Service Commission. In granting these petitions, the Commission permitted these states to optimize numbering resources and further extend the life of the specific numbering plan areas. In the Further Notice of Proposed Rulemaking, the Commission sought comment on whether it should delegate authority to all states to implement mandatory thousands-block number pooling consistent with the parameters set forth in the NRO Order.

Timetable:

Action	Date	FR Cite
NPRM	06/17/99	64 FR 32471
R&O and FNPRM	06/16/00	65 FR 37703
Second R&O and Second FNPRM.	02/08/01	66 FR 9528
Third R&O and Second Order on Recon.	02/12/02	67 FR 643
Third O on Recon and Third FNPRM.	04/05/02	67 FR 16347
Fourth R&O and Fourth NPRM.	07/21/03	68 FR 43003
Order and Fifth FNPRM.	03/15/06	71 FR 13393
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

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RIN: 3060–AH80

432. National Exchange Carrier Association Petition

Legal Authority: 47 U.S.C. 151 and 152; 47 U.S.C. 201 and 202; *et seq.*

Abstract: In a Notice of Proposed Rulemaking (NPRM) released on July 19, 2004, the Commission initiated a rulemaking proceeding to examine the proper number of end user common line charges (commonly referred to as subscriber line charges or SLCs) that carriers may assess upon customers that obtain derived channel T–1 service where the customer provides the terminating channelization equipment and upon customers that obtain Primary Rate Interface (PRI) Integrated Service Digital Network (ISDN) service.

Timetable:

Action	Date	FR Cite
NPRM	08/13/04	69 FR 50141
NPRM Comment Period End.	11/12/04	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

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RIN: 3060–AI47

433. IP-Enabled Services

Legal Authority: 47 U.S.C. 151 and 152; *et seq.*

Abstract: The notice seeks comment on ways in which the Commission might categorize IP-enabled services for

purposes of evaluating the need for applying any particular regulatory requirements. It poses questions regarding the proper allocation of jurisdiction over each category of IP-enabled service. The notice then requests comment on whether the services comprising each category constitute ''telecommunications services'' or ''information services'' under the definitions set forth in the Act. Finally, noting the Commission's statutory forbearance authority and title I ancillary jurisdiction, the notice describes a number of central regulatory requirements (including, for example, those relating to access charges, universal service, E911, and disability accessibility), and asks which, if any, should apply to each category of IP-enabled services.

On June 16, 2005, the Commission published in the **Federal Register** notice that public information collections set forth in the First Report and Order were being submitted for review to the office of management and budget.

On July 27, 2005, the Commission published in the **Federal Register** notice that the information collection requirements adopted in the First Report and Order were approved in OMB No. 3060–1085 and would become effective on July 29, 2005.

On August 31, 2005, the Commission published in the **Federal Register** notice of the comment cycle for three Petitions for Reconsideration and/or Clarification of the First Report and Order. On July 10, 2006, the Commission published in the **Federal Register** notice that it had adopted on June 21, 2006, rules that make interim modifications to the existing approach for assessing contributions to the Federal universal service fund (USF or Fund) in order to provide stability while the Commission continues to examine more fundamental reform.

On June 8, 2007, the Commission published in the **Federal Register** notice that it had adopted on April 2, 2007, an item strengthening the Commission's rules to protect the privacy of customer proprietary network information (CPNI) that is collected and held by providers of communications services, and a further notice of proposed rulemaking seeking comment on what steps the Commission should take, if any, to secure further the privacy of customer information.

On August 6, 2007, the Commission published in the **Federal Register** notice that it had adopted on May 31, 2007, and item extending the disability access requirements that currently apply to telecommunications service providers and equipment manufacturers under section 255 of the Communications Act of 1934, as amended, to providers of ''interconnected voice over Internet Protocol (VoIP) services,'' as defined by the Commission, and to manufacturers of specially designed equipment used to provide those services. In addition, the Commission extended the Telecommunications Relay Services (TRS) requirements contained in its regulations to interconnected VoIP providers.

On August 7, 2007, the Commission published in the **Federal Register** a notice that a petition for reconsideration of the CPNI order described above had been filed.

On August 16, 2007, the Commission published in the **Federal Register** notice that it had adopted on August 2, 2007, an item amending the Commission's Schedule of Regulatory Fees by, inter alia, incorporating regulatory fee payment obligations for interconnected VoIP service providers, which shall become effective November 15, 2007, which is 90 days from date of notification to Congress.

On November 1, 2007, the Commission gave notice that it granted in part, denied in part, and sought comment on petitions filed by the Voice on the Net Coalition, the United States Telecom Association, and Hamilton Telephone Company seeking a stay or waiver of certain aspects of the Commission's VoIP Telecommunications Relay Services (TRS) Order (72 FR 61813; 72 FR 61882).

On December 13, 2007, the Commission announced the effective date of its revised CPNI rules (72 FR 70808).

On December 6, 2007, OMB approved the public information collection pursuant to the Paperwork Reduction Act of 1995 for the Commission's CPNI rules (72 FR 72358).

On February 21, 2008, the Commission published in the **Federal Register** notice that the Commission adopted rules extending local number portability obligations and numbering administration support obligations to interconnected VoIP services. The Commission also explained it had responded to the District of Columbia Circuit Court of Appeals stay of the Commission's Intermodal Number Portability Order by publishing a Final Regulatory Flexibility Act (73 FR 9463; R&O 02/21/2008).

On February 21, 2008, the Commission published in the **Federal Register** notice that it sought comment on other changes to its LNP and numbering related rules, including whether to extend such rules to interconnected VoIP providers (73 FR 9507).

On August 6, 2007, the Commission published in the **Federal Register** notice that it had extended Telecommunications Relay Services (TRS) regulations to interconnected VoIP providers and extended certain disability access requirements to interconnected VoIP providers and to manufacturers of specially designed equipment used to provide such service (72 FR 43546).

On May 15, 2008, the Commission's Consumer and Governmental Affairs Bureau (CGB) published in the **Federal Register** notice that it had granted interconnected VoIP providers an extension of time to route 711-dialed calls to an appropriate telecommunications relay service (TRS) center in certain circumstances (73 FR 28057). On July 29, 2009, CGB published notice in the **Federal Register** that it was granting another extension. (74 FR 37624).

On August 7, 2009, the Commission published a notice in the **Federal Register** that it had amended its rules so that providers of interconnected VoIP service must comply with the same discontinuance rules as domestic non-dominant telecommunications carriers. (74 FR 39551).

Timetable:

Action	Date	FR Cite
NPRM	03/29/04	69 FR 16193
NPRM Comment Period End.	07/14/04	
First R&O	06/03/05	70 FR 37273
Public Notice	06/16/05	70 FR 37403
First R&O Effective.	07/29/05	70 FR 43323
Public Notice	08/31/05	70 FR 51815
R&O	07/10/06	71 FR 38781
R&O and FNPRM	06/08/07	72 FR 31948
FNPRM Comment Period End.	07/09/07	72 FR 31782
R&O	08/06/07	72 FR 43546
Public Notice	08/07/07	72 FR 44136
R&O	08/16/07	72 FR 45908
Public Notice	11/01/07	72 FR 61813
Public Notice	11/01/07	72 FR 61882
Public Notice	12/13/07	72 FR 70808
Public Notice	12/20/07	72 FR 72358
R&O	02/21/08	73 FR 9463
NPRM	02/21/08	73 FR 9507
Order	05/15/08	73 FR 28057
Order	07/29/09	74 FR 37624
R&O	08/07/09	74 FR 39551
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Tim Stelzig, Associate Chief, Competition Policy Division, Federal Communications Commission, Wireline Competition

Bureau, 445 12th Street SW., Washington, DC 20554, Phone: 202 418–0942, E-mail: *tim.stelzig@fcc.gov.*

RIN: 3060–AI48

434. Consumer Protection in the Broadband Era

Legal Authority: 47 U.S.C. 151 to 154; 47 U.S.C. 160; 47 U.S.C. 201 to 205; 47 U.S.C. 214; 47 U.S.C. 222; 47 U.S.C. 225; 47 U.S.C. 251 and 252; 47 U.S.C. 254 to 256; 47 U.S.C. 258; 47 U.S.C. 303(R)

Abstract: The Federal Communications Commission initiated this rulemaking in order to develop a framework that ensures that, as the telecommunications industry shifts from narrowband to broadband services, consumer protection needs are met by all providers of broadband Internet access service, regardless of the underlying technology providers use to offer the service. The Commission sought comment on whether adopting regulations, pursuant to its ancillary authority under title I of the Communications Act, to address consumer privacy, unauthorized changes to service, truth-in-billing, network outage reporting, discontinuance of service, rate averaging, and enforcement concerns, would be desirable and necessary as a matter of public policy. The Commission also sought comment on whether it should instead rely on market forces to address some or all of these areas of potential concern. The rulemaking also explores whether there are other areas of consumer protection related to wireline broadband Internet access service for which the Commission should adopt regulations pursuant to its ancillary authority.

Timetable:

Action	Date	FR Cite
NPRM	10/17/05	70 FR 60259
NPRM Comment Period End.	03/01/06	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: William Kehoe, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, Phone: 202 418–7122, Fax: 202 418–1413, E-mail: *william.kehoe@fcc.gov.*

RIN: 3060–AI73

435. Establishing Just and Reasonable Rates for Local Exchange Carriers (WC Docket No. 07–135)

Legal Authority: Not Yet Determined

Abstract: The Federal Communications Commission (Commission) is examining whether its existing rules governing the setting of tariffed rates by local exchange carriers (LECs) provide incentives and opportunities for carriers to increase access demand endogenously with the result that the tariff rates are no longer just and reasonable. The Commission tentatively concluded that it must revise its tariff rules so that it can be confident that tariffed rates remain just and reasonable even if a carrier experiences or induces significant increases in access demand. The Commission seeks comment on the types of activities that are causing the increases in interstate access demand and the effects of such demand increases on the cost structures of LECs. The Commission also seeks comment on several means of ensuring just and reasonable rates going forward. The NPRM invites comment on potential traffic stimulation by rate-of-return LECs, price cap LECs, and competitive LECs, as well as other forms of intercarrier traffic stimulation. Comments were received on December 17, 2007, and reply comments were received on January 16, 2008.

On February 8, 2011, the Commission adopted a Further Notice of Proposed Rulemaking seeking comment on proposed rule revisions to address access stimulation. The Commission sought comment on a proposal to require rate-of-return LECs and competitive LECs to file revised tariffs if they enter into or have existing revenue sharing agreements. The proposed tariff filing requirements vary depending on the type of LEC involved. The Commission also sought comment on other record proposals and on possible rules for addressing access stimulation in the context of intra-MTA call terminations by CMRS providers. Comments are due 30 days from publication in the **Federal Register** and reply comments are due 45 days from publication in the **Federal Register**.

Timetable:

Action	Date	FR Cite
NPRM	11/15/07	72 FR 64179
NPRM Comment Period End.	12/17/07	
FNPRM (Adopted Date).	02/08/11	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Douglas Slotten, Attorney-Advisor, Federal Communications Commission, Wireline Competition Bureau, 445 12th Street SW., Washington, DC 20554, Phone: 202 418–1572, E-mail: *douglas.slotten@fcc.gov.*

RIN: 3060–AJ02

436. Jurisdictional Separations

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i) and 154(j); 47 U.S.C. 205; 47 U.S.C. 221(c); 47 U.S.C. 254; 47 U.S.C. 403; 47 U.S.C. 410

Abstract: Jurisdictional separations is the process, pursuant to part 36 of the Commission's rules, by which incumbent local exchange carriers apportion regulated costs between the intrastate and interstate jurisdictions. In 1997, the Commission initiated a proceeding seeking comment on the extent to which legislative changes, technological changes, and market changes warrant comprehensive reform of the separations process. In 2001, the Commission adopted the Federal-State Joint Board on Jurisdictional Separations' recommendation to impose an interim freeze of the part 36 category relationships and jurisdictional cost allocation factors for a period of five years, pending comprehensive reform of the part 36 separations rules. In 2006, the Commission adopted an Order and Further Notice of Proposed Rulemaking, which extended the separations freeze for a period of three years and sought comment on comprehensive reform. In 2009, the Commission adopted a Report and Order extending the separations freeze an additional year to June 2010. In 2010, the Commission adopted a Report and Order extending the separations freeze for an additional year to June 2011.

Timetable:

Action	Date	FR Cite
NPRM	11/05/97	62 FR 59842
NPRM Comment Period End.	12/10/97	
Order	06/21/01	66 FR 33202
Order and FNPRM.	05/26/06	71 FR 29882
Order and FNPRM Comment Period End.	08/22/06	
Report and Order	05/15/09	74 FR 23955
R&O	05/25/10	75 FR 30301
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ted Burmeister, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, Phone: 202 418–7389, E-mail: *theodore.burmeister@fcc.gov.*

RIN: 3060–AJ06

437. Service Quality, Customer Satisfaction, Infrastructure and Operating Data Gathering (WC Docket Nos. 08–190, 07–139, 07–204, 07–273, 07–21)

Legal Authority: 47 U.S.C. 151 to 155; 47 U.S.C. 160 and 161; 47 U.S.C. 20 to 205; 47 U.S.C. 215; 47 U.S.C. 218 to 220; 47 U.S.C. 251 to 271; 47 U.S.C. 303(r) and 332; 47 U.S.C. 403; 47 U.S.C. 502 and 503

Abstract: This NPRM tentatively proposes to collect infrastructure and operating data that is tailored in scope to be consistent with Commission objectives from all facilities-based providers of broadband and telecommunications. Similarly, the NPRM also tentatively proposes to collect data concerning service quality and customer satisfaction from all facilities-based providers of broadband and telecommunications. The NPRM seeks comment on the proposals, on the specific information to be collected, and on the mechanisms for collecting information.

Timetable:

Action	Date	FR Cite
NPRM	10/15/08	73 FR 60997
NPRM Comment Period End.	11/14/08	
Reply Comment Period End.	12/15/08	
NPRM (Release Date).	02/08/11	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Cathy Zima, Acting Deputy Division Chief, Federal Communications Commission, Wireline Competition Bureau, 445 12th Street, SW., Washington, DC 20554, Phone: 202 418–7380, Fax: 202 418–6768, E-mail: *cathy.zima@fcc.gov.*

RIN: 3060–AJ14

438. • Form 477; Development of Nationwide Broadband Data to Evaluate Reasonable and Timely Deployment of Advanced Services to all Americans

Legal Authority: 15 U.S.C. 251; 47 U.S.C. 252; 47 U.S.C. 257; 47 U.S.C. 271; 47 U.S.C. 1302; 47 U.S.C. 160(b); 47 U.S.C. 161(a)(2)

Abstract: The NPRM seeks comment on streamlining and reforming the Commission's Form 477 Data Program which is the Commission's primary tool to collect data on broadband and telephone services.

Timetable:

Action	Date	FR Cite
NPRM	05/16/07	72 FR 27519
Order	07/02/08	73 FR 37861
Order	10/15/08	73 FR 60997
NPRM	To Be Determined.	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jeremy Miller, Deputy Chief, Industry Analysis and Technology Div., Federal Communications Commission, Wireline Competition Bureau, 445 12th Street, SW., Washington, DC 20554, Phone: 202 418–1507, Fax: 202 418–1413, E-mail: *jeremy.miller@fcc.gov.*

RIN: 3060–AJ15

439. • Preserving The Open Internet; Broadband Industry Practices

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 152; 47 U.S.C. 154(i)–(j); 47 U.S.C. 201(b)

Abstract: In this Notice of Proposed Rulemaking (NPRM), the Commission considers adopting rules to preserve the open Internet: The Commission proposes draft language to codify the four principles the Commission articulated in the Internet Policy Statement; a fifth principle that would require a broadband Internet access service provider to treat lawful content, applications, and services in a nondiscriminatory manner; and a sixth principle that would require a broadband Internet access service provider to disclose such information concerning network management and other practices as is reasonably required for users and content, application, and service providers to enjoy the protections specified in this rulemaking. The Commission also proposes draft language to make clear that the principles would be subject to reasonable network management and would not supersede any obligation a broadband Internet access service provider may have-or limit its ability-to deliver emergency communications or to address the needs of law enforcement, public safety, or national or homeland security authorities, consistent with applicable law. The draft rules would not prohibit broadband Internet access service providers from taking reasonable action to prevent the transfer of unlawful content, such as the unlawful distribution of copyrighted works. Nor would the draft rules be intended to prevent a provider of broadband Internet access service from complying with other laws. The NPRM seeks comment on a category of ''managed'' or ''specialized'' services, how to define such services, and what principles or rules, if any, should apply to them. The NPRM affirms that the six principles the Commission proposes to codify apply to all platforms for broadband Internet access, and seeks comment on how, in what time frames or phases, and to what extent the principles should apply to non-wireline forms of Internet access, including, but not limited to, terrestrial mobile wireless, unlicensed wireless, licensed fixed wireless, and satellite. The NPRM also seeks comment on the enforcement procedures that the Commission should use to ensure compliance with the proposed principles.

Timetable:

Action	Date	FR Cite
NPRM	11/30/09	74 FR 62638
NPRM Comment Period End.	04/26/10	
Public Notice	09/10/10	75 FR 55297
Comment Period End.	11/04/10	
Order (Release Date).	12/23/10	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: R. Matthew Warner, Attorney Advisor, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554, Phone: 202 418–2419, E-mail: *matthew.warner@fcc.gov.*

RIN: 3060–AJ30

440. Local Number Portability Porting Interval and Validation Requirements (WC Docket No 07–244)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 154(j); 47 U.S.C. 251; 47 U.S.C. 303(r)

Abstract: In 2007, the Commission released a Notice of Proposed Rulemaking in WC Docket No. 07–244. The Notice sought comment on whether the Commission should adopt rules specifying the length of the porting intervals or other details of the porting process. It also tentatively concluded that the Commission should adopt rules reducing the porting interval for wireline-to-wireline and intermodal simple port requests, specifically, to a 48-hour porting interval.

In the Local Number Portability Porting Interval and Validation Requirements First Report and Order and Further Notice of Proposed Rulemaking, released on May 13, 2009, the Commission reduced the porting interval for simple wireline and simple intermodal port requests, requiring all entities subject to its local number

portability (LNP) rules to complete simple wireline-to-wireline and simple intermodal port requests within one business day. In a related Further Notice of Proposed Rulemaking (FNPRM), the Commission sought comment on what further steps, if any, the Commission should take to improve the process of changing providers.

In the LNP Standard Fields Order, released on May 20, 2010, the Commission adopted standardized data fields for simple wireline and intermodal ports. The Order also adopts the NANC's recommendations for porting process provisioning flows and for counting a business day in the context of number porting.

Timetable:

Action	Date	FR Cite
NPRM	02/21/08	73 FR 9507
R&O and FNPRM	07/02/09	74 FR 31630
R&O	06/22/10	75 FR 35305
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Melissa Kirkel, Attorney-Advisor, WCB, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, Phone: 202 418–7958, Fax: 202 418–1413, E-mail: *melissa.kirkel@fcc.gov.*

RIN: 3060–AJ32

441. • Electronic Tariff Filing System (ETFS); WC Docket No. 10–141

Legal Authority: 47 U.S.C. 151 and 154; 47 U.S.C. 201 to 205; 47 U.S.C. 218 and 222; 47 U.S.C. 225 to 226; 47 U.S.C. 228 and 254; 47 U.S.C. 403

Abstract: Section 402(b)(1)(A)(iii) of the Telecommunications Act of 1996 added section 204(a)(3) to the Communications Act of 1934, as amended, providing for streamlined tariff filings by local exchange carriers. On September 6, 1996, in an effort to meet the goals of the 1996 Act, the Commission released the Tariff Streamlining NPRM, proposing measures to implement the tariff streamlining requirements of section 204(a)(3). Among other suggestions, the Commission proposed requiring LECs to file tariffs electronically.

The Commission began implementing the electronic filing of tariffs on January 31, 1997, when it released the Streamlined Tariff Order. On November 17, 1997, the Bureau made this electronic system, known as the Electronic Tariff Filing System, available for voluntary filing by incumbent LECs. The Bureau also announced that the use of ETFS would become mandatory for all incumbent LECs in 1998.

On May 28, 1998, in the ETFS Order, the Bureau established July 1, 1998, as the date after which incumbent LECs would be required to use ETFS to file tariffs and associated documents. The Commission deferred consideration of establishing mandatory electronic filing for non-incumbent LECs until the conclusion of a proceeding considering the mandatory detariffing of interstate long distance services.

In contrast to tariff filings by incumbent LECs, tariff filings by nondominant carriers are currently submitted via diskette, CD–ROM and/or paper, which are cumbersome and costly for the carrier, the Commission, and make it difficult for interested parties to review the documents. With this Notice of Proposed Rulemaking the Commission initiates a proceeding to examine whether mandatory electronic filing of tariffs and associated documents should be extended to all tariff filing entities.

Timetable:

Action	Date	FR Cite
NPRM	08/11/10	75 FR 48629
NPRM Comment Period End.	09/10/10	
NPRM Reply Comment Period End.	09/27/10	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Lynne H. Engledow, Attorney, Federal Communications Commission, Wireline Competition Bureau, 445 12th Street, SW., Washington, DC 20554, Phone: 202 418–1520, Fax: 202 418–1567, E-mail: *lynne.engledow@fcc.gov.*

RIN: 3060–AJ41

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Wireline Competition Bureau

Completed Actions

442. Implementation of Net 911 Improvement Act

Legal Authority: Pub. L. 110–283

Abstract: On July 23, 2008, the New and Emerging Technologies Act was enacted.

On August 25, 2008, the Commission released an NPRM seeking comment on implementing the NET 911 Improvement Act.

Timetable:

Action	Date	FR Cite
NPRM	08/28/08	73 FR 50741
NPRM Comment Period End.	09/09/08	
Order	07/06/09	74 FR 31860

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: R. Matthew Warner, Attorney Advisor, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554, Phone: 202 418–2419, E-mail: *matthew.warner@fcc.gov.*

RIN: 3060–AJ09

443. Petition to Establish Procedural Requirements to Govern Proceedings for Forbearance Under Section 10 of the Communications Act of 1934, as Amended (WC Docket No.07–267)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154 (i); 47 U.S.C. 154 (j); 47 U.S.C. 155(c); 47 U.S.C. 160; 47 U.S.C. 201; 47 U.S.C. 303(r)

Abstract: This Report and Order implements procedural rules governing petitions for forbearance filed pursuant to section 10 of the Communications Act of 1934, as amended. Pursuant to section 10, the Commission shall forbear from applying any statutory provision or regulation if it determines that: (1) Enforcement of the regulation is not necessary to ensure that the telecommunications carrier's charges, practices, classifications, or regulations are just, reasonable, and not unjustly or unreasonably discriminatory; (2) enforcement of the regulation is not necessary to protect consumers; and (3) forbearance from applying such provision or regulation is consistent with the public interest. In determining whether forbearance is consistent with the public interest, the Commission also must consider whether forbearance from enforcing the provision or regulation will promote competitive market conditions. The Commission must act on forbearance petitions within one year (extended by 90 days, if necessary); if the Commission fails to timely act the petition is deemed granted. In order to act by the deadline, and to present a stable petition for comment, this Order requires that forbearance petitions must be complete as filed. This rule requires forbearance petitioners to state with specificity all relevant provisions, rules, carriers, services, geographic areas, and other factors; to apply each statutory criterion to each rule; to identify needed data that the petitioner lacks; to meet routine filing requirements at 47 CFR section 1.49; and to send the petition to *forbearance@fcc.gov,* together with supporting data (including market data)

and any supporting statements. The Order further clarifies that whenever a petitioner files a petition for forbearance, the petitioner bears the burden of proof with respect to establishing that the statutory criteria for granting forbearance are met. The Order adopts procedures to ensure that forbearance petitions are addressed in a manner that is actively managed, transparent, and fair. Notable among these are rules restricting ex parte communications 14 days before the deadline for Commission action, and limiting unauthorized withdrawals of forbearance petitions after the reply comment date plus 10 business days.

Timetable:

Action	Date	FR Cite
NPRM	02/06/08	73 FR 6888
Final Action	08/06/09	74 FR 39219

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jon Reel, Attorney Advisor, Federal Communications Commission, Wireline Competition Bureau, 445 12th Street, SW., Washington, DC 20554, Phone: 202 418–0637, E-mail: *jonathan.reel@fcc.gov.*

RIN: 3060–AJ31

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Part XX

Federal Deposit Insurance Corporation

Semiannual Regulatory Agenda

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Ch. III

Semiannual Agenda of Regulations

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Federal Deposit Insurance Corporation (FDIC) is hereby publishing items for the spring 2011 Unified Agenda of Federal Regulatory and Deregulatory Actions. The agenda contains information about FDIC's current and projected rulemakings, existing regulations under review, and completed rulemakings.

FOR FURTHER INFORMATION CONTACT: Persons identified under regulations listed in the agenda. Unless otherwise noted, the address for all FDIC staff identified in the agenda is Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.

SUPPLEMENTARY INFORMATION: Twice each year, the FDIC publishes an agenda of regulations to inform the public of its regulatory actions and to enhance public participation in the rulemaking process. Publication of the agenda is in accordance with the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The FDIC amends its regulations under the general rulemaking authority prescribed in section 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819) and under specific authority granted by the Act and other statutes.

Proposed Rules

Credit Risk Retention (AD74)

The Federal Banking Agencies are requesting comment on a proposed rule to implement the requirements of section 941(b) of the Dodd-Frank Wall Street Reform and Consumer Protection Act (the Act, or Dodd-Frank Act), which is codified as new section 15G of the Securities Exchange Act of 1934 (the Exchange Act). Section 15G of the Exchange Act, as added by section 941(b) of the Dodd-Frank Act, generally requires the Board, the FDIC, the OCC (collectively, referred to as the ''Federal Banking Agencies''), the Commission, and, in the case of the securitization of any ''residential mortgage asset,'' together with HUD and FHFA, to jointly prescribe regulations, that (i) require a securitizer to retain not less than five percent of the credit risk of any asset that the securitizer, through the issuance of an asset-backed security (ABS), transfers, sells, or conveys to a third party, and (ii) prohibit a securitizer from directly or indirectly hedging or otherwise transferring the credit risk that the securitizer is required to retain under section 15G and the Agencies' implementing rules.

Guidelines for Furnishers of Information to Consumer Reporting Agencies (AD40)

The OCC, Board, FDIC, OTS, NCUA, and FTC (collectively referred to as the ''Agencies'') request comment to gather information that would assist in the development of a possible proposed addition to the furnisher accuracy and integrity guidelines which, along with the accompanying regulations, implement the accuracy and integrity provisions in section 312 of the Fair and Accurate Credit Transactions Act of 2003 (FACT Act) that amended section 623 of the Fair Credit Reporting Act (FCRA). This advance notice of proposed rulemaking (ANPRM) seeks to obtain information that would assist the Agencies in determining whether it would be appropriate to propose an addition to one of the guidelines that would delineate the circumstances under which a furnisher would be expected to provide an account opening date to a consumer reporting agency to promote the integrity of the information. In addition, the Agencies request comment more broadly on whether furnishers should be expected to provide any other types of information to a consumer reporting agency in order to promote integrity.

Defining Safe Harbor Protection for Treatment by the FDIC as Conservator or Receiver of Financial Assets Transferred by an Insured Depository Institution (AD53)

The Federal Deposit Insurance Corporation (FDIC) proposes to adopt amendments to the rules regarding the treatment by the FDIC, as receiver or conservator of an insured depository institution, of financial assets transferred by the institution in connection with a securitization or a participation after September 30, 2010. The proposed rule would continue the safe harbor for transferred financial assets in connection with securitizations in which the financial assets were transferred under the existing regulations. The proposed rule would clarify the conditions for a safe harbor for securitizations or participations issued after September 30, 2010. The proposed rule also sets forth safe harbor protections for securitizations that do not comply with the new accounting standards for off balance sheet treatment by providing for expedited access to the financial assets that are securitized if they meet the conditions defined in the proposed rule. The conditions contained in the proposed rule would serve to protect the Deposit Insurance Fund (DIF) and the FDIC's interests as deposit insurer and receiver by aligning the conditions for the safe harbor with better and more sustainable securitization practices by insured depository institutions (IDIs).

Incorporating Executive Compensation Criteria Into the Risk Assessment System (AD56)

The FDIC's risk-based deposit insurance assessment system (risk-based assessment system) could be changed to account for the risks posed by certain employee compensation programs. Section 7 of the Federal Deposit Insurance Act (FDI Act, 12 U.S.C. section 1817) sets forth the risk-based assessment authorities underlying the FDIC's deposit insurance system, and the parameters of the FDIC's rules are set forth at 12 CFR part 327.

Special Reporting, Analysis and Contingent Resolution Plans at Certain Large Insured Depository Institutions (AD59)

This proposed rule would require certain identified insured depository institutions (IDIs) that are subsidiaries of large and complex financial parent companies to submit to the FDIC analysis, information, and contingent resolution plans that address and demonstrate the IDI's ability to be separated from its parent structure, and to be wound down or resolved in an orderly fashion. The IDI's plan would include a gap analysis that would identify impediments to the orderly stand-alone resolution of the IDI, and identify reasonable steps that are or will be taken to eliminate or mitigate such impediments. The contingent resolution plan, gap analysis, and mitigation efforts are intended to enable the FDIC to develop a reasonable strategy, plan, or options for the orderly resolution of the institution. The proposal would apply only to IDIs with greater than $10 billion in total assets that are owned or controlled by parent companies with more than $100 billion in total assets.

Alternative to the Use of Credit Ratings in the Risk-Based Capital Guidelines of the Federal Banking Agencies (AD62)

The Dodd-Frank Wall Street Reform and Consumer Protection Act (the Act), enacted on July 21, 2010, requires Federal agencies to review their regulations that (1) require an assessment of the creditworthiness of a security or money market instrument, and (2) contain references to or requirements regarding credit ratings. In addition, the Agencies are required to

remove such requirements that refer to or rely upon credit ratings, and to substitute in their place uniform standards of creditworthiness. This proposed rule describes the areas in the agencies' risk-based capital standards and Basel changes that could affect those standards that make reference to credit ratings.

Risk-Based Capital Guidelines Market Risk (AD70)

The Comptroller of the Currency (OCC), Board of Governors of the Federal Reserve System (Board), and Federal Deposit Insurance Corporation (FDIC) are proposing to revise their market risk capital rules to modify their scope to better capture positions for which the market risk capital rules are appropriate; reduce procyclicality in market risk capital requirements; enhance the rules' sensitivity to risks that are not adequately captured under the current regulatory measurement methodologies; and increase transparency through enhanced disclosures. The proposed rule does not include the methodologies adopted by the Basel Committee on Banking Supervision for calculating the specific risk capital requirements for debt and securitization positions due to their reliance on credit ratings, which is impermissible under the Dodd-Frank Wall Street Reform and Consumer Protection Act. The proposed rule retains the current specific risk treatment for these positions until the Agencies develop alternative standards of creditworthiness as required by the Act.

Risk-Based Capital Standards: Advanced Capital Adequacy Framework—Basel II; Establishment of a Risk-Based Capital Floor (AD71)

The Office of the Comptroller of the Currency (OCC), Board of Governors of the Federal Reserve System (Board), and Federal Deposit Insurance Corporation (FDIC) (collectively, the agencies) are proposing to amend the advanced risk-based capital adequacy standards (advanced approaches rules) to be consistent with certain provisions of the Dodd-Frank Wall Street Reform and Consumer Protection Act (the Act) and amend the general risk-based capital rules to provide limited flexibility consistent with Section 171(b) of the Act for recognizing the relative risk of certain assets generally not held by depository institutions.

Final Rules

Assessments, Assessment Base and Rates (AD66)

The FDIC amended 12 CFR part 327 to: (1) Implement revisions to the Federal Deposit Insurance Act made by the Dodd-Frank Wall Street Reform and Consumer Protection Act regarding the definition of an institution's deposit insurance assessment base; (2) alter the unsecured debt adjustment in light of the changes to the assessment base; (3) add an adjustment for long-term debt held by an insured depository institution where the debt is issued by another insured depository institution; (4) eliminate the secured liability adjustment; (5) change the brokered deposit adjustment to conform to the change in the assessment base and change the way the adjustment will apply to large institutions; and (6) revise deposit insurance assessment rate schedules, including base assessment rates, in light of the changes to the assessment base. Except as provided, the proposed rate schedule and other revisions to the assessment rules would take effect for the quarter beginning April 1, 2011, and would be reflected in the June 30, 2011, fund balance and the invoices for assessments due September 30, 2011.

Completed Action

Deposit Insurance Regulations (AD33)

The FDIC adopted this final rule to simplify and modernize its deposit insurance rules for revocable trust accounts. The FDIC's main goal in implementing these revisions is to make the rules easier to understand and apply, without decreasing coverage currently available for revocable trust account owners. The FDIC believes that the rule will result in faster deposit insurance determinations after depository institution closings and will help improve public confidence in the banking system. The rule eliminates the concept of qualifying beneficiaries. Also, for account owners with revocable trust accounts totaling no more than $500,000, coverage will be determined without regard to the beneficial interest of each beneficiary in the trust.

Under the new rules, a trust account owner with up to five different beneficiaries named in all his or her revocable trust accounts at one FDIC-insured institution will be insured up to $100,000 per beneficiary. Revocable trust account owners with more than $500,000 and more than five different beneficiaries named in the trust(s) will be insured for the greater of either: $500,000 or the aggregate amount of all the beneficiaries' interests in the trust(s), limited to $100,000 per beneficiary.

Community Reinvestment Act Regulations (AD45)

The Office of the Comptroller of the Currency (OCC), Board of Governors of the Federal Reserve System (Board), the Federal Deposit Insurance Corporation (FDIC) and the Office of Thrift Supervision (OTS) (collectively, the Agencies) issued this final rule that would revise the rules implementing the Community Reinvestment Act (CRA). The rule would incorporate recently adopted statutory language that requires the Agencies, when assessing an institution's record of meeting community credit needs, to consider, as a factor, low-cost education loans provided by the financial institution to low-income borrowers. The rule also would incorporate statutory language that allows the Agencies, when assessing an institution's record, to consider as a factor capital investment, loan participation, and other ventures undertaken by nonminority-owned and nonwomen-owned financial institutions in cooperation with minority- and women-owned financial institutions and low-income credit unions.

Securities of Nonmember Insured Banks (AD64)

The FDIC is revising its securities disclosure regulations applicable to state nonmember banks with securities required to be registered under section 12 of the Securities Exchange Act of 1934 (Exchange Act). The final rule incorporates through cross reference changes in regulations adopted by the Securities and Exchange Commission (SEC) into the provisions of the FDIC's securities regulations. Incorporation by reference will assure that the FDIC's regulations remain substantially similar to the SEC's regulations, as required by law. The final rule provides general references to SEC regulations by title and part of the Code of Federal Regulations (CFR), rather than by specific references to sections and subparts of the CFR as are currently provided in part 335. This revision reflects changes to SEC regulations with respect to small business issuers and will provide general guidance to FDIC filers regarding the electronic filing of certain documents. The amendments to part 335 references to SEC regulations will greatly reduce the need for future revisions of part 335, and the FDIC's regulations will be consistent with the SEC regulations through the cross reference stated in 12 CFR 335.101.

Deposit Insurance Regulations; Unlimited Coverage for Noninterest-bearing Transaction Accounts (AD65)

The FDIC is adopting a final rule amending its deposit insurance regulations to implement section 343 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act), providing for unlimited deposit insurance for ''noninterest-bearing transaction accounts'' for two years starting December 31, 2010.

Community Reinvestment Act Regulations (AD68)

The Office of the Comptroller of the Currency (OCC), Board of Governors of the Federal Reserve System (Board), the Federal Deposit Insurance Corporation (FDIC), and the Office of Thrift Supervision (OTS) (collectively, the Agencies) are amending their Community Reinvestment Act (CRA) regulations to adjust the asset-size thresholds used to define ''small bank'' or ''small savings association'' and ''intermediate small bank'' or ''intermediate small savings association.'' As required by the CRA regulations, the adjustment to the threshold amount is based on the annual percentage change in the Consumer Price Index.

Designated Reserve Ratio (AD69)

To implement a comprehensive, long-range management plan for the Deposit Insurance Fund (DIF or fund), the FDIC is amending its regulations to set the Designated Reserve Ratio (DRR) at 2 percent.

Deposit Insurance Regulations; Unlimited Coverage for Noninterest Bearing Transaction Accounts; Inclusion of Interest on Lawyers Trust Accounts (AD72)

The FDIC is adopting a final rule amending its deposit insurance regulations to implement an amendment to section 11(a)(1)(B)(iii) of the Federal Deposit Insurance Act (FDI Act), as added by section 343 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Pub. L. 111–203), that includes interest on Lawyers Trust Accounts (IOLTAs) in the definition of ''noninterest-bearing transaction account'' for purposes of providing unlimited deposit insurance for such accounts for two years starting December 31, 2010.

Orderly Liquidation Authority Provisions of the Dodd-Frank Wall Street Reform and Consumer Protection Act (AD73)

The FDIC is implementing certain provisions of its authority to resolve covered financial companies under title II of the Dodd-Frank Wall Street Reform and Consumer Protection Act. The FDIC's purpose in issuing this Rule is to provide greater clarity and certainty about how key components of this authority will be implemented and to ensure that the liquidation process under title II reflects the Dodd-Frank Act's mandate of transparency in the liquidation of failing systemic financial companies.

Federal Deposit Insurance Corporation.

Valerie Best,

Assistant Executive Secretary.

FEDERAL DEPOSIT INSURANCE CORPORATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
444	12 CFR 325 Alternatives to the Use of Credit Ratings in the Risk-Based Capital Guidelines of the Federal Banking Agencies.	3064–AD62

FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC)

Final Rule Stage

444. Alternatives to the Use of Credit Ratings in the Risk-Based Capital Guidelines of the Federal Banking Agencies

Legal Authority: Not Yet Determined

Abstract: The Dodd-Frank Wall Street Reform and Consumer Protection Act (the Act), enacted on July 21, 2010, requires Federal agencies to review their regulations that (1) require an assessment of the credit-worthiness of a security or money market instrument and (2) contain references to or requirements regarding credit ratings. In addition, the agencies are required to remove such requirements that refer to or rely upon credit ratings, and to substitute in their place uniform standards of credit-worthiness. The ANPRM seeks comment on alternative standards of credit-worthiness that may be used for risk-based capital requirements.

Timetable:

Action	Date	FR Cite
ANPRM	08/25/10	75 FR 52283
ANPRM Comment Period End.	10/25/10	
Final Rule	06/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Bobby R Bean, Chief, Policy Section, Federal Deposit Insurance Corporation, Washington, DC 20429, Phone: 202 898–3575.

Mark Handzlik, Senior Attorney, Federal Deposit Insurance Corporation, Washington, DC 20429, Phone: 202 898–3900.

Michael Phillips, Counsel, Legal Division, Federal Deposit Insurance Corporation, Washington, DC 20429, Phone: 202 898–3581.

RIN: 3064–AD62

[FR Doc. 2011–15502 Filed 7–6–11; 8:45 am]

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Part XXI

Federal Reserve System

Semiannual Regulatory Agenda

FEDERAL RESERVE SYSTEM

12 CFR Ch. II

Semiannual Regulatory Flexibility Agenda

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Board is issuing this agenda under the Regulatory Flexibility Act and the Board's Statement of Policy Regarding Expanded Rulemaking Procedures. The Board anticipates having under consideration regulatory matters as indicated below during the period May 1, 2011, through October 31, 2011. The next agenda will be published in fall 2011.

DATES: Comments about the form or content of the agenda may be submitted any time during the next 6 months.

ADDRESSES: Comments should be addressed to Jennifer J. Johnson, Secretary of the Board, Board of Governors of the Federal Reserve System, Washington, DC 20551.

FOR FURTHER INFORMATION CONTACT: A staff contact for each item is indicated with the regulatory description below.

SUPPLEMENTARY INFORMATION: The Board is publishing its spring 2011 agenda as part of the spring 2011 Unified Agenda of Federal Regulatory and Deregulatory Actions, which is coordinated by the Office of Management and Budget under Executive Order 12866. The agenda also identifies rules the Board has selected for review under section 610(c) of the Regulatory Flexibility Act, and public comment is invited on those entries. The complete Unified Agenda will be available to the public at the following Web site: *http://www.reginfo.gov.* Participation by the Board in the Unified Agenda is on a voluntary basis.

The Board's agenda is divided into three sections. The first, Proposed Rule Stage, reports on matters the Board may consider for public comment during the next 6 months. The second section, Final Rule Stage, reports on matters that have been proposed and are under Board consideration. And a third section, Completed Actions, reports on regulatory matters the Board has completed or is not expected to consider further.

A dot (•) preceding an entry indicates a new matter that was not a part of the Board's previous agenda and which the Board has not completed.

Margaret McCloskey Shanks,

Associate Secretary of the Board.

FEDERAL RESERVE SYSTEM—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
445	Regulation Z—Escrow Requirements (Docket No. R–1406)	7100–AD65
446	Regulation II—Debit Card Interchange Fees and Routing (Docket No. R–1404)	7100–AD63
447	Regulation Z—Truth in Lending (Docket No. R–1393)	7100–AD55
448	Regulation Z—Truth in Lending (Docket No. R–1394)	7100–AD56

FEDERAL RESERVE SYSTEM (FRS)

Final Rule Stage

445. • Regulation Z—Escrow Requirements (Docket No. R–1406)

Legal Authority: 12 U.S.C. 3806; 15 U.S.C. 1604; 15 U.S.C. 1637(c)(5); 15 U.S.C. 1639

Abstract: The Federal Reserve Board (Board) will publish in the **Federal Register** on March 2, 2011, a proposed rule that would amend Regulation Z (Truth in Lending) to implement certain amendments to the Truth in Lending Act made by the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act). Regulation Z currently requires creditors to establish escrow accounts for higher-priced mortgage loans secured by a first lien on a dwelling. The proposal would implement statutory changes made by the Dodd-Frank Act that lengthen the time for which a mandatory escrow account established for a higher-priced mortgage loan must be maintained. In addition, the proposal would implement the Act's disclosure requirements regarding escrow accounts. The proposal also would exempt certain loans from the statute's escrow requirement. The primary exemption would apply to mortgage loans extended by creditors that operate predominantly in rural or underserved areas, originate a limited number of mortgage loans, and do not maintain escrow accounts for any mortgage loans they service.

Timetable:

Action	Date	FR Cite
Board Requested Comment.	06/00/11	
Board Expects Further Action.	07/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Samantha Pelosi, Attorney, Federal Reserve System, Legal Division, Phone: 202 452–2412, E-mail: *samantha.pelosi@frb.gov.*

RIN: 7100–AD65

446. • Regulation II—Debit Card Interchange Fees and Routing (Docket No. R–1404)

Legal Authority: 15 U.S.C. 16930

Abstract: The Board requested public comment on proposed new Regulation II, Debit Card Interchange Fees and Routing, which:(1) Establishes standards for determining whether an interchange fee received or charged by an issuer with respect to an electronic debit transaction is reasonable and proportional to the cost incurred by the issuer with respect to the transaction, and (2) prohibits issuers and networks from restricting the number of networks over which an electronic debit transaction may be processed and from inhibiting the ability of a merchant to direct the routing of and electronic debit transaction to any network that may process such transactions. With respect to the interchange fee standards, the Board requested comment on two alternatives that would apply to covered issuers: (1) An issuer-specific standard with a safe harbor and a cap, or (2) a cap applicable to all such issuers. The proposed rule would additionally prohibit circumvention or evasion of the interchange fee limitations (under both alternatives) by preventing the issuer from receiving net compensation from the network (excluding interchange fees passed through the network). The Board also requested comment on possible frameworks for an adjustment to interchange fees for fraud-prevention costs. With respect to the debit-card routing rules, the Board requested comment on two alternative rules prohibiting network exclusivity: one alternative would require at least two unaffiliated networks per debit card, and the other would require at least two unaffiliated networks for each type of transaction authorization method. Under both alternatives, the issuers and

networks would be prohibited from inhibiting a merchant's ability to direct the routing of an electronic debit transaction over any network that may process such transactions.

Timetable:

Action	Date	FR Cite
Board Requested Comment.	12/16/10	75 FR 81722
Board Expects Further Action.	07/00/11	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Dena Milligan, Attorney, Federal Reserve System, Legal Division, Washington, DC 20551, Phone: 202 452–3900, E-mail: *dena.milligan@frb.gov.*

RIN: 7100–AD63

447. • Regulation Z—Truth in Lending (Docket No. R–1393)

Legal Authority: 12 U.S.C. 3806; 15 U.S.C. 1604; 15 U.S.C. 1637; 15 U.S.C. 1639; *et seq.*

Abstract: This proposed rule seeks to clarify aspects of the Board's final rules implementing the Credit Card Accountability, Responsibility, and Disclosure Act of 2009 (Pub. L. 111–24), which were published in February 2010 (75 FR 7658) and June 2010 (75 FR 37526).

Timetable:

Action	Date	FR Cite
Board Issued Interim Final Rule.	11/02/10	75 FR 67458
Board Expects Further Action.	06/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Benjamin K. Olson, Attorney, Federal Reserve System, Division of Consumer and Community Affairs, Phone: 202 452–2826.

RIN: 7100–AD55

448. • Regulation Z—Truth in Lending (Docket No. R–1394)

Legal Authority: 12 U.S.C. 3806; 15 U.S.C. 1604; 15 U.S.C. 1637c

Abstract: On October 28, 2010, the Federal Reserve approved for public comment an interim final rule amending Regulation Z (Truth in Lending)(75 FR 66554). The interim rule implements section 129E of the Truth in Lending Act (TILA), which was enacted on July 21, 2010, as section 1472 of the Dodd-Frank Wall Street Reform and Consumer Protection Act. TILA section 129E establishes new requirements for appraisal independence for consumer credit transactions secured by the consumer's principal dwelling. The amendments are designed to ensure that real estate appraisals used to support creditors' underwriting decisions are based on the appraiser's independent professional judgment, free of any influence or pressure that may be exerted by parties that have an interest in the transaction. The amendments also seek to ensure that creditors and their agents pay customary and reasonable fees to appraisers. The Board sought comment on all aspects of the interim final rule, which were due by December 27, 2010. Compliance is mandatory for residential mortgage applications received by creditors on or after April 1, 2011.

Timetable:

Action	Date	FR Cite
Board Issued Request for Public Comment.	10/28/10	75 FR 66554
Board Expects Further Action.	06/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jamie Goodson, Attorney, Federal Reserve System, Division of Consumer and Community Affairs, Phone: 202 452–3667.

RIN: 7100–AD56

[FR Doc. 2011–15503 Filed 7–6–11; 8:45 am]

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Part XXII

Nuclear Regulatory Commission

Semiannual Regulatory Agenda

NUCLEAR REGULATORY COMMISSION

10 CFR Chapter I

Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: Nuclear Regulatory Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is publishing its semiannual regulatory agenda in accordance with Public Law 96–354, ''The Regulatory Flexibility Act,'' and Executive Order 12866, ''Regulatory Planning and Review.'' The agenda is a compilation of all rules on which the NRC has recently completed action or has proposed or is considering action. This issuance updates any action occurring on rules since publication of the last semiannual agenda on December 20, 2010 (75 FR 9934).

ADDRESSES: Comments on any rule in the agenda may be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff. Comments may also be hand delivered to the One White Flint North Building, 11555 Rockville Pike, Rockville, Maryland 20852–2738, between 7:30 a.m. and 4:15 p.m., Federal workdays. Comments received on rules for which the comment period has closed will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before the closure dates specified in the agenda. Public comments on NRC's published rulemaking actions are available on the Federal rulemaking Web site at *http://www.regulations.gov.*

The agenda and any comments received on any rule listed in the agenda are available for public inspection and copying, for a fee, at the NRC's Public Document Room, One White Flint North, 11555 Rockville Pike, Room O1–F21, Rockville, Maryland 20852–2738.

The complete Unified Agenda will be available online at *http://www.reginfo.gov,* in a format that offers users a greatly enhanced ability to obtain information from the Agenda database.

FOR FURTHER INFORMATION CONTACT: For further information concerning NRC rulemaking procedures or the status of any rule listed in this agenda, contact: Cindy Bladey, Rules, Announcements and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 301–492–3667; E-mail: *Cindy Bladey@nrc.gov.* Persons outside the Washington, DC, metropolitan area may call, toll-free: 1–800–368–5642. For further information on the substantive content of any rule listed in the agenda, contact the individual listed under the heading ''Agency Contact'' for that rule.

SUPPLEMENTARY INFORMATION: The information contained in this semiannual publication is updated to reflect any action that has occurred on rules since publication of the last NRC semiannual agenda on December 20, 2010 (75 FR 9934). Within each group, the rules are ordered according to the Regulation Identifier Number (RIN).

The information in this agenda has been updated through February 25, 2011. The date for the next scheduled action under the heading ''Timetable'' is the date the rule is scheduled to be published in the **Federal Register**. The date is considered tentative and is not binding on the Commission or its staff. The agenda is intended to provide the public early notice and opportunity to participate in the NRC rulemaking process. However, the NRC may consider or act on any rulemaking even though it is not included in the agenda.

The NRC agenda lists all open rulemaking actions. Three rules affect small entities.

Dated at Rockville, Maryland, this 25th day of February, 2011.

For the Nuclear Regulatory Commission.

Cindy Bladey,

Chief, Rules, Announcements and Directives Branch, Division of Administrative Services, Office of Administration.

NUCLEAR REGULATORY COMMISSION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
449	Distribution of Source Material To Exempt Persons and General Licensees and Revision of General License and Exemptions [NRC–2009–0084].	3150–AH15

NUCLEAR REGULATORY COMMISSION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
450	Controlling the Disposition of Solid Materials [NRC–1999–0002]	3150–AH18

NUCLEAR REGULATORY COMMISSION (NRC)

Final Rule Stage

449. Distribution of Source Material to Exempt Persons and General Licensees and Revision of General License and Exemptions [NRC–2009–0084]

Legal Authority: 42 U.S.C. 2201; 42 U.S.C. 5841

Abstract: The proposed rule would amend the Commission's regulations to improve the control over the distribution of source material to exempt persons and to general licensees in order to make part 40 more risk-informed. The proposed rule also would govern the licensing of source material by adding specific requirements for licensing of and reporting by distributors of products and materials used by exempt persons and general licensees. Source material is used under general license and under various exemptions from licensing requirements in part 40 for which there is no regulatory mechanism for the Commission to obtain information to fully assess the resultant risks to public health and safety. Although estimates of resultant doses have been made, there is a need for ongoing information on the quantities and types of radioactive material distributed for exempt use and use under general license. Obtaining information on the distribution of source material is particularly difficult because many of the distributors of source material to exempt persons and generally licensed persons are not currently required to hold a license from the Commission. Distributors are often unknown to the Commission. No controls are in place to ensure that

products and materials distributed are maintained within the applicable constraints of the exemptions. In addition, the amounts of source material allowed under the general license in section 40.22 could result in exposures above 1 mSv/year (100 mrem/year) to workers at facilities that are not required to meet the requirements of parts 19 and 20. Without knowledge of the identity and location of the general licensees, it would be difficult to enforce restrictions on the general licensees. This rule also would address Petition for Rulemaking, PRM–40–27 submitted by the State of Colorado and Organization of Agreement States.

Timetable:

Action	Date	FR Cite
NPRM	07/26/10	75 FR 43425
NPRM Comment Period End.	11/23/10	
Final Rule	12/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Gary C. Comfort, Jr., Nuclear Regulatory Commission, Office of Federal and State Materials and Environmental Management Programs, Washington, DC 20555–0001, Phone: 301 415–8106, E-mail: *gary.comfort@nrc.gov*.

RIN: 3150–AH15

NUCLEAR REGULATORY COMMISSION (NRC)

Long-Term Actions

450. Controlling the Disposition of Solid Materials [NRC–1999–0002]

Legal Authority: 42 U.S.C. 2201; 42 U.S.C. 5841

Abstract: The staff provided a draft proposed rule package on Controlling the Disposition of Solid Materials to the Commission on March 31, 2005, which the Commission disapproved. The Commission's decision was based on the fact that the Agency is currently faced with several high priority and complex tasks, that the current approach to review specific cases on an individual basis is fully protective of public health and safety, and that the immediate need for this rule has changed due to the shift in timing for reactor decommissioning. The Commission has deferred action on this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kimyata Morgan Butler, Nuclear Regulatory Commission, Office of Federal and State Materials and Environmental Management Programs, Washington, DC 20555–0001, Phone: 301 415–0733, E-mail: *kimyata.morganbutler@nrc.gov*.

RIN: 3150–AH18

[FR Doc. 2011–15504 Filed 7–6–11; 8:45 am]

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FEDERAL REGISTER

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Part XXIII

Securities and Exchange Commission

Semiannual Regulatory Agenda

SECURITIES AND EXCHANGE COMMISSION

17 CFR Ch. II

[Release Nos. 33–9194, 34–64021, IA–3168, IC–29593, File No. S7–09–11]

Regulatory Flexibility Agenda

AGENCY: Securities and Exchange Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Securities and Exchange Commission is publishing an agenda of its rulemaking actions pursuant to the Regulatory Flexibility Act (RFA), (Pub. L. No. 96–354, 94 Stat. 1164) (Sep. 19, 1980). Information in the agenda was accurate on March 3, 2011, the day on which the Commission's staff completed compilation of the data. To the extent possible, rulemaking actions by the Commission since that date have been reflected in the agenda. The Commission invites questions and public comment on the agenda and on the individual agenda entries.

The Commission is now printing in the **Federal Register**, along with our preamble, only those agenda entries for which we have indicated that preparation of a Regulatory Flexibility Act analysis is required.

The Commission's complete RFA agenda will be available online at *http://www.reginfo.gov.*

DATES: Comments should be received on or before June 30, 2011.

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

Electronic comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/other.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number S7–09–11 on the subject line; or
- Use the Federal eRulemaking Portal (*http://www.regulations.gov*). Follow the instructions for submitting comments.

Paper comments

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

All submissions should refer to File No. S7–09–11. This file number should be included on the subject line if email is used. To help us process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/other.shtml*). Comments are also available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. All comments received will be posted without change; we do not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

FOR FURTHER INFORMATION CONTACT: Anne Sullivan, Office of the General Counsel, 202–551–5019.

SUPPLEMENTARY INFORMATION: The RFA requires each Federal agency, during April and October of each year, to publish in the **Federal Register** an agenda identifying rules that the agency expects to consider in the next 12 months that are likely to have a significant economic impact on a substantial number of small entities (5 U.S.C. 602(a)). The RFA specifically provides that publication of the agenda does not preclude an agency from considering or acting on any matter not included in the agenda and that an agency is not required to consider or act on any matter that is included in the agenda (5 U.S.C. 602(d)). Actions that do not have an estimated date are placed in the long-term category; the Commission may nevertheless act on items in that category within the next 12 months. The agenda includes new entries, entries carried over from prior publications, and rulemaking actions that have been completed (or withdrawn) since publication of the last agenda.

The following abbreviations for the acts administered by the Commission are used in the agenda:

''Securities Act''—Securities Act of 1933
''Exchange Act''—Securities Exchange Act of 1934
''Investment Company Act''—Investment Company Act of 1940
''Investment Advisers Act''—Investment Advisers Act of 1940
''Dodd-Frank Act''—Dodd-Frank Wall Street Reform and Consumer Protection Act

The Commission invites public comment on the agenda and on the individual agenda entries.

By the Commission.

Dated: March 3, 2011.

Elizabeth M. Murphy,

Secretary.

DIVISION OF CORPORATION FINANCE—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
451	Voluntary Filers	3235–AK59
452	Disqualification of Felons and Other "Bad Actors" From Rule 506 Offerings	3235–AK97
453	Risk Disclosures	3235–AK58

DIVISION OF CORPORATION FINANCE—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
454	Proxy Solicitation Enhancements	3235–AK28
455	Short-term Borrowings	3235–AK72
456	Conflict Minerals	3235–AK84
457	Disclosure of Payments By Resource Extraction Issuers	3235–AK85
458	Listing Standards for Compensation Committees	3235–AK95
459	Net Worth Standard for Accredited Investors	3235–AK90

DIVISION OF CORPORATION FINANCE—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
460	Shareholder Approval of Executive Compensation and Golden Parachute Compensation	3235–AK68

DIVISION OF INVESTMENT MANAGEMENT—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
461	References to Credit Ratings in Certain Investment Company Act Rules and Forms	3235–AL02

DIVISION OF INVESTMENT MANAGEMENT—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
462	Temporary Rule Regarding Principal Trades With Certain Advisory Clients	3235–AJ96

DIVISION OF TRADING AND MARKETS—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
463	Amendments to Rule 17a–5	3235–AK56
464	Publication or Submission of Quotations Without Specified Information	3235–AH40

DIVISION OF TRADING AND MARKETS—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
465	Transitional Registration as a Municipal Advisor	3235–AK69
466	Consolidated Audit Trail	3235–AK51
467	Proposed Rules for Nationally Recognized Statistical Rating Organizations	3235–AK14

DIVISION OF TRADING AND MARKETS—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
468	Confirmation of Transactions in Open-End Management Investment Company Shares, Unit Investment Trust Interests, and Municipal Fund Securities Used for Education Savings.	3235–AJ11
469	Point-of-Sale Disclosure of Purchases in Open-End Management Investment Company Shares, Unit Investment Trust Interests, and Municipal Fund Securities Used for Education Savings.	3235–AJ12
470	Rule 15c–100: Schedule 15C	3235–AJ13
471	Rule 15c–101: Schedule 15D	3235–AJ14
472	Processing of Reorganization Events, Tender Offers, and Exchange Offers	3235–AH53

DIVISION OF TRADING AND MARKETS—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
473	Risk Management Controls for Brokers or Dealers With Market Access	3235–AK53

SECURITIES AND EXCHANGE COMMISSION (SEC)

Division of Corporation Finance

Proposed Rule Stage

451. Voluntary Filers

Legal Authority: Not Yet Determined

Abstract: The Division is considering recommending that the Commission propose amendments to require registrants who do not have a filing obligation under the Exchange Act to file any reports with the Commission in compliance with Commission rules.

Timetable:

Action	Date	FR Cite
NPRM	03/00/12	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Sean Harrison, Division of Corporation Finance,

Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, Phone: 202 551–3430.

RIN: 3235–AK59

452. • Disqualification of Felons and Other ''Bad Actors'' From Rule 506 Offerings

Legal Authority: 15 U.S.C. 77c(a); 15 U.S.C. 77d; 15 U.S.C. 77s; 15 U.S.C. 77z–3

Abstract: The Commission has acted to implement section 926 of the Dodd-Frank Act by proposing rules to disqualify securities offerings involving certain ''bad actors'' from eligibility for the exemptions under Rule 506 of Regulation D.

Timetable:

Action	Date	FR Cite
NPRM	06/01/11	76 FR 31518
NPRM Comment Period End.	07/14/11	
Final Action	07/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Johanna Vega Losert, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20845, Phone: 202 551–3460, E-mail: *losertj@sec.gov.*

RIN: 3235–AK97

453. Risk Disclosures

Legal Authority: Not Yet Determined

Abstract: The Division is considering recommending that the Commission propose amendments to its rules and forms to consolidate and enhance the risk disclosures provided by registrants.

Timetable:

Action	Date	FR Cite
NPRM	03/00/12	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jennifer Zepralka, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, Phone: 202 551–3430.

RIN: 3235–AK58

SECURITIES AND EXCHANGE COMMISSION (SEC)

Division of Corporation Finance

Final Rule Stage

454. Proxy Solicitation Enhancements

Legal Authority: 15 U.S.C. 78n

Abstract: The Commission adopted amendments in December 2009 to enhance proxy disclosures. In the proposing release for those rules, the Commission also proposed further amendments to its proxy rules to clarify the manner in which they operate and address issues that have arisen in the proxy solicitation process. The Division is considering recommending that the Commission adopt amendments relating to the outstanding proposals.

Timetable:

Action	Date	FR Cite
NPRM	07/17/09	74 FR 35076
NPRM Comment Period End.	09/15/09	
Final Rule	12/23/09	74 FR 68334
Final Rule Effective.	02/28/10	
Final Action	12/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mark W. Green, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–0301, Phone: 202 551–3440, E-mail: *greenm@sec.gov.*

RIN: 3235–AK28

455. • Short-Term Borrowings

Legal Authority: 15 U.S.C. 77a *et seq.;* 15 U.S.C. 78a *et seq.*

Abstract: The Commission proposed revisions to rules to enhance the disclosure that registrants provide about short-term borrowings.

Timetable:

Action	Date	FR Cite
NPRM	09/28/10	75 FR 59866
NPRM Comment Period End.	11/29/10	
Final Action	06/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Christina Padden, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, Phone: 202 551–3435, E-mail: *paddenc@sec.gov.*

RIN: 3235–AK72

456. • Conflict Minerals

Legal Authority: 15 U.S.C. 77g; 15 U.S.C. 77j; 15 U.S.C. 77s; 15 U.S.C. 78l; 15 U.S.C. 78m; 15 U.S.C. 78o; 15 U.S.C. 78w; PL. 111–203 sec 1502

Abstract: The Commission proposed amendments to forms and rules to implement the requirements of section 1502 of the Dodd-Frank Act. The proposed amendments would require any reporting issuer for which conflict minerals are necessary to the functionality or production of a product manufactured or contracted to be manufactured by that issuer to disclose in its annual report whether its conflict minerals originated in the Democratic Republic of the Congo or an adjoining country. If so, the issuer would be required to furnish a separate report as an exhibit to the annual report that includes, among other matters, a description of the measures taken by the issuer to exercise due diligence on the source and chain of custody of its conflict minerals.

Timetable:

Action	Date	FR Cite
NPRM	12/23/10	75 FR 80948
NPRM Comment Period End.	01/31/11	
NPRM Comment Period Extended.	02/03/11	76 FR 6110
NPRM Comment Period Extended End.	03/02/11	
Final Action	07/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John Fieldsend, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, Phone: 202 551–3430, E-mail: *fieldsendj@sec.gov.*

RIN: 3235–AK84

457. • Disclosure of Payments by Resource Extraction Issuers

Legal Authority: 15 U.S.C. 78q; Pub. L. 203–111 sec 1504

Abstract: The Commission proposed rules pursuant to section 1504 of the Dodd-Frank Act, which added section 13(q) to the Exchange Act. Section 13(q) requires the Commission to adopt rules requiring resource extraction issuers to disclose in their annual reports filed with the Commission payments made to foreign governments or the U.S. federal government for the purpose of the commercial development of oil, natural gas, or minerals.

Timetable:

Action	Date	FR Cite
NPRM	12/23/10	75 FR 80978
NPRM Comment Period End.	01/31/11	
NPRM Comment Period Extended.	02/03/11	76 FR 6111
NPRM Comment Period Extended End.	03/02/11	
Final Action	07/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Elliot Staffin, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street, NE, Washington, DC 20549, Phone: 202 551–3243, E-mail: *staffine@sec.gov.*

RIN: 3235–AK85

458. • Listing Standards for Compensation Committees

Legal Authority: Pub. L. 111–203 sec 952; 15 U.S.C. 78j–3

Abstract: The Commission proposed a new rule and rule amendments to implement the provisions of section 10C of the Exchange Act, which was added by section 952 of the Dodd-Frank Act. Section 10C requires the Commission to adopt rules directing the national securities exchanges and national securities associations to adopt certain listing standards with respect to compensation committees and compensation advisors. Section 10C of the Exchange Act requires the Commission to adopt new disclosure rules concerning the use of compensation consultants and conflicts of interest.

Timetable:

Action	Date	FR Cite
NPRM	04/06/11	76 FR 18966
NPRM Comment Period End.	04/29/11	
Final Action	07/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Sean Harrison, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street, NE, Washington, DC 20549, Phone: 202 551–3430, E-mail: *harrisons@sec.gov.*

RIN: 3235–AK95

459. • Net Worth Standard for Accredited Investors

Legal Authority: Pub. L. 111–203 sec 413(a); 15 U.S.C. 77c(b); 15 U.S.C. 77d(2)

Abstract: The Commission proposed amendments to the accredited investor standards in its rules under the Securities Act to reflect the requirements of section 413(a) of the Dodd-Frank Act. Section 413(a) requires the definitions of ''accredited investor'' in Securities Act rules to exclude the value of a person's primary residence for purposes of determining whether the person qualifies as an ''accredited investor'' on the basis of having a net worth in excess of $1 million. The Commission also proposed technical amendments to Form D and a number of its rules to conform them to the language of section 413(a) and to correct cross-references to former section 4(6) of the Securities Act, which was renumbered section 4(5) by section 944 of the Dodd-Frank Act.

Timetable:

Action	Date	FR Cite
NPRM	01/31/11	76 FR 5307
NPRM Comment Period End.	03/11/11	
Final Action	06/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Anthony G. Barone, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street, NE, Washington, DC 20549, Phone: 202 551–3460.

RIN: 3235–AK90

SECURITIES AND EXCHANGE COMMISSION (SEC)

Division of Corporation Finance

Completed Actions

460. Shareholder Approval of Executive Compensation and Golden Parachute Compensation

Legal Authority: Pub. L. 111–203 sec 951; 15 U.S.C. 78c(b); 15 U.S.C. 78m; 15 U.S.C. 78n; 15 U.S.C. 78w(a); 15 U.S.C. 78mm

Abstract: The Commission adopted revisions to the proxy rules to implement section 951 of the Dodd-Frank Act, which requires issuers to conduct a separate shareholder advisory vote: (1) to approve the compensation of executives; (2) to determine how often they will conduct such votes and (3) to approve golden parachute compensation arrangements when issuers are soliciting votes to approve merger or acquisition transactions.

Timetable:

Action	Date	FR Cite
NPRM	10/28/10	75 FR 66590
NPRM Comment Period End.	11/18/10	
Final Action	02/02/11	76 FR 6010
Final Action Effective.	04/04/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Scott Hodgdon, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street, NE, Washington, DC 20549, Phone: 202 551–3430.

RIN: 3235–AK68

SECURITIES AND EXCHANGE COMMISSION (SEC)

Division of Investment Management

Final Rule Stage

461. • References to Credit Ratings in Certain Investment Company Act Rules and Forms

Legal Authority: Not Yet Determined

Abstract: The Commission proposed to amend two rules (Rules 2a-1 and 5b-3) and four forms (Forms N–2A, N–2, N–3, and N–MFP) under the Investment Company Act that reference credit ratings and propose a new rule under the Act that would set forth a credit quality standard in place of a credit rating removed by the Dodd-Frank Act from section 6(a)(5)(A)(iv)(1) of the Investment Company Act. These proposals would give effect to provisions of the Dodd-Frank Act that require removing credit ratings from Commission regulations and adopting a credit quality standard to replace the statutory credit rating references eliminated by the Dodd-Frank Act.

Timetable:

Action	Date	FR Cite
NPRM	03/09/11	76 FR 12896
NPRM Comment Period End.	04/25/11	
Final Action	07/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Anu Dubey, Division of Investment Management, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, Phone: 202 551–6792.

RIN: 3235–AL02

SECURITIES AND EXCHANGE COMMISSION (SEC)

Division of Investment Management

Completed Actions

462. Temporary Rule Regarding Principal Trades With Certain Advisory Clients

Legal Authority: 15 U.S.C. 80b–6a; 15 U.S.C. 80b–11(a)

Abstract: The Commission adopted an amendment to extend the sunset date of Rule 206(3)–3T, a rule that provides investment advisers who are also registered broker-dealers an alternative means of compliance with the principal trading restrictions in section 206(3) of the Investment Advisers Act.

Timetable:

Action	Date	FR Cite
Interim Final Temporary Rule.	09/28/07	72 FR 55022
Interim Final Rule Effective.	09/30/07	
Interim Final Rule Comment Period End.	11/30/07	
Final Rule	12/30/09	74 FR 69009
Final Rule Effective.	12/30/09	
NPRM	12/06/10	75 FR 75650
NPRM Comment Period End.	12/20/10	
Temporary Final Rule.	12/30/10	75 FR 82236
Temporary Final Rule Effective.	12/30/10	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Matthew Goldin, Division of Investment Management, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, Phone: 202 551–6726, Fax: 202 772–9284, E-mail: *goldinm@sec.gov*.

RIN: 3235–AJ96

SECURITIES AND EXCHANGE COMMISSION (SEC)

Division of Trading and Markets

Proposed Rule Stage

463. Amendments to Rule 17A–5

Legal Authority: 15 U.S.C. 78q

Abstract: The Division is considering recommending that the Commission propose amendments to Rule 17a-5 dealing with, among other things, broker-dealer custody of assets.

Timetable:

Action	Date	FR Cite
NPRM	06/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Rebekah Goshorn, Division of Trading and Markets, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, Phone: 202 551–5514, Fax: 202 772–9333, E-mail: *goshornr@sec.gov*.

RIN: 3235–AK56

464. Publication or Submission of Quotations Without Specified Information

Legal Authority: 15 U.S.C. 78c; 15 U.S.C. 78j(b); 15 U.S.C. 78o(c); 15 U.S.C. 78o(g); 15 U.S.C. 78q(a); 15 U.S.C. 78w(a)

Abstract: As part of its efforts to respond to fraud and manipulation in the microcap securities market, the Commission proposed amendments to Rule 15c2–11. These amendments would limit the rule's piggyback provision and increase public availability of issuer information. The amendments would expand the information review requirements for non-reporting issuers and the documentation required for significant relationships between the broker-dealer and the issuer of the security to be quoted. Finally, the amendments would exclude from the rule securities of larger, more liquid issuers.

Timetable:

Action	Date	FR Cite
NPRM	02/25/98	63 FR 9661
NPRM Comment Period End.	04/27/98	
Second NPRM	03/08/99	64 FR 11124
Second NPRM Comment Period End.	04/07/99	
Second NPRM Comment Period Extended.	04/14/99	64 FR 18393
Comment Period End.	05/08/99	
Third NPRM	09/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Victoria L. Crane, Division of Trading and Markets, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, Phone: 202 551–5744, Fax: 202 772–9355, E-mail: *cranev@sec.gov*.

RIN: 3235–AH40

SECURITIES AND EXCHANGE COMMISSION (SEC)

Division of Trading and Markets

Final Rule Stage

465. Transitional Registration as a Municipal Advisor

Legal Authority: Pub. L. 111–203, sec 975

Abstract: The Commission adopted an interim final temporary rule to require all municipal advisors to register with it by October 1, 2010, consistent with the Dodd-Frank Act.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/08/10	75 FR 54465
Interim Final Rule Effective.	10/01/10	
Interim Final Rule Comment Period End.	10/08/10	
Interim Final Rule Effective Through.	12/31/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ira Brandriss, Division of Trading and Markets, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, Phone: 202 551–5681, E-mail: *brandrissi@sec.gov*.

RIN: 3235–AK69

466. Consolidated Audit Trail

Legal Authority: 15 U.S.C. 78k–1(a); 15 U.S.C. 78q(a)

Abstract: The Commission proposed a rule that would require national securities exchanges and national securities associations to act jointly in developing a national market system (NMS) plan to develop, implement, and maintain a consolidated order tracking system, or consolidated audit trail, with respect to the trading of NMS securities.

Timetable:

Action	Date	FR Cite
NPRM	06/08/10	75 FR 32556
NPRM Comment Period End.	08/09/10	
Final Action	06/00/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jennifer L. Colihan, Division of Trading and Markets, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, Phone: 202 551–5642, E-mail: *colihanj@sec.gov*.

RIN: 3235–AK51

467. Proposed Rules for Nationally Recognized Statistical Rating Organizations

Legal Authority: 15 U.S.C. 78o–7; 15 U.S.C. 89q

Abstract: The Commission proposed rule amendments and a new rule that would require nationally recognized statistical rating organizations (NRSROs) to furnish a new annual report by the firm's designated compliance officers, to disclose additional information about firm sources of revenue, and to make publicly available a consolidated report about revenues attributable to persons paying the NRSRO for the issuance or maintenance of a credit rating.

Timetable:

Action	Date	FR Cite
NPRM	06/25/08	73 FR 36212
NPRM Comment Period End.	07/25/08	
Final Rule	02/09/09	74 FR 6465
Second NPRM	02/09/09	74 FR 6485
Second NPRM Comment Period End.	03/26/09	
Final Rule	12/04/09	74 FR 63832

Action	Date	FR Cite
Final Rule Effective.	02/01/10	
Third NPRM	12/04/09	74 FR 63866
Third NPRM Comment Period End.	02/02/10	
Final Action	03/00/12	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Sheila Swartz, Division of Trading and Markets, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, Phone: 202 551–5545, Fax: 202 772–9273, E-mail: *swarts@sec.gov*.

RIN: 3235–AK14

SECURITIES AND EXCHANGE COMMISSION (SEC)

Division of Trading and Markets

Long-Term Actions

468. Confirmation of Transactions in Open-End Management Investment Company Shares, Unit Investment Trust Interests, and Municipal Fund Securities Used for Education Savings

Legal Authority: 15 U.S.C. 78j; 15 U.S.C. 78k; 15 U.S.C. 78o; 15 U.S.C. 78q; 15 U.S.C. 78w(a); 15 U.S.C. 78mm

Abstract: The Commission proposed new Rule 15c2–2 under the Exchange Act, together with accompanying Schedule 15C. The Commission also proposed related amendments to Rule 10b-10. Proposed Rule 15c2–2 and Schedule 15C would provide for improved confirmation disclosure of distribution costs and conflicts of interest associated with transactions in mutual funds, municipal fund securities, and unit investment trusts. The amendments to Rule 10b–10 in part would reflect the new rule and would provide improved confirmation disclosure about certain callable securities. They also would clarify that the confirmation disclosure requirements do not determine broker-dealer disclosure obligations under other provisions of the law.

Timetable:

Action	Date	FR Cite
NPRM	02/10/04	69 FR 6438
NPRM Comment Period End.	04/12/04	
NPRM Comment Period Extended.	03/04/05	70 FR 10521
NPRM Comment Period End.	04/04/05	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Alicia Goldin, Division of Trading and Markets, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, Phone: 202 551–5618, Fax: 202 772–9270, E-mail: *goldina@sec.gov*.

RIN: 3235–AJ11

469. Point–of–Sale Disclosure of Purchases in Open-End Management Investment Company Shares, Unit Investment Trust Interests, and Municipal Fund Securities Used for Education Savings

Legal Authority: 15 U.S.C. 78j; 15 U.S.C. 78k; 15 U.S.C. 78o; 15 U.S.C. 78q; 15 U.S.C. 78w(a); 15 U.S.C. 78mm

Abstract: The Commission proposed new Rule 15c2–3 under the Exchange Act, together with accompanying Schedule 15D. Proposed Rule 15c2–3 and Schedule 15D would provide for pre-transaction ''point of sale'' disclosure of distribution costs and conflicts of interest associated with transactions in mutual funds, municipal fund securities, and unit investment trusts.

Timetable:

Action	Date	FR Cite
NPRM	02/10/04	69 FR 6438
NPRM Comment Period End.	04/12/04	
NPRM Comment Period Extended.	03/04/05	70 FR 10521
NPRM Comment Period End.	04/04/05	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Alicia Goldin, Division of Trading and Markets, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, Phone: 202 551–5618, Fax: 202 772–9270, E-mail: *goldina@sec.gov*.

RIN: 3235–AJ12

470. Rule 15C–100: Schedule 15C

Legal Authority: 15 U.S.C. 78j; 15 U.S.C. 78k; 15 U.S.C. 78o; 15 U.S.C. 78q; 15 U.S.C. 78w(a); 15 U.S.C. 78mm

Abstract: The Commission proposed new Schedule 15C and Rules 15c2–2 and 15c2–3 under the Exchange Act, together with accompanying Schedule 15D. The Commission also proposed related amendments to Rule 10b–10. Proposed Rules 15c2–2 and 15c2–3 and Schedules 15C and 15D would provide for improved confirmation and pre-transaction ''point of sale'' disclosure of distribution costs and conflicts of interest associated with transactions in mutual funds, municipal fund securities, and unit investment trusts. The amendments to Rule 10b–10 in part would reflect the new rules and would provide improved confirmation disclosure about certain callable securities. They also would clarify that the confirmation disclosure requirements do not determine broker-dealer disclosure obligations under other provisions of the law.

Timetable:

Action	Date	FR Cite
NPRM	02/10/04	69 FR 6438
NPRM Comment Period End.	04/12/04	
NPRM Comment Period Extended.	03/04/05	70 FR 10521
NPRM Comment Period End.	04/04/05	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Alicia Goldin, Division of Trading and Markets, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, Phone: 202 551–5618, Fax: 202 772–9270, E-mail: *goldina@sec.gov*.

RIN: 3235–AJ13

471. Rule 15C–101: Schedule 15D

Legal Authority: 15 U.S.C. 78j; 15 U.S.C. 78k; 15 U.S.C. 78o; 15 U.S.C. 78q; 15 U.S.C. 78w(a); 15 U.S.C. 78mm

Abstract: The Commission proposed new Rule 15c2–3 under the Exchange Act, together with accompanying Schedule 15D. Proposed Rule 15c2–3 and Schedule 15D would provide for pre-transaction ''point of sale'' disclosure of distribution costs and conflicts of interest associated with transactions in mutual funds, municipal fund securities, and unit investment trusts.

Timetable:

Action	Date	FR Cite
NPRM	02/10/04	69 FR 6438
NPRM Comment Period End.	04/12/04	
NPRM Comment Period Extended.	03/04/05	70 FR 10521
NPRM Comment Period End.	04/04/05	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Alicia Goldin, Division of Trading and Markets,

Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, Phone: 202 551–5618, Fax: 202 772–9270, E-mail: *goldina@sec.gov*.

RIN: 3235–AJ14

472. Processing of Reorganization Events, Tender Offers, and Exchange Offers

Legal Authority: 15 U.S.C. 78b; 15 U.S.C. 78k–1(a)(1)(B); 15 U.S.C. 78n(d)(4); 15 U.S.C. 78o(c)(3); 15 U.S.C. 78o(c)(6); 15 U.S.C. 78q–1(a); 15 U.S.C. 78q–1(d)(1); 15 U.S.C. 78w(a)

Abstract: The Commission proposed amendments to Rule 17Ad–14 under the Exchange Act. The amendments would require the establishment of book-entry accounts in connection with reorganization events and would give securities depositories up to 3 business days after the expiration of a tender offer, exchange offer, or reorganization event to deliver physical securities certificates to the agents.

Timetable:

Action	Date	FR Cite
NPRM	09/04/98	63 FR 47209
NPRM Comment Period End.	11/03/98	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jerry Carpenter, Division of Trading and Markets, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, Phone: 202 551–5710, Fax: 202 772–9270, E-mail: *carpenterj@sec.gov*.

RIN: 3235–AH53

SECURITIES AND EXCHANGE COMMISSION (SEC)

Division of Trading and Markets

Completed Actions

473. Risk Management Controls for Brokers or Dealers With Market Access

Legal Authority: 15 U.S.C. 78b; 15 U.S.C. 78c(b); 15 U.S.C. 78k–1; 15 U.S.C. 78o; 15 U.S.C. 78q(a) and (b); 15 U.S.C. 78w(a)

Abstract: The Commission adopted a new rule requiring brokers or dealers with access to trading directly on an exchange or alternative trading system, including those providing sponsored or direct market access to customers or other persons, to implement risk management controls and supervisory procedures reasonably designed to manage the financial, regulatory, and other risks of this business activity.

Timetable:

Action	Date	FR Cite
NPRM	01/26/10	75 FR 4007
NPRM Comment Period End.	03/29/10	
Final Action	11/15/10	75 FR 69792
Final Action Effective.	01/14/11	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Theodore Venuti, Division of Trading and Markets, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, Phone: 202 551–5658, Fax: 202 772–9274, E-mail: *venutit@sec.gov*.

RIN: 3235–AK53

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H.R. 2279/P.L. 112–21

Airport and Airway Extension Act of 2011, Part III (June 29, 2011; 125 Stat. 233)

S. 349/P.L. 112–22

To designate the facility of the United States Postal Service located at 4865 Tallmadge Road in Rootstown, Ohio, as the "Marine Sgt. Jeremy E. Murray Post Office". (June 29, 2011; 125 Stat. 236)

S. 655/P.L. 112–23

To designate the facility of the United States Postal Service located at 95 Dogwood Street in Cary, Mississippi, as the "Spencer Byrd Powers, Jr. Post Office". (June 29, 2011; 125 Stat. 237)

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