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Presidential Documents

Title 3—

The President

Proclamation 8770 of December 29, 2012—To Modify Duty-Free Treatment Under the Generalized System of Preferences and for Other Purposes

Correction

In Presidential document 2012–19 beginning on page 407 in the issue of Wednesday, January 4, 2012, make the following correction:

On page 407, the date following the proclamation number should read ''December 29, 2011''

[FR Doc. C1–2012–19
Filed 1–17–12; 8:45 am]
Billing Code 1505–01–D

Rules and Regulations

Federal Register

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

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2012–0015; Special Conditions No. 25–455–SC]

Special Conditions: Gulfstream Aerospace Corporation, Model GVI Airplane; Rechargeable Lithium Batteries and Rechargeable Lithium-Battery Systems

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comments.

SUMMARY: These special conditions are issued for the Gulfstream Aerospace Corporation (GAC) Model GVI airplane. This airplane will have a novel or unusual design feature associated with the installation of rechargeable lithium batteries and rechargeable lithium-battery systems. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: The effective date of these special conditions is January 9, 2012. We must receive your comments by March 5, 2012.

ADDRESSES: Send comments identified by docket number FAA–2012–0015 using any of the following methods:

- *Federal eRegulations Portal:* Go to *http://www.regulations.gov* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30, U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., Room W12–140, West Building Ground Floor, Wahsington, DC, 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 8 a.m. and 5 p.m., Monday through Friday, except federal holidays.
- *Fax:* Fax comments to Docket Operations at (202) 493–2251.

Privacy: The FAA will post all comments it receives, without change, to *http://regulations.gov,* including any personal information the commenter provides. Using the search function of the docket web site, anyone can find and read the electronic form of all comments received into any FAA docket, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). DOT's complete Privacy Act Statement can be found in the **Federal Register** published on April 11, 2000 (65 FR 19477–19478), as well as at *http://DocketsInfo.dot.gov*.

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations 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: Nazih Khaouly, Airplane and Flight Crew Interface Branch, ANM–111, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington 98057–3356; telephone (425) 227–2432; facsimile (425) 227–1320.

SUPPLEMENTARY INFORMATION: The FAA has determined that notice of, and opportunity for prior public comment on, these special conditions are impracticable because these procedures would significantly delay issuance of the design approval and thus delivery of the affected aircraft. In addition, the substance of these special conditions has been subject to the public comment process in several prior instances with no substantive comments received. The FAA therefore finds that good cause exists for making these special conditions effective upon issuance.

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 will consider all comments we receive by the closing date for comments. We may change these special conditions based on the comments we receive.

Background

On March 29, 2005, GAC applied for an FAA type certificate for its new Model GVI passenger airplane (hereafter referred to as ''the GVI''). On September 28, 2006, GAC re-applied for the GVI type certificate to adhere to the application effectivity established by Title 14, Code of Federal Regulations (14 CFR) 21.17(c), and on July 31, 2011, GAC requested an extension of application in accordance with § 21.17(d)(2). The FAA concurred with this request and established a new effective application date of September 18, 2007. The GVI airplane will be an all-new, two-engine jet transport airplane. The maximum takeoff weight will be 99,600 pounds, with a maximum passenger count of 19 passengers.

Type Certification Basis

Under the provisions of Title 14, Code of Federal Regulations (14 CFR) 21.17, GAC must show that the GVI meets the applicable provisions of 14 CFR part 25, as amended by Amendments 25–1 through 25–120, 25–122, 25–124, and 25–132 thereto. If the Administrator finds that the applicable airworthiness regulations (i.e., 14 CFR part 25) do not contain adequate or appropriate safety standards for the GVI because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

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

In addition to the applicable airworthiness regulations and special conditions, the GVI must comply with

the fuel vent and exhaust emission requirements of 14 CFR part 34 and the noise certification requirements of 14 CFR part 36; and the FAA must issue a finding of regulatory adequacy under § 611 of Public Law 92–574, the ''Noise Control Act of 1972.''

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

Novel or Unusual Design Features

The GVI will incorporate the following novel or unusual design features: Rechargeable lithium batteries and rechargeable lithium-battery systems.

Discussion

The current regulations governing installation of batteries in large, transport-category airplanes were derived from Civil Air Regulations (CAR) Part 4b.625(d) as part of the re-codification of CAR 4b that established 14 CFR part 25 in February 1965. The new battery requirements, § 25.1353(c)(1) through (c)(4), basically reworded the CAR requirements.

Increased use of nickel-cadmium (Ni-Cd) batteries in small airplanes resulted in increased incidents of battery fires and failures, which led to additional rulemaking affecting large, transport-category airplanes as well as small airplanes. On September 1, 1977, and March 1, 1978, respectively, the FAA issued § 25.1353(c)(5) and (c)(6), governing Ni-Cd battery installations on large, transport-category airplanes.

The proposed use of rechargeable lithium batteries and rechargeable lithium-battery systems for equipment and systems on the GVI have prompted the FAA to review the adequacy of these existing regulations. Our review indicates that the existing regulations do not adequately address several failure, operational, and maintenance characteristics of rechargeable lithium batteries and rechargeable lithium-battery systems that could affect the safety and reliability of the GVI rechargeable lithium batteries and rechargeable lithium-battery-system installations.

At present, commercial aviation has limited experience with the use of rechargeable lithium batteries and rechargeable lithium-battery systems in aviation applications. However, other users of this technology, ranging from wireless telephone manufacturers to the electric vehicle industry, have noted safety problems with lithium batteries. These problems include overcharging, over-discharging, and cell-component flammability.

1. Overcharging

In general, lithium batteries are significantly more susceptible than their Ni-Cd or lead-acid counterparts to internal failures that can result in self-sustaining increases in temperature and pressure (*i.e.,* thermal runaway). This is especially true for overcharging, which causes heating and destabilization of the components of the lithium-battery cell, which can lead to the formation, by plating, of highly unstable metallic lithium. The metallic lithium can ignite, resulting in a self-sustaining fire or explosion. The severity of thermal runaway due to overcharging increases with increased battery capacity due to the higher amount of electrolyte in large batteries.

2. Over-Discharging

Discharge of some versions of the lithium-battery cell, beyond a certain voltage (typically 2.4 volts), can cause corrosion of the electrodes in the cell, resulting in loss of battery capacity that cannot be reversed by recharging. This loss of capacity may not be detected by the simple voltage measurements commonly available to flight crewmembers as a means of checking battery status, a problem shared with Ni-Cd batteries.

3. Flammability of Cell Components

Unlike Ni-Cd and lead-acid cells, some types of lithium-battery cells use flammable liquid electrolytes. The electrolyte can serve as a source of fuel for an external fire if the cell container is breached.

The problems that lithium-battery users experience raise concerns about the use of these batteries in commercial aviation. The intent of these special conditions is to establish appropriate airworthiness standards for lithium-battery installations in the GVI, and to ensure, as required by §§ 25.601 and 25.1309, that these battery installations will not result in an unsafe condition.

To address these concerns, these special conditions adopt the following requirements:

- Those sections of § 25.1353 that are applicable to lithium batteries.
- The flammable-fluid fire-protection requirements of § 25.863. In the past, this rule was not applied to batteries in transport-category airplanes because the electrolytes in lead-acid and Ni-Cd batteries are not considered flammable.
- New requirements to address hazards of overcharging and over-discharging that are unique to rechargeable lithium batteries.
- Section 25.1529, Instructions for Continued Airworthiness, must include maintenance requirements to ensure that batteries used as spares are maintained in an appropriate state of charge, and installed lithium batteries are sufficiently charged at appropriate intervals. These instructions must also describe proper repairs, if allowed, and battery part-number configuration control.

In issuing these special conditions, the FAA requires that:

(1) All characteristics of the lithium batteries and their installation that could affect safe operation of the GVI are addressed, and

(2) Appropriate Instructions for Continued Airworthiness, which include maintenance requirements, are established to ensure the availability of electrical power from the batteries when needed.

The intent of these proposed special conditions is to establish appropriate airworthiness standards for rechargeable lithium-battery and rechargeable lithium-battery system installations in the GVI and to ensure, as required by §§ 25.1309 and 25.601, that these battery installations are not hazardous or unreliable.

Applicability

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

Conclusion

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

The substance of these special conditions has been subjected to the notice and comment period in several prior instances and has been derived without substantive change from those previously issued. It is unlikely that prior public comment would result in a significant change from the substance contained herein. Therefore, because a delay would significantly affect the certification of the airplane, which is imminent, the FAA has determined that prior public notice and comment are unnecessary and impracticable, and good cause exists for adopting these special conditions upon issuance. The FAA is requesting comments to allow interested persons to submit views that may not have been submitted in response to the prior opportunities for comment described above.

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 Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type-certification basis for the GVI.

In lieu of the requirements of § 25.1353(c)(1) through (c)(4) at amendment 25–42, lithium batteries and battery installations on the GVI must be designed and installed as follows:

(1) Safe lithium battery-cell temperatures and pressures must be maintained during any charging or discharging condition, and during any failure of the battery-charging or battery-monitoring system not shown to be extremely remote. The lithium-battery installation must preclude explosion in the event of those failures.

(2) Design of lithium batteries must preclude the occurrence of self-sustaining, uncontrolled increases in temperature or pressure.

(3) No explosive or toxic gases emitted by any lithium battery in normal operation, or as the result of any failure of the battery-charging or battery-monitoring system, or battery installation which is not shown to be extremely remote, may accumulate in hazardous quantities within the airplane.

(4) Installations of lithium batteries must meet the requirements of 14 CFR 25.863(a) through (d).

(5) No corrosive fluids or gases that may escape from any lithium battery may damage surrounding structure or any adjacent systems, equipment, or electrical wiring of the airplane in such a way as to cause a major or more-severe failure condition, as determined in accordance with 14 CFR 25.1309(b).

(6) Each lithium-battery installation must have provisions to prevent any hazardous effect on structure or essential systems caused by the maximum amount of heat the battery can generate during a short circuit of the battery or of its individual cells.

(7) Lithium-battery installations must have a system to control automatically the charging rate of the battery to prevent battery overheating or overcharging, and

(i) A battery-temperature-sensing and over-temperature-warning system with a means to automatically disconnect the battery from its charging source in the event of an over-temperature condition or,

(ii) A battery-failure sensing-and-warning system with a means to automatically disconnect the battery from its charging source in the event of battery failure.

(8) Any lithium-battery installation, the function of which is required for safe operation of the airplane, must incorporate a monitoring-and-warning feature that will provide an indication to the appropriate flight crewmembers whenever the state-of-charge of the batteries has fallen below levels considered acceptable for dispatch of the airplane.

(9) The instructions for continued airworthiness required by § 25.1529 (and § 26.11) must contain maintenance steps to assure that the lithium batteries are sufficiently charged at appropriate intervals specified by the battery manufacturer. The instructions for continued airworthiness must also contain procedures to ensure the integrity of lithium batteries in spares storage to prevent the replacement of batteries, the function of which are required for safe operation of the airplane, with batteries that have experienced degraded charge-retention ability or other damage due to prolonged storage at a low state-of-charge. Precautions should be included in the continued-airworthiness maintenance instructions to prevent mishandling of lithium batteries, which could result in a short circuit or other unintentional damage that could result in personal injury or property damage.

GAC must show compliance with the requirements of these special conditions by test and/or analysis. The aircraft certification office, or its designees, will find compliance in coordination with the FAA Transport Standards Staff.

Note 1: The term ''sufficiently charged'' means that the battery retains enough of a charge, expressed in ampere-hours, to ensure that the battery cells are not damaged. A battery cell may be damaged by reducing the battery's charge below a point where the battery's ability to charge and retain a full charge is reduced. This reduced charging and charge-retention capability would be greater than the reduction that may result from normal operational degradation.

Note 2: These special conditions are not intended to replace § 25.1353(c) in the certification basis of the GVI. These special conditions apply only to lithium batteries and rechargeable lithium-battery-system installations. The requirements of § 25.1353(c) remain in effect for batteries and battery installations on the GVI that do not use lithium batteries.

Issued in Renton, Washington, on January 9, 2012.

K.C. Yanamura,

Assistant Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2012–798 Filed 1–17–12; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2012–0014; Directorate Identifier 2011–CE–044–AD; Amendment 39–16915; AD 2011–27–51]

RIN 2120–AA64

Airworthiness Directives; Hawker Beechcraft Corporation Models 1900, 1900C, and 1900D Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Hawker Beechcraft Corporation Models 1900, 1900C, and 1900D airplanes. This emergency AD was sent previously to all known U.S. owners and operators of these airplanes. This AD requires inspecting the elevator bob-weight and attaching linkage for correct installation and for damage or deformation to the weight and/or weight bracket with corrective action as necessary. This AD was prompted by reports of the elevator bob-weight (stabilizer weight) traveling past its stop bolt, which allowed the attaching linkage to move over-center, resulting in reduced nose down elevator control, which could result in loss of control of the airplane. We are issuing this AD to detect and correct conditions that could result in reduced nose down elevator control and loss of control of the airplane.

DATES: This AD is effective January 18, 2012 to all persons except those persons to whom it was made immediately effective by Emergency AD 2011–27–51, issued on December 23, 2011, which contained the requirements of this amendment.

The Director of the Federal Register approved the incorporation by reference of a certain publication identified in the AD as of January 18, 2012.

We must receive comments on this AD by March 5, 2012.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

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

For service information identified in this AD, contact Hawker Beechcraft Corporation at P.O. Box 85, Wichita, Kansas 67201–0085; telephone: (800) 429–5372 or (316) 676–3140; Internet: *http://pubs.hawkerbeechcraft.com.*

Examining the AD Docket

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

FOR FURTHER INFORMATION CONTACT ONE OF THE FOLLOWING:

- Paul DeVore, Aerospace Engineer, Wichita ACO, FAA, 1801 Airport Road, Room 100, Wichita, Kansas 67209; telephone: (316) 946–4142; fax: (316) 946–4107; email: *paul.devore@faa.gov*; or
- Don Ristow, Aerospace Engineer, Wichita ACO, FAA, 1801 Airport Road, Room 100, Wichita, Kansas 67209; telephone: (316) 946–4120; fax: (316) 946–4107; email: *donald.ristow@faa.gov*.

SUPPLEMENTARY INFORMATION:

Discussion

On December 23, 2011, we issued Emergency AD 2011–27–51, which requires inspecting the elevator bob-weight and attaching linkage for correct installation and for damage or deformation to the weight and/or weight bracket with corrective action as necessary. This AD was prompted by the following reports of the elevator bob-weight (stabilizer weight) traveling past its stop bolt, which allowed the attaching linkage to move over-center, reducing nose down elevator control.

In one instance, a Model 1900C airplane experienced jammed elevators on take-off after a loud bang was heard in the cockpit shortly after rotation. The flight crew noticed that they were unable to move the control column to a nose down position. Elevator movement was only available between neutral to full deflection nose up. The airplane pitch was controlled with the elevator trim and the airplane returned to base, landing safely. Upon inspection, mechanics noticed that the bob-weight interconnect link, part number (p/n) 101–524112–1, was upside down and trailing forward from the control column weld assembly instead of trailing aft as it should. With the link traveled over-center, the geometry of the bob-weight was completely changed relative to its stop. This condition made the bob-weight hit its stop mid-travel, where it should actually have positive clearance from its stop at the full nose down position. The elevator could now only move between nose full up and neutral.

In another instance, on a Model 1900D airplane, during the takeoff roll the elevator controls felt heavy and appeared to be jammed/sticking, requiring more force than usual to rotate. The crew then aborted the takeoff run. Subsequent investigation revealed that the elevator bob-weight attaching link assembly traveled over-center, thus preventing full nose down elevator control authority.

The Model 1900 airplanes have the same type design and thus are subject to this unsafe condition.

This condition, if not corrected, could result in reduced nose down elevator control and loss of airplane control.

Relevant Service Information

We reviewed Hawker Beechcraft Corporation Safety Communiqué #321, dated December 2011. The service information provides information to assist in doing the actions of this AD.

FAA's Determination

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

AD Requirements

This AD requires inspecting the elevator bob-weight and attaching linkage for correct installation and for damage or deformation to the weight and/or weight bracket with corrective action as necessary.

Interim Action

We consider this AD interim action to address the immediate unsafe condition affecting these airplanes. We may take further AD action at a later date.

FAA's Determination of the Effective Date

An unsafe condition exists that requires the immediate adoption of this AD. The FAA has found that the risk to the flying public justifies waiving notice and comment prior to adoption of this rule because the elevator stabilizer weight (bob-weight) could move over-center resulting in reduced nose down elevator control, which could result in loss of control of the airplane. Therefore, we find that notice and opportunity for prior public comment are impracticable and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety and was not preceded by notice and an opportunity for public comment. However, we invite you to send any written data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include the docket number FAA–2012–0014 and Directorate Identifier 2011–CE–044–AD at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this AD. We will consider all comments received by the closing date and may amend this AD because of those comments.

We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this AD.

Costs of Compliance

We estimate that this AD affects 300 airplanes.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection of the elevator bob-weight and attaching linkage.	1 work-hour × $85 per hour = $85	Not applicable	$85	$25,500

The on-condition costs for any corrective action that may be necessary based on the above inspection would vary from airplane to airplane, and we have no way of determining that cost.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII: Aviation Programs describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: ''General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

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

For the reasons discussed above, I certify that this AD:

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

2011–27–51 Hawker Beechcraft Corporation: Amendment 39–16915 ; Docket No. FAA–2012–0014; Directorate Identifier 2011–CE–044–AD.

(a) Effective Date

This AD is effective January 18, 2012, to all persons except those persons to whom it was made immediately effective by Emergency AD 2011–27–51, issued on December 23, 2011, which contained the requirements of this amendment.

(b) Affected ADs

None.

(c) Applicability

This AD applies to the following Hawker Beechcraft Corporation airplanes, certificated in any category:

Models	Serial Nos.
(1) 1900	UA–3.
(2) 1900C	UB–1 through UB–74 and UC–1 through UC–174.
(3) 1900C (Military).	UD–1 through UD–6.
(4) 1900D	UE–1 through UE–439.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by reports of the elevator bob-weight (stabilizer weight) traveling past its stop bolt, which allowed the attaching linkage to move over-center. We are issuing this AD to detect and correct conditions that could result in reduced nose down elevator control and loss of control of the airplane.

(f) Compliance

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

(g) Inspections

Within the next 10 hours time-in-service after January 18, 2012 (the effective date of this AD), inspect the elevator bob-weight installation for the following conditions. Use Hawker Beechcraft Corporation Safety Communiqué #321, dated December 2011.

Note: The term ''nose down'' corresponds to the airplane nose down, down elevator, and control column forward position as used in this AD and Hawker Beechcraft Corporation Safety Communiqué #321, dated December 2011.

(1) *The correct positioning of the elevator control column link assembly, (part number (P/N) 101–524112–1 (1900/1900C) or P/N 101–524112–5 (1900D)).* With the elevator control column in the full nose down position (control column forward), the link must form an angle between the link attachment point at the control column and the bell crank pivot point as shown in the Hawker Beechcraft Corporation Safety Communiqué photo labeled ''Correct Link Orientation.'' The link should be trailing aft from the control column assembly.

(2) *The clearance of the bob-weight stop bolt.* With the elevator control column in the full nose down position (control column forward), the stabilizer weight stop bolt must have positive clearance with the face of the stabilizer weight.

(3) *The condition of the bob-weight and alignment with the stop bolt.* Inspect for evidence of scraping along either side of the weight by the stop bolt. With side pressure applied by hand to the stabilizer weight, no part of the stop bolt should protrude beyond the face of the stabilizer weight on either edge.

(4) *The condition of the bob-weight support bracket.* Inspect for evidence of damage or deformation by contact with the weight assembly.

(h) Corrective Actions

If any discrepancies are found in the inspections required in paragraph (g) of this AD, before further flight, do the following:

(1) Contact Hawker Beechcraft Corporation Technical Support by telephone at (800) 429–5372 or (316) 676–3140 to obtain FAA-approved repair or replacement instructions.

(2) Incorporate the repair or replacement specified in the FAA-approved instructions.

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Wichita Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if

requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO, send it to the attention of the person identified in the Related Information section of this AD.

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

(j) Related Information

For more information about this AD, contact one of the following:

(i) Paul DeVore, Aerospace Engineer, Wichita ACO, FAA, 1801 Airport Road, Room 100, Wichita, Kansas 67209; telephone: (316) 946–4142; fax: (316) 946–4107; email: *paul.devore@faa.gov;* or

(ii) Don Ristow, Aerospace Engineer, Wichita ACO, FAA, 1801 Airport Road, Room 100, Wichita, Kansas 67209; telephone: (316) 946–4120; fax: (316) 946–4107; email: *donald.ristow@faa.gov*.

(k) Material Incorporated by Reference

(1) You must use Hawker Beechcraft Corporation Safety Communiqué #321, dated December 2011, to do the actions required by this AD, unless the AD specifies otherwise. The Safety Communiqué #321 references Hawker Beechcraft Corporation Mandatory Service Bulletin 27–3739, but that service bulletin is not required to do the actions of this AD. The Director of the Federal Register approved the incorporation by reference (IBR) under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) For service information identified in this AD, contact Hawker Beechcraft Corporation at P.O. Box 85, Wichita, Kansas 67201–0085; telephone: (800) 429–5372 or (316) 676–3140; Internet: *http://pubs.hawkerbeechcraft.com*.

(3) You may review copies of the service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

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

Issued in Kansas City, Missouri, on January 6, 2012.

Earl Lawrence,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2012–604 Filed 1–17–12; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2009–1221; Directorate Identifier 2008–NM–097–AD; Amendment 39–16881; AD 2011–25–05]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for The Boeing Company Model 767 airplanes. This AD requires installing new panel assemblies in the main equipment center or on the forward cargo compartment sidewall and removing certain relays from some panels in the main equipment center. This AD also requires revising the maintenance program to incorporate Airworthiness Limitations (AWLs) No. 28–AWL–27 and No. 28–AWL–28. This AD also includes an alternative location for the installation of the new panel assemblies for airplanes that have the optional water system drain plumbing and changing the interconnecting wiring between the P141 panel and the P36 and P37 panels. For airplanes with a deactivated center fuel tank, this AD also requires an alternative functional test for the left and right override/ jettison pumps. We are issuing this AD to prevent possible sources of ignition in a fuel tank caused by electrical fault or uncommanded dry operation of the main tank boost pumps and center auxiliary tank override and jettison pumps. This AD was prompted by fuel system reviews conducted by the manufacturer. An ignition source in the fuel tank could result in a fire or an explosion and consequent loss of the airplane.

DATES: This AD is effective February 22, 2012.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the AD as of February 22, 2012.

The Director of the Federal Register previously approved the incorporation by reference of certain other publications listed in this AD as of January 12, 2010 (74 FR 68515, December 28, 2009).

The Director of the Federal Register previously approved the incorporation by reference of certain other publications listed in this AD as of September 9, 2009 (74 FR 38905, August 5, 2009).

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

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov;* or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: (800) 647–5527) is Document Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Elias Natsiopoulos, Aerospace Engineer, Systems and Equipment Branch, ANM–130S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, Washington 98057–3356; phone: (425) 917–6478; fax: (425) 917–6590; email: *elias.natsiopoulos@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a supplemental notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an airworthiness directive (AD) that would apply to the specified products. That supplemental NPRM published in the **Federal Register** on April 5, 2011 (76 FR 18664). That supplemental NPRM proposed to require installing new panel assemblies in the main equipment center or on the forward cargo compartment sidewall and removing certain relays from some panels in the main equipment center. That supplemental NPRM also proposed to require revising the maintenance program to incorporate Airworthiness Limitations (AWLs) No. 28–AWL–27 and No. 28–AWL–28. For certain airplanes that supplemental NPRM proposed to require prior or concurrent

installation of a second fuel crossfeed valve. That supplemental NPRM also proposed an alternative location for the installation of the new panel assemblies for airplanes that have the optional water system drain plumbing and changing the interconnecting wiring between the P141 panel and the P36 and P37 panels. For airplanes with a deactivated center fuel tank, that supplemental NPRM proposed to require an alternative functional test for the left and right override/jettison pumps.

Comments

We gave the public the opportunity to participate in developing this AD. The following presents the comments received on the supplemental NPRM (76 FR 18664, April 5, 2011) and the FAA's response to each comment.

Support for Supplemental NPRM (76 FR 18664, April 5, 2011)

Boeing concurs with the content of the supplemental NPRM (76 FR 18664, April 5, 2011). Continental Airlines has no technical objections or comments to the supplemental NPRM.

Requests To Revise or Remove Paragraph (j) of the Supplemental NPRM (76 FR 18664, April 5, 2011)

Several commenters requested to either revise or remove paragraph (j) of the supplemental NPRM (76 FR 18664, April 5, 2011). ABX Air recommended that paragraph (j) of the supplemental NPRM be revised to specify that prior or concurrent accomplishment of Boeing Service Bulletin 767–28–0034, Revision 3, dated March 14, 1996, is only required if Boeing Service Bulletin 767–28A0085, Revision 2, dated August 19, 2010, has been done in accordance with the requirements in paragraph (g) of the supplemental NPRM. ABX added that an operator may choose not to incorporate Boeing Service Bulletin 767–28–0034 as long as an alternative method which complies with the requirements in paragraph (g) is approved in accordance with paragraph (o) of the supplemental NPRM. British Airways (BAB) requested that the requirement in paragraph (j) of the supplemental NPRM be removed for any alternative designs (e.g., TDG Aerospace UFI). Japan Airlines (JAL) noted that the installation of a second crossfeed valve, as required by paragraph (j) of the supplemental NPRM, does not have a direct relationship with the electrical fault or uncommanded dry operation of the main tank boost pumps and center auxiliary tank override and jettison pumps, and is not a possible source of ignition.

We acknowledge the commenters' concerns and have removed paragraph (j) from this AD. The installation of a dual crossfeed valve system is an option that operators may do to improve airplane reliability, or as an alternative method of compliance (AMOC) to the requirements of AD 88–21–03 R1, Amendment 39–6077 (53 FR 46605, November 18, 1988). That action (installation of a dual crossfeed configuration) is not necessary for the installation of the ground fault interrupter (GFI) or to address uncommanded dry operation of the main boost pumps and center auxiliary tank override and jettison pumps. This AD requires installation of GFI for both single and dual crossfeed valve configurations. We agree that a single crossfeed valve configuration is acceptable (not incorporating Boeing Service Bulletin 767–28–0034, Revision 3, dated March 14, 1996), and we are working with Boeing to expedite the revision of Boeing Service Bulletin 767–28A0085 in order to provide procedures for a modification to add GFI protection on airplanes with single crossfeed valve configurations.

In addition, we have clarified the actions by revising paragraph (g) of this AD to specify the actions for airplanes with a dual crossfeed valve configuration and adding paragraph (h) of this AD to specify actions for airplanes with a single crossfeed valve configuration (i.e., a dual crossfeed valve configuration has not been installed in accordance with Boeing Service Bulletin 767–28–0034). For airplanes with a dual crossfeed valve configuration, the installation specified in Boeing Service Bulletin 767–28A0085, Revision 2, dated August 19, 2010, must be done. For airplanes with a single crossfeed valve configuration, there are two options: (1) Doing the installation specified in Boeing Service Bulletin 767–28A0085, Revision 2, dated August 19, 2010, provided that prior to or concurrently with the installation of the ground fault interrupt relays, a dual crossfeed valve is installed in accordance with Boeing Service Bulletin 767–28–0034, Revision 3, dated March 14, 1996, or (2) maintaining the single crossfeed valve configuration and modifying the airplane to install a GFI using a method approved by the FAA. We have revised the subsequent paragraph identifiers accordingly.

Requests To Postpone AD Issuance

All Nippon Airways (ANA), ABX, BAB, and JAL requested that issuance of the AD be postponed until Boeing Service Bulletin 767–28A0085, Revision 2, dated August 19, 2010, has been revised. ABX noted that Boeing Service Bulletin 767–28A0085, Revision 2, dated August 19, 2010, contains instructions to modify airplanes with two fuel crossfeed valves, but no instructions to modify airplanes with one crossfeed valve. The commenters stated that Boeing is in the process of revising this service bulletin to change the concurrent requirement and provide wiring changes and an alternative installation for airplanes having a single crossfeed valve system.

We do not agree to delay issuance of this AD until Boeing Service Bulletin 767–28A0085, Revision 2, dated August 19, 2010, is revised, due to the severity of the unsafe condition addressed by this AD. As noted previously, paragraph (h) of this AD has been added to provide two options for airplanes that currently have a single crossfeed valve configuration. Also noted previously, Boeing is currently revising Service Bulletin 767–28A0085, and it will be issued after it is completed. Therefore, as specified previously, we have changed paragraph (g) of this AD and added paragraph (h) of this AD.

Requests To Allow AMOCs to AD 2009–16–06, Amendment 39–15989 (74 FR 38905, August 5, 2009), To Terminate Paragraph (i) of the Supplemental NPRM (76 FR 18664, April 5, 2011)

Two commenters requested that we allow AMOCs for AD 2009–16–06, Amendment 39–15989 (74 FR 38905, August 5, 2009), to terminate the requirements of paragraph (i) of the supplemental NPRM (76 FR 18664, April 5, 2011). United Airlines (UA) requested that the supplemental NPRM include a new paragraph to allow an AMOC to AD 2009–16–06, to terminate prior or concurrent installation of an automatic shutoff system for the auxiliary fuel tank pump as required by paragraph (i) of the supplemental NPRM. UA stated that accomplishing the requirements in AD 2009–16–06 terminates the requirements in paragraph (i) of the supplemental NPRM, and noted that during compliance with that AD it obtained FAA AMOC Letter 140S–09–331, dated September 25, 2009, to install an automatic system for the auxiliary fuel tank pump in accordance with Boeing Service Bulletin 767–28A0083, Revision 1, dated April 26, 2007. That AMOC was only applicable to three of UA's 35 Model 767–300 airplanes because Boeing Service Bulletin 767–28A0083, Revision 1, dated April 26, 2007, was accomplished on the remaining 32 airplanes before the effective date of AD 2009–16–06. UPS stated that it obtained

FAA–AMOC 140S–10–218, dated June 22, 2010, which approved the use of alternate terminal blocks because those identified in Boeing Service Bulletin 767–28A0083, Revision 2, dated February 12, 2009, had been superseded. UPS requested that paragraph (i) of the supplemental NPRM be updated to include that any approved AMOCs terminate the requirements of paragraph (i) of the supplemental NPRM.

We acknowledge the commenters' concerns and provide the following. The related FAA-approved AMOCs should be accepted for terminating the requirements of paragraph (j) of this AD (referred to as paragraph (i) in the supplemental NPRM (76 FR 18664, April 5, 2011)), because the intent of those requirements is met by those AMOCs. It is not necessary to add a new paragraph or revise paragraph (j) of this AD, because accomplishing the AMOCs to AD 2009–16–06, Amendment 39–15989 (74 FR 38905, August 5, 2009), meets the requirements of AD 2009–16–06, and therefore terminates the requirements of paragraph (j) of this AD. Paragraph (j) of this AD already states that ''Accomplishing the requirements of AD 2009–16–06, terminates the requirements of this paragraph.'' We have made no change to the AD in this regard.

Requests To Revise Paragraph (k) of the Supplemental NPRM (76 FR 18664, April 5, 2011)

UA asked that paragraph (k) of the supplemental NPRM (76 FR 18664, April 5, 2011) be revised to add a reference to Revision May 2010 of Section 9 of the Boeing 767 Maintenance Planning Data (MPD) Document, D622T001–9. UA stated that paragraph (k) requires concurrent revision of the maintenance program by incorporating Airworthiness Limitations (AWLs) No. 28–AWL–27 and No. 28–AWL–28 of Section 9 of the Boeing 767 MPD Document, D622T001–9, Revision April 2008; Revision March 2009; or Revision May 2009. UA added that subsequent to Revision May 2009, Boeing has issued Revision May 2010. UPS also requested that paragraph (k) of the supplemental NPRM be revised to add Revision 22, dated April 2011, of Section 9 of the Boeing 767 MPD, Document D622T001–9.

We agree that Boeing 767 MPD Document, D622T001–9, Revision May 2010 should be added to paragraph (k) of this AD. However, we do not agree to add Revision 22, dated April 2011. That revision does not affect Section 9 of MPD Document D622T001–9, as referred to in paragraph (k) of this AD. We have revised paragraph (k) of this AD accordingly.

Conclusion

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

Costs of Compliance

We estimate that this AD will affect 416 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Installation of GFI equipment and wiring.	Between 216 and 279 work-hours × $85 per hour = between $18,360 and $23,715.	Between $52,285 and $53,123.	Between $70,645 and $76,838.	Up to $31,964,608.
Installation of second crossfeed valve (prior/concurrent action).	Between 274 and 302 work-hours × $85 per hour = between $23,290 and $25,670.	Between $30,838 and $66,903.	Between $54,128 and $92,573.	Between $22,517,248 and $38,510,368.
Installing automatic shutoff system (prior/concurrent action; required by AD 2009–16–06, Amendment 39–15989 (74 FR 38905, August 5, 2009)).	Between 3 and 29 work-hours × $85 per hour = between $255 and $2,465.	Between $421 and $9,374	Between $676 and $11,839.	Between $281,216 and $4,925,024.
Revising the maintenance program.	1	None	$85	$35,360.

According to the manufacturer, some of the costs of this AD may be covered under warranty, thereby reducing the cost impact on affected individuals. We do not control warranty coverage for affected individuals. As a result, we have included all costs in our cost estimate.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701, ''General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

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

For the reasons discussed above, I certify that this AD:

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

2011–25–05 The Boeing Company: Amendment 39–16881; Docket No. FAA–2009–1221; Directorate Identifier 2008–NM–097–AD.

(a) Effective Date

This airworthiness directive (AD) is effective February 22, 2012.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 767–200, –300, –300F, and –400ER series airplanes, certificated in any category; as identified in Boeing Service Bulletin 767–28A0085, Revision 2, dated August 19, 2010.

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

(d) Subject

Joint Aircraft System Component (JASC)/ Air Transport Association (ATA) of America Code 28, Fuel.

(e) Unsafe Condition

This AD results from fuel system reviews conducted by the manufacturer. We are issuing this AD to prevent possible sources of ignition in a fuel tank caused by electrical fault or uncommanded dry operation of the main tank boost pumps and center auxiliary tank override and jettison pumps. An ignition source in the fuel tank could result in a fire or an explosion and consequent loss of the airplane.

(f) Compliance

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

(g) Installation for Airplanes on Which a Dual Crossfeed Valve Has Been Installed

For airplanes on which a dual crossfeed valve has been installed as specified in Boeing Service Bulletin 767–28–0034 as of the effective date of this AD: Within 60 months after the effective date of this AD, install ground fault interrupt relays (P140 and P141 panel assemblies) and all applicable parts and components in the main equipment center or in the forward cargo compartment sidewall, as applicable, and remove the fuel boost pump control relays from the P33, P36, and P37 panels, in accordance with the Accomplishment Instructions of Boeing Service Bulletin 767–28A0085, Revision 2, dated August 19, 2010, except as required by paragraph (i) of this AD.

(h) Installation for Airplanes on Which a Dual Crossfeed Valve Has Not Been Installed

For airplanes on which a dual crossfeed valve has not been installed as specified in Boeing Service Bulletin 767–28–0034 as of the effective date of this AD: Within 60 months after the effective date of this AD, do the actions specified in paragraph (h)(1) or (h)(2) of this AD.

(1) Install ground fault interrupt relays (P140 and P141 panel assemblies) and all applicable parts and components in the main equipment center or in the forward cargo compartment sidewall, as applicable, and remove the fuel boost pump control relays from the P33, P36, and P37 panels, in accordance with the Accomplishment Instructions of Boeing Service Bulletin 767–28A0085, Revision 2, dated August 19, 2010, except as required by paragraph (i) of this AD. Prior to or concurrently with the installation of the ground fault interrupt relays, install a dual crossfeed valve in accordance with Boeing Service Bulletin 767–28–0034, Revision 3, dated March 14, 1996.

(2) Maintain the single crossfeed valve configuration and install a GFI, in accordance with a method approved using the procedures specified in paragraph (o)(1) of this AD.

(i) Exception to Service Bulletin

Although paragraph 3.B.29.e. of the Accomplishment Instructions of Boeing Service Bulletin 767–28A0085, Revision 2, dated August 19, 2010, specifies an alternative functional test of the left and right center override pumps as an option, this AD requires that test for airplanes on which the center tank is deactivated.

(j) Prior/Concurrent Installations

For airplanes identified in paragraph 1.A.1. of Boeing Service Bulletin 767–28A0083, Revision 2, dated February 12, 2009; or Boeing Service Bulletin 767–28A0084, Revision 1, dated April 26, 2007: Prior or concurrently with accomplishing the actions required by paragraph (g) and (h)(1) of this AD, install an automatic shutoff system for the auxiliary fuel tank pump, in accordance with the Accomplishment Instructions of Boeing Service Bulletin 767–28A0083, Revision 2, dated February 12, 2009; or Boeing Service Bulletin 767–28A0084, Revision 1, dated April 26, 2007; as applicable. Accomplishing the requirements of AD 2009–16–06, Amendment 39–15989 (74 FR 38905, August 5, 2009), terminates the requirements of this paragraph.

(k) Maintenance Program Revision

Concurrently with accomplishing the actions required by paragraphs (g) and (h)(1) of this AD, or within 30 days after the effective date of this AD, whichever occurs later: Revise the maintenance program by incorporating Airworthiness Limitations (AWLs) No. 28–AWL–27 and No. 28–AWL–28 of Section 9 (''Airworthiness Limitations (AWLs) and Certification Maintenance Requirements (CMRs)'') of the Boeing 767 Maintenance Planning Data (MPD) Document, D622T001–9, Revision April 2008; Revision March 2009; Revision May 2009; or Revision May 2010. The initial compliance time for the actions specified in AWLs No. 28–AWL–27 and No. 28–AWL–28 is within 1 year after accomplishing the installation required by paragraph (g) or (h)(1) of this AD, or within 1 year after the effective date of this AD, whichever occurs later.

(l) Terminating Action for AWLs Revision

Incorporating AWLs No. 28–AWL–27 and No. 28–AWL–28 into the maintenance program in accordance with paragraph (g)(2) of AD 2008–11–01, Amendment 39–15523 (73 FR 29414, May 21, 2008), or paragraph (g)(2) of AD 2008–11–01 R1, Amendment 39–16145 (74 FR 68515, December 28, 2009), terminates the action required by paragraph (k) of this AD.

(m) No Alternative Inspections or Inspection Intervals

After accomplishing the actions specified in paragraph (k) of this AD, no alternative inspections or inspection intervals may be used unless the inspections or intervals are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (o) of this AD.

(n) Credit for Actions Accomplished in Accordance With Previous Service Information

Actions done before the effective date of this AD in accordance with the service information identified in paragraphs (n)(1) through (n)(5) of this AD are acceptable for compliance with the corresponding requirements of this AD.

(1) Boeing Alert Service Bulletin 767–28A0085, dated January 10, 2008.

(2) Boeing Service Bulletin 767–28A0085, Revision 1, dated June 25, 2009.

(3) Boeing Alert Service Bulletin 767–28A0083, dated May 3, 2006.

(4) Boeing Service Bulletin 767–28A0083, Revision 1, dated April 26, 2007.

(5) Boeing Alert Service Bulletin 767–28A0084, dated May 3, 2006.

(o) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Seattle ACO, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO, send it to the attention of the person identified in the Related Information section of this AD. Information may be emailed to: *9-ANM-Seattle-ACO-AMOC-Requests@faa.gov.*

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

(p) Related Information

For more information about this AD, contact Elias Natsiopoulos, Aerospace Engineer, Systems and Equipment Branch, ANM–130S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, Washington 98057–3356; telephone (425) 917–6478; fax (425) 917–6590; email *elias.natsiopoulos@faa.gov.*

(q) Material Incorporated by Reference

(1) You must use the following service information to do the actions required by this AD, unless the AD specifies otherwise. The Director of the Federal Register approved the incorporation by reference (IBR) of the following service information under 5 U.S.C. 552(a) and 1 CFR part 51 on the date specified:

(i) Boeing Service Bulletin 767–28–0034, Revision 3, dated March 14, 1996, approved for IBR February 22, 2012.

(ii) Boeing Service Bulletin 767–28A0083, Revision 2, dated February 12, 2009, approved for IBR September 9, 2009 (74 FR 38905, August 5, 2009).

(iii) Boeing Service Bulletin 767–28A0084, Revision 1, dated April 26, 2007, approved for IBR September 9, 2009 (74 FR 38905, August 5, 2009).

(iv) Boeing Service Bulletin 767–28A0085, Revision 2, dated August 19, 2010, approved for IBR February 22, 2012.

(v) Section 9 of Boeing 767 Maintenance Planning Data Document, D622T001–9, Revision April 2008, approved for IBR January 12, 2010 (74 FR 68515, December 28, 2009).

(vi) Section 9 of Boeing 767 Maintenance Planning Data Document, D622T001–9, Revision March 2009, approved for IBR February 22, 2012.

(vii) Section 9 of Boeing 767 Maintenance Planning Data Document, D622T001–9, Revision May 2009, approved for IBR January 12, 2010 (74 FR 68515, December 28, 2009).

(viii) Section 9 of Boeing 767 Maintenance Planning Data Document, D622T001–9, Revision May 2010, approved for IBR February 22, 2012.

(2) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, Washington 98124–2207; telephone (206) 544–5000, extension 1; fax (206) 766–5680; email *me.boecom@boeing.com;* Internet *https://www.myboeingfleet.com.*

(3) You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington. For information on the availability of this material at the FAA, call (425) 227–1221.

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

Issued in Renton, Washington, on November 22, 2011.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2012–468 Filed 1–17–12; 8:45 am]

BILLING CODE 4910–13–P

SOCIAL SECURITY ADMINISTRATION

20 CFR Part 418

[Docket No. SSA–2010–0033]

RIN 0960–AH24

Amendments to Regulations Regarding Eligibility for a Medicare Prescription Drug Subsidy

AGENCY: Social Security Administration.

ACTION: Final rule.

SUMMARY: This final rule adopts, without change, the interim final rule with request for comments we published in the **Federal Register** on December 29, 2010. The interim final rule incorporated changes to the Medicare prescription drug coverage low-income subsidy (Extra Help) program made by the Patient Protection and Affordable Care Act (Affordable Care Act) enacted in March 2010. Under our interpretation of section 3304 of the Affordable Care Act, if the death of a beneficiary's spouse would decrease or eliminate the subsidy provided by the Extra Help program, we will extend the effective period of eligibility for the most recent determination or redetermination until one year after the month following the month we are notified of the death of the spouse. The effective date of this provision was January 1, 2011. We also revised our regulations to incorporate changes made by the Medicare Improvements for Patients and Providers Act of 2008 (MIPPA) which affect the way we account for income and resources when determining eligibility for the Extra Help program. The statute provides that we no longer count the value of any life insurance policy as a resource for Extra Help effective on and after January 1, 2010. As of that date, we also no longer count as income the help a beneficiary receives when someone else provides food and shelter, or pays household bills for food, mortgage, rent, electricity, water, property taxes, or heating fuel or gas. These revisions updated our rules to reflect these statutory changes.

DATES: The interim final rule with request for comments published on December 29, 2010, is confirmed as final effective January 18, 2012.

FOR FURTHER INFORMATION CONTACT: Craig Streett, Office of Income Security Programs, Social Security Administration, 2–R–24 Operations Building, 6401 Security Boulevard, Baltimore, MD 21235–6401, (410) 965–9793. For information on eligibility or filing for benefits, call our national toll-free number, 1–(800) 772–1213 or TTY 1–(800) 325–0778, or visit our Internet site, Social Security Online, at *http://www.socialsecurity.gov.*

SUPPLEMENTARY INFORMATION:

Background

This final rule adopts, without change, the interim final rule with request for comments we published in the **Federal Register** on December 29, 2010, at 75 FR 81843. The interim final rule changed the way we account for income and resources when determining eligibility for the subsidy provided by the Extra Help program, and removed certain items from those we will count as income and resources. In addition, the interim final rule extended the effective date of a determination or redetermination of an Extra Help subsidy when there is a death of a spouse.

Medicare prescription drug coverage is a voluntary program that covers various prescription drugs. The regulations and requirements for the program are codified in 42 CFR part 423. The Centers for Medicare & Medicaid Services (CMS) promulgates rules and regulations concerning the Medicare program. Anyone who meets the requirements listed in 42 CFR 423.30(a) can enroll in Medicare prescription drug coverage. Medicare prescription drug coverage beneficiaries are generally responsible for deductibles, cost-sharing, and monthly

premiums towards the cost of covered prescriptions.

Beneficiaries with Medicare prescription drug coverage who have limited income and resources may qualify for Extra Help with their monthly premiums, deductibles, and cost-sharing for Medicare prescription drug coverage. To qualify for Extra Help, a Medicare beneficiary must reside in one of the fifty states or the District of Columbia and must have resources and income within specific limits.

Congress enacted MIPPA in July of 2008.[1] Section 116 of MIPPA exempts certain items from income and resources determinations of Extra Help eligibility on or after January 1, 2010. We apply these exemptions to applications filed and redeterminations initiated on or after January 1, 2010. The items exempted under section 116 are the value of life insurance and in-kind support and maintenance.

To implement these requirements of MIPPA, we issued guidance in August 2009 and discontinued counting these exempted items for applications and redeterminations in accordance with the requirements of the statute. Accordingly, we no longer count as income the help a beneficiary receives when someone else provides food and shelter, or pays for food, mortgage, rent, heating fuel, gas, electricity, water, or property taxes. To reflect these statutory exemptions, we revised sections 418.3335(b) and 418.3350 and deleted section 418.3345 of our regulations in the interim final rule that we published in December 2010.

In March 2010, Congress passed the Affordable Care Act, which extends the effective date of a determination or redetermination of an Extra Help subsidy due to the death of a spouse.[2] In our previous rules, any adjustment in the amount of Extra Help the beneficiary receives was effective the month after the month in which we are notified of the death of a spouse. In some cases, the death of a spouse would result in a decrease in the amount of Extra Help or loss of Extra Help eligibility for the beneficiary.

Effective January 1, 2011, if the death of the spouse would decrease or eliminate the subsidy provided by the Extra Help program, we extend the effective period for a determination or redetermination until one year after the date on which it would otherwise cease to be effective—that is, the month after the month we are notified of the death of the spouse. In order to reflect the changes made by the Affordable Care Act, we revised sections 418.3120 and 418.3123 of our regulations.

Prior to the publication of our interim rule, our regulations at 418.3350(b) stated that we did not count as income the unearned income described in sections 416.1124(b), (c)(1) through (c)(12), and (c)(14) through (c)(21). Those rules omitted a reference to paragraph 416.1124(c)(22) that we added after the publication of section 418.3350 in December 2005. We updated the reference in section 418.3350 to correct this omission. This was a technical change only and did not affect the substance of our rules.

Public Comments

On December 29, 2010, we published an interim final rule with request for comments in the **Federal Register** at 75 FR 81843 and provided a sixty-day comment period. We received five comments. We carefully considered the concerns expressed in these comments but did not make any changes to the final rule.

We summarized the commenters' views and responded to the significant issues raised that are within the scope of the interim final rule.

Comment: A commenter expressed gratitude for the cessation of counting as income the help low-income subsidy recipients receive when someone else pays household bills.

Response: We appreciate the comment and value the public's input on regulatory changes. Changes in the Medicare Improvements for Patients and Providers Act of 2008 have made it easier for people to qualify for Extra Help with their Medicare prescription drug plan costs.

Comment: An organization expressed support for our efforts to expand eligibility for low-income subsidy and would like the expansion efforts to go further. The organization believes it would be appropriate to eliminate the asset test (resource limits) for Extra Help with Medicare prescription drug plan costs. The organization stated that the Extra Help asset test is highly restrictive, preventing millions of low-income Part D enrollees from benefiting from Extra Help, and unnecessarily complicates the application process, potentially discouraging qualified enrollees from applying to the program. The organization also stated that an asset test is inappropriate for Medicare beneficiaries, as Americans should be encouraged to save for retirement.

Response: We cannot adopt this comment because the resources eligibility standards for the Extra Help program are statutory. Elimination or adjustment to statutory requirements is beyond the scope of these regulations.

Comment: An organization expressed concern about contacting the surviving spouse of a low-income subsidy eligible couple when we determine that we will defer the redetermination for one year. The organization believes this correspondence may cause unnecessary anxiety to the widow/widower.

Response: We are unable to adopt this suggestion. The death of a spouse is a subsidy-changing event (SCE). We send a redetermination form whenever an SCE report is received as required in 20 CFR 418.3120(b)(1). We use the information to determine if the event will affect the Extra Help subsidy. In some cases, contact with the widow/widower will result in an increase in the Extra Help subsidy. If the subsidy decreases, we will extend the effective period of the determination or redetermination for at least one year from the spouse's death.

Comment: An organization believes that we should provide a more comprehensive definition of ''in-kind support and maintenance'' in 20 CFR 418.3335, either by providing examples or referencing the appropriate link.

Response: We cannot adopt this comment at this time because it is not within the scope of the present regulatory change, which is based on statutory changes. However, we agree that a more comprehensive definition of ''in-kind support and maintenance'' may be appropriate in 20 CFR 418.3335(b). We will consider publishing a separate Notice of Proposed Rulemaking to add a sentence to the end of § 418.3335(b) explaining that ''Shelter includes room, rent, mortgage payments, real property taxes, heating fuel, gas, electricity, water, sewerage, and garbage collection services.''

Comment: An organization asked us to consider clarifying that life insurance refers to the cash surrender value of the life insurance that is under 20 CFR 418.3425.

Response: We are unable to adopt this suggestion because the statutory exclusion is not limited to the cash surrender value of life insurance. ''No part of the value of any life insurance policy shall be taken into account'' in determining the resources of an individual and the eligible spouse of the individual.[3]

[1] Medicare Improvements for Patients and Providers Act of 2008, Public Law 110–275, 122 Stat. 2494 (2008).

[2] The Patient Protection and Affordable Care Act, Public Law 111–148 § 3304.

[3] Medicare Improvements for Patients and Providers Act of 2008, Public Law 110–275, 122 Stat. 2494 (2008).

Accordingly, the interim final rule remains unchanged and we are adopting it as final.

Regulatory Procedures

Executive Order 12866 as Supplemented by Executive Order 13563

We consulted with the Office of Management and Budget (OMB) and determined that this final rule meets the criteria for a significant regulatory action under Executive Order 12866 as supplemented by Executive Order 13563. Thus, OMB reviewed the final rule.

Regulatory Flexibility Act

We certify that these final rules will not have a significant economic impact on a substantial number of small entities, because they affect individuals only. Therefore, a regulatory flexibility analysis is not required under the Regulatory Flexibility Act, as amended.

Paperwork Reduction Act

These rules do not create any new or affect any existing collections and, therefore, do not require Office of Management and Budget approval under the Paperwork Reduction Act.

(Catalog of Federal Domestic Assistance Program Nos. 93.770, Medicare Prescription Drug Coverage; 96.002 Social Security—Retirement Insurance.)

List of Subjects in 20 CFR Part 418

Administrative practice and procedure, Aged, Blind, Disability benefits, Public assistance programs, Reporting and recordkeeping requirements, Supplemental Security Income (SSI), Medicare subsidies.

Michael J. Astrue,

Commissioner of Social Security.

Accordingly, the interim rule amending 20 CFR chapter III, part 418, subpart D that was published at 75 FR 81843 on December 29, 2010, is adopted as a final rule without change.

[FR Doc. 2012–827 Filed 1–17–12; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG–2011–0785]

RIN 1625–AA08

Special Local Regulation; HITS Triathlon; Corpus Christi Bayfront, Corpus Christi, TX

AGENCY: Coast Guard, DHS.

ACTION: Temporary Final rule.

SUMMARY: The Coast Guard is establishing a temporary Special Local Regulation in the Corpus Christi Bayfront area within the Corpus Christi, TX Captain of the Port Zone. This Special Local Regulation will restrict vessels from portions of the Corpus Christi Bayfront area during the HITS Triathlon on February 18th and 19th, 2012. This Special Local Regulation is necessary to ensure the safety of HITS Triathlon participants and protect them from the hazard of vessel traffic in the area.

DATES: This regulation will be effective on February 18, 2012 through February 19, 2012. This regulation will be enforced on February 18, 2012 from 6:45 a.m. to 8:15 a.m. and 11:45 a.m. to 1:15 p.m., and on February 19, 2012 from 6:45 a.m. to 9:45 a.m.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket USCG–2011–0785 and are available online by going to *http://www.regulations.gov,* inserting USCG–2011–0785 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 temporary rule, call or email the United States Coast Guard Sector Corpus Christi's Waterways Management Division; telephone (361) 888–3162, email *D08-DG-SecCorpusChristi-Prev-PMD-WWM@uscg.mil*. If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Regulatory Information

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b) (B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule. The Coast Guard received notice and application for this event on or about August 15, 2011. The Coast Guard reviewed the planned event and determined that a special local regulation is needed to protect event participants from the possible hazards associated with local boat traffic in the area, but that determination was not completed in time for a Notice of Proposed Rulemaking to be prepares and comments to be received. Delaying or foregoing this rule to publish a NPRM would unnecessarily interfere with the contractual obligations that may be involved with the event and would forego the safety measures necessary to protect the event participants. The public interest in holding this event as scheduled outweighs the chance that this temporary rule will interfere with vessel traffic in a meaningful way. This rule does provide a full 30-day period before its effective date.

Basis and Purpose

On February 18 and 19, 2012 the HITS triathlon will take place near and in the Corpus Christi Bayfront area. This temporary special local regulation is necessary to ensure the safety of HITS Triathlon participants and protect them from the possible hazards associated vessel traffic inside the waters of the Corpus Christi Bayfront area during this event.

Discussion of the Rule

This special local regulation is intended to restrict vessel traffic from a portion of the Corpus Christi Bayfront area for the swim portion of the triathlon. The size of the zone was determined by natural barriers on all 4 sides of the race course and local knowledge about wind, waves, and currents in this particular area.

Regulatory Analyses

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

Regulatory Planning and Review

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

The Coast Guard has determined that this rule is not a significant regulatory action for the following reasons: (1) The rule will be enforced for four hours a day for two days; (2) scheduled breaks will be provided to allow waiting vessels to transit safely through the affected area; (3) persons and vessels may enter, transit through, anchor in, or remain within the regulated area if they obtain permission from the COTP or the designated representative; and (4) advance notification of amplifying information about the event and this regulation will be made to the maritime community via broadcast notice to mariners and Local Notice to Mariners (LNM).

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 would not have a significant economic impact on a substantial number of small entities.

This rule will not have a significant economic impact on a substantial number of small entities for the following reasons: (1) This rule will only be enforced not more than 4 hours each day; (2) during non-enforcement hours all vessels will be allowed to transit through the special local regulation zone without having to obtain permission; (3) vessels will be allowed to pass through the zone with permission of the Coast Guard Patrol Commander during scheduled break periods between races and at other times when permitted by the Coast Guard Patrol Commander.

Assistance for Small Entities

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

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

Collection of Information

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

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 would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This rule would 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 would not create an environmental risk to health or risk to safety that might 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 would 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 the establishment of a Special Local Regulation in conjunction with a marine event permit. Under the terms of the instruction, an environmental analysis checklist and a categorical exclusion determination are not required for this regulation.

List of Subjects in 33 CFR Part 100

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

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

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

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

Authority: 33 U.S.C. 1233.

■ 2. Add a new temporary § 100.35T08–0785 to read as follows:

§ 100.35T08–0785 Special Local Regulations for Marine Events; HITS Triathlon; Corpus Christi Bayfront, Corpus Christi, TX.

(a) *Definitions.*

(1) As used in this section ''Participant Vessel'' means all vessels officially registered with event officials to race or work in the event. These vessels include race boats, rescue boats, tow boats, and picket boats associated with the race.

(2) The term ''designated representative'' means Coast Guard Patrol Commanders, including Coast Guard coxswains, petty officers, and other officers operating Coast Guard vessels, and Federal, State, and local officers designated by or assisting the Captain of the Port Corpus Christi in the enforcement of the regulated area

(b) *Location.* The following area is a special local regulation: All waters of the Corpus Christi Bayfront area contained within the North Entrance to the Corpus Christi Marina. The western and eastern boundaries are the structures that physically construct the North Entrance to the Corpus Christi Marina; respectively, S. Southshore Line Blvd. and the three Breakwater walls. The northern boundary is a straight line running from the entrance of the Corpus Christi Art Museum Pier Security Fence (approx 27°48′37.6″ N/097°32′34.3″ W) to the northern most tip of the breakwater walls (approx 27°48′31.1″ N/097°23′27.2″ W). The southern boundary is a straight line running from the intersection of Mann St. and S. Southshore Line Blvd. (approx 27°48′03.5″ N/097°23′28.1″ W) to the southernmost tip of the breakwater walls (approx 27°48′09.5″ N/097°23′18.1″ W).

(c) *Enforcement Period.* This regulation will be enforced on February 18, 2012 from 6:45 a.m. to 8:15 a.m. and 11:45 a.m. to 1:15 p.m., and on February 19, 2012 from 6:45 a.m. to 9:45 a.m., or until swim the for each race is complete.

(d) *Regulations.*

(1) In accordance with the general regulations for marine events detailed in § 100.35, 100.40, and 100.801 of this part, entry into this zone is prohibited to all vessels except participant vessels and those vessels specifically authorized by the Captain of the Port, Corpus Christi, designated Coast Guard Patrol Commander or a designated representative.

(2) Persons or vessels requiring entry into or passage through must request permission from the Captain of the Port, Corpus Christi, designated Coast Guard Patrol Commander or a designated representative. They may be contacted on VHF Channel 13 or 16, or by telephone at (361) 939–6349.

(3) All persons and vessels shall comply with the instructions of the Captain of the Port, Corpus Christi, designated Coast Guard Patrol Commander or a designated representative.

(e) *Informational Broadcasts.* The Captain of the Port Corpus Christi or a designated representative will inform the public through broadcast notice to mariners when special local regulations have been established and if there are changes to the enforcement period for this special local regulation.

Dated: November 23, 2011.

J.R. Pasch,

Captain, U.S. Coast Guard, Captain of the Port, Corpus Christi.

[FR Doc. 2012–785 Filed 1–17–12; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2011–1165]

RIN 1625–AA87

Security Zone; Potomac and Anacostia Rivers, Washington, DC

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary security zone encompassing certain waters of the Potomac River and Anacostia River in order to safeguard high-ranking public officials from terrorist acts and incidents. This action is necessary to ensure the safety of persons and property, and prevent terrorist acts or incidents. This rule prohibits vessels and people from entering the security zone and requires vessels and persons in the security zone to depart the security zone, unless specifically exempt under the provisions in this rule or granted specific permission from the Coast Guard Captain of the Port Baltimore.

DATES: This rule is effective from 4 p.m. until 11:59 p.m. on January 24, 2012.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket USCG–2011–1165 and are available online by going to *http://www.regulations.gov,* inserting USCG–2011–1165 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 temporary rule, call or email Mr. Ronald L. Houck, at Sector Baltimore Waterways Management Division, Coast Guard; telephone (410) 576–2674, email *Ronald.L.Houck@uscg.mil.* If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Regulatory Information

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment

pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is contrary to public interest to delay the effective date of this rule. The Coast Guard is establishing the security zone to protect high-ranking government officials, mitigate potential terrorist acts, and enhance public and maritime safety and security. The Coast Guard was unable to publish a NPRM due to the short time period between event planners notifying the Coast Guard of the event and publication of the security zone. Furthermore, delaying the effective date would be contrary to the security zone's intended objectives of protecting high-ranking government officials, mitigating potential terrorist acts and enhancing public and maritime safety security.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Due to the need for immediate action, the restriction of vessel traffic is necessary to protect life, property and the environment, therefore, a 30-day notice period is impracticable. Delaying the effective date would be contrary to the security zone's intended objectives of protecting high-ranking government officials, mitigating potential terrorist acts and enhancing public and maritime safety and security.

Background and Purpose

The President will address the nation on January 24, 2012. During this event, a gathering of high-ranking United States officials will take place at the U.S. Capitol Building in Washington, DC, in close proximity to navigable waterways within the Captain of the Port's Area of Responsibility.

The Coast Guard has given each Coast Guard Captain of the Port the ability to implement comprehensive port security regimes designed to safeguard human life, vessels, and waterfront facilities while still sustaining the flow of commerce. The Captain of the Port Baltimore is establishing this security zone to protect high-ranking government officials, mitigate potential terrorist acts, and enhance public and maritime safety and security in order to safeguard life, property, and the environment on or near the navigable waters.

Discussion of Rule

Through this regulation, the Coast Guard will establish a security zone. The security zone will be in effect from 4 p.m. until 11:59 p.m. on January 24, 2012. The security zone will include all navigable waters of the Potomac River, from shoreline to shoreline, bounded on the north by the Francis Scott Key (U.S. Route 29) Bridge at mile 113.0, downstream to and bounded on the south between the Virginia shoreline and the District of Columbia shoreline along latitude 38°51′00″ N, including the waters of the Georgetown Channel Tidal Basin; and all waters of the Anacostia River, from shoreline to shoreline, bounded on the north by the 11th Street (I–295) Bridge at mile 2.1, downstream to and bounded on the south by its confluence with the Potomac River. This location is entirely within the Area of Responsibility of the Captain of the Port Baltimore, as set forth at 33 CFR 3.25–15.

This rule provides that entry into, attempted entry into, or remaining in this security zone is prohibited unless authorized by the Coast Guard Captain of the Port Baltimore. Except for persons or vessels authorized by the Captain of the Port Baltimore, no person or vessel may enter or remain in the regulated area during the effective period. Vessels already at berth, mooring, or anchor at the time the security zone is implemented do not have to depart the security zone. All vessels underway within the security zone at the time it becomes effective are to depart the zone immediately. To seek permission to transit the area, the Captain of the Port Baltimore can be contacted at telephone number (410) 576–2693 or on Marine Band Radio, VHF–FM channel 16 (156.8 MHz). Coast Guard vessels enforcing the security zone can be contacted on Marine Band Radio, VHF–FM channel 16 (156.8 MHz). The Coast Guard will issue Broadcast Notices to Mariners to further publicize the security zone.

Regulatory Analyses

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

Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. Although this security zone restricts vessel traffic through the affected area, vessels may seek permission from the Captain of the Port Baltimore to enter and transit the zone. Furthermore, the effect of this regulation will not be significant due to the limited size and duration that the regulated area will be in effect. In addition, notifications will be made to the maritime community via marine information broadcasts so mariners may adjust their plans accordingly.

Small Entities

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule may affect the following entities, some of which might be small entities: The owners or operators of vessels intending to operate or transit through or within the security zone during the enforcement period. The security zone will not have a significant economic impact on a substantial number of small entities for the following reasons. The security zone is of limited duration. Although the security zone will apply to the entire width of the Potomac and Anacostia Rivers, traffic may be allowed to pass through the zone with the permission of the Captain of the Port Baltimore. Before the effective period, maritime advisories will be widely available to the maritime community. Additionally, given the time of year this event is scheduled, the vessel traffic is expected to be minimal.

Assistance for Small Entities

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

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture

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

Collection of Information

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

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 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 effect 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)(g), of the Instruction. This rule involves establishing a temporary security zone. 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 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T05–1165 to read as follows:

§ 165.T05–1165 Security Zone; Potomac and Anacostia Rivers, Washington, DC.

(a) *Location.* The following area is a security zone: All waters of the Potomac River, from shoreline to shoreline, bounded on the north by the Francis Scott Key (U.S. Route 29) Bridge at mile 113.0, downstream to and bounded on the south between the Virginia shoreline and the District of Columbia shoreline along latitude 38°51′00″ N, including the waters of the Georgetown Channel Tidal Basin; and all waters of the Anacostia River, from shoreline to shoreline, bounded on the north by the 11th Street (I–295) Bridge at mile 2.1, downstream to and bounded on the south by its confluence with the Potomac River (North American Datum 1983).

(b) *Definitions.* As used in this section:

Captain of the Port Baltimore means the Commander, U.S. Coast Guard Sector Baltimore, Maryland.

Designated representative means any Coast Guard commissioned, warrant, or petty officer who has been authorized by the Captain of the Port Baltimore to assist in enforcing the security zone described in paragraph (a) of this section.

(c) *Regulations.* The general security zone regulations found in 33 CFR

165.33 apply to the security zone created by this temporary section, § 165.T05.1165.

(1) All persons are required to comply with the general regulations governing security zones found in 33 CFR 165.33.

(2) Entry into or remaining in this zone is prohibited unless authorized by the Coast Guard Captain of the Port Baltimore. Vessels already at berth, mooring, or anchor at the time the security zone is implemented, however, do not have to depart the security zone. All vessels underway within this security zone at the time it is implemented are to depart the zone. The Captain of the Port Baltimore may, in his discretion, grant waivers or exemptions to this rule, either on a case-by-case basis or categorically to a particular class of vessel that otherwise is subject to adequate control measures.

(3) Persons desiring to transit the area of the security zone must first obtain authorization from the Captain of the Port Baltimore or his designated representative. To seek permission to transit the area, the Captain of the Port Baltimore and his designated representatives can be contacted at telephone number (410) 576–2693 or on Marine Band Radio, VHF–FM channel 16 (156.8 MHz). The Coast Guard vessels enforcing this section can be contacted on Marine Band Radio, VHF–FM channel 16 (156.8 MHz). Upon being hailed by a U.S. Coast Guard vessel, or other Federal, State, or local agency vessel, by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed. If permission is granted, all persons and vessels must comply with the instructions of the Captain of the Port Baltimore or his designated representative and proceed at the minimum speed necessary to maintain a safe course while within the zone.

(4) *Enforcement.* The U.S. Coast Guard may be assisted in the patrol and enforcement of the zones by Federal, State, and local agencies.

(d) *Enforcement period.* This section will be enforced from 4 p.m. through 11:59 p.m. on January 24, 2012.

Dated: January 4, 2012.

Mark P. O'Malley,

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

[FR Doc. 2012–786 Filed 1–17–12; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2011–1157]

RIN 1625–AA87

Security Zone; 24th Annual North American International Auto Show, Detroit River, Detroit, MI

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary security zone on the Detroit River, Detroit, Michigan. This zone is intended to restrict vessels from a portion of the Detroit River in order to ensure the safety and security of participants, visitors, and public officials at the 24th Annual North American International Auto Show (NAIAS), which is being held at Cobo Hall in downtown Detroit, MI. Vessels and persons may not enter this security zone without permission of the Captain of the Port Detroit or the COTP on-scene representative.

DATES: This rule is effective from 8 a.m. on January 8, 2012, until 12:01 a.m. on January 23, 2012.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket USCG–2011–1157 and are available online by going to *http://www.regulations.gov,* inserting USCG–2011–1157 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 temporary rule, call or email LT Adrian Palomeque, Prevention Department, Sector Detroit, Coast Guard; telephone (313) 568–9508, email *Adrian.F.Palomeque@uscg.mil.* If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Regulatory Information

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule notice of this year's event was not received in sufficient time for the Coast Guard to solicit public comments before the event's start. Thus, waiting for a notice and comment period to run would be impracticable and contrary to the public interest because it would inhibit the Coast Guard's ability to protect the spectators of and participants in this event from the hazards discussed below.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be contrary to the public interest for the same reasons discussed in the preceding paragraph.

Background and Purpose

The 24th Annual North American International Auto Show (NAIAS) will be held at Cobo Hall in downtown Detroit, MI. The NAIAS is the prime venue for introducing the world's most anticipated vehicles. The public showing days of the NAIAS begin January 14 and extend through January 22. Prior to the public showing, there will also be multiple high profile events; including the press preview days (January 9–10, 2012), industry preview days (January 11–12, 2012), and the charity preview event (January 13, 2012). In 2011, the NAIAS attendance for the public showing was over 735,000 people and press preview days attracted over 5,000 journalists representing 55 countries. Attendance and participation at the 2012 NAIAS is anticipated to rival last year's attendance and will likely be one of the largest media events in North America.

NAIAS has attracted numerous protesters from various organizations. Due to the current state of the economy, the recent number of layoffs, the closures of several thousand automotive dealerships around the country, and the likely presence of high profile visitors, it is possible that protests may continue to occur at this year's event. Consequently, the Captain of the Port Detroit has determined that it is necessary to safeguard portions of the Detroit River from destruction, loss, or injury from sabotage or other subversive acts.

Discussion of Rule

To safeguard portions of the Detroit River during this year's event, the Captain of the Port Detroit has determined that a temporary security zone is necessary. This security zone will ensure the safety of the participants in and visitors of the 24th Annual North American International Auto Show being held at Cobo Hall in downtown Detroit, MI. The security zone will be in effect from 8 a.m. on January 8, 2012, until 12:01 a.m. on January 23, 2012. The zone will be enforced from 8 a.m. to 12:01 a.m. daily for the duration of the event.

The security zone will encompass an area of the Detroit River beginning at a point of origin on land adjacent to the west end of Joe Lewis Arena at 42°19.44′ N, 083°03.11′ W; then extending offshore approximately 150 yards to 42°19.39′ N, 083°03.07′ W; then proceeding upriver approximately 2000 yards to a point at 42°19.72′ N, 083°01.88′ W; then proceeding onshore to a point on land adjacent the Tricentennial State Park at 42°19.79′ N, 083°01.90′ W; then proceeding downriver along the shoreline to connect back to the point of origin. Vessels in close proximity to the security zone will be subject to increased monitoring and boarding. All geographic coordinates are North American Datum of 1983 (NAD 83).

All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on scene representative. Entry into, transit, or anchoring within the security zone is prohibited unless authorized by the Captain of the Port Detroit or his designated on-scene representative. The Captain of the Port or his designated on-scene representative may be contacted via VHF Channel 16.

Regulatory Analyses

We developed this rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on 14 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 Order. The Office of Management and Budget has not reviewed it under Order 12866 or under section 1 of Executive Order 13563.

We conclude that this rule is not a significant regulatory action because we anticipate that it will have a minimal impact on the economy, will not interfere with other agencies, will not adversely alter the budget of any grant or loan recipients, and will not raise any novel legal or policy issues. The security zone on the Detroit River will be relatively small and exist for only a minimal time. Thus, restrictions on vessel movement within any particular area of the Detroit River are expected to be minimal. Under certain conditions, moreover, vessels may still transit through the security zone when permitted by the Captain of the Port. We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation under the regulatory policies and procedures of DHS is unnecessary. This determination is based on the short time that vessels will be restricted from the area of water impacted by the security zone. Moreover, vessels may still transit freely in Canadian waters adjacent to the security zone.

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 vessels intending to transit or anchor in a portion of the Detroit River, Detroit, Michigan, beginning at a point of origin on land at 42°19.44′ N, 083°03.11′ W; then extending offshore approximately 150 yards to 42°19.39′ N, 083°03.07′ W; then proceeding upriver approximately 2000 yards to a point at 42°19.72′ N, 083°01.88′ W; then proceeding onshore to a point on land at 42°19.79′ N, 083°01.90′ W; then returning to the point of origin from 8 a.m. January 8, 2012, through 12:01 a.m. on January 23, 2012.

This security zone will not have a significant economic impact on a substantial number of small entities for the following reasons: This rule will not obstruct the regular flow of commercial traffic and will allow vessel traffic to pass around the security zone. In the event that this temporary security zone affects shipping, commercial vessels may request permission from the Captain of the Port Detroit to transit through the security zone. The Coast Guard will give notice to the public via a Broadcast to Mariners that the regulation is in effect.

Assistance for Small Entities

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

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

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

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

Energy Effects

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

Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedure; 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 that do not individually or cumulatively have a significant effect on the human environment. This rule is categorically excluded, under figure 2–1, paragraph (34)(g), of the Instruction because it involves the establishment of a security zone. 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 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T09–1157 to read as follows:

§ 165.T09–1157 Security Zone; 24th Annual North American International Auto Show, Detroit River, Detroit, MI.

(a) *Location.* The following area is a temporary security zone: an area of the Detroit River beginning at a point of origin on land adjacent to the west end of Joe Lewis Arena at 42°19.44′ N, 083° 03.11′ W; then extending offshore approximately 150 yards to 42°19.39′ N, 083°03.07′ W; then proceeding upriver approximately 2000 yards to a point at 42°19.72′ N, 083°01.88′ W; then proceeding onshore to a point on land adjacent to the Tricentennial State Park at 42°19.79′ N, 083°01.90′ W; then proceeding downriver along the shoreline to connect back to the point of origin on land adjacent to the west end of the Joe Louis Arena. All geographic coordinates are North American Datum of 1983 (NAD 83).

(b) *Effective and enforcement period.* This regulation is effective from 8 a.m. on January 8, 2012, until 12:01 a.m. on January 23, 2012. However, the security zone will be enforced from 8 a.m. to 12:01 a.m. daily from January 8, 2012, through January 23, 2012.

(c) *Regulations.* (1) In accordance with the general regulations in section 165.33 of this part, entry into, transiting, or anchoring within this security zone is prohibited unless authorized by the Captain of the Port Detroit, or his designated on-scene representative.

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

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

(4) Vessel operators desiring to enter or operate within the security zone shall contact the Captain of the Port Detroit or his on-scene representative to obtain permission to do so.

(5) Vessel operators given permission to enter or operate in the security zone shall comply with all directions given to them by the Captain of the Port Detroit or his on-scene representative.

Dated: January 5, 2012.

J.E. Ogden,

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

[FR Doc. 2012–787 Filed 1–17–12; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 49, 60, 75, 89, 92, 94, 761, and 1065

[EPA–HQ–OPPT–2010–0518; FRL–8880–4]

RIN 2070–AJ51

Incorporation of Revised ASTM Standards That Provide Flexibility in the Use of Alternatives to Mercury-Containing Industrial Thermometers

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is promulgating a final rule to incorporate the most recent versions of ASTM International (ASTM) standards into EPA regulations that provide flexibility to use alternatives to mercury-containing industrial thermometers. This final rule will allow the use of such alternatives in certain field and laboratory applications previously impermissible as part of compliance with EPA regulations. EPA believes the older embedded ASTM standards unnecessarily impede the use of effective, comparable, and available alternatives to mercury-containing industrial thermometers. Due to mercury's high toxicity, EPA seeks to reduce potential mercury exposures to humans and the environment by reducing the overall use of mercury-containing products, including mercury-containing industrial thermometers.

DATES: This final rule is effective March 19, 2012. The incorporation by reference of certain publications listed in the final rule is approved by the Director of the Federal Register as of March 19, 2012.

ADDRESSES: EPA has established a docket for this action under docket identification (ID) number EPA–HQ–OPPT–2010–0518. All documents in the docket are listed in the docket index available at *http://www.regulations.gov.* Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available in the electronic docket at *http://www.regulations.gov,* or, if only available in hard copy, at the OPPT Docket. The OPPT Docket is located in the EPA Docket Center (EPA/DC) at Rm. 3334, EPA West Bldg., 1301 Constitution Ave. NW., Washington, DC. The EPA/DC Public Reading Room hours of operation are 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number of the EPA/DC Public Reading Room is (202) 566–1744, and the telephone number for the OPPT Docket is (202) 566–0280. Docket visitors are required to show photographic identification, pass through a metal detector, and sign the EPA visitor log. All visitor bags are processed through an X-ray machine and subject to search. Visitors will be provided an EPA/DC badge that must be visible at all times in the building and returned upon departure.

FOR FURTHER INFORMATION CONTACT: *For technical information contact:* Robert Courtnage, National Program Chemicals Division (7404T), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (202) 566–1081; email address: *courtnage.robert@epa.gov.*

For general information contact: The TSCA–Hotline, ABVI–Goodwill, 422 South Clinton Ave. Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA–Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Does this action apply to me?

You may be potentially affected by this action if you use mercury-containing industrial thermometers in laboratories, for field analysis (e.g., including usage at petroleum storage or refining facilities), or for other industrial applications. Potentially affected entities may include, but are not limited to:

- Testing Laboratories (NAICS code 541380).
- Petroleum Refineries (NAICS code 324110).
- Analytical Laboratory Instrument Manufacturing (NAICS code 334516).

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

II. Background

A. What action is the agency taking?

The Agency is promulgating a final rule, which was proposed in the **Federal Register** issue of January 12, 2011 (76 FR 2056) (FRL–8846–6), to incorporate into EPA regulations revised ASTM standards that provide flexibility to the regulated community to use alternatives to mercury-containing industrial thermometers. As part of the Agency's mercury reduction effort and pursuant to the ''EPA Roadmap for Mercury, Chapter 2: Addressing Mercury Uses in Products and Processes,'' available at *http://www.epa.gov/hg/roadmap.htm,* EPA is removing unnecessary requirements to use mercury-containing industrial thermometers where viable and comparable non-mercury substitutes exist in the market. EPA is specifically updating regulations to incorporate three ASTM standards (D5865–10, D445–09, and D93–09) that allow for the use of alternatives to mercury-containing industrial thermometers. The Agency is updating these ASTM standards where they are referenced in regulations pursuant to the Clean Air Act (CAA) and the Toxic Substances Control Act (TSCA) (certain sections of 40 CFR parts 49, 60, 75, 89, 92, 94, 761, and 1065). One of the incorporated ASTM standards (D5865–10) requires the use of a mercury-free device while the other two ASTM standards (D445–09 and D93–09) provide the flexibility to use alternatives to mercury-containing industrial thermometers, but do not require their use. EPA is amending Agency regulations to allow the use of the updated ASTM standard D5865–10 and the previous ASTM standards, D5856–01a, D5856–03a, and D5856–04 so that flexibility is given to use mercury-free thermometers, but not required. Although commenters on the proposed rule stated that EPA should not allow the flexibility to use previous versions of ASTM D–5865 so that mercury-free thermometers would be required, the intent of this final rule is to provide the flexibility to use mercury-containing industrial thermometers while not specifically requiring their use.

Mercury exposures can harm the brain, heart, kidneys, lungs, and immune system. Most human exposure to mercury is through the consumption of fish containing methylmercury. Exposure to methylmercury through ingestion can harm the normal development of the nervous system, resulting in learning disabilities. Elemental mercury and other forms of mercury from industrial sources are deposited from the air and are converted

into methylmercury. Mercury exposure can also occur by inhalation of elemental mercury from breakage or improper disposal of mercury-containing products such as mercury-containing industrial thermometers. Inhalation exposure of elemental mercury can lead to neurotoxic and developmental neurotoxic effects.

The National Institute of Standards and Technology (NIST), a U.S. government agency devoted to advancing measurement science, standards, and technology, believes there are no fundamental barriers to the replacement of mercury-containing industrial thermometers. Supporting this assertion, on March 1, 2011, NIST discontinued the calibration of mercury-containing industrial thermometers. By discontinuing these calibrations, NIST supports their professional opinion that mercury-containing industrial thermometers are no longer the highest standard for accurate and reproducible temperature measurement. Although previously perceived as superior in performance, mercury-containing industrial thermometers have readily available and comparable alternatives such as platinum resistance thermometers, thermistors, thermocouples, and portable electronic thermometers (PETs).

Although a start, the ASTM standards (D5865–10, D445–09, and D93–09) addressed in this final rule comprise only a small percentage of the ASTM standards referenced within EPA regulations that require the use of mercury-containing industrial thermometers. Further revisions to these other relevant ASTM standards would be necessary before EPA could provide more comprehensive flexibility to the regulated community. To facilitate the use of mercury alternatives, EPA encourages ASTM, in the spirit of pollution prevention, to expeditiously review and revise standards that require the use of mercury-containing industrial thermometers, particularly those currently embedded in EPA regulations. More specifically, EPA encourages ASTM committee chairs to support EPA in making committee members aware of committee standards that require the use of mercury-containing industrial thermometers.

In addition to EPA regulations that reference ASTM standards, certain EPA regulations directly require the use of mercury-containing industrial thermometers. Most of these regulations are pursuant to CAA; EPA's Office of Air and Radiation intends to address them through a separate rulemaking. For ASTM standards contained within State implementation plan (SIP) approvals, the Agency would need to address each ASTM standard separately after consultation with the States. Additionally, analytical methods required under the Resource Conservation and Recovery Act (RCRA) that use mercury-containing industrial thermometers as a Method Defined Parameter (MDP) were not addressed in the proposed rule and will not be addressed in this final rule. EPA plans to make revisions to MDPs that require the use of mercury-containing industrial thermometers at a future date. While the Office of Solid Waste and Emergency Response (OSWER) Methods Innovation Rule (MIR), published in the **Federal Register** issue of June 14, 2005 (70 FR 34538) (FRL–7916–1), allows flexibility in RCRA-related sampling and analysis, the MIR does not currently allow for flexibility for test methods that have MDPs. However, methods that are not considered MDPs (i.e., methods not required by RCRA regulations) allow the use of alterative equipment such as non-mercury thermometers as long as users can demonstrate that data quality objectives can be met without compromising data quality. EPA believes that users should identify the appropriate methods for a specific project before sampling and analysis begins and recommends that they consult with their regulating authority during identification of performance goals and the selection of appropriate methods before using alternative equipment (e.g., non-mercury thermometer).

For more information on MIR and RCRA's SW–846, ''Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,'' please visit the SW–846 Web site at *http://www.epa.gov/osw/hazard/testmethods/sw846.*

B. What is the agency's authority for taking this action?

This action is being taken under the Agency's authority pursuant to CAA (42 U.S.C. 7401 to 7671q) and TSCA (15 U.S.C. 2601 to 2692).

III. Public Comments

A. General Comments

The comments EPA received on the proposed rule were overwhelmingly supportive of incorporating the revised ASTM standards D5865–10, D445–09, and D93–09. Five public comments were received. Commenters noted that temperature measurement in laboratories and in the field would not adversely be affected by the proposed amendments. One commenter also correctly noted that several States have already banned or in some way restricted the sale of mercury-containing industrial thermometers.

Other commenters questioned EPA's reasoning for the action, citing compact fluorescent lights as a greater source of mercury than thermometers. EPA believes that there is justification for allowing flexibility to use alternatives to mercury-containing industrial thermometers where comparable and available substitutes exist. There may be significant cost savings for making the switch to mercury-free thermometers considering the expense incurred to properly clean up a mercury spill following the breakage of a mercury-containing industrial thermometer. Mercury in fluorescent lights, however, is outside the scope of this rulemaking.

B. Responses to EPA's Questions Posed in the Proposed Rule

1. *How can EPA provide additional flexibility in the use of mercury-free thermometers to comply with the Agency's relevant regulations?* Commenters suggested that EPA incorporate voluntary consensus standards (including ASTM standards) by reference so that future updates and amendments to such standards would not require a separate rulemaking by EPA for incorporation. One commenter also stated that by incorporating such ASTM standards EPA should require the use of the least toxic alternatives allowed under such standards.

Where ASTM standards are mentioned in EPA regulations, they are incorporated by reference. But that incorporation does not mean that updates to those standards are automatically incorporated. To incorporate updates to standards in EPA regulations, EPA must follow the appropriate procedures of the Administrative Procedures Act to amend the existing regulations. EPA believes that notice-and-comment rulemaking, such as was used for this final rule, provides the public with the ability to thoroughly review updated voluntary consensus standards and provide comments before they are incorporated into EPA regulations.

In the spirit of the National Technology Transfer and Advancement Act (NTTAA), EPA has often identified which industrial thermometers must be used for specific functions by referencing ASTM standards in its regulations. EPA believes the best way to remove unnecessary requirements to use mercury-containing industrial thermometers is for ASTM committees to expeditiously bring up for revision ASTM standards that unnecessarily require mercury-containing industrial

thermometers in situations where effective, comparable, and available mercury-free alternatives exist. EPA would then review such ASTM standard revisions and incorporate the updated standards that allow mercury-free alternatives into EPA regulations that reference these standards. EPA would do this through notice-and-comment rulemaking.

2. *Are requirements to use mercury-containing thermometers necessary for performance reasons or should flexibility be provided in most, if not all, measurement applications?* Commenters stated that thermometry requirements should be performance based. Commenters also noted that flexibility for the use of non-mercury alternatives should be allowed and that where effective non-mercury alternatives exist they should be required to be used to the maximum extent possible.

Another commenter stated that many State agencies have actively promoted the elimination of usage of mercury-containing industrial thermometers in State laboratories and have not since experienced reduced performance in temperature measurement. As a result, the commenter asserts that State agencies have found that it is technologically possible to eliminate the use of mercury-containing industrial thermometers in most, if not all, applications. The commenter further stated that those State agencies experiences are supported by NIST's statement that there are no fundamental barriers to the replacement of mercury-containing industrial thermometers and NIST's discontinuation of the calibration of mercury-containing thermometers. It was the opinion of this commenter that the decision by NIST to discontinue the calibration of mercury-containing thermometers will facilitate the transition to mercury-free alternatives in laboratories where annual mercury-containing industrial thermometer re-calibration requirements have proven to be an impediment to the complete removal of mercury measurement devices. The same commenter went on to say that the use of digital alternatives to mercury-containing industrial thermometers provided the benefit of electronic recordkeeping processes that could prevent human error in recording measurements.

EPA agrees with commenters that the thermometry requirements should be performance based. EPA also agrees that flexibility for mercury-containing industrial thermometer alternatives should be allowed, especially when effective, comparable, and available mercury alternatives are available. EPA also agrees with the commenter that where effective non-mercury alternatives exist, there may be justification for requiring the use of a mercury-free device considering the pollution prevention benefits. However, EPA has not at this time decided whether to pursue requirements for use of mercury-free devices. In the spirit of NTTAA, EPA encourages ASTM to take this into consideration when revising its relevant standards. EPA also agrees with the noted benefits of digital thermometers and that NIST's recent decision will help expedite the transition of laboratories to non-mercury-containing industrial thermometers.

3. *Does the use of data-loggers for temperature measurement in autoclaves provide a viable alternative to the use of mercury-containing thermometers?* Commenters supported the use of data-loggers for temperature measurement in autoclaves to provide a viable alternative to mercury-containing industrial thermometers. Commenters also noted that substituting the use of mercury-containing industrial thermometers in this application, although initially more expensive, avoids the potential for thermometer breakage inside of an autoclave, which could result in expensive cleanup and disposal costs, and overall would represent a significant lifecycle cost savings. One commenter stated that a vaporized mercury release from a resulting spill in an operating autoclave could be potentially dangerous to employees unaware of the thermometer breakage or mercury spill. Two commenters also stated that the ability of data-loggers to track temperature over time within the autoclaves provides assurance of adequate temperatures for a sufficient period of time to ensure proper sterilization, while avoiding potential degradation of microbiological media. EPA agrees with the commenters that the use of data-loggers in autoclaves provides further support that there are viable alternatives to the use of mercury-containing industrial thermometers.

4. *What else can EPA do to help expedite the use of alternatives to mercury-containing thermometers where feasible, comparable, and available?* Commenters responded that EPA should continue to encourage ASTM to evaluate expeditiously its standards that require the use of mercury-containing industrial thermometers and that EPA staff should continue to engage in the ASTM standard updating process as committee members. Commenters also responded that EPA should provide the States and ASTM assistance in evaluating mercury alternatives as well as publicize and make available the outcomes of these performance-based studies. The commenters further responded that EPA should clarify to the public, where possible, applications where mercury-containing industrial thermometers are no longer necessary for accurate and reproducible temperature measurement. Commenters also encouraged EPA to continue to work with NIST to facilitate a switchover to non-mercury alternatives. Finally, one commenter asked that EPA broaden its efforts across its programs to identify additional requirements, including other CAA and RCRA requirements, where mercury-containing industrial thermometers are referenced directly and provide more comprehensive flexibility under these requirements.

EPA agrees with the commenters on their request that the Agency continue to encourage ASTM to evaluate its standards that require the use of mercury-containing industrial thermometers, including informing the public on what thermometer applications no longer require mercury devices for accurate and reproducible measurement. EPA will continue to work with the States and ASTM to evaluate mercury alternatives and to make such evaluations available to the public. EPA also agrees to evaluate the additional requirements under CAA and RCRA to use mercury-containing industrial thermometers and provide flexibility where possible.

IV. Changes Based on Incorporation by Reference Requirements

A. Removal of Amendments to 40 CFR Parts 63 and 86

In a separate document published in the **Federal Register** issue of March 21, 2011 (76 FR 15554) (FRL–9273–5), EPA finalized an amendment to § 63.14 and to Table 6 in subpart DDDDD of 40 CFR part 63, that removed the ASTM standard D5865–03a and replaced it with the ASTM standard D5865–10a. Therefore, the amendments to 40 CFR part 63 published in the proposed rule for this document are no longer necessary.

Additionally, at this time EPA does not plan to amend 40 CFR part 86 due to issues related to the Office of the Federal Register's (OFR) requirements for incorporation by reference. The incorporation by reference requirements to include the addition of ASTM standards D93–09 and D445–09 would require amendments to 40 CFR part 86 not initially targeted by this rulemaking.

Those amendments would significantly expand the scope of the rulemaking beyond issues related to the flexible use of mercury-free thermometers. EPA plans in the future to address the amendments proposed for 40 CFR part 86 and OFR's incorporation by reference requirements for 40 CFR part 86.

B. Formatting Changes to Final Rule

The regulatory text of this final rule is significantly changed in appearance from the proposed rule. These changes in the regulatory text were made in order to comply with the Office of the Federal Register's (OFR) incorporation by reference requirements found in 1 CFR part 51. Approval by the OFR Director was based on meeting the requirements for new approvals, 17 ASTM and ISO standards and 1 OECD guideline, which are used to perform the testing required by this final rule, and changing the format for the existing centralized incorporation by reference sections affected by this final rule. These formatting changes in the regulatory text are non-substantive and do not change the meaning of the regulatory amendments originally proposed.

V. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This is not a ''significant regulatory action'' under Executive Order 12866 (58 FR 51735, October 4, 1993) and is therefore not subject to review under Executive Orders 12866 and 13563 (76 FR 3821, January 21, 2011).

B. Paperwork Reduction Act

This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*). Burden is defined at 5 CFR 1320.3(b). An Agency may not conduct or sponsor, and a person is not required to respond to a collection of information that requires the Office of Management and Budget (OMB) approval under PRA, unless it has been approved by OMB and displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register**, are listed in 40 CFR part 9, and included on the related collection instrument, or form, if applicable.

C. Regulatory Flexibility Act

Pursuant to section 605(b) of RFA (5 U.S.C. 601 *et seq.*), I hereby certify that this final rule does not have a significant economic impact on a substantial number of small entities. Under RFA, small entity is defined as:

1. A small business that is further defined by the Small Business Administration's (SBA) regulations at 13 CFR 121.201 using either the number of employees or annual receipts for the businesses affected by the regulation, which for this final rule includes any business that is primarily engaged in the use of mercury-containing industrial thermometers in laboratories, for field analysis (e.g., including usage at petroleum storage or refining facilities), or for other industrial applications (see also Unit I. and the applicable provisions in the regulations affected by this final rule).

2. A small governmental jurisdiction that is a government of a city, county, town, school district, or special district with a population of less than 50,000.

3. A small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

In making this determination, the impact of concern is any significant adverse economic impact on small entities because the primary purpose of regulatory flexibility analysis is to identify and address regulatory alternatives ''which minimize any significant economic impact of the rule on small entities.'' 5 U.S.C. 603 and 604. Thus, an agency may certify under RFA when the rule relieves regulatory burden, or otherwise has no expected economic impact on small entities subject to the rule.

The revisions in this final rule will provide flexibility to affected entities by allowing the use of mercury-free thermometers, without mandating their use. It does not otherwise amend or impose any other requirements. As such, this final rule will not have any adverse economic impact on any entities, large or small.

D. Unfunded Mandates Reform Act

This final rule contains no Federal mandates under the provisions of Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (2 U.S.C. 1531–1538) for State, local, or Tribal governments or the private sector. The action imposes no enforceable duty on any State, local, or Tribal governments or the private sector and does not contain any unfunded mandate, or otherwise have any effect on small governments subject to the requirements of sections 202, 203, 204, or 205 of UMRA.

E. Executive Order 13132: Federalism

This action will not have federalism implications because it is not expected to have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). Thus, Executive Order 13132 does not apply to this action.

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

This action will not have Tribal implications because it is not expected to have substantial direct effects on Indian Tribes, will not significantly or uniquely affect the communities of Indian Tribal governments, and does not involve or impose any requirements that affect Indian Tribes, as specified in Executive Order 13175 (65 FR 67249, November 9, 2000). Accordingly, the requirements of Executive Order 13175 do not apply to this action.

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 action is not subject to Executive Order 13045 because it does not establish an environmental standard intended to mitigate health or safety risks, nor is it an ''economically significant regulatory action'' as defined by Executive Order 12866.

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

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

I. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note), directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods,

sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

ASTM standards constitute voluntary consensus standards and, as such, NTTAA directly applies to this final rule. With this final rule, EPA is adding to existing EPA regulations the most current versions of applicable ASTM standards that allow flexibility in the use of mercury-containing industrial thermometers and in the spirit of NTTAA plans to work closely with ASTM to address the remaining standards referenced within EPA regulations that require the use of mercury-containing thermometers.

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

This action does not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because it does not affect the level of protection provided to human health or the environment. Therefore, this action does not involve special consideration of environmental justice-related issues as specified in Executive Order 12898 (59 FR 7629, February 16, 1994).

VI. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report to each House of the Congress and 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**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Parts 49, 60, 75, 89, 92, 94, 761, and 1065

Environmental protection, Incorporation by reference, Mercury, Temperature measurement, Thermometers.

Dated: January 3, 2012.

Lisa P. Jackson,

Administrator.

Therefore, 40 CFR chapter I is amended as follows:

PART 49—[AMENDED]

■ 1. The authority citation for part 49 continues to read as follows:

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

■ 2. In § 49.123, revise the definition of ''Heat input'' in paragraph (a) and add paragraph (e)(1)(xxi) to read as follows:

§ 49.123 General provisions.

(a) * * *

Heat input means the total gross calorific value [where gross calorific value is measured by ASTM Method D240–02, D1826–94 (Reapproved 2003), D5865–04, D5865–10, or E711–87 (Reapproved 2004) (incorporated by reference, see § 49.123(e))] of all fuels burned.

* * * * *

(e) * * *

(1) * * *

(xxi) ASTM D5865–10 (Approved January 1, 2010), Standard Test Method for Gross Calorific Value of Coal and Coke, IBR approved for § 49.123(a).

PART 60—[AMENDED]

■ 3. The authority citation for part 60 continues to read as follows:

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

■ 4. In § 60.17, add paragraph (a)(94) to read as follows:

§ 60.17 Incorporations by reference.

* * * * *

(a) * * *

(94) ASTM D5865–10 (Approved January 1, 2010), Standard Test Method for Gross Calorific Value of Coal and Coke, IBR approved for § 60.45(f)(5)(ii), § 60.46(c)(2), and appendix A–7 to part 60, Method 19, section 12.5.2.1.3.

* * * * *

■ 5. The authority citation for the appendixes to part 60 continues to read as follows:

Authority: 42 U.S.C. 7401–7601.

■ 6. In Method 19 of appendix A–7 to part 60, revise section 12.5.2.1.3 to read as follows:

Appendix A–7 to Part 60—Test Methods 19 Through 25E

* * * * *

Method 19—Determination of Sulfur Dioxide Removal Efficiency and Particulate Matter, Sulfur Dioxide, and Nitrogen Oxide Emission Rates

* * * * *

12.5.2.1.3 Gross Sample Analysis. Use ASTM D 2013–72 or 86 to prepare the sample, ASTM D 3177–75 or 89 or ASTM D 4239–85, 94, or 97 to determine sulfur content (%S), ASTM D 3173–73 or 87 to determine moisture content, and ASTM D 2015–77 (Reapproved 1978) or 96, D 3286–85 or 96, or D 5865–98 or 10 to determine gross calorific value (GCV) (all standards cited are incorporated by reference—see § 60.17 for acceptable versions of the standards) on a dry basis for each gross sample.

* * * * *

PART 75—[AMENDED]

■ 7. The authority citation for part 75 continues to read as follows:

Authority: 42 U.S.C. 7601 and 7651K, and 7651K note.

■ 8. In § 75.6, add paragraph (a)(50) to read as follows:

§ 75.6 Incorporation by reference.

* * * * *

(a) * * *

(50) ASTM D5865–10 (Approved January 1, 2010), Standard Test Method for Gross Calorific Value of Coal and Coke, for appendices A, D, and F of this part.

* * * * *

■ 9. In appendix A to part 75, revise paragraph (c) of section 2.1.1.1 to read as follows:

Appendix A to Part 75—Specifications and Test Procedures

* * * * *

2.1.1.1 Maximum Potential Concentration

* * * * *

(c) When performing fuel sampling to determine the MPC, use ASTM Methods: ASTM D129–00, ASTM D240–00, ASTM D1552–01, ASTM D2622–98, ASTM D3176–89 (Reapproved 2002), ASTM D3177–02 (Reapproved 2007), ASTM D4239–02, ASTM D4294–98, ASTM D5865–01a, or ASTM D5865–10 (all incorporated by reference under § 75.6).

* * * * *

■ 10. In appendix D to part 75, revise section 2.2.7 to read as follows:

Appendix D to Part 75—Optional SO_2 Emissions Data Protocol for Gas-Fired and Oil-Fired Units

* * * * *

2.2.7 Analyze oil samples to determine the heat content of the fuel. Determine oil heat content in accordance with ASTM D240–00, ASTM D4809–00, ASTM D5865–01a, or D5865–10 (all incorporated by reference under § 75.6) or any other procedures listed in section 5.5 of appendix F of this part. Alternatively, the oil samples may be analyzed for heat content by any consensus standard method prescribed for the affected unit under part 60 of this chapter.

* * * * *

■ 11. In appendix F to part 75:

■ a. Revise section 3.3.6.2.

■ b. Revise the expression ''GCV_O'' in paragraph (a) of section 5.5.1.

■ c. Revise section 5.5.3.2.

■ d. Revise the expression ''GCV_C'' in section 5.5.3.3.

The revisions read as follows:

Appendix F to Part 75—Conversion Procedures

* * * * *

3.3.6.2 GCV is the gross calorific value (Btu/lb) of the fuel combusted determined by ASTM D5865–01a or ASTM D5865–10, ASTM D240–00 or ASTM D4809–00, and ASTM D3588–98, ASTM D4891–89 (Reapproved 2006), GPA Standard 2172–96, GPA Standard 2261–00, or ASTM D1826–94 (Reapproved 1998), as applicable. (All of these methods are incorporated by reference under § 75.6.)

* * * * *

5.5.1 (a) * * *

GCV_O = Gross calorific value of oil, as measured by ASTM D240–00, ASTM D5865–01a, ASTM D5865–10, or ASTM D4809–00 for each oil sample under section 2.2 of appendix D to this part, Btu/unit mass (all incorporated by reference under § 75.6).

* * * * *

5.5.3.2 All ASTM methods are incorporated by reference under § 75.6. Use ASTM D2013–01 for preparation of a daily coal sample and analyze each daily coal sample for gross calorific value using ASTM D5865–01a or ASTM D5865–10. On-line coal analysis may also be used if the on-line analytical instrument has been demonstrated to be equivalent to the applicable ASTM methods under §§ 75.23 and 75.66.

5.5.3.3 * * *

GCV_C = Gross calorific value of coal sample, as measured by ASTM D3176–89 (Reapproved 2002), ASTM D5865–01a, or ASTM D5865–10, Btu/lb (incorporated by reference under § 75.6).

* * * * *

PART 89—[AMENDED]

■ 12. The authority citation for part 89 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

■ 13. Revise § 89.6 to read as follows:

§ 89.6 Reference materials.

The materials listed in this section are incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, a document must be published in the **Federal Register** and the material must be available to the public. All approved materials are available for inspection at the Air and Radiation Docket and Information Center (Air Docket) in the EPA Docket Center (EPA/DC) at Rm. 3334, EPA West Bldg., 1301 Constitution Ave., NW., Washington, DC. The EPA/DC Public Reading Room hours of operation are 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number of the EPA/DC Public Reading Room is (202) 566–1744, and the telephone number for the Air Docket is (202) 566–1742. These approved materials are also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741–6030 or go to *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.* In addition, these materials are available from the sources listed below.

(a) *ASTM material.* Copies of these materials may be obtained from ASTM International, 100 Barr Harbor Dr., P.O. Box C700, West Conshohocken, PA 19428–2959, or by calling (877) 909–ASTM, or at *http://www.astm.org.*

(1) ASTM D86–97, Standard Test Method for Distillation of Petroleum Products at Atmospheric Pressure, IBR approved for appendix A to subpart D.

(2) ASTM D93–09 (Approved December 15, 2009), Standard Test Methods for Flash Point by Pensky-Martens Closed Cup Tester, IBR approved for appendix A to subpart D.

(3) ASTM D129–95, Standard Test Method for Sulfur in Petroleum Products (General Bomb Method), IBR approved for appendix A to subpart D.

(4) ASTM D287–92, Standard Test Method for API Gravity of Crude Petroleum and Petroleum Products (Hydrometer Method), IBR approved for appendix A to subpart D.

(5) ASTM D445–09 (Approved July 1, 2009), Standard Test Method for Kinematic Viscosity of Transparent and Opaque Liquids (the Calculation of Dynamic Viscosity), IBR approved for appendix A to subpart D.

(6) ASTM D613–95, Standard Test Method for Cetane Number of Diesel Fuel Oil, IBR approved for appendix A to subpart D.

(7) ASTM D1319–98, Standard Test Method for Hydrocarbon Types in Liquid Petroleum Products by Fluorescent Indicator Adsorption, IBR approved for appendix A to subpart D.

(8) ASTM D2622–98, Standard Test Method for Sulfur in Petroleum Products by Wavelength Dispersive X-ray Fluorescence Spectrometry, IBR approved for appendix A to subpart D.

(9) ASTM D5186–96, Standard Test Method for ''Determination of the Aromatic Content and Polynuclear Aromatic Content of Diesel Fuels and Aviation Turbine Fuels By Supercritical Fluid Chromatography, IBR approved for appendix A to subpart D.

(10) ASTM E29–93a, Standard Practice for Using Significant Digits in Test Data to Determine Conformance with Specifications, IBR approved for §§ 89.120, 89.207, 89.509.

(b) *California Air Resources Board Test Procedure.* The material is from Title 13, California Code of Regulations, Sections 2420–2427, as amended by California Air Resources Board Resolution 92–2 and published in California Air Resources Board mail out #93–42, September 1, 1993. Copies of these materials may be obtained from the California Air Resources Board, Haagen-Smit Laboratory, 9528 Telstar Ave., El Monte, CA 91731–2908, or by calling (800) 242–4450.

(1) California Regulations for New 1996 and Later Heavy-Duty Off-Road Diesel Cycle Engines, IBR approved for §§ 89.112, 89.119, 89.508.

(2) [Reserved]

(c) *SAE material.* Copies of these materials may be obtained from the Society of Automotive Engineers International, 400 Commonwealth Dr., Warrendale, PA 15096–0001, or by calling (877) 606–7323 (United States and Canada only) or (724) 776–4970 (outside the United States and Canada only), or at *http://www.sae.org.*

(1) SAE J244, June 83, Recommended Practice for Measurement of Intake Air or Exhaust Gas Flow of Diesel Engines, IBR approved for § 89.416.

(2) SAE J1937, November 89, Recommended Practice for Engine Testing with Low Temperature Charge Air Cooler Systems in a Dynamometer Test Cell, IBR approved for § 89.327.

(3) SAE Paper 770141, 1977, Optimization of a Flame Ionization Detector for Determination of Hydrocarbon in Diluted Automotive Exhausts, Glenn D. Reschke, IBR approved for § 89.319.

14. In appendix A to subpart D of part 89, Table 4 is amended by revising the entries ''Flash Point, °C (minimum)'' and ''Viscosity @ 38 °C, Centistokes'' to read as follows:

Appendix A to Subpart D of Part 89—Tables

* * * * *

TABLE 4—FEDERAL TEST FUEL SPECIFICATIONS

Item	Procedure (ASTM) [1]	Value (type 2–D)
* * *	* * *	*
Flash Point, °C (minimum)	D93–09	54
Viscosity @ 38 °C, centistokes	D445–09	2.0–3.2

[1] All ASTM procedures in this table have been incorporated by reference. See § 89.6.

* * * * *

PART 92—[AMENDED]

■ 15. The authority citation for part 92 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

■ 16. Revise § 92.5 to read as follows:

§ 92.5 Reference materials.

The materials listed in this section are incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, a document must be published in the **Federal Register** and the material must be available to the public. All approved materials are available for inspection at the Air and Radiation Docket and Information Center (Air Docket) in the EPA Docket Center (EPA/DC) at Rm. 3334, EPA West Bldg., 1301 Constitution Ave. NW., Washington, DC. The EPA/DC Public Reading Room hours of operation are 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number of the EPA/DC Public Reading Room is (202) 566–1744, and the telephone number for the Air Docket is (202) 566–1742. These approved materials are also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741–6030 or go to *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.* In addition, these materials are available from the sources listed below.

(a) *ANSI material.* Copies of these materials may be obtained from the American National Standards Institute, 25 West 43rd St., 4th Floor, New York, NY 10036, or by calling (212) 642–4900, or at *http://www.ansi.org.*

(1) ANSI B109.1–1992, Diaphragm Type Gas Displacment Meters, IBR approved for § 92.117.

(2) [Reserved]

(b) *ASTM material.* Copies of these materials may be obtained from ASTM International, 100 Barr Harbor Dr., P.O. Box C700, West Conshohocken, PA 19428–2959, or by calling (877) 909–ASTM, or at *http://www.astm.org.*

(1) ASTM D86–95, Standard Test Method for Distillation of Petroleum Products, IBR approved for § 92.113.

(2) ASTM D93–09 (Approved December 15, 2009), Standard Test Methods for Flash Point by Pensky-Martens Closed Cup Tester, IBR approved for § 92.113.

(3) ASTM D287–92, Standard Test Method for API Gravity of Crude Petroleum and Petroleum Products (Hydrometer Method), IBR approved for § 92.113.

(4) ASTM D445–09 (Approved July 1, 2009), Standard Test Method for Kinematic Viscosity of Transparent and Opaque Liquids (and Calculation of Dynamic Viscosity), IBR approved for § 92.113.

(5) ASTM D613–95, Standard Test Method for Cetane Number of Diesel Fuel Oil, IBR approved for § 92.113.

(6) ASTM D976–91, Standard Test Method for Calculated Cetane Index of Distillate Fuels, IBR approved for § 92.113.

(7) ASTM D1319–95, Standard Test Method for Hydrocarbon Types in Liquid Petroleum Products by Fluorescent Indicator Adsorption, IBR approved for § 92.113.

(8) ASTM D1945–91, Standard Test Method for Analysis of Natural Gas by Gas Chromatography, IBR approved for § 92.113.

(9) ASTM D2622–94, Standard Test Method for Sulfur in Petroleum Products by X-Ray Spectrometry, IBR approved for § 92.113.

(10) ASTM D5186–91, Standard Test Method for Determination of Aromatic Content of Diesel Fuels by Supercritical Fluid Chromatography, IBR approved for § 92.113.

(11) ASTM E29–93a, Standard Practice for Using Significant Digits in Test Data to Determine Conformance with Specifications, IBR approved for §§ 92.9, 92.305, 92.509.

(c) *SAE material.* Copies of these materials may be obtained from the Society of Automotive Engineers International, 400 Commonwealth Dr., Warrendale, PA 15096–0001, or by calling (877) 606–7323 (United States and Canada only) or (724) 776–4970 (outside the United States and Canada only), or at *http://www.sae.org.*

(1) SAE Paper 770141, 1977, Optimization of a Flame Ionization Detector for Determination of Hydrocarbon in Diluted Automotive Exhausts, Glenn D. Reschke, IBR approved for § 92.119.

(2) SAE Recommended Practice J244, June 83, Measurement of Intake Air or Exhaust Gas Flow of Diesel Engines, IBR approved for § 92.108.

■ 17. In § 92.113, revise the entries ''Flash Point, min., °F and °C'' and ''Viscosity, centistokes'' in Table B113–1 in paragraph (a)(1) to read as follows:

§ 92.113 Fuel specifications.

(a) * * *

(1) * * *

TABLE B113–1

Item	ASTM	Type 2–D
* * *	* * *	
Flash Point, min.,		
°F	D93–09	130
°C		(54.4)
Viscosity, centistokes	D445–09	2.0–3.2

* * * * *

PART 94—[AMENDED]

■ 18. The authority citation for part 94 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

■ 19. Revise § 94.5 to read as follows:

§ 94.5 Reference materials.

The materials listed in this section are incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, a document must be published in the **Federal Register** and the material must be available to the public. All approved materials are available for inspection at the Air and Radiation Docket and Information Center (Air Docket) in the EPA Docket Center (EPA/DC) at Rm. 3334, EPA West Bldg., 1301 Constitution Ave. NW., Washington, DC. The EPA/DC Public Reading Room hours of operation are 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number of the EPA/DC Public Reading Room is (202) 566–1744, and the telephone number for the Air Docket is (202) 566–1742. These approved materials are also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741–6030 or go to *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

In addition, these materials are available from the sources listed below.

(a) *ASTM material.* Copies of these materials may be obtained from ASTM International, 100 Barr Harbor Dr., P.O. Box C700, West Conshohocken, PA 19428–2959, or by calling (877) 909–ASTM, or at *http://www.astm.org.*

(1) ASTM D86–01, Standard Test Method for Distillation of Petroleum Products at Atmospheric Pressure, IBR approved for § 94.108.

(2) ASTM D93–09 (Approved December 15, 2009), Standard Test Methods for Flash Point by Pensky-Martens Closed Cup Tester, IBR approved for § 94.108.

(3) ASTM D129–00, Standard Test Method for Sulfur in Petroleum Products (General Bomb Method), IBR approved for § 94.108.

(4) ASTM D287–92 (Reapproved 2000), Standard Test Method for API Gravity of Crude Petroleum and Petroleum Products (Hydrometer Method), IBR approved for § 94.108.

(5) ASTM D445–09 (Approved July 1, 2009), Standard Test Method for Kinematic Viscosity of Transparent and Opaque Liquids (and Calculation of Dynamic Viscosity), IBR approved for § 94.108.

(6) ASTM D613–01, Standard Test Method for Cetane Number of Diesel Fuel Oil, IBR approved for § 94.108.

(7) ASTM D1319–02a, Standard Test Method for Hydrocarbon Types in Liquid Petroleum Products by Fluorescent Indicator Adsorption, IBR approved for § 94.108.

(8) ASTM D2622–98, Standard Test Method for Sulfur in Petroleum Products by Wavelength Dispersive X-ray Fluorescence Spectrometry, IBR approved for § 94.108.

(9) ASTM D5186–99, Standard Test Method for Determination of the Aromatic Content and Polynuclear Aromatic Content of Diesel Fuels and Aviation Turbine Fuels by Supercritical Fluid Chromatography, IBR approved for § 94.108.

(10) ASTM E 29–02, Standard Practice for Using Significant Digits in Test Data to Determine Conformance with Specifications, IBR approved for § 94.2.

(b) *IMO material.* Copies of these materials may be obtained from the International Maritime Organization, 4 Albert Embankment, London SE1 7SR, United Kingdom, or by calling +44–(0)020–7735–7611, or at *http://www.imo.org.*

(1) Resolution 2—Technical Code on Control of Emission of Nitrogen Oxides from Marine Diesel Engines, 1997, IBR approved for §§ 94.2, 94.11, 94.108, 94.109, 94.204, 94.211, 94.1004.

(2) [Reserved]

(c) *ISO material.* Copies of these materials may be obtained from the International Organization for Standardization, 1, ch. de la Voie-Creuse, CP 56, CH–1211 Geneva 20, Switzerland, or by calling +41–22–749–01–11, or at *http://www.iso.org.*

(1) ISO 8178–1, Reciprocating internal combustion engines—Exhaust emission measurement—Part 1: Test-bed measurement of gaseous and particulate exhaust emissions, 1996, IBR approved for § 94.109.

(2) [Reserved]

■ 20. In § 94.108, revise ''Flash Point, °C'' and ''Viscosity at 38 °C, centistokes'' in Table B–5 in paragraph (a)(1) to read as follows:

§ 94.108 Test fuels.

(a) * * *

(1) * * *

TABLE B–5—FEDERAL TEST FUEL SPECIFICATIONS

Item	Procedure [1]	Value
* * * * *	*	*
Flash Point, °C	ASTM D93–09	54 minimum.
* * * * *	*	*
Viscosity at 38 °C, centistokes	ASTM D445–09	2.0–3.2.

[1] All ASTM standards are incorporated by reference in § 94.5.

* * * * *

PART 761—[AMENDED]

■ 21. The authority citation for part 761 continues to read as follows:

Authority: 15 U.S.C. 2605, 2607, 2611, 2614, and 2616.

■ 22. Revise § 761.19 to read as follows:

§ 761.19 References.

The materials listed in this section are incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, a document must be published in the **Federal Register** and the material must be available to the public. All approved materials are available for inspection at the OPPT Docket in the EPA Docket Center (EPA/DC) at Rm. 3334, EPA West Bldg., 1301 Constitution Ave., NW., Washington, DC. The EPA/DC Public Reading Room hours of operation are 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number of the EPA/DC Public Reading Room is (202) 566–1744, and the telephone number for the OPPT Docket is (202)

566–0280. These approved materials are also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741–6030 or go to *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.* In addition, these materials are available from the sources listed below.

(a) *ASTM materials.* Copies of these materials may be obtained from ASTM International, 100 Barr Harbor Dr., P.O. Box C700, West Conshohocken, PA 19428–2959, or by calling (877) 909–ASTM, or at *http://www.astm.org.*

(1) ASTM D93–09 (Approved December 15, 2009), Standard Test Methods for Flash Point by Pensky-Martens Closed Tester, IBR approved for §§ 761.71, 761.75.

(2) ASTM D129–64 (Reapproved 1978), Standard Test Method for Sulfur in Petroleum Products (General Bomb Method), IBR approved for § 761.71.

(3) ASTM D240–87, Standard Test Method for Heat of Combustion of Liquid Hydrocarbon Fuel by Bomb Calorimeter, IBR approved for § 761.71.

(4) ASTM D482–87, Standard Test Method for Ash from Petroleum Products, IBR approved for § 761.71.

(5) ASTM D524–88, Standard Test Method for Ramsbottom Carbon Residue of Petroleum Products, IBR approved for § 761.71.

(6) ASTM D808–87, Standard Test Method for Chlorine in New and Used Petroleum Products (Bomb Method), IBR approved for § 761.71.

(7) ASTM D923–86, Standard Test Method for Sampling Electrical Insulating Liquids, IBR approved for § 761.60.

(8) ASTM D923–89, Standard Methods of Sampling Electrical Insulating Liquids, IBR approved for § 761.60.

(9) ASTM D1266–87, Standard Test Method for Sulfur in Petroleum Products (Lamp Method), IBR approved for § 761.71.

(10) ASTM D1796–83 (Reapproved 1990), Standard Test Method for Water and Sediment in Fuel Oils by the Centrifuge Method (Laboratory Procedure), IBR approved for § 761.71.

(11) ASTM D2158–89, Standard Test Method for Residues in Liquified Petroleum (LP) Gases, IBR approved for § 761.71.

(12) ASTM D2709–88, Standard Test Method for Water and Sediment in Distillate Fuels by Centrifuge, IBR approved for § 761.71.

(13) ASTM D2784–89, Standard Test Method for Sulfur in Liquified Petroleum Gases (Oxy-hydrogen Burner or Lamp), IBR approved for § 761.71.

(14) ASTM D3178–84, Standard Test Methods for Carbon and Hydrogen in the Analysis Sample of Coke and Coal, IBR approved for § 761.71.

(15) ASTM D3278–89, Standard Test Methods for Flash Point of Liquids by Setaflash Closed-Cup Apparatus, IBR approved for § 761.75.

(16) ASTM E258–67 (Reapproved 1987), Standard Test Method for Total Nitrogen Inorganic Material by Modified KJELDAHL Method, IBR approved for § 761.71.

(b) [Reserved]

■ 23. In § 761.71, revise paragraph (b)(2)(vi) to read as follows:

§ 761.71 High efficiency boilers.

* * * * *

(b) * * *

(2) * * *

(vi) The concentration of PCBs and of any other chlorinated hydrocarbon in the waste and the results of analyses using the ASTM International methods as follows: Carbon and hydrogen content using ASTM D3178–84, nitrogen content using ASTM E258–67 (Reapproved 1987), sulfur content using ASTM D2784–89, ASTM D1266–87, or ASTM D129–64 (Reapproved 1978), chlorine content using ASTM D808–87, water and sediment content using either ASTM D2709–88 or ASTM D1796–83 (Reapproved 1990), ash content using ASTM D482–87, calorific value using ASTM D240–87, carbon residue using either ASTM D2158–89 or ASTM D524–88, and flash point using ASTM D93–09 (all standards incorporated by reference in § 761.19).

* * * * *

■ 24. In § 761.75, revise paragraph (b)(8)(iii) to read as follows:

§ 761.75 Chemical waste landfills.

* * * * *

(b) * * *

(8) * * *

(iii) Ignitable wastes shall not be disposed of in chemical waste landfills. Liquid ignitable wastes are wastes that have a flash point less than 60 °C (140 °F) as determined by the following method or an equivalent method: Flash point of liquids shall be determined by a Pensky-Martens Closed Cup Tester, using the protocol specified in ASTM D93–09, or the Setaflash Closed Tester using the protocol specified in ASTM D3278–89 (all standards incorporated by reference in § 761.19).

* * * * *

PART 1065—[AMENDED]

■ 25. The authority citation for part 1065 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

■ 26. In § 1065.703, revise the entries ''Flashpoint, min.'' and ''Kinematic Viscosity'' in Table 1 of § 1065.703 to read as follows:

§ 1065.703 Distillate diesel fuel.

* * * * *

TABLE 1 OF § 1065.703—TEST FUEL SPECIFICATIONS FOR DISTILLATE DIESEL FUEL

Item	Units	Ultra low sulfur	Low sulfur	High sulfur	Reference procedure [1]
* *	*	*	*	*	*
Flash Point, min	°C	54	54	54	ASTM D93–09
Kinematic Viscosity	cSt	2.0–3.2	2.0–3.2	2.0–3.2	ASTM D445–09

[1] ASTM procedures are incorporated by reference in § 1065.1010. See § 1065.701(d) for other allowed procedures.

■ 27. Revise § 1065.1010 to read as follows:

§ 1065.1010 Reference materials.

The materials listed in this section are incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, a document must be published in the **Federal Register** and the material must be available to the public. All approved materials are available for inspection at the Air and Radiation Docket and Information Center (Air Docket) in the EPA Docket Center (EPA/DC) at Rm. 3334, EPA West Bldg., 1301

Constitution Ave. NW., Washington, DC. The EPA/DC Public Reading Room hours of operation are 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number of the EPA/DC Public Reading Room is (202) 566–1744, and the telephone number for the Air Docket is (202) 566–1742. These approved materials are also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741–6030 or go to *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.* In addition, these materials are available from the sources listed below.

(a) *ASTM materials.* Copies of these materials may be obtained from ASTM International, 100 Barr Harbor Dr., P.O. Box C700, West Conshohocken, PA 19428–2959, or by calling (877) 909–ASTM, or at *http://www.astm.org.*

(1) ASTM D86–07a, Standard Test Method for Distillation of Petroleum Products at Atmospheric Pressure, IBR approved for §§ 1065.703, 1065.710.

(2) ASTM D93–09 (Approved December 15, 2009), Standard Test Methods for Flash Point by Pensky-Martens Closed Cup Tester, IBR approved for § 1065.703.

(3) ASTM D445–09 (Approved July 1, 2009), Standard Test Method for Kinematic Viscosity of Transparent and Opaque Liquids (and Calculation of Dynamic Viscosity), IBR approved for § 1065.703.

(4) ASTM D613–05, Standard Test Method for Cetane Number of Diesel Fuel Oil, IBR approved for § 1065.703.

(5) ASTM D910–07, Standard Specification for Aviation Gasolines, IBR approved for § 1065.701.

(6) ASTM D975–07b, Standard Specification for Diesel Fuel Oils, IBR approved for § 1065.701.

(7) ASTM D1267–02 (Reapproved 2007), Standard Test Method for Gage Vapor Pressure of Liquefied Petroleum (LP) Gases (LP-Gas Method), IBR approved for § 1065.720.

(8) ASTM D1319–03, Standard Test Method for Hydrocarbon Types in Liquid Petroleum Products by Fluorescent Indicator Adsorption, IBR approved for § 1065.710.

(9) ASTM D1655–07e01, Standard Specification for Aviation Turbine Fuels, IBR approved for § 1065.701.

(10) ASTM D1837–02a (Reapproved 2007), Standard Test Method for Volatility of Liquefied Petroleum (LP) Gases, IBR approved for § 1065.720.

(11) ASTM D1838–07, Standard Test Method for Copper Strip Corrosion by Liquefied Petroleum (LP) Gases, IBR approved for § 1065.720.

(12) ASTM D1945–03, Standard Test Method for Analysis of Natural Gas by Gas Chromatography, IBR approved for § 1065.715.

(13) ASTM D2158–05, Standard Test Method for Residues in Liquefied Petroleum (LP) Gases, IBR approved for § 1065.720.

(14) ASTM D2163–05, Standard Test Method for Analysis of Liquefied Petroleum (LP) Gases and Propene Concentrates by Gas Chromatography, IBR approved for § 1065.720.

(15) ASTM D2598–02 (Reapproved 2007), Standard Practice for Calculation of Certain Physical Properties of Liquefied Petroleum (LP) Gases from Compositional Analysis, IBR approved for § 1065.720.

(16) ASTM D2622–07, Standard Test Method for Sulfur in Petroleum Products by Wavelength Dispersive X-ray Fluorescence Spectrometry, IBR approved for §§ 1065.703, 1065.710.

(17) ASTM D2713–91 (Reapproved 2001), Standard Test Method for Dryness of Propane (Valve Freeze Method), IBR approved for § 1065.720.

(18) ASTM D2784–06, Standard Test Method for Sulfur in Liquefied Petroleum Gases (Oxy-Hydrogen Burner or Lamp), IBR approved for § 1065.720.

(19) ASTM D2880–03, Standard Specification for Gas Turbine Fuel Oils, IBR approved for § 1065.701.

(20) ASTM D2986–95a (Reapproved 1999), Standard Practice for Evaluation of Air Assay Media by the Monodisperse DOP (Dioctyl Phthalate) Smoke Test, IBR approved for § 1065.170.

(21) ASTM D3231–07, Standard Test Method for Phosphorus in Gasoline, IBR approved for § 1065.710.

(22) ASTM D3237–06e01, Standard Test Method for Lead in Gasoline By Atomic Absorption Spectroscopy, IBR approved for § 1065.710.

(23) ASTM D4052–96e01 (Reapproved 2002), Standard Test Method for Density and Relative Density of Liquids by Digital Density Meter, IBR approved for § 1065.703.

(24) ASTM D4814–07a, Standard Specification for Automotive Spark-Ignition Engine Fuel, IBR approved for § 1065.701.

(25) ASTM D5186–03, Standard Test Method for Determination of the Aromatic Content and Polynuclear Aromatic Content of Diesel Fuels and Aviation Turbine Fuels By Supercritical Fluid Chromatography, IBR approved for § 1065.703.

(26) ASTM D5191–07, Standard Test Method for Vapor Pressure of Petroleum Products (Mini Method), IBR approved for § 1065.710.

(27) ASTM D5797–07, Standard Specification for Fuel Methanol (M70–M85) for Automotive Spark-Ignition Engines, IBR approved for § 1065.701.

(28) ASTM D5798–07, Standard Specification for Fuel Ethanol (Ed75–Ed85) for Automotive Spark-Ignition Engines, IBR approved for § 1065.701.

(29) ASTM D6615–06, Standard Specification for Jet B Wide-Cut Aviation Turbine Fuel, IBR approved for § 1065.701.

(30) ASTM D6751–07b, Standard Specification for Biodiesel Fuel Blend Stock (B100) for Middle Distillate Fuels, IBR approved for § 1065.701.

(31) ASTM D6985–04a, Standard Specification for Middle Distillate Fuel Oil—Military Marine Applications, IBR approved for § 1065.701.

(32) ASTM F1471–93 (Reapproved 2001), Standard Test Method for Air Cleaning Performance of a High-Efficiency Particulate Air Filter System, IBR approved for § 1065.1001.

(b) *California Air Resources Board material.* Copies of these materials may be obtained from the California Air Resources Board, Haagen-Smit Laboratory, 9528 Telstar Ave., El Monte, CA 91731–2908, or by calling (800) 242–4450.

(1) California Non-Methane Organic Gas Test Procedures, Amended July 30, 2002, Mobile Source Division, California Air Resources Board, IBR approved for § 1065.805.

(2) [Reserved]

(c) *Institute of Petroleum material.* Copies of these materials may be obtained from the Energy Institute, 61 New Cavendish St., London, W1G 7AR, UK, or by calling +44–(0)20–7467–7100, or at *http://www.energyinst.org.*

(1) IP–470, 2005, Determination of aluminum, silicon, vanadium, nickel, iron, calcium, zinc, and sodium in residual fuels by atomic absorption spectrometry, IBR approved for § 1065.705.

(2) IP–500, 2003, Determination of the phosphorus content of residual fuels by ultra-violet spectrometry, IBR approved for § 1065.705.

(3) IP–501, 2005, Determination of aluminum, silicon, vanadium, nickel, iron, sodium, calcium, zinc and phosphorus in residual fuel oil by ashing, fusion and inductively coupled plasma emission spectrometry, IBR approved for § 1065.705.

(d) *ISO material.* Copies of these materials may be obtained from the International Organization for Standardization, 1, ch. de la Voie-Creuse, CP 56, CH–1211 Geneva 20,

Switzerland, or by calling +41–22–749–01–11, or at *http://www.iso.org*.

(1) ISO 2719:2002, Determination of flash point—Pensky-Martens closed cup method, IBR approved for § 1065.705.

(2) ISO 3016:1994, Petroleum products—Determination of pour point, IBR approved for § 1065.705.

(3) ISO 3104:1994/Cor 1:1997, Petroleum products—Transparent and opaque liquids—Determination of kinematic viscosity and calculation of dynamic viscosity, IBR approved for § 1065.705.

(4) ISO 3675:1998, Crude petroleum and liquid petroleum products—Laboratory determination of density—Hydrometer method, IBR approved for § 1065.705.

(5) ISO 3733:1999, Petroleum products and bituminous materials—Determination of water—Distillation method, IBR approved for § 1065.705.

(6) ISO 6245:2001, Petroleum products—Determination of ash, IBR approved for § 1065.705.

(7) ISO 8217:2005, Petroleum products—Fuels (class F)—Specifications of marine fuels, IBR approved for § 1065.705.

(8) ISO 8754:2003, Petroleum products—Determination of sulfur content—Energy-dispersive X-ray fluorescence spectrometry, IBR approved for § 1065.705.

(9) ISO 10307–2:1993, Petroleum products—Total sediment in residual fuel oils—Part 2: Determination using standard procedures for ageing, IBR approved for § 1065.705.

(10) ISO 10370:1993/Cor 1:1996, Petroleum products—Determination of carbon residue—Micro method, IBR approved for § 1065.705.

(11) ISO 10478:1994, Petroleum products—Determination of aluminium and silicon in fuel oils—Inductively coupled plasma emission and atomic absorption spectroscopy methods, IBR approved for § 1065.705.

(12) ISO 12185:1996/Cor 1:2001, Crude petroleum and petroleum products—Determination of density—Oscillating U-tube method, IBR approved for § 1065.705.

(13) ISO 14596:2007, Petroleum products—Determination of sulfur content—Wavelength-dispersive X-ray fluorescence spectrometry, IBR approved for § 1065.705.

(14) ISO 14597:1997, Petroleum products—Determination of vanadium and nickel content—Wavelength-dispersive X-ray fluorescence spectrometry, IBR approved for § 1065.705.

(15) ISO 14644–1:1999, Cleanrooms and associated controlled environments, IBR approved for § 1065.190.

(e) *NIST material.* Copies of these materials may be obtained from the National Institute of Standards and Technology (NIST) by calling (800) 553–6847 or from the U.S. Government Printing Office (GPO). To purchase a NIST publication you must have the order number. Order numbers are available from the Public Inquiries Unit at (301) 975–NIST. Mailing address: Public Inquiries Unit, NIST, 100 Bureau Dr., Stop 1070, Gaithersburg, MD 20899–1070. If you have a GPO stock number, you can purchase printed copies of NIST publications from GPO. GPO orders may be: Mailed to the U.S. Government Printing Office, P.O. Box 979050, St. Louis, MO 63197–9000, placed by telephone at (866) 512–1800 (DC Area only: (202) 512–1800), or faxed to (202) 512–2104. More information can also be found at *http://www.nist.gov*.

(1) NIST Special Publication 811, 1995 Edition, Guide for the Use of the International System of Units (SI), Barry N. Taylor, Physics Laboratory, IBR approved for §§ 1065.20, 1065.1001, 1065.1005.

(2) NIST Technical Note 1297, 1994 Edition, Guidelines for Evaluating and Expressing the Uncertainty of NIST Measurement Results, Barry N. Taylor and Chris E. Kuyatt, IBR approved for § 1065.1001.

(f) *SAE material.* Copies of these materials may be obtained from the Society of Automotive Engineers International, 400 Commonwealth Dr., Warrendale, PA 15096–0001, or by calling (724) 776–4841, or at *http://www.sae.org*.

(1) SAE 770141, 2001, Optimization of Flame Ionization Detector for Determination of Hydrocarbon in Diluted Automotive Exhausts, Glenn D. Reschke, IBR approved for § 1065.360.

(2) [Reserved]

[FR Doc. 2012–712 Filed 1–17–12; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R08–OAR–2011–0588; FRL–9614–8]

Approval, Disapproval and Promulgation of Air Quality Implementation Plans; Colorado: Smoke, Opacity and Sulfur Dioxide Rule Revisions; Regulation 1

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA is partially approving and partially disapproving State Implementation Plan (SIP) revisions to Colorado's Regulation 1. The partial approval of the State's revisions allows for the use of obscurants during military exercises at the Fort Carson Military Base and Pinón Canyon Maneuver Site in Colorado when precautionary steps are taken during the exercise to maintain air quality. EPA approves the State's revised determination of averaged over time emission rates and the expansion of recordkeeping requirements. EPA, however, is disapproving the revised provision governing fuel burning equipment. These revisions were adopted by the State of Colorado on July 21, 2005 and submitted to EPA on August 8, 2006. The proposed partial approval and partial disapproval appeared in the **Federal Register** on August 10, 2011 (76 FR 49391). EPA has determined that the approved revisions in Colorado's submittal are consistent with the Clean Air Act (CAA). This action is being taken under section 110 of the Clean Air Act.

DATES: *Effective date:* This final rule is effective February 17, 2012.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R08–OAR–2011–0588. All documents in the docket are listed on the *http://www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, e.g., 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 Air Program, Environmental Protection Agency (EPA), Region 8, 1595 Wynkoop Street, Denver, Colorado 80202–1129. EPA requests that if at all possible, you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view the hard copy of the docket. You may view the hard copy of the docket Monday through Friday, 8 a.m. to 4 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mark Komp, Air Program, Environmental Protection Agency (EPA), Region 8, Mailcode 8P–AR, 1595 Wynkoop Street, Denver, Colorado 80202–1129, (303) 312–6022, *komp.mark@epa.gov*.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Summary of SIP Revisions
II. Response to Comments
III. Section 110(l) of the CAA
IV. Final Action
V. Statutory and Executive Orders Review

Definitions

For the purpose of this document, we are giving meaning to certain words or initials as follows:

The words or initials *Act* or *CAA* mean or refer to the Clean Air Act, unless the context indicates otherwise.

The words *EPA, we, us* or *our* mean or refer to the United States Environmental Protection Agency.

The initials *SIP* mean or refer to State Implementation Plan.

The words *State* or Colorado mean the State of Colorado, unless the context indicates otherwise.

The initials *NSR* mean or refer to New Source Review, the initials *PSD* mean or refer to Prevention of Significant Deterioration and the initials *NAAQS* mean or refer to National Ambient Air Quality Standards.

The initials *CO* mean Carbon Monoxide, NO_2 mean Nitrogen Dioxide and SO_2 mean Sulfur Dioxide.

The initials *BACT* mean Best Available Control Technology.

The word *Base* means United States Army Fort Carson Military Base and the word *PCMS* means Pinón Canyon Maneuver Site.

The initials *CEM* mean Continuous Emission Monitoring.

I. Summary of SIP Revisions

Colorado's Regulation 1 governs opacity, particulates, sulfur dioxide (SO_2), and carbon monoxide (CO) emissions from sources. Colorado adopted revisions to Regulation 1 on July 21, 2005 and submitted them to EPA on August 8, 2006. The State revised regulations regarding the use of smoke during military operations, equipment requirements and work practices (abatement and control measures) intended to control the emissions of particulates, smokes and SO_2 from new and existing stationary sources.

The revision also provides a new numbering scheme for each section of the regulation. Previously, subsections were designated only by the letter or number (for example, A or 1) assigned to that subsection. In the revision, every subsection is designated by full reference to it (for example, I.A or I.A.1).

Section I.A. provides that Regulation 1 provisions are applicable statewide. An exception is made if a provision within Regulation 1 is made specifically applicable to attainment, attainment/maintenance or nonattainment areas. Consistent with its use of the term elsewhere, the State added the attainment/maintenance nomenclature as a revision to Section I.A.

The State adopted EPA test methods number 1 through 9 (40 CFR part 60, appendix A–4) as it is applied to Standards of Performance for Steel Plants: Electric Arc Furnaces (40 CFR 60.275).

In the ''Background'' section of our proposed rule for these Regulation 1 revisions (76 FR 49391), we said that the State had submitted a revision to Section II.A.1 requiring sources to use EPA Test Method 9 to determine opacity. Originally, the State had added language to the section stating that the use of the test method shall not preclude the use of other credible evidence. The use of other credible evidence was suggested by EPA during the State's drafting of the revisions. The intent of the suggestion was to clarify that the use of the test method was not the only evidence that could be used to determine opacity. The State decided that the addition of the credible evidence wording was unnecessary because Regulation 1 is subject to the credible evidence provisions found in the State's Common Provisions. Therefore, the State removed the credible evidence reference from their revisions to Regulation 1, and section II.A.1 was unchanged in this revision. The ''Proposed Action'' section of our notice did not propose action on this section, correctly reflecting that no substantive change to this section had been made.

Section II.A.3 was revised to clarify that pilot plants and experimental operations shall not emit particulate matter in excess of 30 percent opacity for more than six minutes during a sixty minute time period. Prior to the revision the sixty minute time period had not been defined.

The State revised Regulation 1 to address the United States Army Fort Carson Military Base's (Base's) need to use military obscurants during training while, at the same time, maintaining the air quality in areas accessible to the public near the military base. Section II.A of Regulation 1 prior to the revision set general standards for all sources prohibiting emissions into the atmosphere of any air pollutant which is in excess of 20% opacity. However in 1998 the State revised Regulation 1 in recognition that obscurant generation training by the United States Army purposefully intends to be at or near 100 percent opacity. Section II.D set specific limitations for the use of obscurants at the Base and the Pinón Canyon Maneuver Site (PCMS) at 100 percent opacity subject to specified limitations and conditions. These included using a buffer zone around the military's training operation and limitation of the quantity of obscurant being generated.

The August 8, 2006 submittal revised Section II. of Regulation 1 by removing the daily limitation to the use of obscurants, and replaced a three-kilometer buffer zone within the military training area where obscurants could not be generated with a prohibition on transport of visible emissions from obscurants outside the boundaries of the facilities in order to protect the air quality in public areas outside the military boundary.

Section III.A.1.d, prior to its revision by the State, stated that if two or more fuel burning units connect to any opening, the maximum allowable emission rate shall be calculated on a process rate of pound per million heat input (BTU) basis. The State revised this so that the maximum allowable emission rate shall be calculated on a design rate of pounds per hour.

A revision to Section III.B.2.a of Regulation 1 clarified the areas where an incinerator emission standard applies. Previously, the emission rate limitation of 0.10 grain of particulate matter per standard cubic foot applied only to incinerators located in nonattainment areas. The revision, consistent with changes elsewhere, included attainment/maintenance areas as well.

The August 8, 2006 submittal changed Section III.C.1.a. regarding manufacturing processes emission rates, to clarify that the applicability of the section is to process equipment with a design rate of 30 tons per hour or less.

Under the revision averaging times for existing sources of SO_2 (unless specified in other sections of Regulation 1) shall be a three hour rolling average (Section VI.A.1). Prior to the August 8, 2006 submittal only sources utilizing a CEM were subject to the 3 hour rolling average. Requirements regarding frequency of fuel sampling were eliminated from this section. Recordkeeping and reporting requirements were modified in Section VI.A.5 to allow the State to require a longer period than the two years for keeping records on site.

We noted in the ''Background'' section of our proposed rule for these Regulation 1 revisions (76 FR 49391), that the State had submitted a revision to Section VI.B.4.i that addressed emission limitations for new cement manufacturing sources. This revision was removed by the State prior to the submittal of the revisions to EPA on

August 8, 2006. The State decided that new cement manufacturing plants will be included in the State's NSR permit program that will include more stringent SO_2 emissions than are established in Regulation 1. Therefore, the State removed as unnecessary and redundant the reference to new cement manufacturing plants in Section VI.B.4.i. The ''Proposed Action'' section of the notice did not propose action on this section, correctly reflecting that no substantive change had been made.

In Section VIII.A., Applicability, the reference to the U.S. Department of Energy, Rocky Flats Environmental Technology Site and Gates Rubber Company as sources using oil as a backup fuel is deleted since the sources no longer operate in the Denver, Colorado metropolitan area.

II. Response to Comments

EPA did not receive comments regarding our proposed rule for Colorado's Regulation 1 revisions.

III. Section 110(l) of the CAA

Section 110(l) of the CAA states that a SIP revision cannot be approved if the revision would interfere with any applicable requirement concerning attainment and reasonable further progress toward attainment of the National Ambient Air Quality Standards (NAAQS) or any other applicable requirement of the Act. The Colorado SIP revisions being approved that are the subject of this action do not interfere with attainment of the NAAQS or any other applicable requirement of the Act. In regard to the August 8, 2006 submittal, EPA is approving several revisions to the State's Regulation Number 1. These portions do not relax the stringency of the Colorado SIP. In particular, the State reinstated previous SO_2 limits, where we had disapproved subsequent relaxations that the State submitted. Therefore, this action satisfies the requirements of section 110(l).

IV. Final Action

We are not acting on purported substantive revisions made to Section II.C. regarding the State's Open Burning regulation. Upon review of the revisions, the language was unchanged from a previous revision the State had made to its Open Burning regulations under the Smoke and Opacity section of Regulation 1. EPA approved this revision in an earlier action (76 FR 4540, January 26, 2011). EPA therefore considers that no substantive revision was submitted for Section II.C. As discussed above, no substantive changes were made to sections II.A.1 and VI.B.4.i.

What EPA Is Approving

We are approving the new numbering scheme for Regulation 1. This approval does not constitute approval of any renumbered provisions that were not substantively modified, including sections II.A.1, II.C, and VII.B.4.i. We are approving the State's incorporation by reference into the SIP of EPA test method 9.

We are also approving the use of obscurants by the United States Army for military exercises at Fort Carson and PCMS under the prescribed conditions stated in Section II.D. The use of design rates for determining allowable emissions rates for manufacturing processes as defined in Section III.C.1.a of Regulation 1 is also approved.

The revision to the default averaging time (3 hour rolling average) for existing sources of SO_2 (Section VI.A.1) is approved. The modification to recordkeeping and reporting requirements in Section VI.A.5 is also approved. The reinstatement of Section VI.B.5, requirements for new sources of SO_2 emissions not regulated elsewhere in Regulation 1, is approved.

EPA is approving the deletion of the Rocky Flats Environmental Technology Site and the Gates Rubber Company in Section VIII.A. Minor grammatical revisions made throughout the revisions are also being approved. The State's use of the term ''attainment/maintenance'' area in Sections I.A., III.B.2.a, IV.D.2, and IX is approved.

What EPA Is Disapproving

EPA is disapproving the revision to Section III.A.1.d regarding the maximum allowable emission rate for multiple fuel units. We did not receive information from the State showing that changing the method for calculating emissions would not result in an increase in emissions. The State considered the issue and realized that the likelihood of two units venting to one stack where a pound per hour emission rate was needed would be rare. Therefore, the State did not provide the information and EPA is disapproving the revision to Section III.A.1.d

V. Statutory and Executive Orders Review

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001). This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4).

This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does 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 (64 FR 43255, August 10, 1999). This action 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. This rule also is not subject to Executive Order 13045 ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), because it approves a state rule implementing a Federal standard.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission; to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C.

272 note) do not apply. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

The Congressional Review Act, 5 U.S.C. section 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. section 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by March 19, 2012. 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, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: December 20, 2011.

James B. Martin,

Regional Administrator, Region 8.

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 G—Colorado

■ 2. Section 52.320 is amended by adding paragraph (c)(121) to read as follows:

§ 52.320 Identification of plan.

* * * * *

(c) * * *

(121) On August 8, 2006, the State of Colorado submitted revisions to Colorado's 5 CCR 1001–3, Regulation 1, that allows for the use of obscurants during military exercises at the Fort Carson Military Base and Pinón Canyon Maneuver Site in Colorado while precautionary steps are taken during the exercise to maintain air quality. The State modified the equipment requirements and work practices (abatement and control measures) in Regulation 1 intended to control the emissions of particulates, smokes and SO_2 from new and existing stationary sources. Consistent with its use of the term elsewhere, the State added the attainment/maintenance nomenclature. The revision also provides a new numbering scheme for each section of the regulation.

The State adopted EPA test method 9 (part 60 of this title, Appendix A–4) as it is applied to Standards of Performance for Steel Plants (§ 60.275a of this title). The State revised manufacturing process emission rates, to clarify that the applicability of the section is to process equipment with a design rate of 30 tons per hour or less. The averaging time for emission standards of all existing sources of SO_2 shall be a three hour rolling average. New sources of SO_2 not specifically regulated within Regulation 1 are limited to two tons per day and are subject to BACT.

(i) Incorporation by reference.

(A) 5 CCR 1001–3, Regulation 1, Emission Control for Particulate Matter, Smoke, Carbon Monoxide, and Sulfur Oxides, Section I., *Applicability: Referenced Federal Regulations;* Section II., *Smoke and Opacity;* Section III., *Particulate Matter* (except Subsection III.A.1.d.); Section IV., *Continuous Emission Monitoring Requirements for New or Existing Sources;* Section V., *Emission Standards for Existing Iron and Steel Plant Operations;* Section VI., *Sulfur Dioxide Emission Regulations;* Section VII., *Emission Regulations for Certain Electric Generating Stations Owned and Operated by the Public Service Company of Colorado;* Section VIII., *Restrictions On The Use of Oil as a Backup Fuel;* effective October 2, 2005.

[FR Doc. 2012–713 Filed 1–17–12; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2011–0987; FRL–9617–4]

Revisions to the California State Implementation Plan, Antelope Valley Air Quality Management District and Imperial County Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action to approve revisions to the Antelope Valley Air Quality Management District (AVAQMD) and Imperial County Air Pollution Control District (ICAPCD) portions of the California State Implementation Plan (SIP). These revisions concern oxides of nitrogen (NO_X) emissions from stationary gas turbines. We are approving local rules that regulate these emission sources under the Clean Air Act as amended in 1990 (CAA or the Act).

DATES: This rule is effective on March 19, 2012 without further notice, unless EPA receives adverse comments by February 17, 2012. If we receive such comments, we will publish a timely withdrawal in the **Federal Register** to notify the public that this direct final rule will not take effect.

ADDRESSES: Submit comments, identified by docket number EPA–R09–OAR–2011–0987, by one of the following methods:

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

Instructions: All comments will be included in the public docket without change and may be made available online at www.regulations.gov, including any personal information provided, unless the comment includes Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Information that you consider CBI or otherwise protected should be clearly identified as such and should not be submitted through *www.regulations.gov* or email. *www.regulations.gov* is an ''anonymous access'' system, and EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send email

directly to EPA, your email address will be automatically captured and included as part of the public comment. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

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

FOR FURTHER INFORMATION CONTACT: Idalia Perez, EPA Region IX, (415) 972–3248, *perez.idalia@epa.gov.*

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

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I. The State's Submittal

A. What rules did the State submit?

Table 1 lists the rules we are approving with the dates that they were adopted or amended by the local air agencies and submitted by the California Air Resources Board (CARB).

TABLE 1—SUBMITTED RULES

Local agency	Rule No.	Rule title	Adopted or amended	Submitted
AVAQMD	1134	Stationary Gas Turbines	01/19/10	07/20/10
ICAPCD	400.1	Stationary Gas Turbine(s)—Reasonably Available Control Technology (RACT).	02/23/10	07/20/10

On August 25, 2010, EPA determined that the submittals for AVAQMD Rule 1134 and ICAPCD Rule 400.1 met the completeness criteria in 40 CFR Part 51 Appendix V, which must be met before formal EPA review.

B. Are there other versions of these rules?

There are no previous versions of ICAPCD Rule 400.1 in the SIP. We approved an earlier version of AVAQMD Rule 1134 into the SIP on November 1, 1996 (61 FR 56470). The AVAQMD adopted an earlier a revision to the SIP approved version of Rule 1134 on April 11, 1997 but it was not submitted to EPA.

C. What is the purpose of the submitted rules?

NO_X helps produce ground-level ozone, smog and particulate matter, which harm human health and the environment. Section 110(a) of the CAA requires States to submit regulations that control NO_X emissions. AVAQMD Rule 1134 regulates emissions of NO_X and carbon monoxide (CO) from stationary gas turbine systems with ratings equal to or greater than 0.3 MW. ICAPCD Rule 400.1 regulates emissions of NO_X from stationary gas turbine systems with ratings equal to or greater than 1 MW. EPA's technical support documents (TSDs) have more information about these rules.

II. EPA's Evaluation and Action

A. How is EPA evaluating the rules?

Generally, SIP rules must be enforceable (see section 110(a) of the Act), must require Reasonably Available Control Technology (RACT) for each category of sources covered by a Control Techniques Guidelines (CTG) document as well as each NO_X or VOC major source in nonattainment areas classified as moderate or above (see sections 182(b)(2) and 182(f)), and must not relax existing requirements (see sections 110(l) and 193). The AVAQMD regulates an ozone nonattainment area classified as moderate for the 8-hour NAAQS and severe-17 for the 1-hour NAAQS (see 40 CFR part 81), thus Rule 1143 must fulfill RACT requirements for NO_X. The ICAPCD regulates an ozone nonattainment area classified as moderate (see 40 CFR part 81). Because Rule 400.1 regulates major stationary sources of NO_X, it must fulfill NO_X RACT requirements. On December 3 2009, EPA determined that ICAPCD attained the 1997 8-hour NAAQS for ozone based upon ambient air monitoring data showing the area had monitored attainment during the 2006–2008 monitoring period. (74 FR 63309) This determination suspended some of the planning requirements related to attainment of the 1997 8-hour ozone NAAQS but not the Section 182(b)(2) and 182(f) RACT requirements for major NO_X emission sources. The ICAPCD also regulates a serious PM–10 nonattainment area, and is therefore subject to the requirement under sections 189(b)(1)(B) and 189(e) of the Act to implement Best Available Control Measures (BACM, which includes Best Available Control Technology or BACT) for control of PM–10 and PM–10 precursor emissions.

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

1. ''State Implementation Plans; General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990,'' 57 FR 13498 (April 16, 1992); 57 FR 18070 (April 28, 1992).
2. ''State Implementation Plans; Nitrogen Oxides Supplement to the General Preamble; Clean Air Act Amendments of 1990 Implementation of Title I; Proposed Rule,'' (the NO_X Supplement), 57 FR 55620, November 25, 1992.
3. ''Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations,'' EPA, May 25, 1988 (the Bluebook).
4. ''Guidance Document for Correcting Common VOC & Other Rule Deficiencies,'' EPA Region 9, August 21, 2001 (the Little Bluebook).
5. ''State Implementation Plans for Serious PM–10 Nonattainment Areas, and Attainment Date Waivers for PM–10 Nonattainment Areas Generally; Addendum to the General Preamble for the Implementation of Title I of the

Clean Air Act Amendments of 1990,'' 59 FR 41998, August 16, 1994.

6. ''PM–10 Guideline Document,'' EPA 452/R–93–008, April 1993.

7. ''Alternative Control Technology Document, NO_X Emissions from Stationary Gas Turbines,'' US EPA, 453/R–93–007, January 1993.

8. ''Determination of Reasonably Available Control Technology and Best Available Retrofit Control Technology for the Control of Oxides of Nitrogen from Stationary Gas Turbines,'' California Air Resources Board, May 18, 1992.

9. ''Status Report on NO_X Controls for Gas Turbines, Cement Kilns, Boilers, and Internal Combustion Engines,'' Northeast States for Coordinated Air Use Management, December 2000.

B. Do the rules meet the evaluation criteria?

We believe these rules are consistent with the relevant policy and guidance regarding enforceability, RACT, and SIP relaxations. The TSDs have more information on our evaluation.

C. EPA Recommendations to Further Improve the Rules

The TSDs describe additional rule revisions that we recommend for the next time the local agencies modify the rules.

D. Public Comment and Final Action

As authorized in section 110(k)(3) of the Act, EPA is fully approving the submitted rules because we believe they fulfill all relevant requirements. We do not think anyone will object to this approval, so we are finalizing it without proposing it in advance. However, in the Proposed Rules section of this **Federal Register,** we are simultaneously proposing approval of the same submitted rules. If we receive adverse comments by February 17, 2012, we will publish a timely withdrawal in the **Federal Register** to notify the public that the direct final approval will not take effect and we will address the comments in a subsequent final action based on the proposal. If we do not receive timely adverse comments, the direct final approval will be effective without further notice on March 19, 2012. This will incorporate these rules into the federally enforceable SIP.

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.

III. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve State choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this action merely approves State law as meeting Federal requirements and does not impose additional requirements beyond those imposed by State law. For that reason, this action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
- Does not provide EPA with the discretionary authority to address disproportionate human health or environmental effects with practical, appropriate, 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 rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by March 19, 2012. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the Proposed Rules section of today's **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule and address the comment in the proposed rulemaking. 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, Particulate matter, Reporting and recordkeeping requirements.

Dated: December 27, 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)(381)(i)(A)(*5*) and (G) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(381) * * *

(i) * * *

(A) * * *

(*5*) Rule 400.1, ''Stationary Gas Turbine(s)—Reasonably Available Control Technology (RACT),'' adopted on February 23, 2010.

* * * * *

(G) Antelope Valley Air Quality Management District.

(*1*) Rule 1134, ''Stationary Gas Turbines,'' amended on January 19, 2010.

* * * * *

[FR Doc. 2012–816 Filed 1–17–12; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 1043

[EPA–HQ–OAR–2011–0928; FRL–9618–9]

RIN 2060–XXXX

Great Lakes Steamship Repower Incentive Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action to simplify an existing provision in our marine diesel engine program that is intended to encourage owners of Great Lakes steamships to repower those steamships with cleaner marine diesel engines. The simplified program will automatically permit the use of residual fuel, through December 31, 2025, in a steamship if it has been repowered with a certified Tier 2 or later marine diesel engine, provided the steamship was operated exclusively on the Great Lakes and was in service on October 30, 2009. Steamships are powered by old, inefficient steam boilers. Voluntary replacement of these boilers with modern fuel-efficient marine diesel engines will result in reductions of particulate matter and sulfur oxides, even while the replacement diesel engines are operated on higher sulfur residual fuel, and will provide human health and welfare benefits for the people who live in the Great Lakes region. Conversion to new diesel engines will also result in considerable carbon dioxide reductions and fuel savings.

DATES: This rule is effective on March 19, 2012 without further notice, unless EPA receives adverse comment by February 17, 2012. If EPA receives adverse comment, we will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2011–0928, by one of the following methods:

- *www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *Email: a-and-r-docket@epa.gov.*
- *Fax:* (202) 566–9744.
- *Mail:* Environmental Protection Agency, Air Docket, Mail-code 6102T, 1200 Pennsylvania Ave. NW., Washington, DC 20460.
- *Hand Delivery:* EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC, Attention Docket No. EPA–HQ–OAR–2010–0928. 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–2011–0928. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *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 *www.regulations.gov* or email. The *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 email comment directly to EPA without going through *www.regulations.gov* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.* For additional instructions on submitting comments, go to Unit III of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the ''Great Lakes Steamship Repower Incentive Program'' Docket, EPA/DC, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the ''Great Lakes Steamship Repower Incentive Program'' Docket is (202) 566–1742.

FOR FURTHER INFORMATION CONTACT: Jean Marie Revelt, Environmental Protection Agency, Office of Transportation and Air Quality, Assessment and Standards Division, 2000 Traverwood Drive, Ann Arbor, Michigan 48105; telephone number: (734) 214–4822; fax number: (734) 214–4816; email address: *revelt.jean-marie@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Why is EPA using a direct final rule?

EPA is publishing this rule without a prior proposed rule because we view this as a noncontroversial action and anticipate no adverse comment. However, in the ''Proposed Rules'' section of today's **Federal Register**, we are publishing a separate document that will serve as the proposed rule to adopt the provisions in this Direct Final Rule if adverse comments are received on this direct final rule. We will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. For further information about commenting on this rule, see the **ADDRESSES** section of this document.

If EPA receives adverse comment, we will publish a timely withdrawal in the **Federal Register** informing the public

that this direct final rule will not take effect. We would address all public comments in any subsequent final rule based on the proposed rule.

II. Does this action apply to me?

This action will affect companies that own steamships operating exclusively on the Great Lakes that were in service on October 30, 2009. The following table gives some examples of entities that may be affected by this rule; however, since these are only examples, you should carefully examine the regulations. You may direct questions regarding the applicability of this action as noted in **FOR FURTHER INFORMATION CONTACT**.

Category	NAICS codes [a]	Examples of potentially regulated entities
Industry	483113	Coastal and Great Lakes Freight Transportation.
Industry	483114	Coastal and Great Lakes Passenger Transportation.
Industry	336611	Ship building and repairing.
Industry	811310	Engine repair, remanufacture, and maintenance.

[a] North American Industry Classification System (NAICS).

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

A. *Submitting CBI.* Do not submit this information to EPA through *www.regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

B. *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.
- 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.

IV. Summary of Rule

A. Overview

EPA's final rule for Category 3 marine engines [1] and their fuels (75 FR 22896, April 30, 2010) exempted steamships from the sulfur limits that apply to fuel used in ships operating on the Great Lakes [2] beginning August 1, 2012 (40 CFR 1043.95(a)). This means steamships can continue to operate indefinitely on high sulfur residual fuel. However, because steamship engines have high emissions and low fuel efficiency, we included a provision to encourage owners of Great Lakes steamships to voluntarily replace their steam boilers with cleaner, more fuel-efficient marine diesel engines (40 CFR 1043.95(b)(4)(iv)). The current voluntary repower incentive is in the form of relief through EPA's economic hardship program, through which an owner may apply for a relaxation of the Great Lakes fuel sulfur limits for fuel used by the repowered diesel ship, for a defined period of time. The use of lower price, higher sulfur residual fuel can help offset vessel repower costs.

EPA believes that the goal of repowering the fleet of Great Lakes steamships will be achieved more effectively by adding a new incentive program to provide an automatic, time-limited fuel waiver for repowered steamships. Instead of applying for relief through the economic hardship program, Great Lakes steamship owners who voluntarily repower their steamships with diesel engines would automatically qualify for a waiver that will allow the use of residual fuel in the replacement diesel engines that exceeds the global and ECA sulfur limits that otherwise apply to the fuel used in marine diesel engines operated on the U. S. portions of the Great Lakes. This automatic Great Lakes steamship repower fuel waiver will be valid through December 31, 2025; after that date, repowered steamships will be required to comply with the Great Lakes ECA fuel sulfur limits for diesel engines.[3] To qualify for this automatic fuel sulfur waiver, the steamship must be exempt from existing requirements pursuant to 40 CFR 1043.95(a) in that it must operate exclusively on the Great Lakes and must have been in service on October 30, 2009. In addition, the replacement engine must be a Tier 2 or cleaner marine diesel engine as specified in 40 CFR 1042.104.

Voluntary replacement of steam engines with cleaner, more efficient Tier 2 or better marine diesel engines through this modification to our steamship repower incentive program will provide important air quality and energy benefits immediately, due to the improved fuel efficiency of the diesel engines, and even larger benefits in the long term, when the repowered ships will use fuel that complies with the 1,000 ppm sulfur limit on the Great Lakes.

B. Background

The Great Lakes and St. Lawrence Seaway are the longest deep draft navigation system in the world. About 160 million tons of cargo is moved each year through the 110 ports located on this 2,300 mile system, which extends from the Gulf of St. Lawrence to the western shores of Lake Superior. According to a recent study, this

[1] Category 3 marine engines are diesel engines with per cylinder displacement at or above 30 liters.

[2] For the purpose of this program, ''Great Lakes'' means all the streams, rivers, lakes, and other bodies of water that are within the drainage basin of the St. Lawrence River, west of Anticosti Island. (40 CFR 1043.20).

[3] Compliance can be through switching to ECA-compliant fuel or through the installation and use of an exhaust gas cleaning system (scrubber) or other technology or procedure that achieves equivalent sulfur emissions. See Section V.C of the preamble for our Category 3 FRM for a discussion of compliance strategies.

transportation system generated nearly 93,000 directly-related jobs and 134,000 indirect jobs in the U.S. and Canada in 2010, providing about $34.5 billion in business revenue.[4]

The U.S. Great Lakes fleet consists of 57 vessels that carry about 65 percent of Great Lakes cargo.[5] This fleet is ''captive,'' meaning that many of these ships operate solely on the Great Lakes. For some ships, this is because they are too large to pass through the Welland Canal to the St. Lawrence Seaway; others service only Great Lakes ports. Operation in fresh water minimizes hull corrosion and therefore these captive cargo ships remain in service for a long time. The average age of the fleet of all U.S. cargo vessels operating on the Great Lakes today is about 44 years. The Canadian fleet of 96 ships carries about 25 percent of Great Lakes cargo. This fleet is different from the U.S. fleet in that the ships are younger, on average 35 years, tend to be smaller, and are more likely to operate in the brackish water of the lower end of the St. Lawrence Seaway, the Gulf of St. Lawrence, and the Atlantic Ocean. The remaining Great Lakes cargo is carried by foreign ocean-ships operating on the system temporarily.

Steamships are the oldest segment of the Great Lakes fleet. There are thirteen U.S. steamships operating on the Great Lakes; twelve of these have boilers burning residual fuel oil and the thirteenth operates on coal. The average age of these steamships is about 58 years, the youngest being built in 1960 and the oldest in 1942. The average age of the smaller fleet of 6 Canadian steamships is 57 years, with the youngest built in 1967. Because they operate primarily in fresh water, the U.S. steamships do not experience the corrosion of saltwater and are expected to remain in operation for several more decades.

Steamships remaining in operation today, on both the Great Lakes and the ocean, are part of a legacy fleet that uses technology originally developed before the diesel engine became the dominant ship propulsion method worldwide. In steam technology engines, residual fuel or coal is burned to heat water in a boiler; the resulting steam is converted into energy to rotate the ship's main propellers. Steam engines are less efficient than internal combustion engines and can use 30 to 50 percent more fuel than a diesel engine. This translates to high sulfur oxide (SO_X) and particulate matter (PM) emissions. As discussed in our Category 3 marine rule, these emissions have important impacts on human health and the environment.

Steamships that operate in salt water are retired from service as a result of hull corrosion, and much of today's fleet of ocean steamships is expected to be retired by 2020. Owners choose diesel engines for the replacement vessels because of their better fuel efficiency and performance characteristics; diesel engines have lower SOx and PM emissions as well. Increasing fuel prices have led some Great Lakes steamship owners to carry out repower projects to replace their inefficient steam engines with cleaner fuel-efficient diesel engines. This type of vessel modification can be expensive, with costs of $15 to $25 million or more (20 to 25 percent of the cost of a new vessel), because the steam engine is an integral part of the vessel and the hull must be cut away to remove it. Repowering also requires extensive engine room and propeller modifications. However, the fuel savings associated with a 30 percent improvement in fuel efficiency combined with the long service life of Great Lakes ships helps the owner recover these costs. The fuel savings can make repowering attractive to owners on a long-term basis, and several Great Lakes steamships were repowered in the last decade, including the Paul R. Tregurtha, the Charles M. Beeghly (now the James L. Oberstar), the Michipicoten, and the Saginaw. This dynamic was changed, however, with the designation of the North American Emission Control Area (ECA) and the application of the stringent ECA fuel sulfur limits to the Great Lakes through our Category 3 marine rule. As explained below, ECA-compliant fuel is expected to be higher price distillate fuel, and steamship owners may not be able to recover the cost of a repower even with the better fuel efficiency of diesel engines compared to steam engines. As a result, the incentives for repowering any one of the thirteen remaining steamships became less compelling.

C. EPA's Coordinated Strategy for Ships and Steamship Repowers

In our 2010 Category 3 marine rulemaking, EPA adopted a Coordinated Strategy for ships that will reduce emissions from all foreign and domestic vessels that affect U.S. air quality. The Coordinated Strategy applies to all ships that operate in the United States, including those that operate on the U.S. portions of the Great Lakes and St. Lawrence Seaway. The Coordinated Strategy consists of three parts:

(i) Addition of new tiers of Clean Air Act (CAA) emission standards that apply to Category 3 marine engines installed on U.S. vessels, and certain compliance requirements that are consistent with our regulatory program for Category 1 and Category 2 marine engines;

(ii) Designation of U.S. coastal waters as an Emission Control Area (ECA) through amendment to Annex VI of the International Convention for the Prevention of Pollution from Ships (MARPOL Annex VI); ships operating in a designated ECA are required to meet the most stringent engine and marine fuel sulfur requirements contained in MARPOL Annex VI; and

(iii) Adoption of the engine emission and fuel sulfur limits contained in the amendments to MARPOL Annex VI that are applicable to all vessels regardless of flag and implementation of those requirements in the U.S. through the Act to Prevent Pollution from Ships (APPS) and regulations issued under APPS.

The North American ECA was designated through amendment to MARPOL Annex VI that was adopted by the Parties to Annex VI in March 2010.[6] A fuel sulfur limit of 10,000 ppm will begin to apply in this designated ECA starting in August 2012; this is reduced to 1,000 ppm beginning January 1, 2015.[7]

Our 2010 Category 3 marine rulemaking finalized regulations implementing the MARPOL Annex VI and North American ECA requirements for U.S. vessels under the CAA and for U.S. and foreign vessels under APPS. That rule also adopted regulatory text to clarify that vessels operating in U.S. internal waters, shoreward of an ECA, that can be accessed by ocean-going vessels must meet the MARPOL Annex VI ECA requirements. This includes ports and internal waters such as the Great Lakes. In the regulatory text we refer to the internal waters in which we are applying the ECA requirements as

[4] The Economic Impacts of the Great Lakes-St. Lawrence Seaway System. Martin Associates. October 18. 2011. A copy of this report can be found at *http://www.marinedelivers.com/economy*.

[5] Data in this section derived from Greenwoods Guide to Great Lakes Shipping 2010 (Harbor House Publishing, 2010), Lake Carriers' Association, the Canadian Shipowners Association, and the St. Lawrence Seaway Management Corporation. See *http://www.lcaships.com/TONPAGE.HTM, http://www.shipowners.ca/index.php?page=annual-report-and-statistics,* and *http://www.seaway.ca/en/seaway/facts/traffic/index.html.*

[6] MEPC.1/Circ.723, 13 May 2010. Information on North American Emission Control Area (ECA) Under MARPOL Annex VI. A copy of this document can be found at *http://www.epa.gov/otaq/regs/nonroad/marine/ci/mepc1-circ-re-na-eca.pdf.*

[7] See *http://www.epa.gov/otaq/fuels/dieselfuels/documents/420b11002.pdf* for a summary of the EPA and MARPOL Annex VI fuel sulfur limits and their effective dates.

the ''ECA associated area.'' The regulatory text applies the ECA requirements for these internal waters beginning at the same time as the ECA takes effect under MARPOL Annex VI.

We received many comments from Great Lakes stakeholders during our Category 3 rulemaking process about the application of the ECA standards to the Great Lakes. Steamship owners raised technical and safety issues associated with operating Great Lakes steamships on distillate fuel, since these steamships were designed specifically to operate on residual fuel oils. In response to these comments, we considered a number of options to address the safety concerns for these vessels. However, Congress placed a prohibition on EPA's use of funds to issue a final rule that included fuel sulfur standards applicable to existing steamships that operate exclusively in the Great Lakes. Therefore, under our APPS section 1903 authority to ''prescribe any necessary or desired regulations to carry out the provisions'' of MARPOL Annex VI, our final regulations exclude Great Lakes steamships from the final fuel sulfur requirements (40 CFR 1043.95(a)). This means that steamships can continue to use high sulfur residual fuel indefinitely.[8]

At the same time, however, we recognized that the steamship fuel sulfur exemption, combined with the application of ECA fuel sulfur requirements to diesel ships operating on the Great Lakes, would reduce the incentives for steamship owners to repower their ships. This is because once the steamship is repowered with diesel engines it would no longer be exempt from the fuel sulfur requirements. In addition, the higher price of fuel that is compliant with ECA and global fuel requirements would make it harder to recover the costs of the repower project through fuel savings from the more fuel efficient diesel engines.

As a result, we added a provision to our economic hardship waiver program that would allow EPA to consider ''the ability of an individual vessel to recover capital investments incurred to repower or otherwise modify a vessel to reduce air emissions'' (40 CFR 1043.95(b)(4)(iv)). Using this provision, EPA intended that steamship owners who voluntarily repower their steamships with diesel engines could apply for an economic hardship waiver that would allow the ship to use lower-price residual fuel in the repowered diesel engine for a specified period of time, which can help offset the capital costs of a repower project.

Since EPA finalized the Category 3 marine rule, we recognized that the goal of encouraging voluntary Great Lakes steamship repowers can be achieved more effectively by providing an automatic fuel sulfur waiver for a defined period of time for Great Lakes steamships that are repowered with a Tier 2 or better diesel engine.[9]

A waiver is appropriate and reasonable due to the significant emissions and energy benefits from repowering a steamship with a diesel engine, both immediately and in the long run. A diesel engine is 30 to 50 percent more fuel-efficient than a steam power plant, due to better combustion technology. In a typical steamship, replacing the steam power plant with a diesel engine will immediately reduce SO_X emissions by about 34 percent; PM emissions would be about the same for both engines when operating on high sulfur residual fuel. In the long term, beginning January 1, 2026 when the replacement diesel engines will be required to use fuel that complies with the 1,000 ppm sulfur limit on the Great Lakes, the estimated emission reductions will be even more significant: About 97 percent reduction in SO_X and about 84 percent reduction in PM emissions compared to the steam engine. These SO_X and PM emission reductions are extraordinary, especially given that Great Lakes steamships, repowered or not, will have many years of service life remaining even after the expiration of the fuel sulfur waiver. Steam engines have inherently low NO_X emissions due to their inefficient combustion process, and replacing a steam engine with a diesel engine may result in several times more NO_X emissions. However, the diesel marine engines that would replace the steam engine have NO_X emissions comparable to diesel engines used in other marine and land-based applications, and would be required to meet at least EPA's Tier 2 standards. In addition, the health and human welfare benefits of reducing PM and SO_X emissions overwhelm the impacts of the NO_X emission increase of the repowered engine compared to the original steam engine. Therefore, the impacts of repowering Great Lakes steamships are expected to be significantly beneficial.

An automatic waiver is appropriate because it will give owners greater flexibility with regard to how and when they repower. A ship repower is a lengthy process that requires significant redesign of the ship engine room and propulsion system. Also, the scheduling of dry dock time must be timed with the order and delivery of the replacement engine and other important ship components. An automatic waiver will avoid an additional review and approval phase for a repower project. It also may facilitate financing as the waiver is available for any qualifying steamship repower.

Consistent with our existing steamship fuel sulfur waiver (40 CFR 1043.95(a)), this steamship incentive program fuel waiver is available only to steamships that were operating exclusively on the Great Lakes and that were in service on October 30, 2009[10] and therefore are otherwise exempt from the requirements of Part 1043. In addition, the steam engine must be replaced with an engine that meets the EPA standards in effect at the time the ship will enter dry dock (i.e., it is covered by an EPA-issued certificate of conformity).

To qualify for this steamship repower waiver, the vessel must remain intact in that the cargo section of the vessel must remain connected to the section that contains the pilothouse. This means that if a steamship is converted to a barge and is subsequently paired, either permanently or sporadically, with a tug, the tug will not qualify for this fuel sulfur waiver. Removal of the engine section of the vessel and replacing it with a tug is more consistent with replacing the existing vessel rather than repowering it. In addition, the replacement tug would likely be powered by a Category 2 engine that does not use residual fuel, due to the space restrictions on tugs and the requirements for fuel handling equipment to use residual fuel, and therefore a residual fuel waiver would be irrelevant.

The waiver is valid through December 31, 2025. Beginning January 1, 2026, the owner will be required to use ECA-compliant fuel in the repowered diesel engine. This limited waiver period is intended to encourage steamship owners to repower early to take full advantage of the amount of time they can use lower price residual fuel. This,

[8] Steamships operated in the coastal areas of the North American ECA are exempt from the fuel sulfur requirements through December 31, 2019, by amendment to MARPOL Annex VI. See MEPC 62/24, Annex 14, page 4 (July 26, 2011). These ships are expected to be retired from service as of that date as a result of hull corrosion from operating in salt water.

[9] In certain cases EPA may approve the use of an engine that meets a less stringent tier of standards, if the owner can demonstrate that the engine was purchased for a steamship repower prior to October 30, 2009 and it meets the criteria set out in the regulations.

[10] ''In service'' means operating as a steamship, but is not limited to actually performing that service on that day.

in turn, will maximize the human health and environmental benefits of the steamship repower waiver.

A steamship owner taking advantage of the automatic steamship repower incentive program is required to notify EPA's designated certification officer of the intention to use this provision. The notification must include a description of the project, the expected timeline, and other relevant information. The owner is also required to notify EPA's designated certification officer at completion of the project. At that time, EPA will provide the owner with a statement that the repowered ship is covered by the steamship repower incentive program fuel sulfur waiver. This document should be kept with the ship's International Air Pollution Prevention (IAPP) and Engine International Air Pollution Prevention (EIAPP) certificates, for compliance purposes.

The owner of the repowered steamship is required to comply with all other aspects of EPA's marine diesel engine program, including the MARPOL Annex VI requirements with respect to bunker delivery notes.

EPA has determined that no changes are needed to our 40 CFR part 80 fuels program to effectuate the fuel sulfur waiver for repowered steamships. This is because the prohibitions contained in 40 CFR 80.610 specify that ''no person shall * * * (6) beginning January 1, 2015, introduce (or permit the introduction of) any fuel with a sulfur content greater than 1,000 ppm for use in a Category 3 marine vessel within an ECA, except as allowed by 40 CFR part 1043,'' and the steamship repower incentive program regulations will be part of 40 CFR 1043.95. In addition, ECA fuel is defined in 40 CFR 80.2(ttt)(2)(i) as excluding ''fuel that is allowed by 40 CFR part 1043 to exceed the fuel sulfur limits for operation in an ECA (such as fuel used by excluded vessels * * *).''

D. Regulatory Action

Under the authority of 33 U.S.C. 1903 to ''prescribe any necessary or desired regulations to carry out the provisions'' of MARPOL Annex VI, EPA is taking direct final action to add an automatic fuel sulfur waiver to our marine diesel program for repowered steamships operating on the Great Lakes. This automatic fuel waiver is available only to owners of steamships that operate exclusively on the Great Lakes and that were in service on October 30, 2009, where ''in service'' means operating as a steamship, but is not limited to actually performing that service on that day. This waiver will allow the converted steamship to use non-compliant residual fuel in the repowered diesel engine through December 31, 2025.

This action will not have an adverse cost impact on steamship owners. Steamship owners are not required to replace the steam engines on their vessels with diesel engines. This direct final rule merely adds a provision to allow steamship owners who voluntarily repower with diesel engines to automatically continue to use the fuel they would otherwise be permitted to use had the ship not been repowered, for a period of time. This provision will provide important air quality and energy benefits immediately, due to the improved fuel efficiency of the diesel engines, and even larger benefits beginning in 2026, when the repowered ship will use fuel that complies with the 1,000 ppm sulfur limit on the Great Lakes.

V. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review

This action is not a ''significant regulatory action'' under the terms of Executive Order 12866 (58 FR 51735, October 4, 1993) and is therefore not subject to review under Executive Orders 12866 and 13563 (76 FR 3821, January 21, 2011). This direct final rule merely adds an automatic waiver provision to encourage Great Lakes steamship owners to repower their vessels with cleaner marine diesel engines. There are no costs associated with this rule because steamship owners are not required to repower their ships.

B. Paperwork Reduction Act

The information collection requirements in this rule will be submitted for approval to the Office of Management and Budget (OMB) under the *Paperwork Reduction* Act, 44 U.S.C. 3501 *et seq.* The information collection requirements are not enforceable until OMB approves them.

The program contained in this rule is a voluntary incentive program to encourage owners of Great Lakes steamship to repower their ships with diesel engines. A steamship owner taking advantage of the automatic fuel waiver is required to notify EPA's designated certification officer of the intention to use this provision. The notification must include a description of the project, the expected timeline, and other relevant information. The owner is also required to notify EPA's designated certification officer at completion of the project. The purpose of the reporting is to ensure that a repower has taken place, with a qualified EPA-certified engine. Because this program is voluntary, a steamship owner would provide this information only if the provision is exercised. When the project is completed, EPA will provide the owner with a statement that the repowered ship is covered by the steamship repower incentive program fuel sulfur waiver, which is to be kept onboard for compliance purposes.

There are potentially six companies affected, which own the twelve remaining diesel steamships that operate on the Great Lakes. It is not known how many of these companies will actually take advantage of the waiver, or when they would repower. However, it is likely that the repowers would occur prior to 2015, to maximize the fuel savings afforded by the fuel sulfur waiver before it expires on December 31, 2025.

The total estimated burden associated with the automatic steamship repower incentive program is 14.0 hours annually. This is based on two steamship owners repowering two steamships in each of three years and an estimated 3.5 annual labor hours for each manufacturer to prepare and submit the required information for each ship. Burden is defined at 5 CFR 1320.3(b).

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in 40 CFR are listed in 40 CFR part 9. When this ICR is approved by OMB, the Agency will publish a technical amendment to 40 CFR part 9 in the **Federal Register** to display the OMB control number for the approved information collection requirements contained in this final rule.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions.

For purposes of assessing the impacts of today's rule on small entities, small entity is defined as: (1) A small business primarily engaged in shipbuilding and repairing as defined by NAICS code

336611 with 1,000 or fewer employees (based on Small Business Administration size standards); (2) a small business that is primarily engaged in freight or passenger transportation on the Great Lakes as defined by NAICS codes 483113 and 483114 with 500 or fewer employees (based on Small Business Administration size standards); (3) a small business primarily engaged in commercial and industrial machinery and equipment repair and maintenance with annual receipts less than $7 million (based on Small Business Administration size standards); (4) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (5) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

After considering the economic impacts of today's final rule on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities.

In determining whether a rule has a significant economic impact on a substantial number of small entities, the impact of concern is any significant adverse economic impact on small entities, since the primary purpose of the regulatory flexibility analyses is to identify and address regulatory alternatives ''which minimize any significant economic impact of the rule on small entities.'' 5 U.S.C. 603 and 604. Thus, an agency may certify that a rule will not have a significant economic impact on a substantial number of small entities if the rule relieves regulatory burden, or otherwise has a positive economic effect on all of the small entities subject to the rule.

This direct final rule merely adds an automatic waiver provision to encourage Great Lakes steamship owners to repower their vessels with cleaner marine diesel engines. There are no costs and therefore no regulatory burden associated with this rule because steamship owners are not required to repower their ships and can continue using their vessels indefinitely. This Great Lakes steamship repower incentive program will assist those steamship owners who choose to voluntarily repower their ships, however, by allowing them to use lower-price residual fuel in the repowered diesel ship for a specified period of time, which may help them cover the costs of the repower project. We have therefore concluded that today's final rule will not increase regulatory burden for affected small entities.

D. Unfunded Mandates Reform Act

This action contains no Federal mandates under the provisions of Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), 2 U.S.C. 1531–1538 for State, local, or tribal governments or the private sector. The action imposes no enforceable duty on any State, local or tribal governments or the private sector. Therefore, this action is not subject to the requirements of sections 202 or 205 of the UMRA.

This action is also not subject to the requirements of section 203 of UMRA because it contains no regulatory requirements that might significantly or uniquely affect small governments. This direct final rule merely adds an automatic waiver provision to encourage Great Lakes steamship owners to repower their vessels with cleaner marine diesel engines. None of the thirteen U.S. steamships operating on the Great Lakes as of October 30, 2009, are owned or operated by a State, local, or tribal government.

E. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. This direct final rule merely adds an automatic waiver provision to encourage Great Lakes steamship owners to repower their vessels with cleaner marine diesel engines. None of the thirteen U.S. steamships operating on the Great Lakes as of October 30, 2009, are owned or operated by a State. Thus, Executive Order 13132 does not apply to this action.

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

This action does not have tribal implications, as specified in Executive Order 13175 (65 FR 67249, November 9, 2000). This direct final rule merely adds an automatic waiver provision to encourage Great Lakes steamship owners to repower their vessels with cleaner marine diesel engines. None of the thirteen U.S. steamships operating on the Great Lakes as of October 30, 2009, are owned or operated by an Indian tribal government. Thus, Executive Order 13175 does not apply to this action.

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

This action is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it is not economically significant as defined in Executive Order 12866, and because the Agency does not believe the environmental health or safety risks addressed by this action present a disproportionate risk to children. This direct final rule merely adds an automatic waiver provision to encourage Great Lakes steamship owners to repower their vessels with cleaner marine diesel engines. To the extent Great Lakes steamship owners take advantage of this incentive program, their action will provide immediate air quality and energy benefits, due to the improved fuel efficiency of the diesel engines, and even larger benefits in the long term, when the repowered ship will use fuel that complies with the 1,000 ppm sulfur limit on the Great Lakes. These emission reductions will improve air quality for all people who live in the Great Lakes region, including children and other sensitive populations.

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

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

I. National Technology Transfer Advancement Act

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

This action does not involve technical standards. Therefore, EPA did not consider the use of any voluntary consensus standards.

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

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 has determined that this final rule will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because it increases the level of environmental protection for all affected populations without having any disproportionately high and adverse human health or environmental effects on any population, including any minority or low-income population. This direct final rule merely adds an automatic waiver provision to encourage Great Lakes steamship owners to repower their vessels with cleaner marine diesel engines. To the extent Great Lakes steamship owners take advantage of this incentive program, their action will provide immediate air quality and energy benefits, due to the improved fuel efficiency of the diesel engines, and even larger benefits in the long term, when the repowered ship will use fuel that complies with the 1,000 ppm sulfur limit on the Great Lakes. These emission reductions will improve air quality for all people who live in the Great Lakes region, including minority and low-income populations.

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 March 19, 2012.

L. Statutory Authority

The statutory authority for this action comes from section 1903 of the Act to Prevent Pollution from Ships (33 U.S.C. 1901 *et seq.*). The Act to Prevent Pollution from Ships implements Annex VI to the International Convention for the Prevention of Pollution from Ships (MARPOL) and makes those requirements enforceable domestically. Section 1903 gives the Administrator the authority to prescribe any necessary or desired regulations to carry out the provisions of Regulations 12 through 19 of MARPOL Annex VI.

List of Subjects in 40 CFR Part 1043

Environmental protection, Administrative practice and procedure, Air pollution control, Confidential business information, Economic hardship waiver, Great Lakes, North American Emission Control Area, Reporting and recordkeeping requirements, Steamships.

Dated: January 11, 2012.

Lisa P. Jackson,

Administrator.

For the reasons set out in the preamble, Title 40, Chapter I of the Code of Federal Regulations is amended as follows:

PART 1043—CONTROL OF NO_X, SO_X, AND PM EMISSIONS FROM MARINE ENGINES AND VESSELS SUBJECT TO THE MARPOL PROTOCOL

■ 1. The authority citation for part 1043 continues to read as follows:

Authority: 33 U.S.C. 1901–1915.

■ 2. Section 1043.95 is amended by redesignating paragraphs (b) and (c) as paragraphs (c) and (d), respectively, and adding a new paragraph (b) to read as follows:

§ 1043.95 Interim provisions.

* * * * *

(b) The fuel-use requirements of this part do not apply through December 31, 2025, for a ship qualifying under paragraph (a) of this section if it was in service as a steamship on October 30, 2009 and it is repowered with one or more marine diesel engines, subject to the following conditions and requirements:

(1) Engines must meet exhaust emission standards using one of the following approaches:

(i) All the installed replacement engines must be certified to applicable standards under 40 CFR part 1042 based on the date the vessel enters dry dock for service.

(ii) We may approve the use of an engine meeting less stringent standards if the owner can demonstrate that it took possession of the engine before October 30, 2009, and that engine is a new engine that has not been installed in a non-marine application. Such an engine must at a minimum be certified to the Annex VI NO_X emission standard in § 1043.60 that applies based on its build date.

(2) The vessel owner must notify us regarding the intent to use this provision. The notification must include a description of the vessel and a summary of the project, including the expected timeline, and other relevant information.

(3) The vessel owner must notify the Designated Certification Officer when the project is complete. We will send the owner a statement that the repowered ship is exempt from fuel sulfur requirements through December 31, 2025; this statement must be kept onboard the vessel for compliance purposes.

(4) All other requirements under this part 1043 continue to apply, including requirements related to bunker delivery notes.

(5) This paragraph (b) applies only for vessels whose hull remains intact through the repowering process. For example, if a steamship is converted to a barge for use with tugboats, those vessels must use fuel meeting the requirements of this part 1043.

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[FR Doc. 2012–819 Filed 1–17–12; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 110314196–1725–02]

RIN 0648–BA97

Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish of the Gulf of Alaska; Amendment 88

Correction

§ 679.81 [Corrected]

In rule document 2011–32873 appearing on pages 81248–81293 in the issue of December 27, 2011, make the following correction:

On pages 81283–81283, the table at § 679.81(i)(3) is reprinted in its entirety:

Requirement	Catcher vessel sector	Catcher/processor sector
(i) Who may join a rockfish cooperative?	Only persons who hold rockfish QS may join a rockfish cooperative.	
(ii) What is the minimum number of LLP licenses that must be assigned to form a rockfish cooperative?	No minimum requirement.	
(iii) Is an association with a rockfish processor required?	Yes, a rockfish QS holder may only be a member of a rockfish cooperative formed in association with a rockfish processor. The rockfish cooperative may not receive rockfish CQ unless a shoreside processor eligible to receive rockfish CQ has indicated that it may be willing to receive rockfish CQ from that cooperative in the application for CQ, as described under § 679.81, that is submitted by that cooperative.	No.
(iv) Is a rockfish cooperative member required to deliver catch to the rockfish processor with whom the rockfish cooperative is associated?	No	N/A.
(v) Is there a minimum amount of rockfish QS that must be assigned to a rockfish cooperative for it to be allowed to form?	No	No.
(vi) What is allocated to the rockfish cooperative?	CQ for rockfish primary species, rockfish secondary species, and rockfish halibut PSC, based on the rockfish QS assigned to all of the LLP licenses that are assigned to the cooperative.	
(vii) Is this CQ an exclusive harvest privilege?	Yes, the members of the rockfish cooperative have an exclusive harvest privilege to collectively catch this CQ, or a cooperative may transfer all or a portion of this CQ to another rockfish cooperative.	
(viii) Is there a season during which designated vessels may catch CQ?	Yes, any vessel designated to catch CQ for a rockfish cooperative is limited to catching CQ during the season beginning on 1200 hours, A.l.t., on May 1 through 1200 hours, A.l.t., on November 15.	
(ix) Can any vessel catch a rockfish cooperative's CQ?	No, only vessels that are named on the application for CQ for that rockfish cooperative may catch the CQ assigned to that rockfish cooperative. A vessel may be assigned to only one rockfish cooperative in a calendar year.	
(x) Can a member of a rockfish cooperative transfer CQ individually to another rockfish cooperative without the approval of the other members of the rockfish cooperative?	No, only the rockfish cooperative's designated representative, and not individual members, may transfer its CQ to another rockfish cooperative. Any such transfer must be approved by NMFS as established under paragraph (i)(4)(ii) of this section.	
(xi) Can a rockfish cooperative in the catcher/processor sector transfer its sideboard limit?	N/A	No, a sideboard limit assigned to a rockfish cooperative in the catcher/processor sector is a limit applicable to a specific rockfish cooperative, and may not be transferred between rockfish cooperatives.
(xii) Is there a hired master requirement?	No, there is no hired master requirement.	
(xiii) Can an LLP license be assigned to more than one rockfish cooperative in a calendar year?	No, an LLP license may only be assigned to one rockfish cooperative in a calendar year. A person holding multiple LLP licenses with associated rockfish QS may assign different LLP licenses to different rockfish cooperatives subject to any other restrictions that may apply.	
(xiv) Can a rockfish processor be associated with more than one rockfish cooperative?	Yes	N/A.
(xv) Can an LLP license be assigned to a rockfish cooperative and opt-out of participating in a rockfish cooperative?	N/A	No, each calendar year an LLP license must either be assigned to a rockfish cooperative or opt-out.
(xvi) Which members may harvest the rockfish cooperative's CQ?	That is determined by the rockfish cooperative contract signed by its members. Any violations of this contract by one cooperative member may be subject to civil claims by other members of the rockfish cooperative.	
(xvii) Does a rockfish cooperative need a contract?	Yes, a rockfish cooperative must have a membership agreement or contract that specifies how the rockfish cooperative intends to harvest its CQ. A copy of this agreement or contract must be submitted to NMFS with the cooperative's application for CQ.	

Requirement	Catcher vessel sector	Catcher/processor sector
(xviii) What happens if the rockfish cooperative exceeds its CQ amount?	A rockfish cooperative is not authorized to catch fish in excess of its CQ and must not exceed its CQ amount at the end of the calendar year. Exceeding a CQ is a violation of the Rockfish Program regulations. Each member of the rockfish cooperative is jointly and severally liable for any violations of the Rockfish Program regulations while fishing under authority of a CQ permit. This liability extends to any persons who are hired to catch or receive CQ assigned to a rockfish cooperative. Each member of a rockfish cooperative is responsible for ensuring that all members of the rockfish cooperative comply with all regulations applicable to fishing under the Rockfish Program.	
(xix) Is there a limit on how much CQ a rockfish cooperative may hold or use?	Yes, see § 679.82(a) for the provisions that apply.	
(xx) Is there a limit on how much CQ a vessel may harvest?	Yes, see § 679.82(a) for the provisions that apply.	
(xxi) Is there a requirement that a rockfish cooperative pay rockfish cost recovery fees?	Yes, see § 679.85 for the provisions that apply.	
(xxii) When does catch count against my CQ permit?	Any vessel fishing checked-in (and therefore fishing under the authority of a CQ permit must count any catch of rockfish primary species, rockfish secondary species, or rockfish halibut PSC against that rockfish cooperative's CQ from May 1 until November 15, or until the effective date of a rockfish cooperative termination of fishing declaration that has been approved by NMFS).	
(xxiii) If my vessel is checked-out and fishing in a directed flatfish fishery in the Central GOA and I catch groundfish and halibut PSC, does that count against the rockfish cooperative's CQ?	No. If you are fishing in a directed flatfish fishery and checked-out of the Rockfish Program fisheries, you are not fishing under the authority of a CQ permit. Groundfish harvests would not be debited against the rockfish cooperative's CQ permit. In this case, any catch of halibut would be attributed to the halibut PSC limit for that directed target fishery and gear type and any applicable sideboard limit.	
(xxiv) Can my rockfish cooperative negotiate prices for me?	The rockfish cooperatives formed under the Rockfish Program are intended to conduct and coordinate harvest activities for their members. Rockfish cooperatives formed under the Rockfish Program are subject to existing antitrust laws. Collective price negotiation by a rockfish cooperative must be conducted in accordance with existing antitrust laws.	
(xxv) Are there any special reporting requirements?	Yes, each year a rockfish cooperative must submit an annual rockfish cooperative report to NMFS by December 15 of that year. See § 679.5(r)(6) for the reporting requirements.	
(xxvi) What is required in the annual rockfish cooperative report?	The annual rockfish cooperative report must include at a minimum: (A) The rockfish cooperative's CQ, sideboard limit (if applicable), and any rockfish sideboard fishery harvests made by the vessels in the rockfish cooperative on a vessel-by-vessel basis; (B) The rockfish cooperative's actual retained and discarded catch of CQ, and sideboard limit on an area-by-area and vessel-by-vessel basis; (C) A description of the method used by the rockfish cooperative to monitor fisheries in which rockfish cooperative vessels participated; and (D) A description of any civil actions taken by the rockfish cooperative in response to any members that exceeded their allowed catch.	

[FR Doc. C1–2011–32873 Filed 1–17–12; 8:45 am]

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Proposed Rules

Federal Register
Vol. 77, No. 11
Wednesday, January 18, 2012

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 42

RIN 0581–AC52

[Doc. No. AMS–FV–08–0027; FV–05–332]

United States Standards for Condition of Food Containers

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Agricultural Marketing Service (AMS) proposes to amend the regulations governing the United States (U.S.) Standards for Condition of Food Containers. The proposed revisions would remove the Operating Characteristic (OC) curves for on-line sampling and inspection and make other minor non-substantive changes. These revisions are necessary in order to provide standards that reflect current industry practices.

DATES: Comments must be received on or before March 19, 2012.

ADDRESSES: Interested persons are invited to submit written comments or comments on the Internet. Comments may be sent to Lynne Yedinak, Food Technologist, Processed Products Division, Fruit and Vegetable Programs, Agricultural Marketing Service, U.S. Department of Agriculture, 1400 Independence Avenue SW., Room 0709, South Building Stop 0247, Washington, DC 20250–0247; FAX: (202) 690–1527; or Internet: *http://www.regulations.gov.* The current U.S. Standards for Condition of Food Containers is available through the address cited below by accessing the Internet at: *http://www.access.gpo.gov/nara/cfr/waisidx_00/7cfr42_00.html.* All comments should reference the document number, date, and page number of this issue of the **Federal Register**. All comments will be posted without change, including any personal information provided. All comments submitted in response to this notice will be included in the record and will be made available to the public on the Internet via: *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Lynne Yedinak at the above address, Telephone: (202) 720–9939, Fax: (202) 690–1527, or email *FQAStaff@ams.usda.gov.*

SUPPLEMENTARY INFORMATION:

Executive Order 12866 Regulatory Flexibility Act

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

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), AMS has considered the economic impact of this action on small entities. Accordingly, AMS has prepared this initial regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory action to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Food manufacturers are determined to be small businesses if they have 1,000 or less employees per 13 CFR part 121.

There are approximately 22,058 establishments identified in the 2007 Economic Census as belonging to the North American Industry Classification System under the classification of ''food manufacturing'' and any number of these establishments could request their product containers be inspected under the provisions of the U.S. Standards for Condition of Food Containers. Only 402 of these establishments would qualify as small businesses under the definition provided by the Small Business Administration.

We have examined the economic implications of this proposed rule on small entities. Under the proposed rule, utilization of the U.S. Standards for Condition of Food Containers continues to be voluntary. Small entities would only incur direct costs when purchasers of their packaged food products stipulate in their procurement documents that the food containers should conform to the requirements of the U.S. Standards for Condition of Food Containers. Since the standards were previously amended in May 1983, innovations in packaging technologies have provided an increasingly wide variety of acceptable new food containers. These new food containers are not represented by the current standards. Accordingly, we believe that the economic impact of this proposed rule will be minimal because the revisions are necessary in order to provide standards that reflect current industry practices. Finally, the changes concerning removal of OC curves and other non-substantive changes will have no adverse impact on small or large entities.

This rule would not impose any additional reporting or recordkeeping requirements on either small or large establishments. In addition, the Department has not identified any relevant Federal rules that duplicate, overlap, or conflict with the Standards.

AMS is committed to complying with the E–Government Act, to promote the use of the Internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

Executive Order 12988

The rule has been reviewed under Executive Order 12988, Civil Justice Reform. There are no administrative procedures which must be exhausted prior to any judicial challenge to the provisions of this rule.

Background

The U.S. Standards for Condition of Food Containers (Standards) currently provide sampling procedures and acceptance criteria for the inspection of stationary lots of filled food containers, which includes skip lot sampling and inspection procedures. It also provides on-line sampling and inspection procedures for food containers during production.

Stationary lot sampling is the process of randomly selecting sample units from a lot whose production has been completed. This type of lot is usually stored in a warehouse or in some other storage facility and is offered for inspection.

Skip lot sampling is a special procedure for inspecting stationary lots in which only a fraction of the submitted lots are inspected. Skip lot inspection can only be instituted when a certain number of lots of essentially the same quality have been consecutively accepted.

To be acceptable under the examination criteria in the standards, lots may contain only a limited number of defects classified as minor, major, or critical. Acceptance criteria are based on sampling plans for different lot sizes and levels of inspection such as normal, reduced, or tightened. Defect tables classify the severity of defects.

On-line sampling and inspection is a procedure in which subgroups of sample units or individual containers are selected randomly from pre-designated portions of production. The acceptability of these portions of production is determined by inspecting, at the time of sampling, the subgroups which represent these portions. For this type of sampling, only portions of a lot, rather than a whole lot, may be rejected. This helps to identify trouble spots in a production cycle quickly, and enables the producer to make timely corrections. This can reduce the corrective action costs and the amount of product destroyed as a result of packaging problems.

These standards were developed for use by Government agencies when requested to certify filled primary containers or shipping cases, or both, for condition. The standards are permissive, and they may be used in their entirety or in part by private parties as well.

AMS proposes to revise the Standards to include:

(1) Separating Tables I, I–A, II, II–A, III, III–A, and III–B of sampling plans for normal, tightened, and reduced inspection by the type of sampling plan used (single or double), as well as updating the Acceptable Quality Levels (AQLs) for these tables; (2) Updating Table IV—Metal Containers (Rigid and Semi-Rigid), Table VI—Glass Containers (currently Table V), Table VIII—Rigid and Semi-Rigid Containers (Corrugated or Solid Fiberboard, Chipboard, Wood, Tetra Pak, Gable-Tops, Polymeric Trays, *etc.*) (currently Table VI), Table IX—Flexible Containers (Plastic Bags, Cello, Paper, Textile, Laminated Multi-Layer Pouch, Bag, *etc.*) (currently Table VII), and Table XI—Defects of Label, Marking, or Code (currently Table VIII) to incorporate new defects and revise existing defects to reflect new packaging technologies such as aseptic packaging, metal cans with easy open lids, and plastic rings that hold several containers together; (3) Adding new defect tables, Table V—Composite Containers (Semi-Rigid Laminated or Multi-Layer Paperboard Body with Metal, Plastic, or Combination of Metal and Plastic Ends and a Safety Seal Inside the Cap), Table VII—Plastic Containers (Rigid and Semi-Rigid Bottles, Jars, Tubs, Trays, Pails, *etc.*), and Table XII—Interior Can Defects; (4) removing the Operating Characteristic (OC) curves; and (5) other minor non-substantive changes to clarify the text.

These revisions to existing tables, addition of new tables, removal of OC curves, and updating language in the U.S Standards for Condition of Food Containers would enable the standards to be applicable to most types of food containers and align the standards to reflect current industry practices.

OC curves found in §§ 42.140, 42.141, 42.142, and 42.143 from Subpart E—Miscellaneous, are proposed to be completely removed. While these curves show the ability of the various sampling plans to distinguish between accepted and rejected lots, it is our experience that the inclusion of these curves is not critical to use of the standards. Furthermore, they are readily available in literature and on the Internet. Also, Standards for sampling plans including OC Curves are currently available in 7 CFR part 43.

While incorporating the suggested change received during the comment period to the Standards, AMS determined, after further analysis that additional changes were essential to properly reflect current industry practice. These changes included: Critical defect number one in Tables IV—Metal Containers, VI—Glass Containers, and IX—Flexible Containers was incompletely written and reflected inconsistencies with other defects listed in each table; the organization of the defects listed in Table IX—Flexible Containers (Plastic, Cellophane, Paper, Textile, Laminated Multi-Layer Pouch, Bag, *etc.*) did not clearly categorize the defects unique to thermostabilized (heat-treated) products in flexible containers; and that many plastic containers currently utilized by food manufacturers did not belong in Table IX—Flexible Containers (Plastic, Cellophane, Paper, Textile, Laminated Multi-Layer Pouch, Bag, *etc.*) since they maintain their shape when empty.

A proposed rule regarding the revision of the U.S. Standards for Condition of Food Containers was published in the **Federal Register** on November 19, 2009 [74 FR 59920]. A comment period of sixty days was issued which closed on January 19, 2010. AMS received and analyzed two comments in regards to the proposed revisions.

Comments

One commenter requested substances such as BPA not be used in containers. No changes were made based on this comment as it is outside the scope of the rule.

The other commenter supported the proposed rule revision and provided statements regarding § 42.112—Defects of containers. The commenter stated that while Table IV of § 42.112 has defects for ''for'' composite cans listed as a subset of the metal can defects, composite cans also exhibit defects consistent with defects listed in Table VI (Rigid and Semi-rigid containers). The comment proposed a separate table be added for composite cans extracting the composite can defects from the two current tables. Based on this comment, AMS removed the composite information in § 42.112 Table IV and added an additional table to § 42.112, Table V. Composite information from Table VI was also included in the new table.

AMS is reproposing the Standards with a sixty-day comment period to provide for all interested persons to comment on AMS' proposed modifications. All written comments received will be considered before a final determination is made on this matter.

List of Subjects in 7 CFR Part 42

Food packaging, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 42 is proposed to be amended as follows:

PART 42—[AMENDED]

1. The authority citation for part 42 continues to read as follows:

Authority: Secs. 203, 205, 60 Stat. 1087, as amended, 1090, as amended (7 U.S.C. 1622, 1624).

2. Section 42.102 is amended by:

a. Removing the definitions ''*Operating Characteristic Curve (OC Curve)*'' and ''*Probability of acceptance (a) For stationary lot sampling* and *(b) For On-line Sampling*''.

b. Revising the definitions ''Administrator'', ''Lot or inspection lot'', ''Sample size (n)'', ''Stationary lot sampling'' to read as follows:

§ 42.102 Definitions, general.

* * * * *

Administrator. The Administrator of the Agricultural Marketing Service (AMS) of the Department or any other officer or employee of the Agency who is delegated, or who may be delegated the authority to act in the Administrator's stead.

* * * * *

Lot or inspection lot. A collection of filled food containers of the same size, type, and style. The term shall mean

''inspection lot,'' *i.e.,* a collection of units of product from which a sample is to be drawn and inspected to determine conformance with the applicable acceptance criteria. An inspection lot may differ from a collection of units designated as a lot for other purposes (*e.g.,* production lot, shipping lot, *etc.*).

* * * * *

Sample size (n). The number of sample units included in the sample.

* * * * *

Stationary lot sampling. The process of randomly selecting sample units from a lot whose production has been completed. This type of lot is usually stored in a warehouse or in some other storage facility and is offered in its entirety for inspection.

* * * * *

§ 42.106 [Amended]

3. In § 42.106, paragraph (a)(1), remove the word ''atributed'' and add in its place the word ''attributed''.

4. Revise § 42.109, to read as follows:

§ 42.109 Sampling plans for normal condition of container inspection, Tables I and I–A.

TABLE I—SINGLE SAMPLING PLANS FOR NORMAL CONDITION OF CONTAINER INSPECTION

Code	Lot size ranges—number of containers in lot	Type of plan	Acceptable quality levels												
				Origin inspection						Other than origin inspection					
			Sample size	0.25		1.5		6.5		0.25		2.5		10.0	
				Ac	Re	Ac	Re	Ac	Re	Ac	Re	Ac	Re	Ac	Re
CA	6,000 or less	Single	84	0	1	3	4	9	10	0	1	4	5	13	14
CB	6,001–12,000	Single	168	1	2	5	6	16	17	1	2	7	8	23	24
CC	12,001–36,000	Single	315	2	3	8	9	28	29	2	3	13	14	41	42
CD	Over 36,000	Single	500	3	4	12	13	42	43	3	4	18	19	62	63
CE		Single	800	4	5	18	19	64	65	4	5	27	28	95	96

Ac = Acceptance number.
Re = Rejection number.

BILLING CODE 3410–02–P

Table I-A--Double Sampling Plans for Normal Condition of Container Inspection

Code	Lot size ranges -- Number of containers in lot	Type of Plan	Sample Size		Acceptable quality levels											
					Origin Inspection						Other Than Origin Inspection					
					0.25		1.5		6.5		0.25		2.5		10.0	
					Ac	Re	Ac	Re	Ac	Re	Ac	Re	Ac	Re	Ac	Re
CA	6,000 or less----------	Double------	1st--------	36	(*)	(*)	0	4	2	7	(*)	(*)	0	4	3	9
			2d---------	60												
			Total-----	96	(*)	(*)	3	4	10	11	(*)	(*)	4	5	15	16
CB	6,001-12,000---------	Double------	1st--------	120	0	2	2	6	10	14	0	2	3	7	14	19
			2d---------	60												
			Total-----	180	1	2	5	6	17	18	1	2	8	9	25	26
CC	12,001-36,000----------	Double------	1st--------	168	0	3	2	7	12	18	0	3	5	10	19	26
			2d---------	180												
			Total-----	348	2	3	9	10	31	32	2	3	14	15	45	46
CD	Over 36,000----------	Double------	1st--------	228	0	3	3	9	15	24	0	3	5	11	23	34
			2d---------	288												
			Total-----	516	3	4	12	13	43	44	3	4	19	20	64	65

(*) = Reject on one or more defects

BILLING CODE 3401–02–C

5. Revise § 42.110, to read as follows:

§ 42.110 Sampling plans for tightened condition of container inspection; Tables II and II–A.

TABLE II—SINGLE SAMPLING PLANS FOR TIGHTENED CONDITION OF CONTAINER INSPECTION

Code	Lot size ranges—number of containers in lot	Type of plan	Acceptable quality levels												
				Origin inspection						Other than origin inspection					
			Sample size	0.25		1.5		6.5		0.25		2.5		10.0	
				Ac	Re	Ac	Re	Ac	Re	Ac	Re	Ac	Re	Ac	Re
CB	6,000 or less	Single	168	0	1	4	5	11	12	0	1	5	6	16	17
CC	6,001–12,000	Single	315	1	2	6	7	19	20	1	2	8	9	28	29
CD	12,001–36,000	Single	500	2	3	9	10	28	29	2	3	12	13	42	43
CE	Over 36,000	Single	800	3	4	13	14	42	43	3	4	18	19	64	65
CF		Single	1,250	4	5	19	20	63	64	4	5	26	27	96	97

TABLE II–A—DOUBLE SAMPLING PLANS FOR TIGHTENED CONDITION OF CONTAINER INSPECTION

Code	Lot size ranges—number of containers in lot	Type of plan	Sample size	Acceptable quality levels											
				Origin inspection						Other than origin inspection					
				0.25		1.5		6.5		0.25		2.5		10.0	
				Ac	Re	Ac	Re	Ac	Re	Ac	Re	Ac	Re	Ac	Re
CB	6,000 or less	Double	1st—120 2d—60.	(*)	(*)	2	5	6	10	(*)	(*)	2	6	10	14
			Total—180	(*)	(*)	4	5	12	13	(*)	(*)	5	6	17	18
CC	6,001–12,000	Double	1st—168 2d—180.	0	2	1	5	7	13	0	2	2	7	12	18
			Total—348	1	2	7	8	21	22	1	2	9	10	31	32
CD	12,001–36,000	Double	1st—228 2d—288.	0	3	2	7	8	17	0	3	3	9	15	24
			Total—516	2	3	9	10	29	30	2	3	12	13	43	44
CE	Over 36,000	Double	1st—456 2d—408.	0	4	5	10	21	28	0	4	8	13	32	41
			Total—864	3	4	14	15	44	45	3	4	19	20	69	70

(*) = Reject on one or more defects.

6. Revise § 42.111, to read as follows:

§ 42.111 Sampling plans for reduced condition of container inspection, Tables III and III–A; and limit number for reduced inspection, Table III–B.

TABLE III—SINGLE SAMPLING PLANS FOR REDUCED CONDITION OF CONTAINER INSPECTION

Code	Lot size ranges—number of containers in lot	Type of plan	Acceptable quality levels												
				Origin inspection						Other than origin inspection					
			Sample size	0.25		1.5		6.5		0.25		2.5		10.0	
				Ac	Re	Ac	Re	Ac	Re	Ac	Re	Ac	Re	Ac	Re
CAA	6,000 or less	Single	29	1	2	1	2	4	5	1	2	2	3	5	6
CA	6,001–36,000	Single	84	1	2	3	4	9	10	1	2	4	5	13	14
CB	Over 36,000	Single	168	1	2	5	6	16	17	1	2	7	8	23	24
CC		Single	315	2	3	8	9	28	29	2	3	13	14	41	42

TABLE III–A—DOUBLE SAMPLING PLANS FOR REDUCED CONDITION OF CONTAINER INSPECTION

Code	Lot size ranges—number of containers in lot	Type of plan	Sample size	Acceptable quality levels											
				Origin inspection						Other than origin inspection					
				0.25		1.5		6.5		0.25		2.5		10.0	
				Ac	Re	Ac	Re	Ac	Re	Ac	Re	Ac	Re	Ac	Re
CAA	6,000 or less	Double	1st—18 2d—18.	0	2	0	2	1	4	0	2	0	3	2	5
			Totals—36	1	2	1	2	5	6	1	2	2	3	6	7
CA	6,001–36,000	Double	1st—36,	0	2	0	4	2	7	0	2	0	4	3	9

TABLE III–A—DOUBLE SAMPLING PLANS FOR REDUCED CONDITION OF CONTAINER INSPECTION—Continued

Code	Lot size ranges—number of containers in lot	Type of plan	Sample size	Acceptable quality levels											
				Origin inspection						Other than origin inspection					
				0.25		1.5		6.5		0.25		2.5		10.0	
				Ac	Re	Ac	Re	Ac	Re	Ac	Re	Ac	Re	Ac	Re
			2d—60.												
			Total.....96	1	2	3	4	10	11	1	2	4	5	15	16
CB	Over 36,000	Double	1st—120 2d—60.	0	2	2	6	10	14	0	2	3	7	14	19
			Total—180	1	2	5	6	17	18	1	2	8	9	25	26

TABLE III—B—LIMIT NUMBERS FOR REDUCED INSPECTION

Number of sample units from last 10 lots inspected within 6 months	Acceptable quality level				
	0.25	1.5	2.5	6.5	10.0
320–499	(*)	1	4	14	24
500–799	(*)	3	7	25	40
800–1,249	0	7	14	42	68
1,250–1,999	0	13	24	69	110
2,000–3,149	2	22	40	115	181
3,150–4,999	4	38	67	186	293
5,000–7,999	7	63	110	302	472
8,000–12,499	14	105	181	491	765
12,500–19,999	24	169	290	777	1207

* Denotes that the number of sample units from the last 10 inspection lots is not sufficient for reduced inspection for this AQL. In this instance more than 10 inspection lots may be used for the calculations if; the inspection lots used are the most recent ones in sequence within the last 6 months, they have all been on normal inspection, and none has been rejected on original inspection.

7. Section § 42.112, is revised to read as follows:

§ 42.112 Defects of containers: Tables IV, V, VI, VII, VIII, IX, and X.

TABLE IV—METAL CONTAINERS (RIGID AND SEMI-RIGID)

Defects	Categories		
	Critical	Major	Minor
Type or size of container or component parts not as specified	None permitted.		
Closure incomplete, not located correctly or not sealed, crimped, or fitted properly:			
(a) Heat processed primary container	1	.....	.....
(b) Non-heat processed primary container	.....	101	.....
(c) Other than primary container	.....	.....	201
Dirty, stained, or smeared container	.....	.....	202
Key opening metal containers (when required):			
(a) Key missing	.....	102	.....
(b) Key does not fit tab	.....	103	.....
(c) Tab of opening band insufficient to provide accessibility to key	.....	104	.....
(d) Improper scoring (band would not be removed in one continuous strip)	.....	105	.....
Metal pop-top:			
(a) Missing or broken pull tab	.....	106	.....
(b) Missing or incomplete score line	.....	107	.....
Flexible pop-top:			
(a) Poor seal (wrinkle, entrapped matter, *etc.*)	.....	108	.....
(b) Short pull tab	.....	.....	203
(c) Missing pull tab	.....	109	.....
(d) Torn pull tab	.....	.....	204
Open top with plastic overcap (when required):			
(a) Plastic overcap missing	.....	110	.....
(b) Plastic overcap warped (making opening or reapplication difficult)	.....	111	.....
Outside tinplate or coating (when required):			
(a) Missing or incomplete	.....	.....	205
(b) Blistered, flaked, sagged, or wrinkled	.....	.....	206
(c) Scratched or scored	.....	.....	207
(d) Fine cracks	.....	.....	208

TABLE IV—METAL CONTAINERS (RIGID AND SEMI-RIGID)—Continued

Defects	Categories		
	Critical	Major	Minor
Rust (rust stain confined to the top or bottom double seam or rust that can be removed with a soft cloth is not scored a defect):			
(a) Rust stain			209
(b) Pitted rust		112	
Wet cans (excluding refrigerated containers)			210
Dent:			
(a) Materially affecting appearance but not usability			211
(b) Materially affecting usability		113	
Buckle:			
(a) Not involving end seam			212
(b) Extending into the end seam		114	
Collapsed container		115	
Paneled side materially affecting appearance but not usability			213
Solder missing when required		116	
Cable cut exposing seam		117	
Improper side seam		118	
Swell, springer, or flipper (not applicable to gas or pressure packed product or frozen products)	2		
Leaker or blown container	3		
Frozen products only:			
(a) Bulging ends 3/16-inch to 1/4-inch beyond lip			214
(b) Bulging ends more than 1/4-inch beyond lip		119	
Metal drums: leaking filling seal (bung) swell [1]	4	120	

[1] Defect classification depends on the severity of the defect.

TABLE V—COMPOSITE CONTAINERS (FIBERBOARD BODY WITH METAL LIDS OR METAL BOTTOMS, PLASTIC OR FOIL TOP WITH CAP)

Defects	Categories		
	Critical	Major	Minor
Type or size of container or component parts not as specified	None permitted.		
Closure incomplete, not located correctly or not sealed, crimped, or fitted properly:	1		
Dirty, stained, or smeared container			201
Easy open closure:			
(a) Pull tab:			
1. Missing or broken pull tab		101	
2. Missing or incomplete score line		102	
(b) Membrane top:			
1. Poor seal (wrinkle, entrapped matter, *etc.*)		103	
2. Short pull tab		104	
3. Missing pull tab		105	
4. Torn pull tab		106	
(c) Open top with plastic overcap (when required):			
1. Plastic overcap missing		107	
2. Plastic overcap warped (making opening or reapplication difficult)		108	
Outside tinplate or coating on ends (when required):			
(a) Missing or incomplete			202
(b) Blistered, flaked, sagged, or wrinkled			203
(c) Scratched or scored			204
(d) Fine cracks			205
Collapsed container		109	
Paneled side materially affecting appearance but not usability			206
Leaker	2		
Wet or damp:			
(a) Materially affecting appearance but not usability			207
(b) Materially affecting usability		110	
Crushed or torn area:			
1. Materially affecting appearance but not usability			208
2. Materially affecting usability		111	

TABLE VI—GLASS CONTAINERS (BOTTLES, JARS)

Defects	Categories		
	Critical	Major	Minor
Type or size of container or component parts not as specified	None permitted.		
Closure not sealed, crimped, or fitted properly:			
(a) Heat processed	1		
(b) Non-heat processed		101	
Dirty, stained, or smeared container			201
Chip in glass			202
Stone (unmelted material) in glass			203
Pits in surface of glass			204
Sagging surface			205
Bead (bubble within glass):			
(a) 1/8-inch to 3/16-inch in diameter			206
(b) Exceeding 1/8-inch in diameter		102	
Checked		103	
Thin spot in glass		104	
Blister (structural defect)		105	
Bird swing (glass appendage inside container)	2		
Broken or leaking container	3		
Cap (nonheat processed):			
(a) Cross-threaded			207
(b) Loose but not leaking			208
(c) Pitted rust		106	
Cap (heat processed):			
(a) Cross-threaded or loose	4		
(b) Pitted rust		107	
Sealing tape or cello band (when required):			
(a) Improperly placed			209
(b) Not covering juncture of cap and glass		108	
(c) Ends overlap by less than 1/2-inch		109	
(d) Loose or deteriorating		110	
Missing or torn outer safety seal		111	
Inner safety seal—missing, torn, poor seal		112	

TABLE VII—PLASTIC CONTAINERS (RIGID AND SEMI-RIGID, BOTTLES, JARS, TUBS, TRAYS, PAILS, ETC.)

Defects	Categories		
	Critical	Major	Minor
Type or size of container or component parts not as specified	None permitted.		
Closure not sealed, crimped, or fitted properly:			
(a) Heat processed	1		
(b) Non-heat processed		101	
Dirty, stained, or smeared container			201
Chip in plastic			202
Un-melted gels in plastic			203
Pits in surface of plastic			204
Sagging surface			205
Air bubble within plastic:			
(a) 1/8-inch to 1/16-inch in diameter			206
(b) Exceeding 1/8-inch in diameter		102	
Checked		103	
Thin spot in plastic		104	
Blister (structural defect)		105	
Broken or leaking container	2		
Cap (non-heat processed):			
(a) Cross-threaded			207
(b) Loose but not leaking			208
Cap (heat processed), cross-threaded or loose	3		
Security seals:			
(a) Closure ring missing		106	
(b) Missing or torn outer safety seal		107	
(c) Inner safety seal—missing, torn, or poor seal		108	
(d) Sealing tape or cello band (when required):			
1. Improperly placed			209
2. Not covering juncture of cap and plastic		109	
3. Ends overlap by less than 1/2-inch		110	

TABLE VII—PLASTIC CONTAINERS (RIGID AND SEMI-RIGID, BOTTLES, JARS, TUBS, TRAYS, PAILS, ETC.)—Continued

Defects	Categories		
	Critical	Major	Minor
4. Loose or deteriorating Closure not sealed, crimped, or fitted properly.		111	

TABLE VIII—RIGID AND SEMI-RIGID CONTAINERS—CORRUGATED OR SOLID FIBERBOARD, CHIPBOARD, WOOD, ASEPTIC, POLYMERIC TRAYS, ETC.

[Excluding metal, glass, and plastic]

Defects	Categories		
	Critical	Major	Minor
Type or size of container or component parts not as specified	None permitted.		
Component part missing		101	
Closure not sealed, crimped, or fitted properly:			
(a) Primary container	1		
(b) Other than primary container			201
Dirty, stained, or smeared container			202
Wet or damp (excluding ice packs):			
(a) Materially affecting appearance but not usability			203
(b) Materially affecting usability		102	
Moldy area	2		
Crushed or torn area:			
(a) Materially affecting appearance but not usability			204
(b) Materially affecting usability		103	
Separation of lamination (corrugated fiberboard):			
(a) Materially affecting appearance but not usability			205
(b) Materially affecting usability		104	
Product sifting or leaking		105	
Nails or staples (when required):			
(a) Not as required, insufficient number or improperly positioned			206
(b) Nails or staples protruding		106	
Glue or adhesive (when required); not holding properly, not covering area specified, or not covering sufficient area to hold properly:			
(a) Primary container		107	
(b) Other than primary container			207
Flap:			
(a) Projects beyond edge of container more than 1/4-inch			208
(b) Does not meet properly, allowing space of more than 1/4-inch			209
Sealing tape or strapping (when required):			
(a) Missing.		108	
(b) Improperly placed or applied			210
Missing component (straw, *etc.*)			211
Aseptic containers:			
Missing re-sealable cap or tab		109	
Inner or outer safety seal—missing, torn, poor seal	3		
Thermostabilized polymeric trays:			
Tray body:			
(a) Swollen container	4		
(b) Tear, crack, hole, abrasion through more than one layer of multi-layer laminate for the tray	5		
(c) Presence of delamination in multi-layered laminate			212
(d) Presence of any permanent deformation, such that deformed area is discolored or roughened in texture			213
Lid material:			
(a) Closure seal not continuous along tray flange surface	6		
(b) Foldover wrinkle in seal area extends into the closure seal such that the closure seal is reduced to less than 1/8-inch	7		
(c) Any impression or design on the seal surfaces which conceals or impairs visual detection of seal defects		110	
(d) Areas of "wave-like" striations or wrinkles along the seal area that spans the entire width of seal			214
(e) Abrasion of lid material:			
1. Within 1/16-inch of food product edge of seal such that barrier layer is exposed	8		
2. Greater than 1/16-inch from food product edge of seal that barrier layer is exposed			215
(f) Presence of entrapped matter within 1/16-inch of the food product edge of seal or entrapped moisture or vapor with 1/16-inch of the food product edge of seal that results in less than 1/16-inch of defect free seal width at the outside edge	9		
(g) Presence of any seal defect or anomaly (for example, entrapped moisture, gases, *etc.*) within 1/16-inch of food product edge of seal		111	

TABLE VIII—RIGID AND SEMI-RIGID CONTAINERS—CORRUGATED OR SOLID FIBERBOARD, CHIPBOARD, WOOD, ASEPTIC, POLYMERIC TRAYS, ETC.—Continued

[Excluding metal, glass, and plastic]

Defects	Categories		
	Critical	Major	Minor
(h) Closure seal width less than ⅛-inch			216

TABLE IX—FLEXIBLE CONTAINERS (PLASTIC, CELLOPHANE, PAPER, TEXTILE, LAMINATED MULTI-LAYER POUCH, BAG, ETC.)

Defects	Categories		
	Critical	Major	Minor
Type or size of container or component parts not as specified	None permitted.		
Closure not sealed, crimped, stitched, or fitted properly:			
(a) Heat processed primary container	1		
(b) Non-heat processed primary container		101	
(c) Other than primary container			201
Dirty, stained, or smeared container			202
Unmelted gels in plastic			203
Torn or cut container or abrasion (non-leaker):			
(a) Materially affecting appearance but not usability			204
(b) Materially affecting usability		102	
Moldy area	2		
Individual packages sticking together or to shipping case (tear when separated)		103	
Not fully covering product		104	
Wet or damp (excluding ice packs):			
(a) Materially affecting appearance but not usability			205
(b) Materially affecting usability Over wrap (when required):		105	
(a) Missing		106	
(b) Loose, not sealed, or closed			206
(c) Improperly applied			207
Sealing tape, strapping, or adhesives (when required):			
(a) Missing		107	
(b) Improperly placed, applied, torn, or wrinkled			208
Tape over bottom and top closures (when required):			
(a) Not covering stitching		108	
(b) Torn (exposing stitching)		109	
(c) Wrinkled (exposing stitching)		110	
(d) Not adhering to bag:			
1. Exposing stitching		111	
2. Not exposing stitching			209
(e) Improper placement			210
Product sifting or leaking:			
(a) Non-heat processed		112	
(b) Heat processed	3		
Flexible pop-top:			
(a) Poor seal (wrinkle, entrapped matter, *etc.*) reducing intact seal to less than 1/16-inch	4		
(b) Short pull tab (materially affecting usability)			212
(c) Missing pull tab		113	
(d) Torn pull tab (materially affecting usability)			213
Missing component (straw, *etc.*)			214
Two part container (poly lined box or bag in box):			
(a) Outer case torn			215
(b) Poly liner:			
1. Missing	5		
2. Improper closure		114	
Missing "zip lock" (re-sealable containers)			216
Loss of vacuum (in vacuum-packed)		115	
Pre-formed containers:			
(a) Dented or crushed area			217
(b) Deformed container			218
Missing re-sealable cap		116	
Inner or outer safety seal—missing, torn, poor seal	6		
Air bubble in plastic		117	
Thermostabilized products (includes but not limited to tubes, pouches, etc.):			
Foldover wrinkle in seal area (thermostabilized pouches):			
(a) Extends through all plies across seal area or reduces seal less than 1/16-inch	7		
(b) Does not extend through all plies and effective seal to is 1/16-inch or greater			219
Incomplete seal (thermostabilized pouches)	8		
Non-bonding seal (thermostabilized pouches)	9		

TABLE IX—FLEXIBLE CONTAINERS (PLASTIC, CELLOPHANE, PAPER, TEXTILE, LAMINATED MULTI-LAYER POUCH, BAG, ETC.)—Continued

Defects	Categories		
	Critical	Major	Minor
Laminate separation in body of pouch or in seal within 1/16-inch of food product edge:			
(a) If food contact layer is exposed	10		
(b) If food contact surface is exposed after manipulation or laminate separation expands after manipulation		118	
(c) If lamination separation is limited to isolated spots that do not propagate with manipulation or is outer ply separation in seal within 1/16-inch of food product edge of seal			220
Flex cracks (cracks in foil layer only)			221
Swollen container	11		
Blister (in seal) reducing intact seal to less than 1/16-inch	12		
Compressed seal (overheated to bubble or expose inner layer) reducing intact seal to less than 1/16-inch	13		
Stringy seal (excessive plastic threads showing at edge of seal area)			222
Contaminated seal (entrapped matter) reducing intact seal to less than 1/16-inch	14		
Seal creep (product in pouch "creeping" into seal) reducing intact seal to less than 1/16 inch	15		
Misaligned or crooked seal reducing intact seal to less than 1/16-inch	16		
Seal formed greater than 1-inch from edge of pouch (unclosed edge flaps)			223
Waffling (embossing on surface from retort racks; not scorable unless severe)			224
Poor or missing tear notch (when required)			225

TABLE X—UNITIZING (PLASTIC OR OTHER TYPE OF CASING/UNITIZING)

Defects	Categories	
	Major	Minor
Not specified method	101	
Missing tray (when required)	102	
Missing shrink wrap (when required)	103	
Loose or improperly applied wrap		201
Torn or mutilated		202
Off-center wrap (does not overlap both ends)		203

8. Section 42.113 is revised to read as follows:

§ 42.113 Defects of label, marking, or code.

TABLE XI—LABEL, MARKING, OR CODE

Defects	Categories	
	Major	Minor
Not specified method	101	
Missing (when required)	102	
Loose or improperly applied		201
Torn or mutilated		202
Torn or scratched, obliterating any markings on the label	103	
Text illegible or incomplete		203
Incorrect	104	
In wrong location		204

9. Add § 42.114 to read as follows:

§ 42.114 Procedures for Evaluating Interior Container Defects.

(a) Sections 42.101 through 42.136 of this part provide procedures for determining lot conformance with the U.S. Standards for Condition of Food Containers. This determination is based on the examination of the external characteristics of the food containers.

(b) As an option, if a user of the inspection service requests to have the interior characteristics of containers examined, and apply these results in the determination of lot acceptability, the defects listed in Table XII of this section may be used.

(c) The determination of lot acceptability based on internal container defects shall be independent of the determination of lot acceptability for U.S. Standards for Condition of Food Containers. A user of the inspection service may choose to require inspection for internal can defects as well as inspection for U.S. Standards for Condition of Food Containers.

(d) If a user of the inspection service requests an examination for internal container defects in addition to an official USDA/USDC inspection for product quality and/or U.S. grade, the containers opened by the official inspection service for inspection of product quality and/or U.S. grade will be used for examination of interior container defects. The minimum sample size for evaluation of interior container

defects will be 13 containers. As a result, additional containers will be required if the inspection for quality or U.S. grade calls for fewer than 13 containers. Table XIII of this section provides acceptance numbers for internal container defects for selected sample sizes.

TABLE XII—INTERIOR CONTAINER DEFECTS

Defects	Categories	
	Major	Minor
De-tinning in metal container materially affecting usability	101	
De-tinning in metal container not materially affecting usability		201
Black spots in metal container		202
Enamel missing (when required) in metal container	102	
Enamel breakdown in metal container material affecting usability	103	
Enamel cracked in metal container material not affecting usability		203
Interior of container damaged materially affecting usability	104	
Interior of container damaged not materially affecting usability		204
Other anomaly (ies) of the interior of the container (metal, plastic, paper, rigid, *etc.*) that materially affects usability	105	
Other anomaly (ies) of the interior of the container (metal, plastic, paper, rigid, *etc.*) that materially affects appearance but not usability		205

TABLE XIII—ACCEPTANCE NUMBERS FOR INTERNAL CONTAINER DEFECTS

Sample size (n = number of containers)	Major		Total	
	Interior defects		Interior defects	
	Ac	Re	Ac	Re
n—13	0	1	2	3
n—21	1	2	3	4
n—29	1	2	4	5
n—38	2	3	5	6
n—48	2	3	6	7
n—60	2	3	7	8

Dated: January 10, 2012.

David R. Shipman,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 2012–833 Filed 1–17–12; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 172, 173, 178, and 180

[Docket No. FDA–2010–F–0320]

United States Pharmacopeial Convention; Filing of Food Additive Petition; Amendment

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of petition.

SUMMARY: The Food and Drug Administration (FDA) is amending the filing notice for a food additive petition filed by the U.S. Pharmacopeial Convention requesting that the food additive regulations that incorporate by reference food-grade specifications from prior editions of the Food Chemicals Codex (FCC) be amended to incorporate by reference food-grade specifications from the FCC, 7th Edition.

DATES: Submit either electronic or written comments on the petitioner's environmental assessment by February 17, 2012.

ADDRESSES: Submit electronic comments to *http://www.regulations.gov*. Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Mical E. Honigfort, Center for Food Safety and Applied Nutrition (HFS–265), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740–3835, (240) 402–1278.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** on August 10, 2010 (75 FR 48353), FDA announced that a food additive petition (FAP 0A4782) had been filed by U.S. Pharmacopeial Convention, 12601 Twinbrook Pkwy., Rockville, MD 20852. The petition proposes that certain food additive regulations, which incorporate by reference food-grade specifications from prior editions of the FCC, be amended to incorporate by reference food-grade specifications from the FCC, 7th Edition.

Under 21 CFR 171.1(c)(H), either a claim of categorical exclusion under § 25.30 (21 CFR 25.30) or 21 CFR 25.32 or an environmental assessment under 21 CFR. 25.40 is required to be submitted in a food additive petition. A claim of categorical exclusion under § 25.30(i) was submitted with the petition, which applies to corrections and technical changes in regulations. The Agency reviewed the claim of categorical exclusion submitted by the petitioner and stated in the original filing notice its determination that, under § 25.30(i), the proposed action was of a type that does not individually or cumulatively have a significant effect on the human environment, and therefore, neither an environmental assessment nor an environmental impact statement is required.

However, upon further review of the petition, the Agency has decided that the actions being requested in the petition are neither corrections nor technical changes, and, therefore, the categorical exclusion in § 25.30(i) is not applicable for the proposed action. The Agency informed the petitioner of this decision, who subsequently submitted an environmental assessment.

The potential environmental impact of this petition is being reviewed. To encourage public participation consistent with regulation issued under the National Environmental Policy Act (40 CFR 1501.4(b)), the Agency is placing the environmental assessment submitted with the petition that is the subject of this notice on public display at the Division of Dockets Management (see **DATES** and **ADDRESSES**) for public review and comment.

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) either electronic or written comments regarding this document. It is only necessary to send one set of comments. Identify comments 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. FDA will also place on public display any amendments to, or comments on, the petitioner's environmental assessment without further announcement in the **Federal Register**. If, based on its review, the Agency finds that an environmental impact statement

is not required, and this petition results in a regulation, the notice of availability of the Agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.51(b).

Dated: January 6, 2012.

Dennis M. Keefe,

Director, Office of Food Additive Safety, Center for Food Safety and Applied Nutrition.

[FR Doc. 2012–797 Filed 1–17–12; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG–2011–1120]

RIN 1625–AA08

Special Local Regulations for Marine Events; Spa Creek and Annapolis Harbor, Annapolis, MD

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish special local regulations during the swim segment of the ''TriRock Triathlon Series'', a marine event to be held on the waters of Spa Creek and Annapolis Harbor on May 12, 2012. These special local regulations are necessary to provide for the safety of life on navigable waters during the event. This action is intended to temporarily restrict vessel traffic in a portion of the Spa Creek and Annapolis Harbor during the event.

DATES: Comments and related material must be received by the Coast Guard on or before February 17, 2012. Requests for public meetings must be received by the Coast Guard on or before the end of the comment period.

ADDRESSES: You may submit comments identified by docket number USCG–2011–1120 using any one of the following methods:

(1) *Federal eRulemaking Portal: http://www.regulations.gov.*

(2) *Fax:* (202) 493–2251.

(3) *Mail:* Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.

(4) *Hand delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 366–9329.

To avoid duplication, please use only one of these four methods. See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions on this proposed rule, call or email Mr. Ronald Houck, U.S. Coast Guard Sector Baltimore, MD; telephone (410) 576–2674, email *Ronald.L.Houck@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:

Public Participation and Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related materials. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided.

Submitting Comments

If you submit a comment, please include the docket number for this rulemaking (USCG–2011–1120), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online (via *http://www.regulations.gov*) or by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online via *www.regulations.gov*, it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the Docket Management Facility. We recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov,* click on the ''submit a comment'' box, which will then become highlighted in blue. In the ''Document Type'' drop down menu select ''Proposed Rule'' and insert ''USCG–2011–1120'' in the ''Keyword'' box. Click ''Search'' then click on the balloon shape in the ''Actions'' column. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and may change the rule based on your comments.

Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* click on the ''read comments'' box, which will then become highlighted in blue. In the ''Keyword'' box insert ''USCG–2011–1120'' and click ''Search.'' Click the ''Open Docket Folder'' in the ''Actions'' column. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. We have an agreement with the Department of Transportation to use the Docket Management Facility.

Privacy Act

Anyone can search the electronic form of comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review a Privacy Act notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for one on or before the end of the comment period, using one of the four methods specified under **ADDRESSES**. Please explain why you believe a public meeting would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

Basis and Purpose

On Saturday, May 12, 2012, Competitor Group Inc. of San Diego, California, will sponsor the ''TriRock Triathlon Series'' in Annapolis, Maryland. The swim segment of the event will occur from 6:30 a.m. to 9:15 a.m. and will be located in Spa Creek and Annapolis Harbor. Up to 300 swimmers will operate on a 500-meter

course located between the Annapolis City Dock and the confluence of the Spa Creek with the Severn River. The swimmers will be supported by sponsor-provided watercraft. The start and finish will be located at the Annapolis City Dock. A portion of the swim course will impede the federal navigation channel. Due to the need for vessel control during the event, the Coast Guard will temporarily restrict vessel traffic in the event area to provide for the safety of participants, spectators and other transiting vessels.

Discussion of Proposed Rule

The Coast Guard proposes to establish temporary special local regulations on specified waters of Spa Creek and Annapolis Harbor. The regulations will be in effect from 6 a.m. to 9:45 a.m. on May 12, 2012. The regulated area, approximately 450 yards in length, extends across the entire width of Spa Creek and Annapolis Harbor, within lines connecting the following positions: from position latitude 38°58′34″ N, longitude 076°29′05″ W, thence to position latitude 38°58′27″ N, longitude 076°28′55″ W, and from position latitude 38°58′40″ N, longitude 076°28′49″ W to position latitude 38°58′32″ N, longitude 076°28′45″ W. The effect of this proposed rule will be to restrict general navigation in the regulated area during the event. These regulations are needed to control vessel traffic during the event to enhance the safety of participants, spectators and transiting vessels.

Regulatory Analyses

We developed this proposed 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 proposed rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation under the regulatory policies and procedures of DHS is unnecessary. Although this regulation will prevent traffic from transiting a portion of Spa Creek and Annapolis Harbor during the event, the effect of this regulation will not be significant due to the limited duration that the regulated area will be in effect and the extensive advance notifications that will be made to the maritime community via the Local Notice to Mariners and marine information broadcasts, so mariners can adjust their plans accordingly.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this proposed 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 proposed rule would not have a significant economic impact on a substantial number of small entities. This proposed rule would affect the following entities, some of which might be small entities: The owners or operators of vessels intending to transit or anchor in the effected portions of Spa Creek and Annapolis Harbor during the event.

Although this regulation prevents traffic from transiting a portion of the Spa Creek and Annapolis Harbor during the event, this proposed rule will not have a significant economic impact on a substantial number of small entities for the following reasons: Though the regulated area extends across the entire width of the waterway, this proposed rule would be in effect for only a limited period; and before the enforcement period, we will issue maritime advisories so mariners can adjust their plans accordingly. All Coast Guard vessels enforcing this regulated area can be contacted on marine band radio VHF–FM channel 16 (156.8 MHz).

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), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact Coast Guard Sector Baltimore, MD. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

Collection of Information

This proposed rule would call 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 proposed 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 proposed rule would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This proposed rule would 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 proposed 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 proposed rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and would not create an environmental risk to health or risk to safety that might disproportionately affect children.

Indian Tribal Governments

This proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would 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 proposed 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 proposed rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

Environment

We have analyzed this proposed 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 made a preliminary determination that this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves implementation of regulations within 33 CFR Part 100 applicable to organized marine events on the navigable waters of the United States that could negatively impact the safety of waterway users and shore side activities in the event area. The category of water activities includes but is not limited to sail boat regattas, boat parades, power boat racing, swimming events, crew racing, canoe and sail board racing. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

List of Subjects in 33 CFR Part 100

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

For the reasons discussed in the preamble, the Coast Guard proposes to amend 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 section, § 100.35–T05–1120 to read as follows:

§ 100.35–T05–1120 Special Local Regulations for Marine Events; Spa Creek and Annapolis Harbor, Annapolis, MD.

(a) *Regulated area.* The following location is a regulated area: All waters of the Spa Creek and Annapolis Harbor, within lines connecting the following positions: from position latitude 38°58′34″ N, longitude 076°29′05″ W, thence to position latitude 38°58′27″ N, longitude 076°28′55″ W, and from position latitude 38°58′40″ N, longitude 076°28′49″ W to position latitude 38°58′32″ N, longitude 076°28′45″ W. 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 Baltimore.

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

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

(2) All Coast Guard vessels enforcing this regulated area can be contacted on marine band radio VHF–FM channel 16 (156.8 MHz).

(3) The Coast Guard will publish a notice in the Fifth Coast Guard District Local Notice to Mariners and issue a marine information broadcast on VHF–FM marine band radio announcing specific event date and times.

(d) Enforcement period: This section will be enforced from 6 a.m. to 9:45 a.m. on May 12, 2012.

Dated: December 19, 2011.

Mark P. O'Malley,

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

[FR Doc. 2012–784 Filed 1–17–12; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R01–OAR–2011–0879; A–1–FRL–9505–9]

Approval and Promulgation of Air Quality Implementation Plans; Massachusetts and New Hampshire; Determination of Attainment of the One-Hour Ozone Standard

Correction

In proposed rule document 2011–32059 beginning on page 77739 the issue of Wednesday, December 14, 2011 make the following correction:

On page 77741, Table 1 should read as follows:

TABLE 1—AVERAGE EXPECTED EXCEEDANCE RATE FOR THE ONE-HOUR OZONE STANDARD IN THE BOSTON-LAWRENCE-WORCESTER, MA-NH AREA FOR 2005–2007

EPA AQS ID	Site	Year	Exceedances (days over 0.124 ppm)		
			Actual	Adjusted for missing data	3-Year average expected exceedance rate
Massachusetts:					
250250041	Boston-Long Island	2005	0	0.0	0.0
		2006	0	0.0	
		2007	0	0.0	
250250042	Boston-Roxbury	2005	0	0.0	0.0
		2006	0	0.0	
		2007	0	0.0	
250170009	Chelmsford	2005	0	0.0	0.0
		2006	0	0.0	
		2007	0	0.0	
250051002	Fairhaven	2005	0	0.0	0.7
		2006	2	2.0	
		2007	0	0.0	
250095005	Haverhill	2005	0	0.0	0.0
		2006	0	0.0	
		2007	0	0.0	
250092006	Lynn	2005	0	0.0	0.0
		2006	0	0.0	
		2007	0	0.0	
250213003	Milton	2005	1	1.0	0.3
		2006	0	0.0	
		2007	0	0.0	
250094004	Newbury	2005	0	0.0	0.0
		2006	0	0.0	
		2007	0	0.0	
250070001	Oak Bluffs	2005	0	0.0	0.7
		2006	2	2.1	
		2007	0	0.0	
250171102	Stow	2005	0	0.0	0.0
		2006	0	0.0	
		2007	0	0.0	
250010002	Truro	2005	0	0.0	0.0
		2006	0	0.0	
		2007	0	0.0	
250270015	Worcester	2005	0	0.0	0.0
		2006	0	0.0	
		2007	0	0.0	
New Hampshire					
330111011	Nashua	2005	0	0.0	0.0
		2006	0	0.0	
		2007	0	0.0	

[FR Doc. C1–2011–32059 Filed 1–17–12; 8:45 am]

BILLING CODE 1505–01–D

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2011–0987; FRL–9617–5]

Revisions to the California State Implementation Plan, Antelope Valley Air Quality Management District and Imperial Valley Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve revisions to the Antelope Valley Air Quality Management District (AVAQMD) and Imperial County Air Pollution Control District (ICAPCD) portions of the California State Implementation Plan (SIP). These revisions concern oxides of nitrogen (NO_X) emissions from stationary gas turbines. We are proposing to approve local rules to regulate these emission sources under the Clean Air Act as amended in 1990 (CAA or the Act).

DATES: Any comments on this proposal must arrive by *February 17, 2012.*

ADDRESSES: Submit comments, identified by docket number EPA–R09–OAR–2011–0987, by one of the following methods:

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

Instructions: All comments will be included in the public docket without change and may be made available online at *www.regulations.gov*, including any personal information provided, unless the comment includes Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Information that you consider CBI or otherwise protected should be clearly identified as such and should not be submitted through *www.regulations.gov* or email.

www.regulations.gov is an ''anonymous access'' system, and EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send email directly to EPA, your email address will be automatically captured and included as part of the public comment. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

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

FOR FURTHER INFORMATION CONTACT: Idalia Perez, EPA Region IX, (415) 972–3248, *perez.idalia@epa.gov.*

SUPPLEMENTARY INFORMATION: This proposal addresses the following local rules: AVAQMD Rule 1134, Stationary Gas Turbines and ICAPCD Rule 400.1, Stationary Gas Turbine(s)—Reasonably Available Control Technology (RACT). In the Rules and Regulations section of this **Federal Register**, we are approving these local rules in a direct final action without prior proposal because we believe these SIP revisions are not controversial. If we receive adverse comments, however, we will publish a timely withdrawal of the direct final rule and address the comments in subsequent action based on this proposed rule. Please note that if we receive adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, we may adopt as final those provisions of the rule that are not the subject of an adverse comment.

We do not plan to open a second comment period, so anyone interested in commenting should do so at this time. If we do not receive adverse comments, no further activity is planned. For further information, please see the direct final action.

Dated: December 27, 2011.

Jared Blumenfeld,

Regional Administrator, Region IX.

[FR Doc. 2012–817 Filed 1–17–12; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 1043

[EPA–HQ–OAR–2011–0928; FRL–9619–1]

RIN 2060–XXXX

Great Lakes Steamship Repower Incentive Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: EPA is proposing to simplify an existing provision in our marine diesel engine program that is intended to encourage owners of Great Lakes steamships to repower those steamships with cleaner marine diesel engines. The simplified program would automatically permit the use of residual fuel, through December 31, 2025, in a steamship if it has been repowered with a certified Tier 2 or later marine diesel engine, provided the steamship was operated exclusively on the Great Lakes and was in service on October 30, 2009. Steamships are powered by old, inefficient steam boilers. Voluntary replacement of these boilers with modern fuel-efficient marine diesel engines would result in reductions of particulate matter and sulfur oxides, even while the replacement diesel engines are operated on higher sulfur residual fuel, and would provide human health and welfare benefits for the people who live in the Great Lakes region. Conversion to new diesel engines would also result in considerable carbon dioxide reductions and fuel savings. In the ''Rules and Regulations'' section of this **Federal Register**, we are making this modification to the Great Lakes steamship incentive program as a direct final rule without a prior proposed rule. If we receive no adverse comment, we will not take further action on this proposed rule.

DATES: Written comments must be received by February 17, 2012.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2011–0928, by mail to: Environmental Protection Agency, Air Docket, Mail-code 6102T, 1200 Pennsylvania Avenue NW., Washington, DC 20460. Comments may also be submitted electronically or through hand delivery/courier by following the detailed instructions in the **ADDRESSES** section of the direct final rule located in the rules section of this **Federal Register**.

Public Hearing: If anyone contacts us requesting to speak at a public hearing on or before February 2, 2012, we will hold a public hearing. Additional information about the hearing would be published in a subsequent **Federal Register** notice.

FOR FURTHER INFORMATION CONTACT: Jean Marie Revelt, Environmental Protection Agency, Office of Transportation and Air Quality, Assessment and Standards Division, 2000 Traverwood Drive, Ann Arbor, Michigan 48105; telephone number: (734) 214–4822; fax number: (734) 214–4816; email address: *revelt.jean-marie@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Why is EPA issuing this proposed rule?

This document proposes to take action on our national marine diesel emission control program. We have published a direct final rule to simplify our Great Lakes steamship repower incentive program in the ''Rules and Regulations'' section of this **Federal Register** because we view this as a noncontroversial action and anticipate no adverse comment. We have explained our reasons for this action in the preamble to the direct final rule.

If we receive no adverse comment, we will not take further action on this proposed rule. If we receive adverse comment, we will withdraw the direct final rule and it will not take effect. We would address all public comments in any subsequent final rule based on this proposed rule.

We do not intend to institute a second comment period on this action. Any parties interested in commenting must do so at this time. For further information, please see the **ADDRESSES** section of this document.

II. Does this action apply to me?

This action will affect companies that own steamships operating exclusively on the Great Lakes that were in service on October 30, 2009. The following table gives some examples of entities that may be affected by this rule; however, since these are only examples, you should carefully examine the regulations. You may direct questions regarding the applicability of this action as noted in **FOR FURTHER INFORMATION CONTACT**.

Category	NAICS Codes [a]	Examples of potentially regulated entities
Industry	483113	Coastal and Great Lakes Freight Transportation.
Industry	483114	Coastal and Great Lakes Passenger Transportation.
Industry	336611	Shipbuilding and repairing.
Industry	811310	Engine repair, remanufacture, and maintenance.

[a] North American Industry Classification System (NAICS).

III. Summary of Rule

EPA's final rule for Category 3 marine engines [1] and their fuels (75 FR 22896, April 30, 2010) exempted steamships from the sulfur limits that apply to fuel used in ships operating on the Great Lakes [2] beginning August 1, 2012 (40 CFR 1043.95(a)). This means steamships can continue to operate indefinitely on high sulfur residual fuel. However, because steamship engines have high emissions and low fuel efficiency, we included a provision to encourage owners of Great Lakes steamships to voluntarily replace their steam boilers with cleaner, more fuel-efficient marine diesel engines (40 CFR 1043.95(b)(4)(iv)). The current voluntary repower incentive is in the form of relief through EPA's economic hardship program, through which an owner may apply for a relaxation of the Great Lakes fuel sulfur limits for fuel used by the repowered diesel ship for a defined period of time. The use of lower price, higher sulfur residual fuel can help offset vessel repower costs.

EPA believes that the goal of repowering the fleet of Great Lakes steamships could be achieved more effectively by adding a new incentive program to provide an automatic, time-limited fuel waiver for repowered steamships. Instead of applying for relief through the economic hardship program, Great Lakes steamship owners who voluntarily repower their steamships with diesel engines would automatically qualify for a waiver that would allow the use of residual fuel in the replacement diesel engines that exceeds the global and ECA sulfur limits that otherwise apply to the fuel used in marine diesel engines operated on the U. S. portions of the Great Lakes. This automatic Great Lakes steamship repower fuel waiver would be valid through December 31, 2025; after that date, repowered steamships would be required to comply with the Great Lakes ECA fuel sulfur limits for diesel engines.[3] To qualify for this automatic fuel sulfur waiver, the steamship must be exempt from existing requirements pursuant to 40 CFR 1043.95(a) in that it must operate exclusively on the Great Lakes and must have been in service on October 30, 2009, where ''in service'' means operating as a steamship, but is not limited to actually performing that service on that day. In addition, the replacement engine must be a Tier 2 or cleaner marine diesel engine as specified in 40 CFR 1042.104.

Voluntary replacement of steam engines with cleaner, more efficient Tier 2 or better marine diesel engines through this modification to our steamship repower incentive program would provide important air quality and energy benefits immediately, due to the improved fuel efficiency of the diesel engines, and even larger benefits in the long term, when the repowered ships will use fuel that complies with the 1,000 ppm sulfur limit on the Great Lakes.

For additional discussion of the proposed rule changes, see the direct final rule EPA has published in the ''Rules and Regulations'' section of today's **Federal Register**. This proposal incorporates by reference all the reasoning, explanation, and regulatory text from the direct final rule.

V. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review

This proposed rule is not a ''significant regulatory action'' under the terms of Executive Order 12866 (58 FR 51735, October 4, 1993) and is therefore not subject to review under Executive Orders 12866 and 13563 (76 FR 3821, January 21, 2011). This proposed rule would merely add an automatic waiver provision to encourage Great Lakes steamship owners to repower their vessels with cleaner marine diesel engines. There are no costs associated with this proposed rule because steamship owners are not required to repower their ships.

B. Paperwork Reduction Act

The information collection requirements in this rule will be submitted for approval to the Office of Management and Budget (OMB) under the *Paperwork Reduction Act,* 44 U.S.C. 3501 *et seq.* The information collection requirements are not enforceable until OMB approves them.

The program contained in this rule is a voluntary incentive program to encourage owners of Great Lakes steamship to repower their ships with diesel engines. A steamship owner taking advantage of the automatic fuel waiver is required to notify EPA's designated certification officer of the intention to use this provision. The notification must include a description of the project, the expected timeline, and other relevant information. The owner is also required to notify EPA's designated certification officer at completion of the project. The purpose of the reporting is to ensure that a repower has taken place, with a qualified EPA-certified engine. Because this program is voluntary, a steamship owner would provide this information only if the provision is exercised. When the project is completed, EPA will provide the owner with a statement that the repowered ship is covered by the steamship repower incentive program fuel sulfur waiver, which is to be kept onboard for compliance purposes.

There are potentially six companies affected, which own the twelve remaining diesel steamships that operate on the Great Lakes. It is not known how many of these companies will actually take advantage of the waiver, or when they would repower. However, it is likely that the repowers would occur prior to 2015, to maximize the fuel savings afforded by the fuel sulfur waiver before it expires on December 31, 2025.

The total estimated burden associated with the automatic steamship repower incentive program is 14.0 hours annually. This is based on two steamship owners repowering two steamships in each of three years and an estimated 3.5 annual labor hours for each manufacturer to prepare and submit the required information for

[1] Category 3 marine engines are diesel engines with per cylinder displacement at or above 30 liters.

[2] For the purpose of this program, ''Great Lakes'' means all the streams, rivers, lakes, and other bodies of water that are within the drainage basin of the St. Lawrence River, west of Anticosti Island. (40 CFR 1043.20).

[3] Compliance can be through switching to ECA-compliant fuel or through the installation and use of an exhaust gas cleaning system (scrubber) or other technology or procedure that achieves equivalent sulfur emissions. See Section V.C of the preamble for our Category 3 FRM for a discussion of compliance strategies.

each ship. Burden is defined at 5 CFR 1320.3(b).

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in 40 CFR are listed in 40 CFR part 9. When this ICR is approved by OMB, the Agency will publish a technical amendment to 40 CFR part 9 in the **Federal Register** to display the OMB control number for the approved information collection requirements contained in this final rule.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions.

For purposes of assessing the impacts of today's proposed rule on small entities, small entity is defined as: (1) A small business primarily engaged in shipbuilding and repairing as defined by NAICS code 336611 with 1,000 or fewer employees (based on Small Business Administration size standards); (2) a small business that is primarily engaged in freight or passenger transportation on the Great Lakes as defined by NAICS codes 483113 and 483114 with 500 or fewer employees (based on Small Business Administration size standards); (3) a small business primarily engaged in commercial and industrial machinery and equipment repair and maintenance with annual receipts less than $7 million (based on Small Business Administration size standards); (4) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (5) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

After considering the economic impacts of today's proposed rule on small entities, I certify that proposed rule would not have a significant economic impact on a substantial number of small entities.

In determining whether a rule has a significant economic impact on a substantial number of small entities, the impact of concern is any significant adverse economic impact on small entities, since the primary purpose of the regulatory flexibility analyses is to identify and address regulatory alternatives ''which minimize any significant economic impact of the rule on small entities.'' 5 U.S.C. 603 and 604. Thus, an agency may certify that a rule will not have a significant economic impact on a substantial number of small entities if the rule relieves regulatory burden, or otherwise has a positive economic effect on all of the small entities subject to the rule.

This proposed rule would merely add an automatic waiver provision to encourage Great Lakes steamship owners to repower their vessels with cleaner marine diesel engines. There are no costs and therefore no regulatory burden associated with this rule because steamship owners are not required to repower their ships and can continue using their vessels indefinitely. This Great Lakes steamship repower incentive program would assist those steamship owners who choose to voluntarily repower their ships, however, by allowing them to use lower-price residual fuel in the repowered diesel ship for a specified period of time, which may help them cover the costs of the repower project. We have therefore concluded that today's final rule will not increase regulatory burden for affected small entities.

D. Unfunded Mandates Reform Act

This action contains no Federal mandates under the provisions of Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), 2 U.S.C. 1531–1538 for State, local, or tribal governments or the private sector. The action imposes no enforceable duty on any State, local or tribal governments or the private sector. Therefore, this action is not subject to the requirements of sections 202 or 205 of the UMRA.

This action is also not subject to the requirements of section 203 of UMRA because it contains no regulatory requirements that might significantly or uniquely affect small governments. This proposed rule would merely add an automatic waiver provision to encourage Great Lakes steamship owners to repower their vessels with cleaner marine diesel engines. None of the thirteen U.S. steamships operating on the Great Lakes as of October 30, 2009 are owned or operated by a State, local, or tribal government.

E. Executive Order 13132: Federalism

This action does not have federalism implications. It would 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. This proposed final rule would merely add an automatic waiver provision to encourage Great Lakes steamship owners to repower their vessels with cleaner marine diesel engines. None of the thirteen U.S. steamships operating on the Great Lakes as of October 30, 2009 are owned or operated by a State. Thus, Executive Order 13132 does not apply to this action.

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

This action does not have tribal implications, as specified in Executive Order 13175 (65 FR 67249, November 9, 2000). This proposed rule would merely add an automatic waiver provision to encourage Great Lakes steamship owners to repower their vessels with cleaner marine diesel engines. None of the thirteen U.S. steamships operating on the Great Lakes as of October 30, 2009 are owned or operated by an Indian tribal government. Thus, Executive Order 13175 does not apply to this action.

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

This action is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it is not economically significant as defined in Executive Order 12866, and because the Agency does not believe the environmental health or safety risks addressed by this action present a disproportionate risk to children. This proposed rule would merely add an automatic waiver provision to encourage Great Lakes steamship owners to repower their vessels with cleaner marine diesel engines. To the extent Great Lakes steamship owners take advantage of this incentive program, their action would provide immediate air quality and energy benefits, due to the improved fuel efficiency of the diesel engines, and even larger benefits in the long term, when the repowered ship would use fuel that complies with the 1,000 ppm sulfur limit on the Great Lakes. These emission reductions would improve air quality for all people who live in the Great Lakes region, including children and other sensitive populations.

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

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

I. National Technology Transfer Advancement Act

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

This action does not involved technical standards. Therefore, EPA did not consider the use of any voluntary consensus standards.

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

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 has determined that this proposed rule would not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because it increases the level of environmental protection for all affected populations without having any disproportionately high and adverse human health or environmental effects on any population, including any minority or low-income population. This proposed rule would merely add an automatic waiver provision to encourage Great Lakes steamship owners to repower their vessels with cleaner marine diesel engines. To the extent Great Lakes steamship owners take advantage of this incentive program, their action would provide immediate air quality and energy benefits, due to the improved fuel efficiency of the diesel engines, and even larger benefits in the long term, when the repowered ship would use fuel that complies with the 1,000 ppm sulfur limit on the Great Lakes. These emission reductions would improve air quality for all people who live in the Great Lakes region, including minority and low-income populations.

K. Statutory Authority

The statutory authority for this action comes from section 1903 of the Act to Prevent Pollution from Ships (33 U.S.C. 1901 *et seq.*). The Act to Prevent Pollution from Ships implements Annex VI to the International Convention for the Prevention of Pollution from Ships (MARPOL) and makes those requirements enforceable domestically. Section 1903 gives the Administrator the authority to prescribe any necessary or desired regulations to carry out the provisions of Regulations 12 through 19 of MARPOL Annex VI.

List of Subjects in 40 CFR Part 1043

Environmental protection, Administrative practice and procedure, Air pollution control, Confidential business information, Economic hardship waiver, Great Lakes, North American Emission Control Area, Reporting and recordkeeping requirements, Steamships.

Dated: January 11, 2012.

Lisa P. Jackson,

Administrator.

[FR Doc. 2012–820 Filed 1–17–12; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Part 447

[CMS–2315–P]

RIN 0938–AQ37

Medicaid Program; Disproportionate Share Hospital Payments—Uninsured Definition

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Proposed rule.

SUMMARY: This proposed rule addresses the hospital-specific limitation on Medicaid disproportionate share hospital (DSH) payments under the Social Security Act. Under this limitation, DSH payments to a hospital cannot exceed the uncompensated costs of furnishing hospital services by the hospital to individuals who are Medicaid-eligible or ''have no health insurance (or other source of third party coverage) for the services furnished during the year.'' This rule would provide that the quoted phrase would refer in context to a lack of coverage on a service-specific basis, so that the calculation of uncompensated care for purposes of the hospital-specific DSH limit would include the cost of each service furnished to an individual who had no health insurance or other source of third party coverage for that service.

DATES: To be assured consideration, comments must be received at one of the addresses provided below, no later than 5 p.m. on February 17, 2012.

ADDRESSES: In commenting, please refer to file code CMS–2315–P. Because of staff and resource limitations, we cannot accept comments by facsimile (Fax) transmission.

You may submit comments in one of four ways (please choose only one of the ways listed):

1. *Electronically.* You may submit electronic comments on this regulation to *http://www.regulations.gov*. Follow the ''Submit a comment'' instructions.

2. *By regular mail.* You may mail written comments to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–2315–P, P.O. Box 8016, Baltimore, MD 21244–8016.

Please allow sufficient time for mailed comments to be received before the close of the comment period.

3. *By express or overnight mail.* You may send written comments to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–2315–P, Mail Stop C4–26–05, 7500 Security Boulevard, Baltimore, MD 21244–1850.

4. *By hand or courier.* Alternatively, you may deliver (by hand or courier) your written comments ONLY to the following addresses prior to the close of the comment period:

a. For delivery in Washington, DC—Centers for Medicare & Medicaid Services, Department of Health and Human Services, Room 445–G, Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, DC 20201.

(Because access to the interior of the Hubert H. Humphrey Building is not readily available to persons without Federal government identification, commenters are encouraged to leave their comments in the CMS drop slots located in the main lobby of the building. A stamp-in clock is available for persons wishing to retain a proof of filing by stamping in and retaining an extra copy of the comments being filed.)

b. For delivery in Baltimore, MD—Centers for Medicare & Medicaid Services, Department of Health and Human Services, 7500 Security Boulevard, Baltimore, MD 21244–1850.

If you intend to deliver your comments to the Baltimore address, call telephone number (410) 786–9994 in advance to schedule your arrival with one of our staff members.

Comments erroneously mailed to the addresses indicated as appropriate for hand or courier delivery may be delayed and received after the comment period.

For information on viewing public comments, see the beginning of the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: Rory Howe (410) 786–4878.

SUPPLEMENTARY INFORMATION:

Inspection of Public Comments: All comments received before the close of the comment period are available for viewing by the public, including any personally identifiable or confidential business information that is included in a comment. We post all comments received before the close of the comment period on the following Web site as soon as possible after they have been received: *http://www.regulations.gov*. Follow the search instructions on that Web site to view public comments.

Comments received timely will also be available for public inspection as they are received, generally beginning approximately 3 weeks after publication of a document, at the headquarters of the Centers for Medicare & Medicaid Services, 7500 Security Boulevard, Baltimore, Maryland 21244, Monday through Friday of each week from 8:30 a.m. to 4 p.m. To schedule an appointment to view public comments, phone 1–(800) 743–3951.

I. Background

A. Introduction

On December 19, 2008, we published a final rule in the **Federal Register** (73 FR 77904) entitled ''Medicaid Disproportionate Share Hospital Payments'' (herein referred to as the 2008 DSH final rule) that implemented section 1001 of the Medicare Prescription Drug, Improvement and Modernization Act of 2003 (MMA), requiring State reports and audits to ensure the appropriate use of Medicaid Disproportionate Share Hospital (DSH) payments and compliance with the DSH limit imposed at section 1923(g) of the Social Security Act (the Act). The limit at section 1923(g) of the Act is commonly referred to as the hospital-specific DSH limit and specifies that only the uncompensated costs of providing inpatient hospital and outpatient hospital services to Medicaid eligible individuals and uninsured individuals as described in section 1923(g)(1)(A) of the Act are included in the calculation of the hospital-specific DSH limit. The statute describes uninsured individuals as those ''who have no health insurance (or other source of third party coverage) for the services furnished during the year.''

Citing an effort to adhere to an accurate representation of the broad statutory references to insurance or other coverage and to delineate more definitively the meaning of the term uninsured, we defined the phrase ''who have health insurance (or other third party coverage)'' to refer broadly to individuals who have creditable coverage consistent with the definitions under 45 CFR Part 144 and 45 CFR Part 146, as well as individuals who have coverage based upon a legally liable third party payer. This regulatory definition was not the same as the preliminary guidance previously issued to States and providers in 1994.

In an August 17, 1994 letter to State Medicaid Directors (SMD), CMS included a summary of the DSH provisions in the Omnibus Budget Reconciliation Act of 1993 (OBRA 93) (Pub. L. 103–66), as a preliminary interpretation. In that letter, we endorsed a service-specific approach in which individuals were considered ''uninsured'' for purposes of DSH to the extent that they did not have third party coverage for the specific hospital service that they received. A January 10, 1995, letter to the Chair of the State Medicaid Director's Association affirmed the service-specific interpretation of the definition of uninsured by clarifying that: ''It would be permissible for States to include in their determination of uninsured patients those individuals who do not possess health insurance which would apply to the service which the individual sought''.

The regulatory definition published in the 2008 DSH final rule was more restrictive than the service-specific definition and is applied on an individual-specific basis rather than a service-specific basis. This interpretation of the definition of ''uninsured'' superseded all prior interpretive issuances.

After publication of the 2008 DSH final rule, numerous States, members of Congress, and related stakeholders expressed their concern that the 2008 DSH final rule definition of the uninsured deviated from prior guidance and would have a significant financial impact on States and hospitals. This proposed rule is designed to mitigate some of the unintended consequences of the uninsured definition put forth in the 2008 DSH final rule and to provide additional clarity on which costs can be considered uninsured costs for purposes of determining the hospital-specific limit.

B. Legislative History

Title XIX of the Act authorizes Federal grants to States for Medicaid programs that provide medical assistance to low-income families, the elderly, and persons with disabilities. Section 1902(a)(13)(A)(iv) of the Act requires that States make Medicaid payment adjustments for hospitals that serve a disproportionate share of low-income patients with special needs. Section 1923 of the Act contains more specific requirements related to the DSH payments.

The OBRA 93 was signed into law on August 10, 1993. Section 13621 of OBRA 93 added section 1923(g) of the Act, limiting Medicaid DSH payments to a qualifying hospital to the amount of eligible uncompensated costs incurred. This hospital-specific limit requires that Medicaid DSH payments to a qualifying hospital not exceed the costs incurred by that hospital for providing inpatient and outpatient hospital services furnished during the year to Medicaid patients and individuals who have no health insurance or other source of third party coverage for the services provided during the year, less applicable revenues for those services.

C. Hospital-Specific DSH Limit

Section 1923(g)(1) of the Act defines a hospital-specific limit on Federal financial participation (FFP) for DSH payments. Each State must develop a methodology to compute this hospital-specific limit for each DSH hospital in the State. As defined in section 1923(g)(1) of the Act, the State's methodology must calculate for each hospital, for each fiscal year, the difference between the costs incurred by that hospital for furnishing inpatient hospital and outpatient hospital services during the applicable State fiscal year to Medicaid individuals and individuals who have no health insurance or other source of third party coverage for the

inpatient hospital and outpatient hospital services they receive, less all applicable revenues for these hospital services. This difference, if any, between incurred inpatient hospital and outpatient hospital costs and associated revenues is considered a hospital's uncompensated care cost (UCC) limit, or hospital-specific DSH limit. FFP is not available for DSH payments that exceed a hospital's UCC for furnishing inpatient hospital and outpatient hospital services to Medicaid eligible individuals and individuals who have no health insurance or other source of third party coverage for the services they receive in any given State plan rate year.

To be considered as an inpatient or outpatient hospital service for purposes of Medicaid DSH, a service must meet the Federal and State definitions of an inpatient hospital service or outpatient hospital service and must be included in the State's definition of an inpatient hospital service or outpatient hospital service under the approved State plan. While States may have some flexibility to define the scope of inpatient or outpatient hospital services, States must use consistent definitions. Hospitals may engage in any number of activities, or may furnish practitioner, nursing facility, or other services to patients that are not within the scope of inpatient hospital services or outpatient hospital services. These services are not considered inpatient or outpatient hospital services.

Section 1923(a) and section 1923(c) of the Act provide States some latitude in determining the level of DSH payment under the Medicaid State plan. Section 1923(g) of the Act simply creates hospital-specific limitations on FFP for DSH payments to individual hospitals. These limits are comprised of specific net costs. The first component of the net costs is described in statute as attributable to hospital costs incurred by individuals eligible for medical assistance under the State plan and net of payments made under title XIX of the Act. We currently implement this provision by allowing all medically necessary inpatient and outpatient costs associated with Medicaid eligible individuals authorized under section 1905 of the Act and covered under the approved Medicaid State plan regardless of whether those beneficiaries or hospitals were entitled to payment as part of the Medicaid benefit package under the State plan. To arrive at uncompensated Medicaid costs, all Medicaid payments received from the State for Medicaid hospital services, including supplemental payments, must be netted against those costs.

The second type of costs allowable as part of the Medicaid DSH limit are described in statute as attributable to hospital costs incurred by individuals who have no health insurance or other source of third party coverage for services provided during the year. The statutory language uses the term ''services provided'' when discussing allowable uninsured costs. The use of this term provides a clear link to third party coverage of specific services provided by the hospital.

D. CMS Guidance Regarding the Definition of Uninsured

Following the passage of the OBRA 93, we did not issue a rule implementing section 1923(g) of the Act. However, we did receive questions concerning the implementation of section 1923(g) of the Act from States, including many regarding the criteria used to determine which of a hospital's patients ''have no health insurance or other source of third party coverage for the services provided.'' In response to these questions, we issued a letter on August 17, 1994 to all SMD's delineating the Agency's interpretation of statutory provisions of section 13621 of OBRA 93.

The SMD letter specifically established our interpretation of the term ''uninsured'' patients for purposes of the calculating OBRA 93 DSH limits. We developed a definition of ''individuals who have no health insurance or other source of third party coverage for the services provided'' based on the statutory language linking coverage and the provision of services throughout the year in which the service was provided. The August 17, 1994 SMD letter articulated this policy interpretation by stating that individuals who have no health insurance (or other source of third party coverage) for the services provided during the year include those ''who do not possess health insurance which would apply to the service for which the individual sought treatment.'' We affirmed this guidance in a January 10, 1995, letter to the Chair of the SMD's Association. This interpretation remained in effect until the January 19, 2009 effective date of the 2008 DSH final rule implementing the DSH auditing and reporting requirements.

E. MMA and the 2008 DSH Final Rule

Based on several U.S. Department of Health & Human Services Office of Inspector General (OIG) audits and U.S. Government Accountability Office (GAO) reports detailing violations in the DSH program, there was concern that CMS did not have the authority to appropriately monitor State compliance with section 1923 of the Act. In particular, concerns were expressed that States were not enforcing the OBRA 93 limits within their DSH programs. Section 1001(d) of MMA added new audit and reporting requirements. Specifically, section 1923(j)(1) of the Act requires States to submit an annual report and audit to ensure the appropriate compliance with DSH limits imposed at section 1923(g) of the Act.

In promulgating the 2008 DSH final rule, we defined the phrase ''who have health insurance (or other third party coverage)'' by referencing individuals who have a legally liable third party payer for the services provided by a hospital and by referencing regulations that define creditable coverage under 45 CFR Part 144 and 45 CFR Part 146. The regulatory definition of creditable coverage at 45 CFR Part 144 and 45 CFR Part 146 was developed to implement, in part, the Health Insurance Portability and Accountability Act (HIPAA) of 1996 and was designed to offer protection to the broadest number of individuals. This definition of creditable coverage, which did not exist in 1994 when we issued initial guidance on the Medicaid DSH definition of uninsured, is applied on an individual-specific basis (that is, does an individual have coverage) rather than on the existing service-specific interpretation (that is, does an individual have coverage for a service). Creditable coverage includes coverage of an individual under a group health plan, Medicare, Medicaid, a medical care program of the Indian Health Service (IHS) or tribal organization, and other examples as outlined in the rules relating to creditable coverage at 45 CFR 146.113.

The new interpretation of the definition of ''individuals who have no health insurance or other source of third party coverage for the services provided'' articulated in the 2008 DSH final rule, which relied on the existing regulatory definition of creditable coverage, superseded all prior interpretive issuances.

F. Concerns Raised

Numerous States, members of the Congress, hospitals and related stakeholders expressed concerns following the publication of the 2008 DSH final rule that the rule's definition of uninsured individuals would have a significant negative financial impact on States and hospitals. As States and hospitals began to complete the initial audits as defined in the final rule, they identified specific issues relating to the regulatory definition of uninsured adopted under the rule. Specific

consequences regarding the practical application of the creditable coverage definition were identified and some stakeholders questioned the impact of the new definition of uninsured as it relates to individuals who had IHS and tribal health coverage for services and individuals who had exhausted their insurance benefits or who had reached their lifetime insurance limits. Uncompensated costs to hospitals for these services were no longer eligible DSH costs under the creditable coverage definition.

The issue involving IHS and tribal programs arises because IHS coverage is within the scope of ''creditable coverage'' under the regulations at 45 CFR Part 144 and 45 CFR Part 146, and thus individuals with such coverage could not be considered ''uninsured'' even if the IHS or tribal health program did not provide the service or authorize coverage through the contract health service program (through a purchase order or equivalent document). In that circumstance, the hospital is not able to count, as costs eligible for Medicaid DSH payments, costs of uncompensated care associated with the provision of inpatient or outpatient hospital services to American Indians/Alaska Natives with access to IHS and tribal coverage (but no other source of third party payment).

The IHS and Tribal health programs provide two primary types of services, direct health care services and contract health services. Direct health care services are oftentimes limited to primary care services and are limited to eligible beneficiaries identified at 42 CFR 136.12. Many of the beneficiaries that receive direct care services have no other source of third party coverage. Contract health services (CHS) are services provided outside of an IHS or Tribal facility to an eligible beneficiary (§ 136.23). CHS appropriations are discretionary; therefore, coverage is determined based on a priority system. Coverage for CHS services is specifically authorized on a case-by-case basis through a CHS purchase order or equivalent document. IHS and tribal health programs can also issue referrals that do not authorize CHS coverage of a service.

For Medicaid DSH purposes, we propose that American Indians/Alaska Natives are considered to have third party coverage for inpatient and outpatient hospital services received directly from IHS or tribal health programs (direct health care services) and for such services specifically authorized under CHS. The service-specific determination of third party coverage status of American Indian/Alaska Natives for services not authorized to be within the scope of coverage by CHS should be performed in the same manner as for services that are outside the scope of coverage from any other insurer or third party payer.

The second issue concerns the interaction between the creditable coverage definition in current regulation and hospital services provided to individuals with creditable coverage but without coverage for specific hospital services received. By utilizing the existing regulatory creditable coverage definition an individual is considered either to have coverage, as broadly described in regulation, or not to have coverage during the period a hospital service was provided. If a service was provided to an individual with creditable coverage at the time of the provision of such service, that service cannot be considered provided to an uninsured individual. In practical application, this definition appeared to exclude from uncompensated care for DSH purposes the costs of many services that were provided to individuals with creditable coverage but were outside the scope of such coverage. Costs affected include those associated with individuals who have exhausted their insurance benefits or who have reached lifetime insurance limits for certain services, as well as services not included in a benefit package as covered, but which are identified in section 1905 of the Act and covered under the approved Medicaid State plan.

For purposes of defining uncompensated care costs for the Medicaid hospital-specific DSH limit, we believe that uncompensated costs of providing inpatient and outpatient hospital services to individuals who do not have coverage for those specific services should be considered costs for which there is no liable third party payer and thus eligible costs for Medicaid DSH payments. An example of such a situation would involve an individual with basic hospitalization coverage that has an exclusion for transplant services. Should the individual need the excluded service, the cost of that service could be included in the Medicaid hospital-specific DSH limit. An additional example involves an individual with excluded benefits or services, or exhaustion of coverage or benefits for a limited covered service, due to a pre-existing condition (for example, cancer or diabetes). Though both examples involve medically necessary services for which an individual is uninsured, associated costs would have been prohibited from inclusion in calculating the hospital-specific DSH limit based on the 2008 DSH final rule and related guidance.

If an individual is Medicaid eligible, all costs incurred in providing inpatient and outpatient hospital services identified in section 1905 of the Act and covered under the approved Medicaid State plan should be included in calculating Medicaid hospital costs, not uninsured hospital costs, for purposes of calculating the hospital-specific DSH limit, regardless of whether the individual's benefits have been exhausted or whether coverage limits have been reached.

II. Provisions of the Proposed Rule

A. Definition of Uninsured Under Section 1923(g) of the Act

We are proposing to add a new § 447.295 Hospital-Specific Disproportionate Share Hospital Payment Limit—Definition of Individuals Who Have no Health Insurance (or Other Source of Third Party Coverage) for the Services Furnished During the Year and the Determination of an Individual's Third Party Coverage Status. Specifically, § 447.295(a) would describe the scope of the new regulatory section and its focus on defining the term ''individuals who have no health insurance (or other source of third party coverage) for the services furnished during the year.''

We are proposing at § 447.295(b) to define through regulation ''individuals who have no health insurance (or other source of third party coverage) for the services furnished during the year'' for purposes of calculating the hospital-specific DSH limit as described in section 1923(g) of the Act effective for 2011. Proposed § 447.295(b) would also provide specific definitions for the terms ''service-specific coverage determination'' and ''lifetime or annual health insurance coverage limit.''

In this proposed rule, we are proposing to define ''individuals who have no health insurance (or other source of third party coverage) for the services furnished during the year'' for purposes of calculating the hospital-specific DSH limit on a service-specific basis rather than on an individual basis, and thus would not make reference to the regulatory definition of creditable coverage. The proposed definition would instead require a determination of whether, for each specific service furnished during the year, the individual has third party coverage. We are also proposing a definition of ''no source of third party coverage for a specific inpatient or outpatient service'' to mean that the service is not within a

covered benefit package under a group health plan or health insurance coverage, and is not covered by another legally liable third party. We would specify that services beyond annual or lifetime limits on insurance coverage would not be considered to be within a covered benefit package.

Because funding limitations for services furnished through the IHS or tribal health programs are similar in nature to benefit limitations, we would consider them as such for this purpose. We propose to consider services furnished to American Indians/Alaska Natives to be covered by IHS or tribal health programs only to the extent that the individuals receive services directly from IHS or tribal health programs (direct health care services) or when IHS or a tribal health program has authorized coverage through the contract health service program (through a purchase order or equivalent document).

We are not including in this proposed rule a single test for how a ''service'' is defined for these purposes because of the variance in the types of services that are at issue. We are, however, proposing to include in § 447.295(c)(1) ''Determination of an Individual's Third Party Coverage Status,'' the principle that a ''service'' should include the same elements that would be included for the same or similar services under Medicaid generally. The intent is that the hospital will generally determine that an individual is either insured or not insured for a given hospital stay, and will not separate out component parts of the hospital stay based on the level of payment received.

Thus, we are proposing at § 447.295(c) to specify that the determination of an individual's third party coverage status is a service-specific measure for purposes of calculating the hospital-specific DSH limit, based on the coverage and benefit exclusions of health insurers and the availability of coverage for that service from other third party carriers. The determination of an individual's status as an ''individual who has no health insurance (or other source of third party coverage)'' for purposes of calculating the Medicaid hospital-specific DSH limit would be based on coverage for the particular inpatient or outpatient hospital service provided to an individual under the terms of an insurance or other coverage plan, or actual coverage for the service through such a plan or another third party. The determination is not based on payment.

B. Lifetime Limits, Limited Coverage Plans, and Exhausted Benefits

This proposed rule would also clarify the definition of ''individuals who have no health insurance (or other source of third party coverage) for the services furnished during the year'' so that inpatient and outpatient hospital costs associated with individuals who have creditable coverage but have reached annual or lifetime insurance limits or have otherwise exhausted covered benefits can be included in calculating the hospital-specific DSH limit. Additionally, inpatient and outpatient hospital costs of services provided to individuals whose coverage specifically excludes the hospital service provided can be included in calculating the hospital-specific DSH limit. This interpretation and definition of ''uninsured'' affords States and hospitals maximum flexibility permitted by statute in calculating the hospital-specific DSH limit. This proposed clarification would be effective for DSH audits and reports submitted following the effective date of the rule, thus avoiding any unintended, and potentially significant, financial impact resulting from the 2008 DSH final rule.

While this proposed rule would provide some relief for certain costs by allowing their inclusion in the calculation of the hospital-specific DSH limit, we also believe that it is equally important to address those costs that are currently prohibited from inclusion and for which this rule provides no change in treatment under title XIX of the Act. For the reasons described below, we continue to believe that currently prohibited costs are not appropriate for purposes of Medicaid DSH and are not consistent with statutory language with respect to the hospital-specific DSH limit.

C. Bad Debt and Unpaid Coinsurance and Deductibles

We are proposing to clarify the definition of ''individuals who have no health insurance (or other source of third party coverage) for the services furnished during the year'' such that costs associated with bad debt, including any unpaid coinsurance and deductibles, and payer discounts cannot be included in calculating the hospital-specific DSH limit for individuals with a source of third party coverage. In these instances, the cost of the service in question was provided to an individual with a source of third party coverage for the service, and the amount due represents uncollected revenues not uninsured costs. This clarification ensures that this proposed rule is consistent with existing DSH statute, regulations, and longstanding CMS policy.

Section 1923(g) of the Act requires that costs associated with individuals with a source of third party coverage be excluded from the calculation of the hospital-specific DSH limit. The current DSH regulations, as modified by the 2008 DSH final rule, also expressly prohibit the inclusion of costs associated with unpaid coinsurance, deductibles, bad debt, and payer discounts for individuals with a source of third party coverage. This proposed rule would reiterate that the allowability of these costs has not changed under the proposed definition.

D. Prisoners

This proposed rule would clarify that the proposed definition of ''individuals who have no health insurance (or other source of third party coverage) for the services furnished during the year'' maintains the current position that individuals who are inmates in a public institution or are otherwise involuntarily held in secure custody as a result of criminal charges are considered to have a source of third party coverage. These individuals are in secure custody pursuant to the authority held by Federal, State or local law enforcement agencies, and those agencies are legally liable for the cost of their care (even if that agency has contracted with private parties for that secure custody). Moreover, the exclusion of such costs is consistent with the exclusion of such costs from the definition of ''Medical assistance'' in the statutory text at paragraph (A) following section 1905(a)(28) of the Act. Accordingly, the costs associated with providing hospital services to these individuals cannot be included in calculating the hospital-specific DSH limit.

The proposed definition of ''individuals who have no health insurance (or other source of third party coverage) for the services furnished during the year'' as it relates to prisoner inmate care would be consistent with the statute, regulations, and longstanding CMS policy regarding the treatment of inmates of public institutions for purposes of Medicaid eligibility and Medicaid DSH. A policy clarification regarding prisoner inmate care and DSH was provided in a SMD letter dated August 16, 2002. This proposed rule would serve to define more definitively who is considered a prisoner inmate for purposes of DSH.

The policy that inmates have third party coverage, based on the assumption that their care is the responsibility of the

responsible law enforcement or corrections agency, is consistent with the statutory framework that focuses on the distinction between an ''inmate'' and a ''patient.'' While the statutory provision at section 1905(a)(28)(A) of the Act generally excludes FFP for all care furnished to inmates of public institutions, there is a statutory exception for patients in a medical institution. We interpret this exception to be limited to when the individual is no longer in secure custody by law enforcement or a corrections agency and thus can be admitted as a ''patient'' rather than as an ''inmate'' to a hospital, nursing facility, juvenile psychiatric facility, or intermediate care facility. This is consistent with the fact that hospitals, or other institutional facilities cannot, within the scope of their conditions of participation, subject patients to restraints or seclusion. Thus individuals held in secure custody would be outside the function of the institution as a Medicaid-participating hospital and could not be treated as ''patients.'' Accordingly, FFP is available for Medicaid covered hospital services (or other covered institutional care) for Medicaid-eligible individuals referred from or by law enforcement or corrections authorities, or their contractors only to the extent that they have been released from secure custody, and all other requirements under the State plan are met. Applying this interpretation of the statutory exclusion and exception to the hospital-specific limits for DSH, costs and revenues associated with hospital services for individuals (whether Medicaid eligible or uninsured) referred from or by law enforcement or corrections authorities, or their contractors would be included in calculating the limit only to the extent that the individual has been released from secure custody by law enforcement or a corrections agency.

E. Clarification of the Application of the Definition of ''Individuals Who Have No Health Insurance (or Other Source of Third Party Coverage) for the Services Furnished During the Year'' for Purposes of Calculating Hospital-Specific DSH Limits

We are proposing at § 447.295(d) to specify that costs considered for purposes of calculating the hospital-specific limit are limited to net costs incurred for individuals who have no health insurance or source of third party coverage for the services furnished during the year. This proposed section would ensure that the regulatory definition of ''individuals who have no health insurance (or other source of third party coverage) for the services furnished during the year'' is appropriately applied for purposes of calculating hospital-specific DSH limits.

IV. Collection of Information Requirements

This document does not impose information collection and recordkeeping requirements. Consequently, it need not be reviewed by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

IV. Response to Comments

Because of the large number of public comments we normally receive on **Federal Register** documents, we are not able to acknowledge or respond to them individually. We will consider all comments we receive by the date and time specified in the ''**DATES**'' section of this preamble, and, when we proceed with a subsequent document, we will respond to the comments in the preamble to that document.

V. Regulatory Impact Statement

A. Overall Impact

We have examined the impact of this rule as required by Executive Order 12866 on Regulatory Planning and Review (September 30, 1993), Executive Order 13563 on Improving Regulation and Regulatory Review (January 18, 2011), the Regulatory Flexibility Act (RFA) (September 19, 1980, Pub. L. 96–354), section 1102(b) of the Social Security Act, section 202 of the Unfunded Mandates Reform Act of 1995 (March 22, 1995; Pub. L. 104–4), Executive Order 13132 on Federalism (August 4, 1999) and the Congressional Review Act (5 U.S.C. 804(2).

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). A regulatory impact analysis (RIA) must be prepared for major rules with economically significant effects ($100 million or more in any 1 year). This rule does not reach the economic threshold and thus is not considered a major rule.

The RFA requires agencies to analyze options for regulatory relief of small entities. For purposes of the RFA, small entities include small businesses, nonprofit organizations, and small governmental jurisdictions. Most hospitals and most other providers and suppliers are small entities, either by nonprofit status or by having revenues of $7.0 million to $34.5 million in any 1 year. Individuals and States are not included in the definition of a small entity. We are not preparing an analysis for the RFA because we have determined, and the Secretary certifies, that this proposed rule would not have a significant economic impact on a substantial number of small entities.

In addition, section 1102(b) of the Social Security Act requires us to prepare a regulatory impact analysis if a rule may have a significant impact on the operations of a substantial number of small rural hospitals. This analysis must conform to the provisions of section 603 of the RFA. For purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital that is located outside of a Metropolitan Statistical Area for Medicare payment regulations and has fewer than 100 beds. We are not preparing an analysis for section 1102(b) of the Act because we have determined, and the Secretary certifies, that this proposed rule would not have a significant impact on the operations of a substantial number of small rural hospitals.

Section 202 of the Unfunded Mandates Reform Act of 1995 also requires that agencies assess anticipated costs and benefits before issuing any rule whose mandates require spending in any 1 year of $100 million in 1995 dollars, updated annually for inflation. In 2011, that threshold is approximately $136 million. This rule would have no consequential effect on State, local, or tribal governments or on the private sector.

Executive Order 13132 establishes certain requirements that an agency must meet when it promulgates a proposed rule (and subsequent final rule) that imposes substantial direct requirement costs on State and local governments, preempts State law, or otherwise has Federalism implications. Since this regulation does not impose any costs on State or local governments, the requirements of Executive Order 13132 are not applicable.

To the extent that this proposed rule will have tribal implications, and in accordance with E.O. 13175 and the HHS Tribal Consultation Policy (December 2010), CMS will consult with Tribal officials prior to the formal promulgation of this regulation.

B. Anticipated Effects

1. Effects on State Medicaid Programs

CMS does not anticipate that the final rule will have significant financial effects on State Medicaid Programs.

Federal share DSH allotments, which are published by CMS in an annual **Federal Register** notice, limit the amount of Federal financial participation (FFP) that can be paid annually to a State for aggregate DSH payments made to hospitals. This proposed rule does not modify the DSH allotment amounts and will have no effect on a State's ability to claim FFP for DSH payments made up to the published DSH allotment amounts.

This proposed rule, however, may affect the calculation of the hospital-specific DSH limit established at section 1923(g) of the Act. This hospital-specific limit requires that Medicaid DSH payments to a qualifying hospital not exceed the costs incurred by that hospital for providing inpatient and outpatient hospital services furnished during the year to Medicaid patients and individuals who have no health insurance or other source of third party coverage for the services provided during the year, less applicable revenues for those services. This proposed rule defines ''individuals who have no health insurance (or other source of third party coverage) for the services furnished during the year'' for purposes of calculating the hospital-specific DSH limit effective for 2011. This proposed rule also provides additional clarification to States and hospitals regarding costs eligible for inclusion in the calculation of the hospital-specific DSH limit. The provisions of this rule may have an effect on the calculation of the hospital's specific DSH limit amount for some hospitals depending upon the method utilized by the hospital or State in calculating the limit prior to the effective date of the proposed rule.

States retain considerable flexibility in setting DSH State plan payment methodologies to the extent that these methodologies are consistent with section 1923(c) of the Act and all other applicable statute and regulations. Some States may determine that implementing a retrospective DSH payment methodology or a DSH reconciliation in their State plan is a reasonable way to manage its DSH allotment and ensure that payments made in excess of hospital-specific DSH limits are redistributed to hospitals that have not exceeded their limits. Although the State may have to modify definitions provided to hospitals in determining the hospital-specific DSH limit, the potential effect on the calculation of these limits would not result in an increase or decrease in the amount of FFP available to States for aggregate DSH payments made to hospitals.

2. Effects on Providers

This proposed rule defines ''individuals who have no health insurance (or other source of third party coverage) for the services furnished during the year'' for purposes of calculating the hospital-specific DSH limit effective for 2011. This proposed rule also provides additional clarification to States and hospitals regarding costs eligible for inclusion in the calculation of the hospital-specific DSH limit. This proposed rule may affect the calculation of the hospital-specific DSH limit established at section 1923(g) of the Act. Hospitals, if affected by the proposed rule, should have higher DSH eligible costs. This increase in eligible costs would result in an increase in the hospital-specific DSH limit of affected hospitals. In particular, DSH hospitals that provide a high volume of hospital services to American Indians/Alaska Natives where CHS payment is not authorized, individuals with creditable coverage but without coverage for the hospital services received as it relates to DSH costs, or individuals with limited coverage plans, lifetime limits, or exhausted benefits, may recognize an increase in their hospital-specific DSH limit. States are not required to increase DSH payments to affected hospitals based on increases in hospital-specific DSH limits. The increased DSH limits, however, may mitigate the potential return of DSH payments to hospitals that would have been considered to exceed the hospital-specific DSH limit absent the provisions of this proposed rule.

C. Alternatives Considered

In developing this rule the following alternatives were considered. We considered not revising the definition of uninsured for purposes of determining the Medicaid DSH hospital-specific limit. However, we believe the individual-specific application of the definition of ''uninsured'' under the current rule effectively precludes recognition of uncompensated care costs for many services for which an individual is uninsured and has no third party coverage. Costs affected also include those associated with individuals who have reached annual or lifetime insurance limits for certain services, have limited coverage through IHS or tribal health programs, or have inadequate insurance benefit packages.

An alternative approach that we considered when developing this rule was to broaden even further the definition of uninsured to take into account costs associated with bad debt and prisoners. However, we believe that such an approach would not be consistent with the intent of both the hospital-specific limit and with the general exclusion of payment for services furnished to prisoners. We welcome comments not only on the provisions of this rule, in whole or in part, but also on alternatives that may more constructively address the underlying problems and their likely impacts on States, hospitals, and individuals receiving services in disproportionate share hospitals.

D. Conclusion

For the reasons discussed above, we are not preparing analysis for either the RFA or section 1102(b) of the Act because we have determined that this regulation would not have a direct significant economic impact on a substantial number of small entities or a direct significant impact on the operations of a substantial number of small rural hospitals.

In accordance with the provisions of Executive Order 12866, this regulation was reviewed by the Office of Management and Budget.

List of Subjects in 42 CFR Part 447

Accounting, Administrative practice and procedure, Drugs, Grant programs-health, Health facilities, Health professions, Medicaid, Reporting and recordkeeping requirements, Rural areas.

For the reasons set forth in the preamble, the Centers for Medicare & Medicaid Services proposes to amend 42 CFR part 447 as set forth below:

Title 42—Public Health

PART 447—PAYMENTS FOR SERVICES

1. The authority citation for part 447 continues as follows:

Authority: Sec. 1102 of the Social Security Act (42 U.S.C. 1302).

Subpart E—Payment Adjustments for Hospitals That Serve a Disproportionate Number of Low-Income Patients

2. Add § 447.295 to read as follows:

§ 447.295 Hospital-Specific Disproportionate Share Hospital Payment Limit: Determination of Individuals without Health Insurance or Other Third Party Coverage.

(a) *Basis and purpose.* This section sets forth the methodology for determining the costs for individuals who have no health insurance or other source of third party coverage for services furnished during the year for purposes of calculating the hospital-

specific disproportionate share hospital payment limit under section 1923(g) of the Act.

(b) *Definitions.*

Individuals who have no health insurance (or other source of third party coverage) for the services furnished during the year means individuals who have no source of third party coverage for the specific inpatient hospital or outpatient hospital service furnished by the hospital.

Lifetime or annual health insurance coverage limit means an annual or lifetime limit, imposed by a third party payer, that establishes a maximum dollar value, or maximum number of specific services, on a lifetime or annual basis, for benefits received by an individual.

No source of third party coverage for a specific inpatient hospital or outpatient hospital service means that the service is not included in an individual's health benefits coverage through a group health plan or health insurer, and for which there is no other legally liable third party. When a lifetime or annual coverage limit is imposed by a third party payer, specific services beyond the limit would not be within the individual's health benefit package from that third party payer. For American Indians/Alaska Natives, IHS and tribal coverage is only considered third party coverage when services are received directly from IHS or tribal health programs (direct health care services) or when IHS or a tribal health program has authorized coverage through the contract health service program (through a purchase order or equivalent document). Administrative denials of payment, or requirements for satisfaction of deductible, copayment or coinsurance liability, do not affect the determination that a specific service is included in the health benefits coverage.

(c) *Determination of an individual's third party coverage status.* Individuals who have no source of third party coverage for a specific inpatient hospital or outpatient hospital service must be considered, for purposes of that service, to be uninsured. This determination is not dependent on the receipt of payment by the hospital from the third party.

(1) The determination of an individual's status as having a source of third party coverage must be a service-specific coverage determination. The service-specific coverage determination can occur only once per individual per service provided and applies to the entire service, including all elements as that service, or similar services, would be defined in Medicaid.

(2) Individuals who are inmates in a public institution or are otherwise involuntarily in secure custody as a result of criminal charges are considered to have a source of third party coverage.

(d) *Hospital-specific DSH limit calculation.* Only costs incurred in providing inpatient hospital and outpatient hospital services to Medicaid individuals, and revenues received with respect to those services, and costs incurred in providing inpatient hospital and outpatient hospital services, and revenues received with respect to those services, for which a determination has been made in accordance with paragraph (c) of this section that the services were furnished to individuals who have no source of third party coverage for the specific inpatient hospital or outpatient hospital service are included when calculating the costs and revenues for Medicaid individuals and individuals who have no health insurance or other source of third party coverage for purposes of section 1923(g)(1) of the Act.

(Catalog of Federal Domestic Assistance Program No. 93.778, Medical Assistance Program).

Dated: March 30, 2011.

Donald M. Berwick,

Administrator, Centers for Medicare & Medicaid Services.

Approved: October 31, 2011.

Kathleen Sebelius,

Secretary, Department of Health and Human Services.

[FR Doc. 2012–734 Filed 1–13–12; 11:15 am]

BILLING CODE 4120–01–P

Notices

Federal Register

Vol. 77, No. 11

Wednesday, January 18, 2012

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

Submission for OMB Review; Comment Request

January 12, 2012.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720–8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Natural Resource Conservation Service

Title: Emergency Watershed Protection Program Recovery.

OMB Control Number: 0578–0030.

Summary of Collection: The Emergency Watershed Protection (EWP) Program regulations at 7 CFR 624 set forth the basic policies, program provisions, and eligibility requirements for sponsors to participate in the EWP program. The Natural Resource Conservation Service (NRCS) is responsible for administration of the EWP Program. EWP assistance is provided to sponsors to undertake emergency measures for runoff retardation and soil erosion prevention to safeguard lives and property from floods, drought, and the products of erosion on any watershed whenever fire, flood, or any other natural disaster occurrence is causing or has cause a sudden impairment of that watershed. The sponsor's request is submitted formally as a letter (NRCS–PDM–20A) to the NRCS State Conservationist for consideration. Form NRCS–PDM–20, Damage Survey Report (DSR) is the agency decisionmaking document that includes the economic, social, and environmental evaluation, as well as the engineer's cost estimate.

Need and Use of the Information: The collected information allows the responsible federal official to make EWP eligibility determinations and provide federal cost-share payments to the sponsors. Without the information NRCS would not be able to perform its responsibilities in administrating the EWP program.

Description of Respondents: State, Local, or Tribal Government.

Number of Respondents: 210.

Frequency of Responses: Reporting: Other (Disaster Occurrence).

Total Burden Hours: 5,565.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2012–814 Filed 1–17–12; 8:45 am]

BILLING CODE 3410–16–P

DEPARTMENT OF AGRICULTURE

Forest Service

Rogue River-Siskiyou National Forest, Powers Ranger District, Coos County, OR; Eden Ridge Timber Sales

AGENCY: Forest Service, USDA.

ACTION: Corrected Notice of Intent to prepare an environmental impact statement for the Eden Ridge Timber Sales. The original notice was published on April 26, 2010.

SUMMARY: The USDA, Forest Service, is preparing an Environmental Impact Statement (EIS) on proposed variable density thinning treatments designed to control stocking and maintain or improve overall forest vigor and resiliency within a 6,516-acre planning area known as Eden Ridge. Timber harvested from stand treatments would contribute commercial timber to the Forest's Probable Sale Quantity. The planning area is located approximately four (4) air miles southeast of the city of Powers, Oregon, on the Powers Ranger District. A Notice of Intent (NOI) was first published for this proposal on April 26, 2010, Volume 75, No. 79, pages 21577–21579. Due to the length of time that has passed since the first NOI was published, refinement of the proposed action, and a change in the responsible official, the district is publishing this Corrected NOI. The district now proposes within the planning area, timber harvest and other connected activities on approximately 3,314 acres in stands regenerated from timber harvested around the 1930s and 1940s via historical railroad logging. Candidate stands located on suitable forest land within the planning area are proposed for treatment that are designated as Matrix, with some amount of Riparian Reserve under the Land and Resource Management Plan as amended by the Northwest Forest Plan. Approximately seventy-five (75) treatment units would be designed for timber harvest with associated harvest systems that would use a combination of ground-based and skyline operations depending on soil, slope and hydrological concerns. To facilitate treatments within the potential units being considered, approximately:

- 10.5 miles new road construction
- 0.03 miles of temporary roads

• 3.7 miles reconstruction of existing template non system roads
• 7.7 miles maintenance of proposed existing cost share roads
• 31 miles maintenance of existing system roads is proposed. It is estimated the project could produce approximately 50 million board feet from the 3,314 acres being considered, from multiple timber sales over a 5-year period. The alternatives include the proposed action, no action, and additional alternatives that responded to issues generated through the scoping process. The agency will give notice of the full environmental analysis and decisionmaking process so interested and affected people may participate and contribute to the final decision.

DATES: The draft environmental impact statement is expected March 2012 and the final environmental impact statement is expected July 2012.

ADDRESSES: Powers Ranger District, 42861 Highway 242, Powers, OR 97466–9700.

FOR FURTHER INFORMATION CONTACT: For information about the proposal, contact Wesley H. Crum, Project Leader, at the above address, phone (541) 439–6241 or email *whcrum@fs.fed.us.*

SUPPLEMENTARY INFORMATION:

Purpose and Need for Action

The overall *Purpose* of this project is to implement direction from the 1989 Land and Resource Management Plan for the Siskiyou National Forest, as amended by the 1994 Northwest Forest Plan. The majority of the Eden Ridge Timber Sales proposal is located on lands allocated to Matrix which emphasizes obtaining a full yield of timber within the capability of the land. Most scheduled timber harvest and other silvicultural activities would be conducted in that portion of the Matrix with suitable forest lands (NW Forest Plan, page C–39). Specifically for the Eden Ridge Timber Sales project, *Needs* include: *Improvement of Overall Forest Vigor and Resiliency*—There is a need for tree stocking level control to reduce stand densities through intermediate harvest thinning treatments to sustain or increase tree growth and improve forest vigor and resiliency. Density management would release remaining trees from inter-tree competition for sunlight, and would also reduce competition for water and soil nutrients when compared to untreated areas. Minor portions of the Planning Area infected with root diseases would be managed to harvest trees predisposed to pathogen infection and retain or plant resistant tree species to improve forest health. Older legacy (remnant) trees, minor conifer tree species (in portions of stands uninfected with root disease), hardwoods, existing snags and coarse woody debris would be retained where feasible to maintain or improve forest diversity. Post-treatment objectives are to develop a sustainable forest resilient to drought, wind, insects, disease, fire and other natural disturbances. *Contribution of Commercial Timber to the Probable Sale Quantity*—Proposed candidate stands are primarily allocated to Matrix and contribute to the Rogue River-Siskiyou National Forest Probable Sale Quantity (PSQ). PSQ is the estimated output of commercial timber and other commodities assigned to the Forest under the 1994 Northwest Forest Plan. The Purpose of this action is to respond to the stated Needs. Specific stand management objectives associated with the Purpose and Need for this proposal include:

• Maintenance or improvement of forest health and diversity within Matrix and Riparian Reserve land allocations through density management treatments. This typically means individual tree and overall stand diameter growth, crown development, vigor and overall stand health, and improved root strength on residual trees;
• Improve habitat conditions for wildlife and fish. This means increasing vegetative and structural species diversity; maintain or improve shading capability of streams; improve large wood retention and large wood recruitment, and provide suitable amounts of snags and/or replacement habitat for dependent species;
• Reduce the risk of effects from insect and disease infestations;
• Minimize or reduce the potential for high severity, stand replacement wildfires;
• Increase riparian vegetation quality, health and vigor; and
• Contribute to a predictable and sustainable level of timber commodities with human and economic dimensions.

Proposed Action

The action proposed by the Forest Service to meet the Purpose and Need is variable density thinning and other silvicultural treatments designed to control stocking and maintain or improve overall forest vigor and resiliency from within the 6,516-acre Eden Ridge Planning Area. Commercial timber harvested from stand treatments would contribute to the Forest's Probable Sale Quantity. The 6,516 acre Eden Ridge planning area is located approximately four (4) air miles southeast of the city of Powers, Oregon at the closest point, with a legal description of: Township 31 South, Range 10 West, Sections 9, 15, 16, 17, 18, 19, 20, 21, 29 and 30; and Township 31 South, Range 11 West, Sections 21, 22, 23, 24, 25, 26, and 27; Willamette Meridian; Coos County, Oregon. The planning area falls within the South Fork Coquille River and the Middle Fork Coquille River 5th-Field watersheds, and the Lower Rock Creek, Myrtle Creek, Headwaters South Fork Coquille River, Coal Creek, and Mill Creek 6th field watersheds. The proposed action would occur from multiple timber sales over a 5-year period.

Possible Alternatives

The Proposed Action and two action alternatives are proposed for achieving the stated Purpose and Need, as well as a No-Action Alternative. These alternatives were developed based on issues raised by the public and other agencies.

Responsible Official

The Forest Supervisor, Rogue River-Siskiyou National Forest, is the responsible official for this project.

Nature of Decision To Be Made

The Forest Supervisor will decide whether to implement the action as proposed, whether to take no action at this time, whether to implement any alternatives that are proposed, or develop a preferred alternative from all of the alternatives.

Preliminary Issues

The following are significant issues: Hydrologic Conditions, Water Quality, Cumulative Watershed Effects, Soils, Geology, and Site Productivity and Economics.

Other issues include: Aquatic Conservation Strategy, Fire/Fuels, Air Quality, Botanical Resources, Invasive Plants, Port-Orford-cedar Root Disease, Threatened Terrestrial Wildlife Species and Critical Habitat, Forest Service Sensitive Terrestrial Wildlife Species and Habitats, Rare and Uncommon Terrestrial Wildlife Species, Neo-tropical Migratory Birds, Aquatic Species and Habitats, Thinning Shock and Wind throw Potential, Other Undeveloped Areas, Heritage Resources, Recreation/Human Safety and Climate Change.

Scoping Process

The scoping process for this project occurred when the original NOI was published in 2010. Issues identified during the scoping period were used to determine the alternatives considered and breadth of analysis. Public field

trips were held on August 1st and 2nd, 2011. Additional public meetings may be planned in the future. This proposal has been listed on the Rogue River-Siskiyou NF Schedule of Proposed Actions since October, 2010.

Dated: January 4, 2012.

Jennifer Eberlien,

Acting Forest Supervisor, Rogue River-Siskiyou National Forest.

[FR Doc. 2012–860 Filed 1–17–12; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF COMMERCE

U.S. Census Bureau

Proposed Information Collection; Comment Request; Quarterly Financial Report

AGENCY: U.S. Census Bureau, Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: To ensure consideration, written comments must be submitted on or before March 19, 2012.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *jjessup@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Demetria V. Hanna, U.S. Census Bureau, HQ–6K181, Washington, DC 20233, Telephone (301) 763–6600.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Census Bureau's Quarterly Financial Report program (QFR) is planning to expand to include, along with corporations currently surveyed, additional Services sectors in the scope of collection. The current collection includes the Manufacturing, Mining, Wholesale Trade, Retail Trade, Information, and Professional, Scientific, and Technical Services (excluding legal) sectors. The expanded collection will include the Real Estate and Rental and Leasing, Administrative and Support and Waste Management and Remediation Services, Health Care and Social Assistance, and Accommodation and Food Services sectors.

The QFR forms to be submitted for approval are: The QFR 200 (MT) long form; QFR 201 (MG) short form; and the QFR 300 (S) long form.

The QFR Program has published up-to-date aggregate statistics on the financial results and position of U.S. corporations since 1947. The QFR is a principal economic indicator that also provides financial data essential to the estimation of key Government measures of national economic performance. The importance of this data collection is reflected by the granting of specific authority to conduct the program in Title 13 of the United States Code, Section 91, which requires that financial statistics of business operations be collected and published quarterly. Public Law 109–79 extended the authority of the Secretary of Commerce to conduct the QFR Program under Section 91 through September 30, 2015.

The main purpose of the QFR is to provide timely, accurate data on business financial conditions for use by Government and private-sector organizations and individuals. The primary public users are U.S. Governmental organizations with economic measurement and policymaking responsibilities. In turn, these organizations play a major role in providing guidance, advice, and support to the QFR Program. The primary private-sector data users are a diverse group including universities, financial analysts, unions, trade associations, public libraries, banking institutions, and U.S. and foreign corporations.

II. Method of Collection

The Census Bureau uses two forms of data collection: mail out/mail back paper survey forms, and a secure encrypted Internet data collection system called Centurion. Centurion provides improved quality with automatic data checks and is context-sensitive to assist the data provider in identifying potential reporting problems before submission, thus reducing the need for follow-up. Centurion is completed via the Internet eliminating the need for downloading software and increasing the integrity and confidentiality of the data.

Companies are asked to respond to the survey within 25 days of the end of the quarter for which the data are being requested. Letters and/or telephone calls encouraging participation are directed to companies in the survey sample that have not responded by the designated time.

III. Data

OMB Control Number: 0607–0432.

Form Number: QFR 200 (MT), QFR 201 (MG) and QFR 300 (S).

Type of Review: Regular submission.

Affected Public: Manufacturing corporations with assets of $250 thousand or more Mining, Wholesale Trade, Retail Trade, Information, Professional, Scientific, and Technical Services (excluding legal), Real Estate and Rental and Leasing, Administrative and Support and Waste Management and Remediation Services, Health Care and Social Assistance, and Accommodation and Food Services corporations with assets of $50 million or more.

Estimated Number of Respondents:

Form QFR 200 (MT)—5,000 per quarter = 20,000 annually.

Form QFR 201 (MG)—5,000 per quarter = 20,000 annually.

Form QFR 300 (S)—2,700 per quarter = 10,800 annually.

Total 50,800 annually.

Estimated Time Per Response:

Form QFR 200 (MT)—Average hours: 3.0.

Form QFR 201 (MG)—Average hours: 1.2.

Form QFR 300 (S)—Average hours: 3.0.

Estimated Total Annual Burden Hours: 116,000 hours.

Estimated Total Annual Cost: $3.8 million.

Respondent's Obligation: Mandatory.

Legal Authority: Title 13 U.S.C. 91 and 224.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: January 11, 2012.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2012–654 Filed 1–17–12; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–427–801, A–428–801, A–475–801]

Ball Bearings and Parts Thereof From France, Germany, and Italy: Extension of Time Limit for Preliminary Results of Antidumping Duty Administrative Reviews

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

DATES: *Effective Date:* January 18, 2012.

FOR FURTHER INFORMATION CONTACT: Hermes Pinilla, 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) 482–3477.

SUPPLEMENTARY INFORMATION:

Background

At the request of interested parties, the Department of Commerce (the Department) initiated administrative reviews of the antidumping duty orders on ball bearings and parts thereof from France, Germany, Italy, Japan, and the United Kingdom for the period May 1, 2010, through April 30, 2011. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part,* 76 FR 37781 (June 28, 2011).[1] The preliminary results of the reviews are currently due no later than January 31, 2012.

Extension of Time Limit for Preliminary Results

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), requires the Department to complete the preliminary results within 245 days after the last day of the anniversary month of an order for which a review is requested. If it is not practicable to complete the review within this time period, section 751(a)(3)(A) of the Act allows the Department to extend the time limit for the preliminary results to a maximum of 365 days after the last day of the anniversary month.

We determine that it is not practicable to complete the preliminary results of these reviews within the original time limit because we received requests from several respondents for extensions of time to respond to our supplemental questionnaires. Therefore, we are extending the time period for issuing the preliminary results of these reviews by 60 days until March 31, 2012, which falls on a Saturday. It is the Department's practice to issue a determination the next business day when the statutory deadline falls on a weekend, federal holiday, or any other day when the Department is closed. *See Notice of Clarification: Application of ''Next Business Day'' Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended,* 70 FR 24533 (May 10, 2005). Accordingly, the deadline for completion of the preliminary results is now April 2, 2012.

This notice is published in accordance with section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(2).

Dated: January 10, 2012.

Gary Taverman,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2012–866 Filed 1–17–12; 8:45 am]

BILLING CODE 3510–DS–P

[1] On July 16, 2011, we revoked the antidumping duty orders with respect to ball bearings and parts thereof from Japan and the United Kingdom. *See Ball Bearings and Parts Thereof From Japan and the United Kingdom: Revocation of Antidumping Duty Orders,* 76 FR 41761 (July 15, 2011). In the **Federal Register** notice we indicated that, as a result of the revocation, the Department is discontinuing all unfinished administrative reviews immediately and will not initiate any new administrative reviews of the orders.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–489–501]

Certain Welded Carbon Steel Pipe and Tube From Turkey: Extension of Time Limit for Preliminary Results of Antidumping Duty Administrative Review

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

FOR FURTHER INFORMATION CONTACT: Victoria Cho or Christopher Hargett, AD/CVD Operations, Office 3, Import Administration, International Trade Administration, U.S. Department of Commerce, Room 4014, 14th Street and Constitution Ave. NW., Washington, DC 20230, telephone: (202) 482–5075 or (202) 482–4161, respectively.

SUPPLEMENTARY INFORMATION:

Background

On June 28, 2011, the U.S. Department of Commerce (''the Department'') published a notice of initiation of the administrative review of the antidumping duty order on certain welded carbon steel pipe and tube from Turkey covering the period May 1, 2010, through April 30, 2011. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part,* 76 FR 37781 (June 28, 2011). The preliminary results are currently due no later than January 31, 2012.

Extension of Time Limit for Preliminary Results of Review

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended (''the Act''), requires the Department to make a preliminary determination within 245 days after the last day of the anniversary month of an order for which a review is requested. Section 751(a)(3)(A) of the Act further states that if it is not practicable to complete the review within the time period specified, the administering authority may extend the 245-day period to issue its preliminary results to up to 120 days.

We determine that completion of the preliminary results of this review within the 245-day period is not practicable because we have complex technical issues relating to quarterly cost, which require additional information and analysis for this administrative review. Due to these reasons and in accordance with section 751(a)(3)(A) of the Act, we are extending the time period for issuing the preliminary results of the review by 120 days. The preliminary results are now due no later than May 31, 2012. Unless extended, the final results continue to be due 120 days after publication of the preliminary results, pursuant to section 751(a)(3)(A) of the Act.

This notice is issued and published in accordance with sections 751(a)(3)(A) and 777(i)(1) of the Act.

Dated: January 11, 2012.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2012–867 Filed 1–17–12; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; U.S. Fishermen Fishing in Russian Waters

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before March 19, 2012.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *JJessup@doc.gov).*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Mi Ae Kim, (301) 427–8365 or *mi.ae.kim@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for extension of a current information collection.

Regulations at 50 CFR part 300, subpart J, govern United States (U.S.) fishing in the Economic Zone of the Russian Federation. Russian authorities may permit U.S. fishermen to fish for allocations of surplus stocks in the Russian Economic Zone. Permit application information is sent to the National Marine Fisheries Service (NMFS) for transmission to Russia. If Russian authorities issue a permit, the vessel owner or operator must submit a permit abstract report to NMFS, and also report 24 hours before leaving the U.S. Exclusive Economic Zone (EEZ) for the Russian Economic Zone and 24 hours before re-entering the U.S. EEZ after being in the Russian Economic Zone.

The permit application information is used by Russian authorities to determine whether to issue a permit. NMFS uses the other information to help ensure compliance with Russian and U.S. fishery management regulations.

II. Method of Collection

Forms are used for applications. Submission of copies of permits, vessel abstract reports, and departure and return messages are provided by fax.

III. Data

OMB Control Number: 0648–0228.

Form Number: None.

Type of Review: Regular submission (extension of a current information collection).

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 1.

Estimated Time per Response: 30 minutes.

Estimated Total Annual Burden Hours: 1.

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: January 11, 2012.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2012–752 Filed 1–17–12; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[File No. 16599]

RIN 0648–XA905

Marine Mammals

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

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that Dorian Houser, Ph.D., National Marine Mammal Foundation, 2240 Shelter Island Drive, #200, San Diego, CA 92106, has applied in due form for a permit to conduct scientific research on cetaceans stranded or in rehabilitation facilities in the U.S.

DATES: Written, telefaxed, or email comments must be received on or before February 17, 2012.

ADDRESSES: The application and related documents are available for review by selecting ''Records Open for Public Comment'' from the *Features* box on the Applications and Permits for Protected Species (APPS) home page, *https://apps.nmfs.noaa.gov,* and then selecting File No. 16599 from the list of available applications.

These documents are also available upon written request or by appointment in the following offices: See **SUPPLEMENTARY INFORMATION**.

Written comments on this application should be submitted to the Chief, Permits and Conservation Division, at the address listed above. Comments may also be submitted by facsimile to (301) 713–0376, or by email to *NMFS.Pr1Comments@noaa.gov.* Please include the File No. in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request to the Chief, Permits and Conservation Division at the address listed above. The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT: Laura Morse or Amy Sloan (301) 427–8401.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR 222–226).

The applicant proposes to conduct auditory measurements and recordings of all species of stranded and rehabilitating cetaceans to determine (1) the hearing sensitivities of unmeasured species; and (2) the population variation in hearing sensitivity. Results would be used to assess the potential impacts of man-made sound on marine mammals and to develop mitigation procedures to minimize potential impacts. Researchers propose to use evoked auditory

potential recordings with suction cup sensors or subcutaneous pin electrodes on up to 15 individuals of each species of cetacean. Research will occur in waters or on beaches in the U.S. and in rehabilitation facilities in the U.S. over a five-year period. No non-target species would be affected.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of the application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Documents may be reviewed in the following locations:

Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427–8401; fax (301) 713–0376;

Northwest Region, NMFS, 7600 Sand Point Way NE., BIN C15700, Bldg. 1, Seattle, WA 98115–0700; phone (206) 526–6150; fax (206) 526–6426;

Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802–1668; phone (907) 586–7221; fax (907) 586–7249;

Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802–4213; phone (562) 980–4001; fax (562) 980–4018;

Pacific Islands Region, NMFS, 1601 Kapiolani Blvd., Room 1110, Honolulu, HI 96814–4700; phone (808) 944–2200; fax (808) 973–2941;

Northeast Region, NMFS, 55 Great Republic Drive, Gloucester, MA 01930; phone (978) 281–9328; fax (978) 281–9394; and

Southeast Region, NMFS, 263 13th Avenue South, Saint Petersburg, FL 33701; phone (727) 824–5312; fax (727) 824–5309.

Dated: January 10, 2012.

P. Michael Payne,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2012–821 Filed 1–17–12; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XA936

Marine Mammals; File No. 17011

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

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that NHK Enterprises, Inc., Nature & Science Programs, 5–20 Kamiyama-cho, Ogawa Bldg., Shibuya-ku, Tokyo, Japan has applied in due form for a permit to conduct commercial or educational photography of Eastern North Pacific gray whales (*Eschrichtius robustus*) and killer whales (*Orcinus orca*).

DATES: Written, telefaxed, or email comments must be received on or before February 17, 2012.

ADDRESSES: The application and related documents are available for review upon written request or by appointment in the following offices:

Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427–8401; fax (301) 713–0376; and

Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802–1668; phone (907) 586–7221; fax (907) 586–7249.

Written comments on this application should be submitted to the Chief, Permits and Conservation Division, at the address listed above. Comments may also be submitted by facsimile to (301) 713–0376, or by email to *NMFS.Pr1Comments@noaa.gov.* Please include File No. 17011 in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request to the Chief, Permits and Conservation Division at the address listed above. The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT: Joselyd Garcia-Reyes or Laura Morse, (301) 427–8401.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), and the regulations governing the taking and importing of marine mammals (50 CFR part 216). Section 104(c)(6) provides for photography for educational or commercial purposes involving non-endangered and non-threatened marine mammals in the wild.

NHK Enterprises requests a photography permit to film gray whale and killer whale interactions in the Aleutian Islands from Unimak Pass to Sand Point, Alaska. Filmmakers plan to obtain footage using a 100-ft boat, a 21-ft aluminum skiff, and a helicopter. Up to 100 gray whales and 300 killer whales may be approached and filmed during the life of the permit. Species that could be incidentally harassed during filming activities include: 60 White-sided dolphins (*Lagenorhyncus obliquidens*), 20 harbor porpoise (*Phocoena phocoena*), 60 harbor seals (*Phoca vitulina*), 40 Northern fur seals (*Callorhinus ursinus*), and 40 Dall's porpoises (*Phocoenoides dalli*). Filming would occur over a one month session between April 15th and June 15th. Footage would be used to create a film that would document the hunting behavior of transient killer whales and to document the food chain that develops from this predation. The film would be shared with the Japanese public through television broadcast, Internet broadcast, and other publications (e.g. photographic book), and DVD. The permit would be valid for five years from the date of issuance.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of the application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: January 11, 2012.

Tammy Adams,

Acting Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2012–822 Filed 1–17–12; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XA934

Draft Environmental Impact Statement for Effects of Oil and Gas Activities in the Arctic Ocean

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

ACTION: Notice of extension of comment period; notice of public meetings.

SUMMARY: On December 30, 2011, notice was published in the **Federal Register** that NMFS had released for public comment the ''Draft Environmental Impact Statement (DEIS) for the Effects of Oil and Gas Activities in the Arctic Ocean.'' Based on several written requests received by NMFS, the public comment period for this DEIS has been extended by 15 days. Additionally, on December 30, 2011, NMFS announced that public meetings would be held in January and February 2012. This notice provides additional updates on the DEIS public meeting schedule.

DATES: All comments and written statements must be postmarked no later than Tuesday, February 28, 2012.

ADDRESSES: Written comments and statements on the DEIS must be postmarked by February 28, 2012. Comments on the DEIS may be submitted by:

- *Email: arcticeis.comments@noaa.gov*
- *Mail:* Office of Protected Resources, 1315 East-West Highway, Silver Spring, MD 20190
- *Fax:* (301) 713–0376
- *Public Meetings:* Oral and written comments will be accepted during the upcoming public meetings. See **SUPPLEMENTARY INFORMATION**, Public Meetings (below) for more information.

Comments sent via email, including all attachments, must not exceed a 25-megabyte file size. Information on this project can also be found on the Protected Resources Web page at: *http://www.nmfs.noaa.gov/pr/permits/eis/arctic.htm*.

FOR FURTHER INFORMATION CONTACT: Candace Nachman, Jolie Harrison, or Michael Payne, Office of Protected Resources, NMFS, at (301) 427–8401 or via email at *arcticeis.comments@noaa.gov*.

SUPPLEMENTARY INFORMATION: Additional information on the content of the DEIS can be found in the Notice of Availability (76 FR 82275, December 30, 2011).

Public Meetings

Comments will be accepted at public meetings and during the public comment period, and must be postmarked by February 28, 2012 (see **FOR FURTHER INFORMATION CONTACT**). We request that you include in your comments: (1) Your name, address, and affiliation (if any); and (2) background documents to support your comments as appropriate.

The dates, times, and locations of the DEIS public meetings (incorrectly described as scoping meetings in the Notice of Availability **Federal Register** document (76 FR 82275, December 30, 2011)) will be announced in local media. Public meetings will be held in the communities of Barrow, Kaktovik, Kivalina, Kotzebue, Nuiqsut, Point Hope, Point Lay, and Wainwright between January 30 and February 10, 2012. The exact dates, times, and locations will be announced in advance through local media. A DEIS public meeting will also be held in Anchorage at the Loussac Public Library in the Wilda Marston Theater located at 3600 Denali Street, Anchorage, AK on Monday, February 13, 2012, from 12–2 p.m. Comments will be accepted at all public meetings, as well as during the public comment period and can be submitted via the methods described earlier in this document (see **ADDRESSES**).

Special Accommodations

These meetings are accessible to people with disabilities. Requests for sign language interpretation or auxiliary aids should be directed to Erin Green by telephone at (907) 562–3366 or by email at *erin.green@urs.com* at least 7 days before the scheduled meeting date.

Dated: January 11, 2012.

James H. Lecky,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2012–823 Filed 1–17–12; 8:45 am]

BILLING CODE 3510–22–P

COUNCIL ON ENVIRONMENTAL QUALITY

National Ocean Council—National Ocean Policy Draft Implementation Plan

AGENCY: Council on Environmental Quality.

ACTION: Notice of availability; request for comments.

SUMMARY: On July 19, 2010, President Obama signed Executive Order 13547 establishing a National Policy for the Stewardship of the Ocean, our Coasts, and the Great Lakes (National Ocean Policy). As part of the President's charge for Federal agencies to implement the National Ocean Policy, the National Ocean Council developed actions to achieve the Policy's nine priority objectives, and to address some of the most pressing challenges facing the ocean, our coasts, and the Great Lakes. Collectively, the actions are encompassed in a single draft *National Ocean Policy Implementation Plan (Implementation Plan).* The draft *Implementation Plan* describes more than 50 actions the Federal Government will take to improve the health of the ocean, coasts, and Great Lakes, which support tens of millions of jobs, contribute trillions of dollars a year to the national economy, and are essential to public health and national security.

The draft *Implementation Plan* will ensure the Federal Government targets limited resources more effectively to deliver demonstrable results for the American people, including predictability for users, more efficient and coordinated decision-making, and improved sharing of data and technology. For each action, the *Implementation Plan* outlines key milestones, identifies responsible agencies, and indicates the expected timeframe for completion.

Experts from the National Ocean Council's member departments, agencies, and offices developed the actions in the draft *Implementation Plan* with significant input from national, regional, and local stakeholders and the general public. The development process included public comment periods from January through April 2011 and June through July 2011, and 12 regional listening sessions around the country.

Next, public comments on the draft *Implementation Plan* will inform the preparation of the final plan. We welcome your general input, and also pose the following questions:

- Does the draft *Implementation Plan* reflect actions you see are needed to address the nine priorities for the ocean, coasts, and the Great lakes?
- What is the most effective way to measure outcomes and to detect whether a particular action in the *Implementation Plan* has achieved its intended outcome? Would a report card format be useful?

Comments received will be collated and posted on the National Ocean Council Web site. The final *Implementation Plan* is expected in the spring of 2012.

DATES: The National Ocean Council must receive comments by midnight, February 27, 2012.

ADDRESSES: The draft *Implementation Plan* and additional information can be found at *http://www.WhiteHouse.gov/oceans.* Comments should be submitted electronically to *http://www.WhiteHouse.gov/oceans.* Comments may also be sent in writing to ''ATTN: National Ocean Council'' by fax to (202) 456–0753, or by mail to National Ocean Council, 722 Jackson Place NW., Washington, DC 20503. Heightened security measures in force

may delay mail delivery; therefore, please allow at least two (2) to three (3) weeks of additional time for mailed comments to arrive. We encourage you to also submit comments through the National Ocean Council Web site.

FOR FURTHER INFORMATION CONTACT: Questions about the content of this request may be submitted through the National Ocean Council Web site at *http://www.WhiteHouse.gov/administration/eop/oceans/contact* or by mail to National Ocean Council, 722 Jackson Place NW., Washington, DC 20503. Please note, heightened security measures in force may delay mail delivery; therefore, we encourage you to also submit questions through the National Ocean Council Web site.

SUPPLEMENTARY INFORMATION: On July 19, 2010, President Obama signed Executive Order 13547 establishing a National Policy for the Stewardship of the Ocean, our Coasts, and the Great Lakes. That Executive Order adopts the Final Recommendations of the Interagency Ocean Policy Task Force and directs Federal agencies to take the appropriate steps to implement them. The Executive Order creates an interagency National Ocean Council to strengthen ocean governance and coordination and identifies nine priority objectives for the National Ocean Council to pursue.

The National Ocean Policy provides a comprehensive approach, based on science and technology, to uphold our stewardship responsibilities and ensure accountability for our actions to present and future generations. The Obama Administration intends, through the National Ocean Policy, to provide a model of balanced, productive, efficient, sustainable, and informed ocean, coastal, and Great Lakes use, management, and conservation.

The National Ocean Policy describes a clear set of priority objectives, listed below, that our Nation should pursue to address some of the most pressing challenges facing the ocean, our coasts, and the Great Lakes. Additional information about each priority may be found at *http://www.WhiteHouse.gov/oceans.*

Ecosystem-Based Management: Adopt ecosystem-based management as a foundational principle for the comprehensive management of the ocean, our coasts, and the Great Lakes;

Inform Decisions and Improve Understanding: Increase knowledge to continually inform and improve management and policy decisions and the capacity to respond to change and challenges. Better educate the public through formal and informal programs about the ocean, our coasts, and the Great Lakes;

Observations, Mapping, and Infrastructure: Strengthen and integrate Federal and non-Federal ocean observing systems, sensors, data collection platforms, data management, and mapping capabilities into a national system and integrate that system into international observation efforts;

Coordinate and Support: Better coordinate and support Federal, State, Tribal, local, and regional management of the ocean, our coasts, and the Great Lakes. Improve coordination and integration across the Federal Government and, as appropriate, engage with the international community;

Regional Ecosystem Protection and Restoration: Establish and implement an integrated ecosystem protection and restoration strategy that is science-based and aligns conservation and restoration goals at the Federal, State, Tribal, local, and regional levels;

Resiliency and Adaptation to Climate Change and Ocean Acidification: Strengthen resiliency of coastal communities and marine and Great Lakes environments, and their abilities to adapt to climate change impacts and ocean acidification;

Water Quality and Sustainable Practices on Land: Enhance water quality in the ocean, along our coasts, and in the Great Lakes by promoting and implementing sustainable practices on land;

Changing Conditions in the Arctic: Address environmental stewardship needs in the Arctic Ocean and adjacent coastal areas in the face of climate-induced and other environmental changes; and

Coastal and Marine Spatial Planning: Implement comprehensive, integrated, ecosystem-based coastal and marine spatial planning and management in the United States.

The draft *Implementation Plan* addresses each of these priority objectives through actions and milestones Federal agencies will undertake to deliver tangible results to the American people on the vitality and availability of ocean, coastal, and Great Lakes resources. The National Ocean Council will assess and review the *Implementation Plan* on a regular basis, and modify it as needed based on the success or failure of the agreed upon actions.

The National Ocean Policy neither establishes any new regulations nor restricts any ocean uses or activities. The National Ocean Policy does not supersede or alter any existing Federal, State, Tribal, or local authority. Accordingly, the *Implementation Plan* will be carried out under existing domestic legal authority and in accordance with customary international law, including as reflected in the Law of the Sea Convention, and with treaties and other international agreements to which the United States is a party.

Dated: January 11, 2012.

Nancy H. Sutley,

Chair.

[FR Doc. 2012–840 Filed 1–17–12; 8:45 am]

BILLING CODE 3225–F2–P

DEPARTMENT OF DEFENSE

Department of the Air Force

[Docket ID USAF–2012–0001]

Privacy Act of 1974; System of Records

AGENCY: Department of the Air Force, DoD.

ACTION: Notice to Alter a System of Records.

SUMMARY: The Department of the Air Force proposes to alter a system of records in its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: This proposed action will be effective on February 17, 2012 unless comments are received which result in a contrary determination.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

* *Federal Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

* *Mail:* Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, 2nd Floor, Suite 02G09, Alexandria, VA 22350–3100.

Instructions: All submissions received must include the agency name and docket number for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Mr. Charles J. Shedrick, U.S. Air Force Privacy Officer, Department of the Air Force Privacy Office, Air Force Privacy Act Office, Office of Warfighting Integration and Chief Information officer, Attn: SAF/CIO A6, 1800 Air Force Pentagon, Washington DC 20330–

1800, or by phone at (703) 696–6488, DSN 426–6488.

SUPPLEMENTARY INFORMATION: The Office of the Secretary of Defense notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address in **FOR FURTHER INFORMATION CONTACT**. The proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on January 12, 2012, to the House Committee on Oversight and Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, ''Federal Agency Responsibilities for Maintaining Records About Individuals,'' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: January 12, 2012.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

F033 AFCA A

SYSTEM NAME:

Military Affiliate Radio System (MARS) Member Records (April 12, 1999, 64 FR 17636).

* * * * *

CHANGES:

Delete entry and replace with ''F033 AFSPC A.''

* * * * *

SAFEGUARDS:

Delete entry and replace with ''Records are maintained in a controlled facility. Physical entry is restricted by the use of locks, guards, and is accessible by authorized personnel. Access to records is limited to person(s) responsible for servicing the record in the performance of their official duties and who are properly screened and cleared for need-to-know. System software uses Primary Key Infrastructure (PKI)/Common Access Card (CAC) authentication to lock out unauthorized access. System software contains authorization/permission partitioning to limit access to appropriate organization level.''

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with ''Director of Enterprise Services, HQ AFNIC/ESMT, 203 W. Losey Street, Room 3100, Scott Air Force Base, IL 62225–5222.''

NOTIFICATION PROCEDURE:

Delete entry and replace with, ''Individuals seeking to determine whether this system of record contains information on themselves should address written inquires to the Director of Enterprise Services, HQ AFNIC/ESMT, 203 W. Losey Street, Room 3100, Scott Air Force Base, IL 62225–5222.

Individuals seeking information on this system should provide individual name, MARS call sign, amateur call sign, mailing address, Federal Communications license class, military status, telephone number, and date of birth.

For verification purposes, individual should provide their full name, any details which may assist in locating records, and their signature.

In addition, the requester must provide a notarized statement or an unsworn declaration made in accordance with 28 U.S.C. 1746, in the following format:

If executed outside the United States:

'I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature)'.

If executed within the United States, its territories, possessions, or commonwealths: 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)' ''

RECORD ACCESS PROCEDURES:

Delete entry and replace with, ''Individuals seeking to access records about themselves contained in this system should address written requests to the Director of Enterprise Services, HQ AFNIC/ESMT, 203 W. Losey Street, Room 3100, Scott Air Force Base, IL 62225–5222.

Include in the request the individual name, MARS call sign, amateur call sign, mailing address, Federal Communications license class, military status, telephone number, and date of birth.

For verification purposes, individual should provide their full name, any details which may assist in locating records, and their signature.

In addition, the requester must provide a notarized statement or an unsworn declaration made in accordance with 28 U.S.C. 1746, in the following format:

If executed outside the United States:

'I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature)'.

If executed within the United States, its territories, possessions, or commonwealths: 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)'.''

* * * * *

F033 AFSPC A

SYSTEM NAME:

Military Affiliate Radio System (MARS) Member Records.

SYSTEM LOCATION:

Air Force Network Integration Center (AFNIC), Air Force installations and Military Affiliate Radio System (MARS) member stations. Official mailing addresses are published as an appendix to the Air Force compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Amateur Radio Operators licensed by United States Air Force (USAF) Military Affiliate Radio System.

CATEGORIES OF RECORDS IN THE SYSTEM:

MARS Personnel Action Notification and Applications of Membership in Military Affiliate Radio System. Information includes individual name, Military Affiliate Radio System call sign, amateur call sign, mailing address, Federal Communications license class, military status, telephone number, and date of birth.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of Air Force, delegation by; as implemented by Air Force Instruction 33–106, Managing High Frequency Radios, Personal Wireless Communication Systems, and the Military Affiliate Radio System.

PURPOSE(S):

To identify Military Affiliate Radio System members, to describe and update information concerning members, to assign call signs and designator, mailing address, amateur license, telephone number, and responsibilities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, these records may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The DoD ''Blanket Uses'' published at the beginning of the Air Force's compilation of systems of record notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records and electronic storage media.

RETRIEVABILITY:

Retrieved by name, call sign or designator and geographic location.

SAFEGUARDS:

Records are maintained in a controlled facility. Physical entry is restricted by the use of locks, guards, and is accessible by authorized personnel. Access to records is limited to person(s) responsible for servicing the record in the performance of their official duties and who are properly screened and cleared for need-to-know. System software uses Primary Key Infrastructure (PKI)/Common Access Card (CAC) authentication to lock out unauthorized access. System software contains authorization/permission partitioning to limit access to appropriate organization level.

RETENTION AND DISPOSAL:

Retained until reassignment or termination of membership, and then destroyed by tearing to pieces, shredding, pulping, macerating or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Enterprise Services, HQ AFNIC/ESMT, 203 W. Losey Street, Room 3100, Scott Air Force Base, IL 62225–5222.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of record contains information on themselves should address written inquires to the Director of Enterprise Services, HQ AFNIC/ESMT, 203 W. Losey Street, Room 3100, Scott Air Force Base, IL 62225–5222.

Individuals seeking information on this system should provide individual name, MARS call sign, amateur call sign, mailing address, Federal Communications license class, military status, telephone number, and date of birth.

For verification purposes, individual should provide their full name, any details which may assist in locating records, and their signature.

In addition, the requester must provide a notarized statement or an unsworn declaration made in accordance with 28 U.S.C. 1746, in the following format:

If executed outside the United States:

'I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature)'.

If executed within the United States, its territories, possessions, or commonwealths: 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)'

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address written requests to the Director of Enterprise Services, HQ AFNIC/ESMT, 203 W. Losey Street, Room 3100, Scott Air Force Base, IL 62225–5222.

Include in the request the individual name, MARS call sign, amateur call sign, mailing address, Federal Communications license class, military status, telephone number, and date of birth.

For verification purposes, individual should provide their full name, any details which may assist in locating records, and their signature.

In addition, the requester must provide a notarized statement or an unsworn declaration made in accordance with 28 U.S.C. 1746, in the following format:

If executed outside the United States:

'I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature)'.

If executed within the United States, its territories, possessions, or commonwealths: 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)'.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Instruction 33–332; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual members and Military Affiliate Radio System officials.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 2012–824 Filed 1–17–12; 8:45 am]

BILLING CODE 5001–06–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:

Filings Instituting Proceedings

Docket Numbers: RP12–298–000.
Applicants: Midcontinent Express Pipeline LLC.
Description: Penalty Revenue Crediting Report of Midcontinent Express Pipeline Company LLC.
Filed Date: 1/9/12.
Accession Number: 20120109–5105.
Comments Due: 5 p.m. ET 1/23/12.

Docket Numbers: RP12–299–000.
Applicants: Trunkline Gas Company, LLC.
Description: Negotiated Rates Filing 2—to be effective 1/11/2012.
Filed Date: 1/10/12.
Accession Number: 20120110–5060.
Comments Due: 5 p.m. ET 1/23/12.

Docket Numbers: RP12–300–000.
Applicants: USG Pipeline Company, LLC.
Description: Petition for Extension of Modification of Waivers of USG Pipeline Company, LLC.
Filed Date: 1/9/12.
Accession Number: 20120109–5196.
Comments Due: 5 p.m. ET 1/23/12.

Docket Numbers: RP12–301–000.
Applicants: Gas Transmission Northwest LLC.
Description: Combining Rates in RP12–238 and RP12–170 to be effective 1/1/2012.
Filed Date: 1/11/12.
Accession Number: 20120111–5110.
Comments Due: 5 p.m. ET 1/23/12.

Docket Numbers: RP11–1711–000.
Applicants: Texas Gas Transmission, LLC.
Description: Submits tariff filing per 154.501: 2011 Cashout Report Filing to be effective N/A.
Filed Date: 1/9/12.
Accession Number: 20120109–5195.
Comments Due: 5 p.m. ET 1/23/12.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

Filings in Existing Proceedings

Docket Numbers: RP11–1597–001.

Applicants: Tennessee Gas Pipeline Company, L.L.C.

Description: Supplemental Information of Tennessee Gas Pipeline Company, L.L.C.

Filed Date: 1/9/12.

Accession Number: 20120109–5111.

Comments Due: 5 p.m. ET 1/23/12.

Docket Numbers: CP98–150–006.

Applicants: Millennium Pipeline Company, L.L.C.

Description: Cost and Revenue Study in Compliance with December 21, 2006 order.

Accession Number: 20111221–5204.

Comment Date: 5 p.m. ET 1/23/12.

Any person desiring to protest in any the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, and service can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: January 11, 2012.

Nathaniel J. Davis, Sr.

Deputy Secretary

[FR Doc. 2012–765 Filed 1–17–12; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–956–003.

Applicants: Vantage Wind Energy LLC.

Description: Supplement to December 20, 2010 Triennial Report.

Filed Date: 8/8/11.

Accession Number: 20110808–5169.

Comments Due: 5 p.m. ET 1/31/12.

Docket Numbers: ER12–789–000.

Applicants: Palmco Power MA, LLC.

Description: Palmco Power MA, LLC submits tariff filing per 35.12: Palmco Power MA FERC Electric Tariff to be effective 1/10/2012.

Filed Date: 1/10/12.

Accession Number: 20120110–5082.

Comments Due: 5 p.m. ET 1/31/12.

Docket Numbers: ER12–790–000.

Applicants: AEP Texas North Company.

Description: AEP Texas North Company submits tariff filing per 35.13(a)(2)(iii: 20120110 TNC–Higher Power Energy SUA to be effective 12/15/2011.

Filed Date: 1/10/12.

Accession Number: 20120110–5084.

Comments Due: 5 p.m. ET 1/31/12.

Docket Numbers: ER12–791–000.

Applicants: Palmco Power IL, LLC.

Description: Palmco Power IL, LLC submits tariff filing per 35.12: Palmco Power IL FERC Electric Tariff to be effective 1/10/2012.

Filed Date: 1/10/12.

Accession Number: 20120110–5086.

Comments Due: 5 p.m. ET 1/31/12.

Docket Numbers: ER12–792–000.

Applicants: PacifiCorp.

Description: PacifiCorp submits tariff filing per 35.13(a)(2)(iii: Nevada Power Revised Transmission Facilities Agreement to be effective 6/20/2011.

Filed Date: 1/10/12.

Accession Number: 20120110–5105.

Comments Due: 5 p.m. ET 1/31/12.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES12–17–000.

Applicants: New York State Electric & Gas Corporation.

Description: Section 204 Application of New York State Electric & Gas Corporation for the issuance of short term securities.

Filed Date: 1/10/12.

Accession Number: 20120110–5095.

Comments Due: 5 p.m. ET 1/31/12.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: January 10, 2012.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2012–794 Filed 1–17–12; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC12–56–000.

Applicants: Gilroy Energy Center, LLC, Creed Energy Center, LLC, Goose Haven Energy Center, LLC, Calpine Peaker Holdings, LLC, Peaker Holdings I, LLC,GEC Holdings, LLC.

Description: Joint Application for Authorization under section 203 of the Federal Power Act of Gilroy Energy Center, LLC, et al.

Filed Date: 1/9/12.

Accession Number: 20120109–5147.

Comments Due: 5 p.m. ET 1/30/12.

Docket Numbers: EC12–57–000.

Applicants: Dogwood Energy LLC.

Description: Application for Authorization under section 203 of the Federal Power Act, and Request for Waivers and Expedited Action and Shortened Comment Period of Dogwood Energy LLC.

Filed Date: 1/9/12.

Accession Number: 20120109–5192.

Comments Due: 5 p.m. ET 1/30/12.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER11–4417–001.

Applicants: Entergy Arkansas, Inc.

Description: Entergy Arkansas, Inc. submits tariff filing per 35: Transfer Agreements Compliance Filing to be effective 8/1/2011.

Filed Date: 1/9/12.

Accession Number: 20120109–5161.

Comments Due: 5 p.m. ET 1/30/12.

Docket Numbers: ER12–56–001.

Applicants: Midwest Independent Transmission System Operator, Inc.

Description: Midwest Independent Transmission System Operator, Inc. submits tariff filing per 35: Attachment X Clean-Up Compliance to be effective 12/11/2011.

Filed Date: 1/9/12.

Accession Number: 20120109–5117.

Comments Due: 5 p.m. ET 1/30/12.

Docket Numbers: ER12–778–000.

Applicants: Puget Sound Energy, Inc.

Description: Puget Sound Energy, Inc. submits tariff filing per 35.13(a)(1): OATT Formula Rate Filing to be effective 4/1/2012.

Filed Date: 1/6/12.

Accession Number: 20120106–5215.

Comments Due: 5 p.m. ET 1/27/12.

Docket Numbers: ER12–779–000.

Applicants: Cherokee County Cogeneration Partners, LLC.

Description: Cherokee County Cogeneration Partners, LLC submits tariff filing per 35.12: Application for Market-Based Rate Authorization to be effective 1/7/2012.

Filed Date: 1/6/12.

Accession Number: 20120106–5222.

Comments Due: 5 p.m. ET 1/27/12.

Docket Numbers: ER12–780–000.

Applicants: Northern States Power Company, a Minnesota corporation.

Description: Northern States Power Company, a Minnesota corporation submits tariff filing per 35.13(a)(2)(iii: 2012–1–9_EREPC_Str 6–21_O&M_Agmt-318 to be effective 12/13/2011.

Filed Date: 1/9/12.

Accession Number: 20120109–5113.

Comments Due: 5 p.m. ET 1/30/12.

Docket Numbers: ER12–781–000.

Applicants: Indiana Michigan Power Company.

Description: Indiana Michigan Power Company submits tariff filing per 35.1: 20120109 RS and SA Tariff to be effective 1/10/2012.

Filed Date: 1/9/12.

Accession Number: 20120109–5141.

Comments Due: 5 p.m. ET 1/30/12.

Docket Numbers: ER12–782–000.

Applicants: Kingsport Power Company.

Description: Kingsport Power Company submits tariff filing per 35.1: 20120109 RS and SA Tariff to be effective 1/10/2012.

Filed Date: 1/9/12.

Accession Number: 20120109–5143.

Comments Due: 5 p.m. ET 1/30/12.

Docket Numbers: ER12–783–000.

Applicants: Kentucky Power Company.

Description: Kentucky Power Company submits tariff filing per 35.1: 20120109 RS and SA Tariff to be effective 1/10/2012.

Filed Date: 1/9/12.

Accession Number: 20120109–5145.

Comments Due: 5 p.m. ET 1/30/12.

Docket Numbers: ER12–784–000.

Applicants: Wheeling Power Company.

Description: Wheeling Power Company submits tariff filing per 35.1: 20120109 RS and SA Tariff to be effective 1/10/2012.

Filed Date: 1/9/12.

Accession Number: 20120109–5146.

Comments Due: 5 p.m. ET 1/30/12.

Docket Numbers: ER12–785–000.

Applicants: Public Service Company of Colorado.

Description: Public Service Company of Colorado submits tariff filing per 35.13(a)(2)(iii: 2012–1–9_TSGT E&P NOC 281–PSCo Filing to be effective 3/8/2012.

Filed Date: 1/9/12.

Accession Number: 20120109–5152.

Comments Due: 5 p.m. ET 1/30/12.

Docket Numbers: ER12–786–000.

Applicants: Southern California Edison Company.

Description: Southern California Edison Company submits tariff filing per 35.13(a)(2)(iii: Four GIAs and Service Agreements with Windpower Partners 1993, L.P. to be effective 12/28/2011.

Filed Date: 1/9/12.

Accession Number: 20120109–5159.

Comments Due: 5 p.m. ET 1/30/12.

Docket Numbers: ER12–787–000.

Applicants: Dogwood Energy LLC.

Description: Dogwood Energy LLC submits tariff filing per 35.1: Participation Agreement by and Among the City of Independence, *et al.* to be effective 1/9/2012.

Filed Date: 1/9/12.

Accession Number: 20120109–5160.

Comments Due: 5 p.m. ET 1/30/12.

Docket Numbers: ER12–788–000.

Applicants: California Independent System Operator Corporation.

Description: California Independent System Operator Corporation submits tariff filing per 35.13(a)(2)(iii: 2012–01–09 Amendment to Palo Verde LGIA to be effective 1/7/2012.

Filed Date: 1/9/12.

Accession Number: 20120109–5166.

Comments Due: 5 p.m. ET 1/30/12.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

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eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: January 10, 2012.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2012–793 Filed 1–17–12; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Sunshine Act Meeting Notice

The following notice of meeting is published pursuant to section 3(a) of the government in the Sunshine Act (Pub. L. No. 94–409), 5 U.S.C. 552b:

AGENCY HOLDING MEETING: Federal Energy Regulatory Commission.

DATE AND TIME: January 19, 2012, 10 a.m.

PLACE: Room 2C, 888 First Street NE., Washington, DC 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda * **Note**—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kimberly D. Bose, Secretary, Telephone (202) 502–8400.

For a recorded message listing items struck from or added to the meeting, call (202) 502–8627.

This is a list of matters to be considered by the Commission. It does not include a listing of all documents relevant to the items on the agenda. All public documents, however, may be viewed on line at the Commission's Web site at *http://www.ferc.gov* using the eLibrary link, or may be examined in the Commission's Public Reference Room.

977TH—MEETING, REGULAR MEETING, JANUARY 19, 2012, 10 A.M.

Item No.	Docket No.	Company
	Administrative	
A–1	AD02–1–000	Agency Business Matters.
A–2	AD02–7–000	Customer Matters, Reliability, Security and Market Operations.

977TH—MEETING, REGULAR MEETING, JANUARY 19, 2012, 10 A.M.—Continued

Item No.	Docket No.	Company
	Electric	
E–1	ER10–787–005, EL10–50–003, EL10–57–003	ISO New England, Inc. and New England Power Pool Participants Committee.
	ER10–787–006, EL10–50–004	New England Power Generators Association v. ISO New England Inc.
	EL10–57–004, ER10–787–007, EL10–50–005, EL10–57–005	PSEG Energy Resources & Trade LLC, PSEG Power Connecticut LLC, NRG Power Marketing LLC, Connecticut Jet Power LLC, Devon Power LLC, Middletown Power LLC, Montville Power LLC, Norwalk Power LLC, and Somerset Power LLC v. ISO New England Inc.
E–2	ER11–4105–000	Southwest Power Pool, Inc.
E–3	ER11–4336–000, ER11–4336–001, ER11–4336–002, ER11–4336–003	ISO New England Inc.
E–4	ER11–4338–000	New York Independent System Operator, Inc.
E–5	ER08–194–000, ER08–194–001, ER08–194–002, ER08–194–003, ER08–194–004	Duquesne Light Company.
	ER08–1235–000, ER08–1235–001, ER08–1309–000, ER08–1370–000	Midwest Independent Transmission System Operator, Inc. and Duquesne Light Company.
	ER08–1339–000, ER08–1339–001, ER08–1339–002, ER08–1345–000, ER08–1345–001, ER08–1345–002	PMJ Interconnection, L.L.C.
E–6	OMITTED.	
E–7	RM10–5–000	Interpretation of Protection System Reliability Standard.
E–8	RD11–13–000	North American Electric Reliability Corporation.
E–9	EL11–62–000	Public Service Commission of South Carolina and the South Carolina Office of Regulatory Staff.
E–10	OMITTED.	
E–11	OMITTED.	
E–12	ER09–823–000	MidAmerican Energy Company.
E–13	EL11–63–000	Louisiana Public Service Commission v. Entergy Corporation; Entergy Services, Inc.; Entergy Louisiana, LLC; Entergy Arkansas, Inc.; Entergy New Orleans, Inc.; Entergy Mississippi, Inc.; Entergy Gulf States Louisiana, L.L.C. and Entergy Texas, Inc.
E–14	ER11–3657–000	Entergy Services, Inc.
	EL11–64–000	Mississippi Delta Energy Agency; Clarksdale Public Utilities Commission; Public Service Commission of Yazoo City; Arkansas Electric Cooperative Corporation and South Mississippi Electric Power Association v. Entergy Services, Inc.
E–15	ER11–12–001, ER11–3445–000	PJM Interconnection, L.L.C.
E–16	EL07–86–018	Ameren Services Company.
		Northern Indiana Public Service Company v. Midwest Independent Transmission System Operator, Inc.
	EL07–88–018	Great Lakes Utilities; Indiana Municipal Power Agency; Missouri Joint Municipal Electric Utility Commission; Missouri River Energy Services; Prairie Power, Inc.; Southern Minnesota Municipal Power Agency; Wisconsin Public Power Inc. v. Midwest Independent Transmission System Operator, Inc.
	EL07–92–018	Wabash Valley Power Association, Inc. v. Midwest Independent Transmission System Operator, Inc.
E–17	EL11–57–000	Louisiana Public Service Commission v. Entergy Corporation; Entergy Services, Inc.; Entergy Louisiana, LLC; Entergy Arkansas, Inc.; Entergy Mississippi, Inc.; Entergy New Orleans, Inc.; Entergy Gulf States Louisiana, LLC and Entergy Texas, Inc.
	Miscellaneous	
M–1	RM11–30–000	Technical Corrections to Commission Regulations.

977TH—MEETING, REGULAR MEETING, JANUARY 19, 2012, 10 A.M.—Continued

Item No.	Docket No.	Company
	Gas	
G–1	RM11–4–000	Storage Reporting Requirements of Interstate and Intrastate Natural Gas Companies.
G–2	OR11–21–000	Kenai Pipe Line Company; Tesoro Alaska Company and Tesoro Logistics Operations, LLC.
G–3	RP11–1432–000, RP11–1432–001	ETC Tiger Pipeline, LLC.
	Hydro	
H–1	P–7269–029	James B. Boyd and Janet A. Boyd.
	Certificates	
C–1	CP11–531–000	Golden Triangle Storage, Inc.
C–2	CP11–46–000	Kern River Gas Transmission Company.

Dated: January 12, 2012.

Kimberly D. Bose,

Secretary.

A free Web cast of this event is available through *www.ferc.gov.* Anyone with Internet access who desires to view this event can do so by navigating to *www.ferc.gov's* Calendar of Events and locating this event in the Calendar. The event will contain a link to its Web cast. The Capitol Connection provides technical support for the free Web casts. It also offers access to this event via television in the DC area and via phone bridge for a fee. If you have any questions, visit *www.CapitolConnection.org* or contact Danelle Springer or David Reininger at (703) 993–3100.

Immediately following the conclusion of the Commission Meeting, a press briefing will be held in the Commission Meeting Room. Members of the public may view this briefing in the designated overflow room. This statement is intended to notify the public that the press briefings that follow Commission meetings may now be viewed remotely at Commission headquarters, but will not be telecast through the Capitol Connection service.

[FR Doc. 2012–906 Filed 1–13–12; 11:15 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Southwestern Power Administration

Integrated System Power Rates

AGENCY: Southwestern Power Administration, DOE.

ACTION: Notice of Rate Order.

SUMMARY: Pursuant to Delegation Order Nos. 00–037.00, effective December 6, 2001, and 00–001.00C, effective January 31, 2007, the Deputy Secretary has approved and placed into effect on an interim basis Rate Order No. SWPA–63, which increases the power rates for the Integrated System pursuant to the Integrated System Rate Schedules which supersede the existing rate schedules.

DATES: The effective period for the rate schedules specified in Rate Order No. SWPA–63 is January 1, 2012, through September 30, 2015.

FOR FURTHER INFORMATION CONTACT: Mr. James K. McDonald, Administrator, Southwestern Power Administration, Department of Energy, Williams Center Tower I, One West Third Street, Tulsa, Oklahoma 74103, (918) 595–6690, *jim.mcdonald@swpa.gov.*

SUPPLEMENTARY INFORMATION: Rate Order No. SWPA–63, which has been approved and placed into effect on an interim basis, increases the power rates for the Integrated System pursuant to the following Integrated System Rate Schedules:

Rate Schedule P–11, Wholesale Rates for Hydro Peaking Power;

Rate Schedule NFTS–11, Wholesale Rates for Non-Federal Transmission/Interconnection Facilities Service;

Rate Schedule EE–11, Wholesale Rate for Excess Energy.

The rate schedules supersede the existing rate schedules shown below:

Rate Schedule P–09, Wholesale Rates for Hydro Peaking Power (superseded by P–11);

Rate Schedule NFTS–09, Wholesale Rates for Non-Federal Transmission/Interconnection Facilities Service (superseded by NFTS–11);

Rate Schedule EE–09, Wholesale Rate for Excess Energy (superseded by EE–11).

Southwestern Power Administration's (Southwestern) Administrator has determined based on the 2011 Integrated System Current Power Repayment Study, that existing rates will not satisfy cost recovery criteria specified in Department of Energy Order No. RA 6120.2 and Section 5 of the Flood Control Act of 1944. The finalized 2011 Integrated System Power Repayment Studies (PRSs) indicate that an increase in annual revenue of $9,569,425, or 5.4 percent, beginning January 1, 2012, will satisfy cost recovery criteria for the Integrated System projects. The proposed Integrated System rate schedules would increase annual revenues from $177,191,800 to $186,761,225, to recover increased investments and replacements in the hydroelectric generating and transmission facilities and increased operations and maintenance costs for both Southwestern and the U.S. Army's Corps of Engineers (Corps). Additionally, the PRS analyzes the Purchased Power Deferral Account which indicated a reduction was needed for the Purchased Power Adder which is used to recover average year purchased energy costs. This proposal also continues the size and frequency of the Administrator's Discretionary Purchased Power Adder Adjustment (Adjustment). This Adjustment allows the Administrator to adjust the Purchased Power Adder twice annually, limited to ±$0.0062 per kilowatthour per year as necessary, at his/her discretion, under a formula-type rate, with notification to the Federal Energy Regulatory Commission, to regulate the account at a level that will recover purchased power costs.

The Administrator has followed Title 10, Part 903 Subpart A, of the Code of Federal Regulations, "Procedures for Public Participation in Power and

Transmission Rate Adjustments and Extensions'' in connection with the proposed rate schedule. On August 8, 2011, Southwestern published notice in the **Federal Register**, (76 FR 48159), of a 60-day comment period, together with a combined Public Information and Comment Forum, to provide an opportunity for customers and other interested members of the public to review and comment on the proposed rate increase for the Integrated System. The forum was canceled because Southwestern did not receive any requests that a forum be held. Written comments were accepted through October 7, 2011. No comments were received.

Information regarding this rate proposal, including studies and other supporting material, is available for public review and comment in the offices of Southwestern Power Administration, Williams Center Tower I, One West Third Street, Tulsa, Oklahoma 74103. Following review of Southwestern's proposal within the Department of Energy, I approved, Rate Order No. SWPA–63, on an interim basis, which increases the existing Integrated System annual revenue requirement to $186,761,225 per year for the period January 1, 2012 through September 30, 2015.

Dated: January 9, 2012.

Daniel Poneman,

Deputy Secretary.

United States of America

Department of Energy

Deputy Secretary of Energy

In the matter of: Southwestern Power Administration; Rate Order; Integrated System Rates; No. SWPA–63

Order Confirming, Approving and Placing Increased Power Rate Schedules in Effect on an Interim Basis

Pursuant to Sections 302(a) and 301(b) of the Department of Energy Organization Act, Public Law 95–91, the functions of the Secretary of the Interior and the Federal Power Commission under Section 5 of the Flood Control Act of 1944, 16 U.S.C. 825s, relating to the Southwestern Power Administration (Southwestern) were transferred to and vested in the Secretary of Energy. By Delegation Order No. 00–037.00, the Secretary of Energy delegated to the Administrator of Southwestern the authority to develop power and transmission rates, delegated to the Deputy Secretary of the Department of Energy the authority to confirm, approve, and place in effect such rates on an interim basis and delegated to the Federal Energy Regulatory Commission (FERC) the authority to confirm and approve on a final basis or to disapprove rates developed by the Administrator under the delegation. The Deputy Secretary issued this interim rate order pursuant to that delegation.

Background

FERC confirmation and approval of the following Integrated System (System) rate schedules was provided in FERC Docket No. EF10–4–000 issued on October 4, 2010, (133 FERC ¶ 62,005) effective for the period January 1, 2010, through September 30, 2013:

Rate Schedule P–09, Wholesale Rates for Hydro Peaking Power;

Rate Schedule NFTS–09, Wholesale Rates for Non-Federal Transmission/ Interconnection Facilities Service;

Rate Schedule EE–09, Wholesale Rate for Excess Energy.

Southwestern prepared a 2011 Current Power Repayment Study (PRS) which indicated that the existing rates would not satisfy present financial criteria regarding repayment of investment within a 50-year period due to increased investments, replacements and operations and maintenance expenses in the U.S. Army Corps of Engineers (Corps) hydroelectric generating facilities and Southwestern's transmission facilities. The Revised PRS indicated the need for a 5.4 percent revenue increase. These preliminary results which presented the basis for the proposed revenue increase were provided to the customers for their review prior to the formal process.

The final 2011 Revised PRS indicates that an increase in annual revenues of $9,569,425 (5.4 percent) is necessary beginning January 1, 2012, to accomplish repayment in the required number of years. Accordingly, Southwestern has prepared proposed rate schedules based on the additional revenue requirement and the 2011 Rate Design Study which allocates the revenue requirement to the various System rate schedules to ensure repayment.

Title 10, Part 903, Subpart A of the Code of Federal Regulations, ''Procedures for Public Participation in Power and Transmission Rate Adjustments and Extensions,'' has been followed in connection with the proposed rate adjustments. More specifically, opportunities for public review and comment on proposed System power rates during a 60-day period were announced by notice published in the **Federal Register**, August 8, 2011, (76 FR 48159). The consultation and comment period was shortened from the 90 days provided for in the regulations by the Administrator in accordance with Sec. 903.14 of 10 CFR part 903, because Southwestern held a pre-issuance consultation with customers. A Public Information and Comment Forum scheduled for August 30, 2011, in Tulsa, Oklahoma, was canceled because Southwestern did not receive any requests that a forum be held. No request for information or copies of the proposed Power Repayment and Rate Design Studies were received from any customers or interested parties during the formal period of public participation. Written comments were due by October 7, 2011.

No comments were received during the public participation process on Southwestern's preliminary results. Following the conclusion of the comment period on October 7, 2011, the 2011 Power Repayment and Rate Design Studies were finalized. The Administrator made the decision to submit the rate proposal for interim approval and implementation.

Discussion

General

The existing rate schedules as developed in the 2009 Integrated System PRS were the basis for the revenue determination in the System Current PRS. The Current PRS indicates that existing rates are insufficient to produce the annual revenues necessary to accomplish repayment of the capital investment as required by Section 5 of the Flood Control Act of 1944 and Department of Energy (DOE) Order No. RA 6120.2.

The Revised PRS indicates it is necessary to increase annual revenues by $9,569,425 or 5.4 percent, which satisfies the cost recovery criteria outlined in DOE Order No. RA 6120.2 and Section 5 of the Flood Control Act of 1944.

In Southwestern's 2011 Rate Design proposal, rates were designed to recover the additional revenue requirements. The monthly demand charge for the sale of Federal hydroelectric power has increased. The base energy and supplemental energy charges also reflect an increase over the current rate. In addition, transmission charges for non-Federal, firm service have increased. Those customers taking transformation service will see no change in that rate component. The increases to the transmission charges are due to including projected additions and replacements to Southwestern's aging transmission facilities since the last rate change and a transmission specific cost related to participation in the Southwest Power Pool Regional Transmission Organization.

Consistent with FERC's Order No. 888, Southwestern will continue charging for the six ancillary services under Rate Schedule P–11 and Rate Schedule NFTS–11, and offering non-Federal transmission service under Rate Schedule NFTS–11. Southwestern's rate design has separated the six ancillary services for all transmission service. Two ancillary services, Scheduling, System Control and Dispatch Service together with Reactive and Voltage Support Service, are required for every transmission transaction. These charges are also a part of the capacity rate for Federal power. This is consistent with Southwestern's long-standing practice of charging for the sale and delivery of Federal power in its Federal demand charge. The four remaining ancillary services will be made available to any transmission user within Southwestern's balancing area, including Federal power customers. The rate schedules for Peaking Power and Non-Federal Transmission Service reflect these charges. Network transmission service is provided to those who have contracted for the service, but only for non-Federal deliveries. The rate for and application of this service are identified in the Non-Federal Transmission/Interconnection Facilities Service Rate Schedule, NFTS–11.

With respect to the Purchased Power Adder (Adder), Southwestern proposed, as in all previous proposals beginning with the 1983 implementation of the purchased power rate component, that the Adder is set equal to the current average long-term purchased power revenue requirement. As shown in the Rate Design Study, the amount is determined by dividing the estimated total average direct purchased power costs by Southwestern's total annual contractual 1200-hour peaking energy commitments to the customers (exclusive of contract support arrangements). In Southwestern's rate proposal, the resulting Adder decreases from the current $0.0067 per kWh of peaking energy to $0.0062 per kWh of peaking energy. The total revenue created through application of this Adder should enable Southwestern to cover its average annual purchased power costs.

Comments and Responses

Southwestern received no comments or questions during the public participation period.

Availability of Information

Information regarding this rate proposal, including studies, comments and other supporting material, is available for public review and comment in the offices of Southwestern Power Administration, One West Third Street, Tulsa, OK 74103.

Administration's Certification

The June 2011 Revised PRS indicates that the increased power rates will repay all costs of the Integrated System including amortization of the power investment consistent with the provisions of Department of Energy Order No. RA 6120.2. In accordance with Delegation Order No. 00–037.00 (December 6, 2001), and Section 5 of the Flood Control Act of 1944, the Administrator has determined that the proposed System rates are consistent with applicable law and the lowest possible rates consistent with sound business principles.

Environment

The environmental impact of the proposed System rates was evaluated in consideration of DOE's guidelines for implementing the procedural provisions of the National Environmental Policy Act and was determined to fall within the class of actions that are categorically excluded from the requirements of preparing either an Environmental Impact Statement or an Environmental Assessment.

Order

In view of the foregoing and pursuant to the authority delegated to me by the Secretary of Energy, I hereby confirm, approve and place in effect on an interim basis, effective January 1, 2012, the following Southwestern Integrated System Rate Schedules which shall remain in effect on an interim basis through September 30, 2015, or until the FERC confirms and approves the rates on a final basis.

Dated: January 9, 2012.

Daniel Poneman,

Deputy Secretary.

United States Department of Energy

Southwestern Power Administration

Rate Schedule P–11 [1]

Wholesale Rates for Hydro Peaking Power

Effective:

During the period January 1, 2012, through September 30, 2015, in accordance with interim approval from Rate Order No. SWPA–63 issued by the Deputy Secretary of Energy on January 9, 2012, and pursuant to final approval by the Federal Energy Regulatory Commission.

Available:

In the marketing area of Southwestern Power Administration (Southwestern), described generally as the States of Arkansas, Kansas, Louisiana, Missouri, Oklahoma, and Texas.

Applicable:

To wholesale Customers which have contractual rights from Southwestern to purchase Hydro Peaking Power and associated energy (Peaking Energy and Supplemental Peaking Energy).

Character and Conditions of Service:

Three-phase, alternating current, delivered at approximately 60 Hertz, at the nominal voltage(s), at the point(s) of delivery, and in such quantities as are specified by contract.

1. Definitions of Terms

1.1. Ancillary Services

The services necessary to support the transmission of capacity and energy from resources to loads while maintaining reliable operation of the System of Southwestern in accordance with good utility practice, which include the following:

1.1.1. Scheduling, System Control, and Dispatch Service is provided by Southwestern as Balancing Authority Area operator and is in regard to interchange and load-match scheduling and related system control and dispatch functions.

1.1.2. Reactive Supply and Voltage Control from Generation Sources Service is provided at transmission facilities in the System of Southwestern to produce or absorb reactive power and to maintain transmission voltages within specific limits.

1.1.3. Regulation and Frequency Response Service is the continuous balancing of generation and interchange resources accomplished by raising or lowering the output of on-line generation as necessary to follow the moment-by-moment changes in load and to maintain frequency within a Balancing Authority Area.

1.1.4. Spinning Operating Reserve Service maintains generating units on-line, but loaded at less than maximum output, which may be used to service load immediately when disturbance conditions are experienced due to a sudden loss of generation or load.

1.1.5. Supplemental Operating Reserve Service provides an additional amount of operating reserve sufficient to reduce Area Control Error to zero within 10 minutes following loss of generating capacity which would result from the most severe single contingency.

1.1.6. Energy Imbalance Service corrects for differences over a period of time between schedules and actual

[1] Supersedes Rate Schedule P–09.

[1] Supersedes Rate Schedule P–09.

hourly deliveries of energy to a load. Energy delivered or received within the authorized bandwidth for this service is accounted for as an inadvertent flow and is returned to the providing party by the receiving party in accordance with standard utility practice or a contractual arrangement between the parties.

1.2. Customer

The entity which is utilizing and/or purchasing Federal Power and Federal Energy and services from Southwestern pursuant to this Rate Schedule.

1.3. Demand Period

The period of time used to determine maximum integrated rates of delivery for the purpose of power accounting which is the 60-minute period that begins with the change of hour.

1.4. Federal Power and Energy

The power and energy provided from the System of Southwestern.

1.5. Hydro Peaking Power

The Federal Power that Southwestern sells and makes available to the Customers through their respective Power Sales Contracts in accordance with this Rate Schedule.

1.6. Peaking Billing Demand

The quantity equal to the Peaking Contract Demand for any month unless otherwise provided by the Customer's Power Sales Contract.

1.7. Peaking Contract Demand

The maximum rate in kilowatts at which Southwestern is obligated to deliver Federal Energy associated with Hydro Peaking Power as set forth in the Customer's Power Sales Contract.

1.8. Peaking Energy

The Federal Energy associated with Hydro Peaking Power that Southwestern sells and makes available to the Customer in accordance with the terms and conditions of the Customer's Power Sales Contract.

1.9. Power Sales Contract

The Customer's contract with Southwestern for the sale of Federal Power and Federal Energy.

1.10. Supplemental Peaking Energy

The Federal Energy associated with Hydro Peaking Power that Southwestern sells and makes available to the Customer if determined by Southwestern to be available and that is in addition to the quantity of Peaking Energy purchased by the Customer in accordance with the terms and conditions of the Customer's Power Sales Contract.

1.11. System of Southwestern

The transmission and related facilities owned by Southwestern, and/or the generation, transmission, and related facilities owned by others, the capacity of which, by contract, is available to and utilized by Southwestern to satisfy its contractual obligations to the Customer.

1.12. Uncontrollable Force

Any force which is not within the control of the party affected, including, but not limited to failure of water supply, failure of facilities, flood, earthquake, storm, lightning, fire, epidemic, war, riot, civil disturbance, labor disturbance, sabotage, Congressional act, or restraint by court of general jurisdiction, which by exercise of due diligence and foresight such party could not reasonably have been expected to avoid.

2. Wholesale Rates, Terms, and Conditions for Hydro Peaking Power, Peaking Energy, Supplemental Peaking Energy, and Associated Services

Unless otherwise specified, this Section 2 is applicable to all sales under the Customer's Power Sales Contract.

2.1. Hydro Peaking Power Rates, Terms, and Conditions

2.1.1. Monthly Capacity Charge for Hydro Peaking Power

$4.29 per kilowatt of Peaking Billing Demand.

2.1.2. Services Associated With Capacity Charge for Hydro Peaking Power

The capacity charge for Hydro Peaking Power includes such transmission services as are necessary to integrate Southwestern's resources in order to reliably deliver Hydro Peaking Power and associated energy to the Customer. This capacity charge also includes two Ancillary Services charges: Scheduling, System Control, and Dispatch Service; and Reactive Supply and Voltage Control from Generation Sources Service.

2.1.3. Secondary Transmission Service under Capacity Associated With Hydro Peaking Power

Customers may utilize the transmission capacity associated with Peaking Contract Demand for the transmission of non-Federal energy, on a non-firm, as-available basis, at no additional charge for such transmission service or associated Ancillary Services, under the following terms and conditions:

2.1.3.1. The sum of the capacity, for any hour, which is used for Peaking Energy, Supplemental Peaking Energy, and Secondary Transmission Service, may not exceed the Peaking Contract Demand;

2.1.3.2. The non-Federal energy transmitted under such secondary service is delivered to the Customer's point of delivery for Hydro Peaking Power;

2.1.3.3. The Customer commits to provide Real Power Losses associated with such deliveries of non-Federal energy; and

2.1.4. Sufficient transfer capability exists between the point of receipt into the System of Southwestern of such non-Federal energy and the Customer's point of delivery for Hydro Peaking Power for the time period that such secondary transmission service is requested.

2.1.5. Adjustment for Reduction in Service. If, during any month, the Peaking Contract Demand associated with a Power Sales Contract in which Southwestern has the obligation to provide 1,200 kilowatthours of Peaking Energy per kilowatt of Peaking Contract Demand is reduced by Southwestern for a period or periods of not less than two consecutive hours by reason of an outage caused by either an Uncontrollable Force or by the installation, maintenance, replacement or malfunction of generation, transmission and/or related facilities on the System of Southwestern, or insufficient pool levels, the Customer's capacity charges for such month will be reduced for each such reduction in service by an amount computed under the formula:

$$R = (C \times K \times H) \div S$$

with the factors defined as follows:

R = The dollar amount of reduction in the monthly total capacity charges for a particular reduction of not less than two consecutive hours during any month, except that the total amount of any such reduction shall not exceed the product of the Customer's capacity charges associated with Hydro Peaking Power times the Peaking Billing Demand.

C = The Customer's capacity charges associated with Hydro Peaking Power for the Peaking Billing Demand for such month.

K = The reduction in kilowatts in Peaking Billing Demand for a particular event.

H = The number of hours duration of such particular reduction.

S = The number of hours that Peaking Energy is scheduled during such month, but not less than 60 hours times the Peaking Contract Demand.

Such reduction in charges shall fulfill Southwestern's obligation to deliver

Hydro Peaking Power and Peaking Energy.

2.2. Peaking Energy and Supplemental Peaking Energy Rates, Terms, and Conditions

2.2.1. Peaking Energy Charge

$0.0091 per kilowatthour of Peaking Energy delivered plus the Purchased Power Adder as defined in Section 2.2.3 of this Rate Schedule.

2.2.2. Supplemental Energy Charge

$0.0091 per kilowatthour of Supplemental Peaking Energy delivered.

2.2.3. Purchased Power Adder

A purchased power adder of $0.0062 per kilowatthour of Peaking Energy delivered, as adjusted by the Administrator, Southwestern, in accordance with the procedure within this Rate Schedule.

2.2.3.1. Applicability of Purchased Power Adder

The Purchased Power Adder shall apply to sales of Peaking Energy. The Purchased Power Adder shall not apply to sales of Supplemental Peaking Energy or sales to any Customer which, by contract, has assumed the obligation to supply energy to fulfill the minimum of 1,200 kilowatthours of Peaking Energy per kilowatt of Peaking Contract Demand during a contract year (hereinafter ''Contract Support Arrangements'').

2.2.3.2. Procedure for Determining Net Purchased Power Adder Adjustment

Not more than twice annually, the Purchased Power Adder of $0.0062 (6.2 mills) per kilowatthour of Peaking Energy, as noted in this Rate Schedule, may be adjusted by the Administrator, Southwestern, by an amount up to a total of ±$0.0062 (6.2 mills) per kilowatthour per year, as calculated by the following formula:

ADJ = (PURCH—EST + DIF) ÷ SALES

with the factors defined as follows:

ADJ = The dollar per kilowatthour amount of the total adjustment, plus or minus, to be applied to the net Purchased Power Adder, rounded to the nearest $0.0001 per kilowatthour, provided that the total ADJ to be applied in any year shall not vary from the then-effective ADJ by more than $0.0062 per kilowatthour;

PURCH = The actual total dollar cost of Southwestern's System Direct Purchases as accounted for in the financial records of the Southwestern Federal Power System for the period;

EST = The estimated total dollar cost ($13,838,800 per year) of Southwestern's System Direct Purchases used as the basis for the Purchased Power Adder of $0.0062 per kilowatthour of Peaking Energy;

DIF = The accumulated remainder of the difference in the actual and estimated total dollar cost of Southwestern's System Direct Purchases since the effective date of the currently approved Purchased Power Adder set forth in this Rate Schedule, which remainder is not projected for recovery through the ADJ in any previous periods;

SALES = The annual Total Peaking Energy sales projected to be delivered (2,241,300,000 KWh per year) from the System of Southwestern, which total was used as the basis for the $0.0062 per kilowatthour Purchased Power Adder.

2.3. Transformation Service Rates, Terms, and Conditions

2.3.1. Monthly Capacity Charge for Transformation Service

$0.42 per kilowatt will be assessed for capacity used to deliver energy at any point of delivery at which Southwestern provides transformation service for deliveries at voltages of 69 kilovolts or less from higher voltage facilities.

2.3.2. Applicability of Capacity Charge for Transformation Service

Unless otherwise specified by contract, for any particular month, a charge for transformation service will be assessed on the greater of (1) that month's highest metered demand, or (2) the highest metered demand recorded during the previous 11 months, at any point of delivery. For the purpose of this Rate Schedule, the highest metered demand will be based on all deliveries, of both Federal and non-Federal energy, from the System of Southwestern, at such point during such month.

2.4. Ancillary Services Rates, Terms, and Conditions

2.4.1. Capacity Charges for Ancillary Services

2.4.1.1. Regulation and Frequency Response Service

Monthly rate of $0.09 per kilowatt of Peaking Billing Demand plus the Regulation Purchased Adder as defined in Section 2.4.5 of this Rate Schedule.

2.4.1.2. Spinning Operating Reserve Service

Monthly rate of $0.0112 per kilowatt of Peaking Billing Demand.

Daily rate of $0.00051 per kilowatt for non-Federal generation inside Southwestern's Balancing Authority Area.

2.4.1.3. Supplemental Operating Reserve Service

Monthly rate of $0.0112 per kilowatt of Peaking Billing Demand.

Daily rate of $0.00051 per kilowatt for non-Federal generation inside Southwestern's Balancing Authority Area.

2.4.1.4. Energy Imbalance Service

$0.0 per kilowatt for all reservation periods.

2.4.2. Availability of Ancillary Services

Regulation and Frequency Response Service and Energy Imbalance Service are available only for deliveries of power and energy to load within Southwestern's Balancing Authority Area. Spinning Operating Reserve Service and Supplemental Operating Reserve Service are available only for deliveries of non-Federal power and energy generated by resources located within Southwestern's Balancing Authority Area and for deliveries of all Hydro Peaking Power and associated energy from and within Southwestern's Balancing Authority Area. Where available, such Ancillary Services must be taken from Southwestern; unless, arrangements are made in accordance with Section 2.4.4 of this Rate Schedule.

2.4.3. Applicability of Charges for Ancillary Services

For any month, the charges for Ancillary Services for deliveries of Hydro Peaking Power shall be based on the Peaking Billing Demand.

The daily charge for Spinning Operating Reserve Service and Supplemental Operating Reserve Service for non-Federal generation inside Southwestern's Balancing Authority Area shall be applied to the greater of Southwestern's previous day's estimate of the peak, or the actual peak, in kilowatts, of the internal non-Federal generation.

2.4.4. Provision of Ancillary Services by Others

Customers for which Ancillary Services are made available as specified above, must inform Southwestern by written notice of the Ancillary Services which they do not intend to take and purchase from Southwestern, and of their election to provide all or part of such Ancillary Services from their own resources or from a third party.

Subject to Southwestern's approval of the ability of such resources or third parties to meet Southwestern's technical and operational requirements for provision of such Ancillary Services, the Customer may change the Ancillary Services which it takes from Southwestern and/or from other sources at the beginning of any month upon the greater of 60 days notice or upon completion of any necessary equipment modifications necessary to accommodate such change; *Provided,*

That, if the Customer chooses not to take Regulation and Frequency Response Service, which includes the associated Regulation Purchased Adder, the Customer must pursue these services from a different host Balancing Authority; thereby moving all metered loads and resources from Southwestern's Balancing Authority Area to the Balancing Authority Area of the new host Balancing Authority. Until such time as that meter reconfiguration is accomplished, the Customer will be charged for the Regulation and Frequency Response Service and applicable Adder then in effect. The Customer must notify Southwestern by July 1 of this choice, to be effective January 1 of the subsequent calendar year; *Provided,* That, such Customers shall be assessed for all costs incurred by Southwestern for the Regulation Purchased Adder for the calendar year in which they give notice. Such assessment will be paid in twelve equal monthly payments during the subsequent calendar year.

2.4.5. Regulation Purchased Adder

At Southwestern's sole discretion, Southwestern may make a determination that additional regulation purchases are necessary in order to meet Southwestern's Balancing Authority Area requirements. Such regulation purchases shall be provided for through the Regulation Purchased Adder, which shall be estimated annually before May 1. Southwestern will provide written notice to the Customer of the estimated Regulation Purchased Adder charge to be recovered during the time period of January 1 through December 31 of the next calendar year; *Provided,* That, should Southwestern incur additional regulation costs beyond the initial estimate, such costs will be recovered in the Regulation Purchased Adder for the calendar year following when such costs were incurred.

2.4.5.1. Applicability of Regulation Purchased Adder

The costs for regulation purchases shall be recovered by Customers located within Southwestern's Balancing Authority Area on a non-coincident peak ratio share basis, divided into twelve equal monthly payments, in accordance with the formula in Section 2.4.5.2. If the Regulation Purchased Adder is determined and applied under Southwestern's Rate Schedule NFTS–11, then it shall not be applied here.

2.4.5.2. Procedure for Determining Regulation Purchased Adder

Unless otherwise specified by contract, the Regulation Purchased Adder for an individual Customer shall be based on the following formula rate, calculated to include all costs incurred by Southwestern for regulation purchases from the previous calendar year.

RPA = The Regulation Purchased Adder for an individual Customer per month, which is as follows:

$$[(L_{Customer} \div L_{Total}) \times RP_{Total}] \div 12$$

with the factors defined as follows:

$L_{Customer}$ = The sum in MW of the following three factors:

(1) The Customer's highest metered load plus generation used to serve the Customer's load that is accounted for through a reduction in the Customer's metered load (referred to as ''generation behind the meter'') during the previous calendar year, and

(2) The Customer's highest rate of Scheduled Exports* during the previous calendar year, and

(3) The Customer's highest rate of Scheduled Imports* during the previous calendar year.

L_{Total} = The sum of all $L_{Customer}$ factors for all Customers inside Southwestern's Balancing Authority Area in MW.

RP_{Total} = The cost in dollars and cents of all capacity and ''net energy'' purchases made by Southwestern during the previous calendar year to support Southwestern's ability to regulate within its Balancing Authority Area. The cost in dollars and cents associated with ''net energy'' purchases shall be adjusted by subtracting the product of the quantity of such energy purchased in MWh and Southwestern's highest rate in dollars per MWh for Supplemental Peaking Energy during the previous calendar year.

* Scheduled Exports and Scheduled Imports are transactions, such as sales and purchases respectively, which are in addition to a Customer's metered load that contribute to Southwestern's Balancing Authority Area need for regulation. The Scheduled Exports and Scheduled Imports for calendar year 2011 shall not factor into the Customers' Regulation Purchased Adders for calendar year 2012.

For Customers that have aggregated their load, resources, and scheduling into a single node by contract within Southwestern's Balancing Authority Area, the individual Customer's respective Regulation Purchased Adder shall be that Customer's ratio share of the Regulation Purchased Adder established for the node. Such ratio share shall be determined for the Customer on a non-coincident basis and shall be calculated for the Customer from their highest metered load plus generation behind the meter.

2.4.6. Energy Imbalance Service Limitations

Energy Imbalance Service primarily applies to deliveries of power and energy which are required to satisfy a Customer's load. As Hydro Peaking Power and associated energy are limited by contract, the Energy Imbalance Service bandwidth specified for Non-Federal Transmission Service does not apply to deliveries of Hydro Peaking Power, and therefore Energy Imbalance Service is not charged on such deliveries. Customers who consume a capacity of Hydro Peaking Power greater than their Peaking Contract Demand may be subject to a Capacity Overrun Penalty.

3. Hydro Peaking Power Penalties, Terms, and Conditions

3.1. Capacity Overrun Penalty

3.1.1. Penalty Charge for Capacity Overrun

For each hour during which Hydro Peaking Power was provided at a rate greater than that to which the Customer is entitled, the Customer will be charged a Capacity Overrun Penalty at the following rates:

Months associated with charge	Rate per kilowatt
March, April, May, October, November, December	$0.15
January, February, June, July, August, September	0.30

3.1.2. Applicability of Capacity Overrun Penalty

Customers which have loads within Southwestern's Balancing Authority Area are obligated by contract to provide resources, over and above the Hydro Peaking Power and associated energy purchased from Southwestern, sufficient to meet their loads. A Capacity Overrun Penalty shall be applied only when the formulas provided in Customers' respective Power Sales Contracts indicate an overrun on Hydro Peaking Power, and investigation determines that all resources, both firm and non-firm, which were available at the time of the apparent overrun were insufficient to meet the Customer's load.

3.2. Energy Overrun Penalty

3.2.1. Penalty Charge for Energy Overrun

$0.1001 per kilowatthour for each kilowatthour of overrun.

3.2.2. Applicability of Energy Overrun Penalty

By contract, the Customer is subject to limitations on the maximum amounts of Peaking Energy which may be scheduled under the Customer's Power Sales Contract. When the Customer schedules an amount in excess of such maximum amounts, such Customer is subject to the Energy Overrun Penalty.

3.3. Power Factor Penalty

3.3.1. Requirements Related to Power Factor

Any Customer served from facilities owned by or available by contract to Southwestern will be required to maintain a power factor of not less than 95 percent and will be subject to the following provisions.

3.3.2. Determination of Power Factor

The power factor will be determined for all Demand Periods and shall be calculated under the formula:

$$PF = (kWh) \div \sqrt{(kWh^2 + rkVAh^2)}$$

with the factors defined as follows:

PF = The power factor for any Demand Period of the month.

kWh = The total quantity of energy which is delivered during such Demand Period to the point of delivery or interconnection in accordance with Section 3.3.4.

rkVAh = The total quantity of reactive kilovolt-ampere-hours (kVARs) delivered during such Demand Period to the point of delivery or interconnection in accordance with Section 3.3.4.

3.3.3. Penalty Charge for Power Factor

The Customer shall be assessed a penalty for all Demand Periods of a month where the power factor is less than 95 percent lagging. For any Demand Period during a particular month such penalty shall be in accordance with the following formula:

$$C = D \times (0.95 - LPF) \times \$0.10$$

with the factors defined as follows:

C = The charge in dollars to be assessed for any particular Demand Period of such month that the determination of power factor ''PF'' is calculated to be less than 95 percent lagging.

D = The Customer's demand in kilowatts at the point of delivery for such Demand Period in which a low power factor was calculated.

LPF = The lagging power factor, if any, determined by the formula ''PF'' for such Demand Period.

If C is negative, then C = zero (0).

3.3.4. Applicability of Power Factor Penalty

The Power Factor Penalty is applicable to radial interconnections with the System of Southwestern. The total Power Factor Penalty for any month shall be the sum of all charges ''C'' for all Demand Periods of such month. No penalty is assessed for leading power factor. Southwestern, in its sole judgment and at its sole option, may determine whether power factor calculations should be applied to (i) a single physical point of delivery, (ii) a combination of physical points of delivery where a Customer has a single, electrically integrated load, (iii) or interconnections. The general criteria for such decision shall be that, given the configuration of the Customer's and Southwestern's systems, Southwestern will determine, in its sole judgment and at its sole option, whether the power factor calculation more accurately assesses the detrimental impact on Southwestern's system when the above formula is calculated for a single physical point of delivery, a combination of physical points of delivery, or for an interconnection as specified by an Interconnection Agreement.

Southwestern, at its sole option, may reduce or waive Power Factor Penalties when, in Southwestern's sole judgment, low power factor conditions were not detrimental to the System of Southwestern due to particular loading and voltage conditions at the time the power factor dropped below 95 percent lagging.

4. Hydro Peaking Power Miscellaneous Rates, Terms, and Conditions

4.1. Real Power Losses

Customers are required to self-provide all Real Power Losses for non-Federal energy transmitted by Southwestern on behalf of such Customers under the provisions detailed below.

Real Power Losses are computed as four (4) percent of the total amount of non-Federal energy transmitted by Southwestern. The Customer's monthly Real Power Losses are computed each month on a megawatthour basis as follows:

$$ML = 0.04 \times NFE$$

with the factors defined as follows:

ML = The total monthly loss energy, rounded to the nearest megawatthour, to be scheduled by a Customer for receipt by Southwestern for Real Power Losses associated with non-Federal energy transmitted on behalf of such Customer; and

NFE = The amount of non-Federal energy that was transmitted by Southwestern on behalf of a Customer during a particular month.

The Customer must schedule or cause to be scheduled to Southwestern, Real Power Losses for which it is responsible subject to the following conditions:

4.1.1. The Customer shall schedule and deliver Real Power Losses back to Southwestern during the second month after they were incurred by Southwestern in the transmission of the Customer's non-Federal power and energy over the System of Southwestern unless such Customer has accounted for Real Power Losses as part of a metering arrangement with Southwestern.

4.1.2. On or before the twentieth day of each month, Southwestern shall determine the amount of non-Federal loss energy it provided on behalf of the Customer during the previous month and provide a written schedule to the Customer setting forth hour-by-hour the quantities of non-Federal energy to be delivered to Southwestern as losses during the next month.

4.1.3. Real Power Losses not delivered to Southwestern by the Customer, according to the schedule provided, during the month in which such losses are due shall be billed by Southwestern to the Customer to adjust the end-of-month loss energy balance to zero (0) megawatthours and the Customer shall be obliged to purchase such energy at the following rates:

Months associated with charge	Rate per kilowatthour
March, April, May, October, November, December	$0.15
January, February, June, July, August, September	0.30

4.1.4. Real Power Losses delivered to Southwestern by the Customer in excess of the losses due during the month shall be purchased by Southwestern from the Customer at a rate per megawatthour equal to Southwestern's rate per megawatthour for Supplemental Peaking Energy, as set forth in Southwestern's then-effective Rate Schedule for Hydro Peaking Power to adjust such hourly end-of-month loss energy balance to zero (0) megawatthours.

United States Department of Energy

Southwestern Power Administration

Rate Schedule NFTS–11 [1]

Wholesale Rates for Non-Federal Transmission/Interconnection Facilities Service

Effective: During the period January 1, 2012, through September 30, 2015, in accordance with interim approval from Rate Order No. SWPA–63 issued by the Deputy Secretary of Energy on January 9, 2012, and pursuant to final approval by the Federal Energy Regulatory Commission.

[1] Supersedes Rate Schedule NFTS–09.

Available: In the region of the System of Southwestern.

Applicable: To Customers which have executed Service Agreements with Southwestern for the transmission of non-Federal power and energy over the System of Southwestern or for its use for interconnections. Southwestern will provide services over those portions of the System of Southwestern in which the Administrator, Southwestern, in his or her sole judgment, has determined that uncommitted transmission and transformation capacities in the System of Southwestern are and will be available in excess of the capacities required to market Federal power and energy pursuant to Section 5 of the Flood Control Act of 1944 (58 Stat. 887,890; 16 U.S.C. 825s).

Character and Conditions of Service: Three-phase, alternating current, delivered at approximately 60 Hertz, at the nominal voltage(s), at the point(s) specified by Service Agreement or Transmission Service Transaction.

1. Definitions of Terms

1.1. Ancillary Services

The services necessary to support the transmission of capacity and energy from resources to loads while maintaining reliable operation of the System of Southwestern in accordance with good utility practice, which include the following:

1.1.1. Scheduling, System Control, and Dispatch Service is provided by Southwestern as Balancing Authority Area operator and is in regard to interchange and load-match scheduling and related system control and dispatch functions.

1.1.2. Reactive Supply and Voltage Control from Generation Sources Service is provided at transmission facilities in the System of Southwestern to produce or absorb reactive power and to maintain transmission voltages within specific limits.

1.1.3. Regulation and Frequency Response Service is the continuous balancing of generation and interchange resources accomplished by raising or lowering the output of on-line generation as necessary to follow the moment-by-moment changes in load and to maintain frequency within a Balancing Authority Area.

1.1.4. Spinning Operating Reserve Service maintains generating units on-line, but loaded at less than maximum output, which may be used to service load immediately when disturbance conditions are experienced due to a sudden loss of generation or load.

1.1.5. Supplemental Operating Reserve Service provides an additional amount of operating reserve sufficient to reduce Area Control Error to zero within 10 minutes following loss of generating capacity which would result from the most severe single contingency.

1.1.6. Energy Imbalance Service corrects for differences over a period of time between schedules and actual hourly deliveries of energy to a load. Energy delivered or received within the authorized bandwidth for this service is accounted for as an inadvertent flow and is returned to the providing party by the receiving party in accordance with standard utility practice or a contractual arrangement between the parties.

1.2. Customer

The entity which is utilizing and/or purchasing services from Southwestern pursuant to this Rate Schedule.

1.3. Demand Period

The period of time used to determine maximum integrated rates of delivery for the purpose of power accounting which is the 60-minute period that begins with the change of hour.

1.4. Firm Point-to-Point Transmission Service

Transmission service reserved on a firm basis between specific points of receipt and delivery pursuant to either a Firm Transmission Service Agreement or to a Transmission Service Transaction.

1.5. Interconnection Facilities Service

A service that provides for the use of the System of Southwestern to deliver energy and/or provide system support at an interconnection.

1.6. Network Integration Transmission Service

Transmission service provided under Part III of Southwestern's Open Access Transmission Service Tariff which provides the Customer with firm transmission service for the delivery of capacity and energy from the Customer's resources to the Customer's load.

1.7. Non-Firm Point-to-Point Transmission Service

Transmission service reserved on a non-firm basis between specific points of receipt and delivery pursuant to a Transmission Service Transaction.

1.8. Point of Delivery

Either a single physical point to which electric power and energy are delivered from the System of Southwestern, or a specified set of delivery points which together form a single, electrically integrated load.

1.9. Secondary Transmission Service

Service that is associated with Firm Point-to-Point Transmission Service and Network Integration Transmission Service. For Firm Point-to-Point Transmission Service, it consists of transmission service provided on an as-available, non-firm basis, scheduled within the limits of a particular capacity reservation for transmission service, and scheduled from points of receipt, or to points of delivery, other than those designated in a Long-Term Firm Transmission Service Agreement or a Transmission Service Transaction for Firm Point-to-Point Transmission Service. For Network Integration Transmission Service, Secondary Transmission Service consists of transmission service provided on an as-available, non-firm basis, from resources other than the network resources designated in a Network Transmission Service Agreement, to meet the Customer's network load. The charges for Secondary Transmission Service, other than Ancillary Services, are included in the applicable capacity charges for Firm Point-to-Point Transmission Service and Network Integration Transmission Service.

1.10. Service Agreement

A contract executed between a Customer and Southwestern for the transmission of non-Federal power and energy over the System of Southwestern or for interconnections which include the following:

1.10.1. Firm Transmission Service Agreement provides for reserved transmission capacity on a firm basis, for a particular point-to-point delivery path.

1.10.2. Interconnection Agreement provides for the use of the System of Southwestern and recognizes the exchange of mutual benefits for such use or provides for application of a charge for Interconnection Facilities Service.

1.10.3. Network Transmission Service Agreement provides for the Customer to request firm transmission service for the delivery of capacity and energy from the Customer's network resources to the Customer's network load, for a period of one year or more.

1.10.4. Non-Firm Transmission Service Agreement provides for the Customer to request transmission service on a non-firm basis.

1.11. Service Request

The request made under a Transmission Service Agreement through the Southwest Power Pool, Inc. (hereinafter ''SPP'') Open Access Same-

Time Information System (hereinafter ''OASIS'') for reservation of transmission capacity over a particular point-to-point delivery path for a particular period. The Customer must submit hourly schedules for actual service in addition to the Service Request.

1.12. System of Southwestern

The transmission and related facilities owned by Southwestern, and/or the generation, transmission, and related facilities owned by others, the capacity of which, by contract, is available to and utilized by Southwestern to satisfy its contractual obligations to the Customer.

1.13. Transmission Service Transaction

A Service Request that has been approved by SPP.

1.14. Uncontrollable Force

Any force which is not within the control of the party affected, including, but not limited to failure of water supply, failure of facilities, flood, earthquake, storm, lightning, fire, epidemic, war, riot, civil disturbance, labor disturbance, sabotage, Congressional act, or restraint by court of general jurisdiction, which by exercise of due diligence and foresight such party could not reasonably have been expected to avoid.

2. Wholesale Rates, Terms, and Conditions for Firm Point-to-Point Transmission Service, Non-Firm Point-to-Point Transmission Service, Network Integration Transmission Service, and Interconnection Facilities Service

2.1. Firm Point-to-Point Transmission Service Rates, Terms, and Conditions

2.1.1. Monthly Capacity Charge for Firm Point-to-Point Transmission Service

$1.28 per kilowatt of transmission capacity reserved in increments of one month of service or invoiced in accordance with a longer term agreement.

2.1.2. Weekly Capacity Charge for Firm Point-to-Point Transmission Service

$0.320 per kilowatt of transmission capacity reserved in increments of one week of service.

2.1.3. Daily Capacity Charge for Firm Point-to-Point Transmission Service

$0.0582 per kilowatt of transmission capacity reserved in increments of one day of service.

2.1.4. Services Associated With Capacity Charge for Firm Point-to-Point Transmission Service

The capacity charge for Firm Point-to-Point Transmission Service includes Secondary Transmission Service, but does not include charges for Ancillary Services associated with actual schedules.

2.1.5. Applicability of Capacity Charge for Firm Point-to-Point Transmission Service

Capacity charges for Firm Point-to-Point Transmission Service are applied to quantities reserved by contract under a Firm Transmission Service Agreement or in accordance with a Transmission Service Transaction.

A Customer, unless otherwise specified by contract, will be assessed capacity charges on the greatest of (1) the highest metered demand at any particular Point of Delivery during a particular month, rounded up to the nearest whole megawatt, or (2) the highest metered demand recorded at such Point of Delivery during any of the previous 11 months, rounded up to the nearest whole megawatt, or (3) the capacity reserved by contract; which amount shall be considered such Customer's reserved capacity. Secondary Transmission Service for such Customer shall be limited during any month to the most recent metered demand on which that Customer is billed or to the capacity reserved by contract, whichever is greater.

2.2. Non-Firm Point-to-Point Transmission Service Rates, Terms, and Conditions

2.2.1. Monthly Capacity Charge for Non-Firm Point-to-Point Transmission Service

80 percent of the monthly capacity charge for Firm Point-to-Point Transmission Service reserved in increments of one month.

2.2.2. Weekly Capacity Charge for Non-Firm Point-to-Point Transmission Service

80 percent of the monthly capacity charge divided by 4 for Firm Point-to-Point Transmission Service reserved in increments of one week.

2.2.3. Daily Capacity Charge for Non-Firm Point-to-Point Transmission Service

80 percent of the monthly capacity charge divided by 22 for Firm Point-to-Point Transmission Service reserved in increments of one day.

2.2.4. Hourly Capacity Charge for Non-Firm Point-to-Point Transmission Service

80 percent of the monthly capacity charge divided by 352 for Firm Point-to-Point Transmission Service reserved in increments of one hour.

2.2.5. Applicability of Charges for Non-Firm Point-to-Point Transmission Service

Capacity charges for Non-Firm Point-to-Point Transmission Service are applied to quantities reserved under a Transmission Service Transaction, and do not include charges for Ancillary Services.

2.3. Network Integration Transmission Service Rates, Terms, and Conditions

2.3.1. Annual Revenue Requirement for Network Integration Transmission Service

$14,267,100.

2.3.2. Monthly Revenue Requirement for Network Integration Transmission Service

$1,188,925.

2.3.3. Net Capacity Available for Network Integration Transmission Service

930,000 kilowatts.

2.3.4. Monthly Capacity Charge for Network Integration Transmission Service

$1.28 per kilowatt of Network Load (charge derived from $1,188,925 ÷ 930,000 kilowatts).

2.3.5. Applicability of Charges for Network Integration Transmission Service

Network Integration Transmission Service is available only for deliveries of non-Federal power and energy, and is applied to the Customer utilizing such service exclusive of any deliveries of Federal power and energy. The capacity on which charges for any particular Customer utilizing this service is determined on the greatest of (1) the highest metered demand at any particular point of delivery during a particular month, rounded up to the nearest whole megawatt, or (2) the highest metered demand recorded at such point of delivery during any of the previous 11 months, rounded up to the nearest whole megawatt.

For a Customer taking Network Integration Transmission Service who is also taking delivery of Federal Power and Energy, the highest metered demand shall be determined by subtracting the energy scheduled for delivery of Federal Power and Energy for any hour from the metered demand for such hour.

Secondary Transmission Service for a Customer shall be limited during any month to the most recent highest metered demand on which such Customer is billed. Charges for

Ancillary Services shall also be assessed.

2.4. Interconnection Facilities Service Rates, Terms, and Conditions

2.4.1. Monthly Capacity Charge for Interconnection Facilities Service

$1.28 per kilowatt.

2.4.2. Applicability of Capacity Charge for Interconnection Facilities Service

Any Customer that requests an interconnection from Southwestern which, in Southwestern's sole judgment and at its sole option, does not provide commensurate benefits or compensation to Southwestern for the use of its facilities shall be assessed a capacity charge for Interconnection Facilities Service. For any month, charges for Interconnection Facilities Service shall be assessed on the greater of (1) that month's actual highest metered demand, or (2) the highest metered demand recorded during the previous eleven months, as metered at the interconnection. The use of Interconnection Facilities Service will be subject to power factor provisions as specified in this Rate Schedule. The interconnection customer shall also schedule and deliver Real Power Losses pursuant to the provisions of this Rate Schedule based on metered flow through the interconnection where Interconnection Facilities Services is assessed.

2.5. Transformation Service Rates, Terms, and Conditions

2.5.1. Monthly Capacity Charge for Transformation Service

$0.42 per kilowatt will be assessed for capacity used to deliver energy at any point of delivery at which Southwestern provides transformation service for deliveries at voltages of 69 kilovolts or less from higher voltage facilities.

2.5.2. Applicability of Capacity Charge for Transformation Service

Unless otherwise specified by contract, for any particular month, a charge for transformation service will be assessed on the greater of (1) that month's highest metered demand, or (2) the highest metered demand recorded during the previous 11 months, at any point of delivery. For the purpose of this Rate Schedule, the highest metered demand will be based on all deliveries, of both Federal and non-Federal energy, from the System of Southwestern, at such point during such month.

2.6. Ancillary Services Rates, Terms, and Conditions

2.6.1. Capacity Charges for Ancillary Services

2.6.1.1. Scheduling, System Control, and Dispatch Service

Monthly rate of $0.09 per kilowatt of transmission capacity reserved in increments of one month of service or invoiced in accordance with a Long-Term Firm Transmission Service Agreement or Network Transmission Service Agreement.

Weekly rate of $0.023 per kilowatt of transmission capacity reserved in increments of one week of service.

Daily rate of $0.0041 per kilowatt of transmission capacity reserved in increments of one day of service.

Hourly rate of $0.00026 per kilowatt of transmission energy delivered as non-firm transmission service.

2.6.1.2. Reactive Supply and Voltage Control From Generation Sources Service

Monthly rate of $0.04 per kilowatt of transmission capacity reserved in increments of one month of service or invoiced in accordance with a Long-Term Firm Transmission Service Agreement or Network Transmission Service Agreement.

Weekly rate of $0.010 per kilowatt of transmission capacity reserved in increments of one week of service.

Daily rate of $0.0018 per kilowatt of transmission capacity reserved in increments of one day of service.

Hourly rate of $0.00011 per kilowatt of transmission energy delivered as non-firm transmission service.

2.6.1.3. Regulation and Frequency Response Service

Monthly rate of $0.09 per kilowatt of transmission capacity reserved in increments of one month of service or invoiced in accordance with a Long-Term Firm Transmission Service Agreement or Network Transmission Service Agreement plus the Regulation Purchased Adder as defined in Section 2.6.5 of this Rate Schedule.

Weekly rate of $0.023 per kilowatt of transmission capacity reserved in increments of one week of service plus the Regulation Purchased Adder as defined in Section 2.6.5 of this Rate Schedule.

Daily rate of $0.0041 per kilowatt of transmission capacity reserved in increments of one day of service plus the Regulation Purchased Adder as defined in Section 2.6.5 of this Rate Schedule.

Hourly rate of $0.00026 per kilowatt of transmission energy delivered as non-firm transmission service plus the Regulation Purchased Adder as defined in Section 2.6.5 of this Rate Schedule.

2.6.1.4. Spinning Operating Reserve Service

Monthly rate of $0.0112 per kilowatt of transmission capacity reserved in increments of one month of service or invoiced in accordance with a Long-Term Firm Transmission Service Agreement or Network Transmission Service Agreement.

Weekly rate of $0.0028 per kilowatt of transmission capacity reserved in increments of one week of service.

Daily rate of $0.00051 per kilowatt of transmission capacity reserved in increments of one day of service.

Hourly rate of $0.00003 per kilowatt of transmission energy delivered as non-firm transmission service.

2.6.1.5. Supplemental Operating Reserve Service

Monthly rate of $0.0112 per kilowatt of transmission capacity reserved in increments of one month of service or invoiced in accordance with a Long-Term Firm Transmission Service Agreement or Network Transmission Service Agreement.

Weekly rate of $0.0028 per kilowatt of transmission capacity reserved in increments of one week of service.

Daily rate of $0.00051 per kilowatt of transmission capacity reserved in increments of one day of service.

Hourly rate of $0.00003 per kilowatt of transmission energy delivered as non-firm transmission service.

2.6.1.6. Energy Imbalance Service

$0.0 per kilowatt for all reservation periods.

2.6.2. Availability of Ancillary Services

Scheduling, System Control, and Dispatch Service and Reactive Supply and Voltage Control from Generation Sources Service are available for all transmission services in and from the System of Southwestern and shall be provided by Southwestern. Regulation and Frequency Response Service and Energy Imbalance Service are available only for deliveries of power and energy to load within Southwestern's Balancing Authority Area, and shall be provided by Southwestern, unless, subject to Southwestern's approval, they are provided by others. Spinning Operating Reserve Service and Supplemental Operating Reserve Service are available only for deliveries of power and energy generated by resources located within Southwestern's Balancing Authority Area and shall be provided by Southwestern, unless, subject to

Southwestern's approval, they are provided by others.

2.6.3. Applicability of Charges for Ancillary Services

Charges for all Ancillary Services are applied to the transmission capacity reserved or network transmission service taken by the Customer in accordance with the rates listed above when such services are provided by Southwestern.

The charges for Ancillary Services are considered to include Ancillary Services for any Secondary Transmission Service, except in cases where Ancillary Services identified in Sections 2.6.1.3 through 2.6.1.6 of this Rate Schedule are applicable to a Transmission Service Transaction of Secondary Transmission Service, but are not applicable to the transmission capacity reserved under which Secondary Transmission Service is provided. When charges for Ancillary Services are applicable to Secondary Transmission Service, the charge for the Ancillary Service shall be the hourly rate applied to all energy transmitted utilizing the Secondary Transmission Service.

2.6.4. Provision of Ancillary Services by Others

Customers for which Ancillary Services identified in Sections 2.6.1.3 through 2.6.1.6 of this Rate Schedule are made available as specified above must inform Southwestern by written notice of the Ancillary Services which they do *not* intend to take and purchase from Southwestern, and of their election to provide all or part of such Ancillary Services from their own resources or from a third party. Such notice requirements also apply to requests for Southwestern to provide Ancillary Services when such services are available as specified above.

Subject to Southwestern's approval of the ability of such resources or third parties to meet Southwestern's technical and operational requirements for provision of such Ancillary Services, the Customer may change the Ancillary Services which it takes from Southwestern and/or from other sources at the beginning of any month upon the greater of 60 days written notice or upon the completion of any necessary equipment modifications necessary to accommodate such change; *Provided,* That, if the Customer chooses not to take Regulation and Frequency Response Service, which includes the associated Regulation Purchased Adder, the Customer must pursue these services from a different host Balancing Authority; thereby moving all metered loads and resources from Southwestern's Balancing Authority Area to the Balancing Authority Area of the new host Balancing Authority. Until such time as that meter reconfiguration is accomplished, the Customer will be charged for the Regulation and Frequency Response Service and applicable Adder then in effect. The Customer must notify Southwestern by July 1 of this choice, to be effective January 1 of the subsequent calendar year; *Provided,* That, such Customers shall be assessed for all costs incurred by Southwestern for the Regulation Purchased Adder for the calendar year in which they give notice. Such assessment will be paid in twelve equal monthly payments during the subsequent calendar year.

2.6.5. Regulation Purchased Adder

At Southwestern's sole discretion, Southwestern may make a determination that additional regulation purchases are necessary in order to meet Southwestern's Balancing Authority Area requirements. Such regulation purchases shall be provided for through the Regulation Purchased Adder, which shall be estimated annually before May 1. Southwestern will provide written notice to the Customer of the estimated Regulation Purchased Adder charge to be recovered during the time period of January 1 through December 31 of the next calendar year; *Provided,* That, should Southwestern incur additional regulation costs beyond the initial estimate, such costs will be recovered in the Regulation Purchased Adder for the calendar year following when such costs were incurred.

2.6.5.1. Applicability of Regulation Purchased Adder

The costs for regulation purchases shall be recovered by Customers located within Southwestern's Balancing Authority Area on a non-coincident peak ratio share basis, divided into twelve equal monthly payments, in accordance with the formula in Section 2.6.5.2.

If the Regulation Purchased Adder is determined and applied under Southwestern's Rate Schedule P–11, then it shall not be applied here.

2.6.5.2. Procedure for Determining Regulation Purchased Adder

Unless otherwise specified by contract, the Regulation Purchased Adder for an individual Customer shall be based on the following formula rate, calculated to include all costs incurred by Southwestern for regulation purchases from the previous calendar year.

RPA = The Regulation Purchased Adder for an individual Customer per month, which is as follows:

$$[(L_{Customer} \div L_{Total}) \times RP_{Total}] \div 12$$

with the factors defined as follows:

$L_{Customer}$ = The sum in MW of the following three factors:

(1) The Customer's highest metered load plus generation used to serve the Customer's load that is accounted for through a reduction in the Customer's metered load (referred to as 'generation behind the meter') during the previous calendar year, and

(2) The Customer's highest rate of Scheduled Exports* during the previous calendar year, and

(3) The Customer's highest rate of Scheduled Imports* during the previous calendar year.

L_{Total} = The sum of all $L_{Customer}$ factors for all Customers inside Southwestern's Balancing Authority Area in MW.

RP_{Total} = The cost in dollars and cents of all capacity and ''net energy'' purchases made by Southwestern during the previous calendar year to support Southwestern's ability to regulate within its Balancing Authority Area. The cost in dollars and cents associated with ''net energy'' purchases shall be adjusted by subtracting the product of the quantity of such energy purchased in MWh and Southwestern's highest rate in dollars per MWh for Supplemental Peaking Energy during the previous calendar year.

*Scheduled Exports and Scheduled Imports are transactions, such as sales and purchases respectively, which are in addition to a Customer's metered load that contribute to Southwestern's Balancing Authority Area need for regulation. The Scheduled Exports and Scheduled Imports for calendar year 2011 shall not factor into the Customers' Regulation Purchased Adders for calendar year 2012.

For Customers that have aggregated their load, resources, and scheduling into a single node by contract within Southwestern's Balancing Authority Area, the individual Customer's respective Regulation Purchased Adder shall be that Customer's ratio share of the Regulation Purchased Adder established for the node. Such ratio share shall be determined for the Customer on a non-coincident basis and shall be calculated for the Customer from their highest metered load plus generation behind the meter.

2.6.6. Energy Imbalance Service Limitations

Energy Imbalance Service is authorized for use only within a bandwidth of ±1.5 percent of the actual requirements of the load at a particular point of delivery, for any hour, compared to the resources scheduled to

meet such load during such hour. Deviations which are greater than ±1.5 percent, but which are less than ±2,000 kilowatts, are considered to be within the authorized bandwidth. Deviations outside the authorized bandwidth are subject to a Capacity Overrun Penalty.

Energy delivered or received within the authorized bandwidth for this service is accounted for as an inadvertent flow and will be netted against flows in the future. The inadvertent flow in any given hour will only be offset with the flows in the corresponding hour of a day in the same category. Unless otherwise specified by contract, the two categories of days are weekdays and weekend days/North American Electric Reliability Corporation holidays, and this process will result in a separate inadvertent accumulation for each hour of the two categories of days. The hourly accumulations in the current month will be added to the hourly inadvertent balances from the previous month, resulting in a month-end balance for each hour.

The Customer is required to adjust the scheduling of resources in such a way as to reduce the accumulation towards zero. It is recognized that the inadvertent hourly flows can be both negative and positive, and that offsetting flows should deter a significant accumulation of inadvertent. Unless otherwise specified by contract, in the event any hourly month-end balance exceeds 12 MWhs, the excess will be subject to Section 3.1 or Section 3.2 of this Rate Schedule, depending on the direction of the accumulation.

3. Non-Federal Transmission/ Interconnection Facilities Service Penalties, Terms, and Conditions

3.1. Capacity Overrun Penalty

3.1.1. Penalty Charge for Capacity Overrun

For each hour during which energy flows outside the authorized bandwidth, the Customer will be obliged to purchase such energy at the following rates:

Months associated with charge	Rate per kilowatt
March, April, May, October, November, December	$0.15
January, February, June, July, August, September	0.30

3.1.2. Applicability of Capacity Overrun Penalty

Customers who receive deliveries within Southwestern's Balancing Authority Area are obligated to provide resources sufficient to meet their loads. Such obligation is not related to the amount of transmission capacity that such Customers may have reserved for transmission service to a particular load. In the event that a Customer underschedules its resources to serve its load, resulting in a difference between resources and actual metered load (adjusted for transformer losses as applicable) outside the authorized bandwidth for Energy Imbalance Service for any hour, then such Customer is subject to the Capacity Overrun Penalty.

3.2. Unauthorized Use of Energy Imbalance Service by Overscheduling of Resources

In the event that a Customer schedules greater resources than are needed to serve its load, such that energy flows at rates beyond the authorized bandwidth for the use of Energy Imbalance Service, Southwestern retains such energy at no cost to Southwestern and with no obligation to return such energy.

3.3. Power Factor Penalty

3.3.1. Requirements Related to Power Factor

Any Customer served from facilities owned by or available by contract to Southwestern will be required to maintain a power factor of not less than 95 percent and will be subject to the following provisions.

3.3.2. Determination of Power Factor

The power factor will be determined for all Demand Periods and shall be calculated under the formula:

$$PF = (kWh) \div \sqrt{(kWh^2 + rkVAh^2)}$$

with the factors defined as follows:

PF = The power factor for any Demand Period of the month.

kWh = The total quantity of energy which is delivered during such Demand Period to the point of delivery or interconnection in accordance with Section 3.3.4.

rkVAh = The total quantity of reactive kilovolt-ampere-hours (kVARs) delivered during such Demand Period to the point of delivery or interconnection in accordance with Section 3.3.4.

3.3.3. Penalty Charge for Power Factor

The Customer shall be assessed a penalty for all Demand Periods of a month where the power factor is less than 95 percent lagging. For any Demand Period during a particular month such penalty shall be in accordance with the following formula:

$$C = D \times (0.95 - LPF) \times \$0.10$$

with the factors defined as follows:

C = The charge in dollars to be assessed for any particular Demand Period of such month that the determination of power factor ''PF'' is calculated to be less than 95 percent lagging.

D = The Customer's demand in kilowatts at the point of delivery for such Demand Period in which a low power factor was calculated.

LPF = The lagging power factor, if any, determined by the formula ''PF'' for such Demand Period.

If C is negative, then C = zero (0).

3.3.4. Applicability of Power Factor Penalty

The Power Factor Penalty is applicable to radial interconnections with the System of Southwestern. The total Power Factor Penalty for any month shall be the sum of all charges ''C'' for all Demand Periods of such month. No penalty is assessed for leading power factor. Southwestern, in its sole judgment and at its sole option, may determine whether power factor calculations should be applied to (i) a single physical point of delivery, (ii) a combination of physical points of delivery where a Customer has a single, electrically integrated load, (iii) or interconnections. The general criteria for such decision shall be that, given the configuration of the Customer's and Southwestern's systems, Southwestern will determine, in its sole judgment and at its sole option, whether the power factor calculation more accurately assesses the detrimental impact on Southwestern's system when the above formula is calculated for a single physical point of delivery, a combination of physical points of delivery, or for an interconnection as specified by an Interconnection Agreement.

Southwestern, at its sole option, may reduce or waive Power Factor Penalties when, in Southwestern's sole judgment, low power factor conditions were not detrimental to the System of Southwestern due to particular loading and voltage conditions at the time the power factor dropped below 95 percent lagging.

4. Non-Federal Transmission/ Interconnection Facilities Service Miscellaneous Rates, Terms, and Conditions

4.1. Real Power Losses

Customers are required to self-provide all Real Power Losses for non-Federal energy transmitted by Southwestern on behalf of such Customers under the provisions detailed below.

Real Power Losses are computed as four (4) percent of the total amount of non-Federal energy transmitted by Southwestern. The Customer's monthly Real Power Losses are computed each

month on a megawatthour basis as follows:

$ML = 0.04 \times NFE$

with the factors defined as follows:

ML = The total monthly loss energy, rounded to the nearest megawatthour, to be scheduled by a Customer for receipt by Southwestern for Real Power Losses associated with non-Federal energy transmitted on behalf of such Customer; and

NFE = The amount of non-Federal energy that was transmitted by Southwestern on behalf of a Customer during a particular month.

The Customer must schedule or cause to be scheduled to Southwestern, Real Power Losses for which it is responsible subject to the following conditions:

4.1.1. The Customer shall schedule and deliver Real Power Losses back to Southwestern during the second month after they were incurred by Southwestern in the transmission of the Customer's non-Federal power and energy over the System of Southwestern unless such Customer has accounted for Real Power Losses as part of a metering arrangement with Southwestern.

4.1.2. On or before the twentieth day of each month, Southwestern shall determine the amount of non-Federal loss energy it provided on behalf of the Customer during the previous month and provide a written schedule to the Customer setting forth hour-by-hour the quantities of non-Federal energy to be delivered to Southwestern as losses during the next month.

4.1.3. Real Power Losses not delivered to Southwestern by the Customer, according to the schedule provided, during the month in which such losses are due shall be billed by Southwestern to the Customer to adjust the end-of-month loss energy balance to zero (0) megawatthours and the Customer shall be obliged to purchase such energy at the following rates:

Months associated with charge	Rate per kilowatthour
March, April, May, October, November, December	$0.15
January, February, June, July, August, September	0.30

4.1.4. Real Power Losses delivered to Southwestern by the Customer in excess of the losses due during the month shall be purchased by Southwestern from the Customer at a rate per megawatthour equal to Southwestern's rate per megawatthour for Supplemental Peaking Energy, as set forth in Southwestern's then-effective Rate Schedule for Hydro Peaking Power to adjust such hourly end-of-month loss energy balance to zero (0) megawatthours.

United States Department of Energy

Southwestern Power Administration

Rate Schedule EE–11 [1]

Wholesale Rates for Excess Energy

Effective: During the period January 1, 2012, through September 30, 2015, in accordance with interim approval from Rate Order No. SWPA–63 issued by the Deputy Secretary of Energy on January 9, 2012, and pursuant to final approval by the Federal Energy Regulatory Commission.

Available: In the marketing area of Southwestern Power Administration (Southwestern), described generally as the States of Arkansas, Kansas, Louisiana, Missouri, Oklahoma, and Texas.

Applicable: To electric utilities which, by contract, may purchase Excess Energy from Southwestern.

Character and Conditions of Service: Three-phase, alternating current, delivered at approximately 60 Hertz, at the nominal voltage(s) and at the point(s) of delivery specified by contract.

1. Wholesale Rates, Terms, and Conditions for Excess Energy

Excess Energy will be furnished at such times and in such amounts as Southwestern determines to be available.

1.1. Transmission and Related Ancillary Services

Transmission service for the delivery of Excess Energy shall be the sole responsibility of such customer purchasing Excess Energy.

1.2. Excess Energy Charge

$0.0091 per kilowatthour of Excess Energy delivered.

[FR Doc. 2012–801 Filed 1–17–12; 8:45 am]

BILLING CODE 6450–01–P

[1] Supersedes Rate Schedule EE–09.

DEPARTMENT OF ENERGY

Western Area Power Administration

Boulder Canyon Project

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice of Proposed Base Charge and Rates.

SUMMARY: The Western Area Power Administration (Western), a power marketing administration within the Department of Energy (DOE), is proposing an adjustment to the Boulder Canyon Project (BCP) electric service base charge and rates. The current base charge and rates expire September 30, 2012, under Rate Schedule BCP–F8. The existing base charge is being adjusted to ensure it includes all annual costs including operation, maintenance, replacements, interest expense, and to repay investment obligations within the required period. The proposed base charge will provide sufficient revenue to cover all annual costs and to repay investment obligations within the allowable period. A detailed rate package that identifies the reasons for the base charge and rates adjustment will be available in March 2012. The proposed base charge and rates are scheduled to become effective October 1, 2012, and will remain in effect through September 30, 2013. This **Federal Register** notice initiates the formal process for the proposed base charge and rates.

DATES: The consultation and comment period will begin today and will end April 17, 2012. Western will present a detailed explanation of the proposed base charge and rates at a public information forum March 28, 2012, beginning at 10:30 a.m. Mountain Standard Time (MST), in Phoenix, Arizona. Western will accept oral and written comments at a public comment forum April 11, 2012, beginning at 10:30 a.m. MST, at the same location. Western will accept written comments any time during the consultation and comment period.

ADDRESSES: The public information forum and public comment forum will be held at the Desert Southwest Customer Service Regional Office, located at 615 South 43rd Avenue, Phoenix, Arizona, on the dates cited above. Written comments should be sent to Darrick Moe, Regional Manager, Desert Southwest Customer Service Region, Western Area Power Administration, P.O. Box 6457, Phoenix, AZ 85005–6457, email *moe@wapa.gov*. Written comments may also be faxed to (602) 605–2490, attention: Jack Murray. Western will post information about the rate processes on its Web site at *http://www.wapa.gov/dsw/pwrmkt/BCP/RateAdjust.htm*. Western will also post official comments received via letter, fax, and email to this Web site. Western must receive written comments by the end of the consultation and comment period to ensure they are considered in Western's decision process.

As access to Western facilities is controlled, any U.S. citizen wishing to attend any meeting held at Western

must present an official form of picture identification, such as a U.S. driver's license, U.S. passport, U.S. Government ID, or U.S. Military ID, at the time of the meeting. Foreign nationals should contact Western 30 days in advance of the meeting to obtain the necessary form for admittance to Western.

FOR FURTHER INFORMATION CONTACT: Mr. Jack Murray, Rates Manager, Desert Southwest Customer Service Region, Western Area Power Administration, P.O. Box 6457, Phoenix, AZ 85005–6457, (602) 605–2442, email *jmurray@wapa.gov.*

SUPPLEMENTARY INFORMATION: The proposed base charge and rates for BCP electric service are designed to recover an annual revenue requirement that includes the investment repayment, interest, operation and maintenance, replacements, payments to states, visitor services, and uprating payments. The total costs are offset by the projected revenue from water sales, visitor center, ancillary services, and late fees. The annual revenue requirement is the base charge for electric service and is divided equally between capacity and energy. The annual composite rate is the base charge divided by the annual energy sales.

Rate Schedule BCP–F8, Rate Order No. WAPA–150 was approved on an interim basis by the Deputy Secretary of Energy on September 16, 2010, for a 5-year period beginning on October 1, 2010, and ending September 30, 2015.[1] The schedule received final approval from the Federal Energy Regulatory Commission (FERC) on December 9, 2010.[2] Western's existing rate formula for electric service requires recalculation of the base charge and rates annually based on updated financial and hydrology data. The proposed base charge for fiscal year (FY) 2013 under Rate Schedule BCP–F8 is $86,800,488, and the proposed composite rate is 20.45 mills/kWh.

The proposed BCP electric service base charge represents an increase of approximately 3 percent compared to the FY 2012 base charge. The 3 percent increase is based on the most current financial data available at this time, which was taken from the latest rate-base power repayment study, and also used to determine FY 2012 base charge and rates. However, given an increase in current energy projections the preliminary composite rate is forecasted to decrease 3 percent. The following table compares the existing and proposed base charge and composite rate. This proposal, effective October 1, 2012, is preliminary and is subject to change upon publication of final formula rates.

COMPARISON OF EXISTING AND PROPOSED BASE CHARGE AND COMPOSITE RATE

	Existing October 1, 2011 through September 30, 2012	Proposed October 1, 2012 through September 30, 2013	% Change
Base Charge ($)	84,536,772	86,800,488	3
Composite Rate (mills/kWh)	21.11	20.45	−3

The increase in the proposed base charge is due to increases in the annual operation and maintenance costs, visitor center costs, and the uprating program principal payments. Since there is no projected year-end carryover from FY 2012, the result is an overall increase in the base charge for FY 2013. The decrease in the composite rate, despite the base charge increase, is due to higher energy projections resulting from improved hydrology, and the corresponding increases to Lake Mead elevations.

Legal Authority

Since the proposed rates constitute a major rate adjustment as defined by 10 CFR part 903, Western will hold both a public information forum and a public comment forum. After review of public comments, Western will take further action on the Proposed Base Charge and Rates consistent with 10 CFR parts 903 and 904.

Western is establishing an electric service base charge and rates for BCP under the DOE Organization Act (42 U.S.C. 7152); the Reclamation Act of 1902 (ch. 1093, 32 Stat. 388), as amended and supplemented by subsequent laws, particularly section 9(c) of the Reclamation Project Act of 1939 (43 U.S.C. 485h(c)); and other acts that specifically apply to the project involved.

By Delegation Order No. 00–037.00, effective December 6, 2001, the Secretary of Energy delegated: (1) The authority to develop power and transmission rates to Western's Administrator; (2) the authority to confirm, approve, and place such rates into effect on an interim basis to the Deputy Secretary of Energy; and (3) the authority to confirm, approve, and place into effect on a final basis, to remand or to disapprove such rates to FERC. Existing DOE procedures for public participation in power rate adjustments (10 CFR part 903) were published on September 18, 1985 (50 FR 87835).

Availability of Information

All brochures, studies, comments, letters, memorandums, or other documents that Western initiates or uses to develop the proposed rates are available for inspection and copying at the Desert Southwest Customer Service Regional Office, Western Area Power Administration, 615 South 43rd Avenue, Phoenix, Arizona. Many of these documents and supporting information are also available on Western's Web site at *http://www.wapa.gov/dsw/pwrmkt/BCP/RateAdjust.htm.*

Ratemaking Procedure Requirements

Environmental Compliance

In compliance with the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321–4347); Council on Environmental Quality Regulations (40 CFR parts 1500–1508); and DOE NEPA Regulations (10 CFR part 1021), Western has determined this action is categorically excluded from preparing an environmental assessment or an environmental impact statement.

Determination Under Executive Order 12866

Western has an exemption from centralized regulatory review under Executive Order 12866. Accordingly, no clearance of this notice by the Office of Management and Budget is required.

[1] 75 FR 57912 (Sept. 23, 2010).

[2] 133 FERC ¶ 62,229.

Dated: January 9, 2012.

Timothy J. Meeks,

Administrator.

[FR Doc. 2012–799 Filed 1–17–12; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2011–0841; FRL–9618–7]

Agency Information Collection Activities; Proposed Collection; Comment Request; NESHAP for Hazardous Waste Combustors

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), this document announces that EPA is planning to submit a request to the Office of Management and Budget (OMB) to renew an existing approved Information Collection Request (ICR) concerning NESHAPs for hazardous waste combustors. This ICR is scheduled to expire on June 30, 2012. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

DATES: Comments must be submitted on or before March 19, 2012.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2011–0841, by one of the following methods:

- *www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *Email: rcra-docket@epa.gov.*
- *Fax:* (202) 566–9744.
- *Mail:* RCRA Docket (28221T), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460.
- *Hand Delivery:* 1301 Constitution Ave. NW., Room 3334, Washington, DC 20460. 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–2011–0841. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *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 *www.regulations.gov* or email. The *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 email comment directly to EPA without going through *www.regulations.gov* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.*

FOR FURTHER INFORMATION CONTACT: Shiva Garg, Office of Resource Conservation and Recovery (mail code 5302P), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: (703) 308–8459; fax number: (703) 308–8433; email address: *garg.shiva@epa.gov.*

SUPPLEMENTARY INFORMATION:

How can I access the docket and/or submit comments?

EPA has established a public docket for this ICR under Docket ID No. EPA–HQ–OAR–2011–0841, which is available for online viewing at *www.regulations.gov,* or in person viewing at the RCRA Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The EPA/DC Public Reading Room is open from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566–1744, and the telephone number for RCRA Docket is (202) 566–0270.

Use *www.regulations.gov* to obtain a copy of the draft collection of information, submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the public docket that are available electronically. Once in the system, select ''search,'' then key in the docket ID number identified in this document.

What information is EPA particularly interested in?

Pursuant to section 3506(c)(2)(A) of the PRA, EPA specifically solicits comments and information to enable it to:

(i) 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;

(ii) 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;

(iii) enhance the quality, utility, and clarity of the information to be collected; and

(iv) 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. In particular, EPA is requesting comments from very small businesses (those that employ less than 25) on examples of specific additional efforts that EPA could make to reduce the paperwork burden for very small businesses affected by this collection.

What should I consider when I prepare my comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible and provide specific examples.

2. Describe any assumptions that you used.

3. Provide copies of any technical information and/or data you used that support your views.

4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.

5. Offer alternative ways to improve the collection activity.

6. Make sure to submit your comments by the deadline identified under **DATES**.

7. To ensure proper receipt by EPA, be sure to identify the docket ID number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

What information collection activity or ICR does this apply to?

Affected entities: Entities potentially affected by this action are business or other for-profit, and State, Local, or Tribal governments.

Title: NESHAP for Hazardous Waste Combustors (40 CFR Part 63, subpart EEE).

ICR numbers: EPA ICR No. 1773.10, OMB Control No. 2050–0171.

ICR status: This ICR is currently scheduled to expire on June 30, 2012. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: EPA, under authority of section 112(d) of the Clean Air Act, established National Emission Standards for Hazardous Air Pollutants (NESHAPs) for hazardous waste combustors which include hazardous waste burning incinerators, cement kilns, lightweight aggregate kilns, industrial/commercial/institutional boilers and process heaters, and hydrochloric acid production furnaces. These NESHAPs are found in 40 CFR Part 63. Under these standards, hazardous waste combustors are required to meet emission levels that reflect the maximum achievable control technology.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 52 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements which have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

The ICR provides a detailed explanation of the Agency's estimate, which is only briefly summarized here:

Estimated total number of potential respondents: 289.

Frequency of response: On occasion.

Estimated total average number of responses for each respondent: 16.

Estimated total annual burden hours: 199,897 hours.

Estimated total annual costs: $21,696,865, includes $16,010,727 for annualized labor cost, and $5,686,138 in annualized capital or O&M costs.

What is the next step in the process for this ICR?

EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval pursuant to 5 CFR 1320.12. At that time, EPA will issue another **Federal Register** notice pursuant to 5 CFR 1320.5(a)(1)(iv) to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB. If you have any questions about this ICR or the approval process, please contact the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

Dated: January 6, 2012.

Suzanne Rudzinski,

Director, Office of Resource Conservation and Recovery.

[FR Doc. 2012–845 Filed 1–17–12; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2011–0231; FRL–9510–4]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; NESHAP for Ferroalloys Production: Ferromanganese and Silicomanganese (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that an Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval. This is a request to renew an existing approved collection. The ICR which is abstracted below describes the nature of the collection and the estimated burden and cost.

DATES: Additional comments may be submitted on or before February 17, 2012.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OECA–2011–0231, to (1) EPA online using *www.regulations.gov* (our preferred method), by email to *docket.oeca@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Avenue NW., Washington, DC 20460, and (2) OMB by mail to: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Learia Williams, Office of Compliance Assessment and Media Programs Division, Mail Code 2227A, Office of Compliance, Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460; telephone number: (202) 564–4113; email address: *williams.learia@epa.gov.*

SUPPLEMENTARY INFORMATION: EPA has submitted the following ICR to OMB for review and approval according to the procedures prescribed in 5 CFR 1320.12. On May 9, 2011 (76 FR 26900), EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). EPA received no comments. Any additional comments on this ICR should be submitted to EPA and OMB within 30 days of this notice.

EPA has established a public docket for this ICR under Docket ID No. EPA–HQ–OECA–2011–0231, which is available for public viewing online at *www.regulations.gov,* in person viewing at the Enforcement and Compliance Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Avenue NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566–1744, and the telephone number for the Enforcement and Compliance Docket is (202) 566–1752.

Use the EPA electronic docket and comment system at *www.regulations.gov,* to submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the docket that are available electronically. Once in the system, select ''docket search,'' then key in the docket ID number identified above. Please note that EPA's policy is that public comments, whether submitted electronically or in paper,

will be made available for public viewing at *www.regulations.gov* as EPA receives them and without change, unless the comment contains copyrighted material, Confidential Business Information (CBI), or other information whose public disclosure is restricted by statute. For further information about the electronic docket, go to *www.regulations.gov.*

Title: NESHAP for Ferroalloys Production: Ferromanganese and Silicomanganese (40 CFR Part 63, Subpart XXX) (Renewal).

ICR Numbers: EPA ICR Number 1831.05, OMB Number 2060–0391.

ICR Status: This ICR is scheduled to expire on January 31, 2012. Under OMB regulations, the Agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB. An Agency may neither conduct nor 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 the EPA regulations in title 40 of the CFR, after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, and displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: The National Emission Standards for Hazardous Air Pollutants (NESHAP) using Maximum Achievable Control Technology were proposed on August 4, 1998, promulgated on May 20, 1999, and amended most recently on March 22, 2001. The rule applies to ferroalloy production facilities that manufacture ferromanganese and silicomanganese that are major sources of hazardous air pollutants (HAPs) or are co-located at major sources of HAPs.

In general, all NESHAP standards require initial notifications, performance tests, and periodic reports. Respondents that are not required to conduct an initial performance test are required to notify the EPA Administrator of the initial compliance status of the source. Sources are also required to monitor and maintain records of its operations including: (1) Process or control device parameters; (2) bag leak detention systems; (3) maintenance plan for air pollution control devices (e.g., capture system and venturi scrubbers); (4) certification that monitoring devices are accurate; and (5) the implementation and corrective actions taken related to the startup, shutdown and malfunction plan and the fugitive dust control plan. The types of periodic reports required by this regulation include: opacity-related reports; performance test results reports; immediate and periodic startup/shutdown/malfunction reports, quarterly emissions reports; capture hood inspection reports; fugitive dust operations reports; and annual compliance status reports. These notifications, reports, and records are essential in determining compliance, and are required of all sources subject to NESHAP standards.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 83 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements which have subsequently changed; train personnel to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Ferroalloys production: ferromanganese, and silicomanganese plant.

Estimated Number of Respondents: 1.

Frequency of Response: Initially, annually, semiannually and quarterly.

Estimated Total Annual Hour Burden: 584 hours.

Estimated Total Annual Cost: $55,956 in Labor costs exclusively. There are no annualized capital/startup or O&M costs associated with this ICR.

Changes in the Estimates: There is no change in the total estimated burden currently identified in the OMB Inventory of Approved ICR Burdens.

John Moses,

Director, Collection Strategies Division.

[FR Doc. 2012–782 Filed 1–17–12; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2011–1023; FRL–9332–7]

Fenoxaprop-*p*-ethyl; Receipt of Application for Emergency Exemption, Solicitation of Public Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received a specific exemption request from the Oregon Department of Agriculture to use the pesticide fenoxaprop-*p*-ethyl (CAS No. 148–79–8) to treat up to 40,000 acres of grasses grown for seed to control weeds. The applicant proposes a use which is supported by the Interregional (IR)-4 program and has been requested in 5 or more previous years, and a petition for tolerance has not yet been submitted to the Agency. In accordance with the requirements of Title 40 of the Code of Federal regulations (40 CFR 166.24(a)(7)), EPA is soliciting public comment before making the decision whether or not to grant the exemption.

DATES: Comments must be received on or before February 2, 2012.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2011–1023, by one of the following methods:

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

Instructions: Direct your comments to docket ID number EPA–HQ–OPP–2011–1023. EPA's policy is that all comments received will be included in the docket without change and may be made available on-line at *http://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information

whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through regulations.gov or email. The regulations.gov Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through regulations.gov, your email address will be automatically captured and included as part of the comment that is placed in the docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

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

FOR FURTHER INFORMATION CONTACT:

Andrea Conrath, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 308–9356; fax number: (703) 605–0781; email address: *conrath.andrea@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

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

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

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

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

1. *Submitting CBI.* Do not submit this information to EPA through www.regulations.gov or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When submitting comments, remember to:

i. Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).

ii. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

iv. Describe any assumptions and provide any technical information and/or data that you used.

v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

vi. Provide specific examples to illustrate your concerns and suggest alternatives.

vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

viii. Make sure to submit your comments by the comment period deadline identified.

3. *Environmental justice.* EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticide(s) discussed in this document, compared to the general population.

II. What action is the agency taking?

Under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136p), at the discretion of the Administrator, a Federal or State agency may be exempted from any provision of FIFRA if the Administrator determines that emergency conditions exist which require the exemption. The Oregon Department of Agriculture has requested the Administrator to issue a specific exemption for the use of fenoxaprop-*p*-ethyl on grasses grown for seed to control weeds. Information in accordance with 40 CFR part 166 was submitted as part of this request.

As part of this request, the applicant asserts that an emergency arose from loss of a previously-used herbicide special local need registration, and the resulting weed problems. The applicant states that currently available herbicides do not provide adequate weed control, and weeds must be meticulously controlled. This is because contamination of the grass seeds with weed seeds will result in significant reduction in sales, with certain states and counties completely prohibiting sale of grass seed containing noxious weed species; thus significant economic losses are expected if weeds are not controlled.

The Applicant proposes to make no more than one application at a rate of up to 0.0825 lb. active ingredient (a.i.) per acre. Up to 40,000 acres may be treated statewide for a total amount of active ingredient used of up to 3,300 lbs.

This notice does not constitute a decision by EPA on the application itself. The regulations governing section 18 of FIFRA require publication of a notice of receipt of an application for a specific exemption proposing a use which is supported by the IR–4 program and has been requested in 5 or more previous years, and a petition for tolerance has not yet been submitted to the Agency. The notice provides an opportunity for public comment on the application, in accordance with requirements set forth at 40 CFR 166.24(a)(7)).

The Agency, will review and consider all comments received during the comment period in determining whether to issue the specific exemption requested by the Oregon Department of Agriculture.

List of Subjects

Environmental protection, Pesticides and pests.

Dated: January 9, 2012.

Lois Rossi,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 2012–811 Filed 1–17–12; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9618–8]

Meetings of the Small Communities Advisory Subcommittee and the Local Government Advisory Committee

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: The Small Communities Advisory Subcommittee (SCAS) will meet via teleconference on Monday, February 6, 2012, 1 p.m.–2 p.m. (ET). The Subcommittee will discuss sustainable communities, drinking water regulations and other issues and recommendations to the Administrator regarding environmental issues affecting small communities. This is an open meeting and all interested persons are invited to participate. The Subcommittee will hear comments from the public between 1:40 p.m.–2 p.m. on Monday, February 6, 2012. Individuals or organizations wishing to address the Committee will be allowed a maximum of five minutes to present their point of view. Also, written comments should be submitted electronically to *davis.catherinem@epa.gov*. Please contact the Designated Federal Officer (DFO) at the number listed below to schedule a time on the agenda. Time will be allotted on a first-come first-serve basis, and the total period for comments may be extended if the number of requests for appearances requires it.

The Local Government Advisory Committee (LGAC) will meet via teleconference on Monday, February 6, 2012, 2 p.m.–3 p.m. (ET). The Committee will discuss the recommendations of the LGAC Workgroups and the SCAS. This is an open meeting and all interested persons are invited to participate. The Committee will hear comments from the public between 2:40 p.m.–3 p.m. (ET) on Monday, February 6, 2012. Individuals or organizations wishing to address the Committee will be allowed a maximum of five minutes to present their point of view. Also, written comments should be submitted electronically to *eargle.frances@epa.gov*. Please contact the Designated Federal Officer (DFO) at the number listed below to schedule a time on the agenda. Time will be allotted on a first-come first-serve basis, and the total period for comments may be extended if the number of requests for appearances requires it.

Dates and Addresses: The Small Communities Advisory Subcommittee meeting will be held by teleconference on Monday, February 6, 2012, 1 p.m.–2 p.m. (ET). The Local Government Advisory Committee meeting will be held by teleconference on Monday, February 6, 2012, 2 p.m.–3 p.m. (ET). Meeting summaries will be available after the meetings online at *http://www.epa.gov/ocir/scas* and can be obtained by written request to the DFO.

FOR FURTHER INFORMATION CONTACT: Cathy Davis, Designated Federal Officer for the Small Communities Advisory Subcommittee (SCAS) at (202) 564–2703 or email at *davis.catherinem@epa.gov.* For the Local Government Advisory Committee (LGAC) contact Frances Eargle at (202) 564–3115 or email at *eargle.frances@epa.gov*.

Information on Services for Those with Disabilities: For information on access or services for individuals with disabilities, please contact Frances Eargle at (202) 564–3115 or *eargle.frances@epa.gov*. To request accommodation of a disability, please request it 10 days prior to the meeting, to give EPA as much time as possible to process your request.

Dated: January 9, 2011.

Frances Eargle,

Designated Federal Officer, Local Government Advisory Committee.

[FR Doc. 2012–813 Filed 1–17–12; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2011–0689; FRL–9332–6]

Pesticide Experimental Use Permit; Receipt of Application; Comment Request

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's receipt of an EUP for the Plant-Incorporated Protectants (PIPs) *Bacillus thuringiensis* Cry proteins Cry1Ab, Cry2Ae, Vip3Aa19, and full-length Cry1Ab in event T304–40, GHB119, COT102, and COT67B cotton plants, respectively; and the PIP *Bacillus thuringiensis* combined trait cotton,T304–40 X GHB119 X COT102 X COT67B; and the combined trait cotton necessary for their production. The Agency has determined that the permit may be of regional and national significance. Therefore, in accordance with 40 CFR 172.11(a), the Agency is soliciting comments on this application.

DATES: Comments must be received on or before February 17, 2012.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2011–0689, by one of the following methods:

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

Instructions: Direct your comments to docket ID number EPA–HQ–OPP–2011–0689. EPA's policy is that all comments received will be included in the docket

without change and may be made available on-line at *http://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through regulations.gov or email. The regulations.gov Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through regulations.gov, your email address will be automatically captured and included as part of the comment that is placed in the docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

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

FOR FURTHER INFORMATION CONTACT:

Denise Greenway, Biopesticides and Pollution Prevention Division (7511P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 308–8263; email address: *greenway.denise@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general. This action may, however, be of interest to those persons who are interested in agricultural biotechnology or may be required to conduct testing of pesticidal substances under the Federal Food, Drug, and Cosmetic Act (FFDCA), or the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

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

1. *Submitting CBI.* Do not submit this information to EPA through regulations.gov or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When submitting comments, remember to:

i. Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).

ii. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

iv. Describe any assumptions and provide any technical information and/or data that you used.

v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

vi. Provide specific examples to illustrate your concerns and suggest alternatives.

vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

viii. Make sure to submit your comments by the comment period deadline identified.

3. *Environmental justice.* EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticides discussed in this document, compared to the general population.

II. What action is the Agency taking?

Under Section 5 of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), 7 U.S.C. 136c, EPA can allow manufacturers to field test pesticides under development. Manufacturers are required to obtain an EUP before testing new pesticides or new uses of pesticides if they conduct experimental field tests on 10 acres or more of land or one acre or more of water.

Pursuant to 40 CFR 172.11(a), the Agency has determined that the following EUP application may be of regional and national significance, and therefore is seeking public comment on the EUP application:

Submitter: Bayer CropScience, (264–EUP–RUT).

Pesticide Chemical: Plant-Incorporated Protectant Combined Trait *Bacillus thuringiensis* Cotton T304–40 (Produces Cry1Ab Protein) X GHB119 (Produces Cry2Ae Protein) X COT102 (Produces Vip3Aa19 Protein) X COT67B (Produces Full-length Cry1Ab Protein), and the Combined Trait Cotton necessary for their production, along with the individual events T304–40, GHB119, COT102, and COT67B.

Summary of Request: Bayer CropScience is proposing an experimental program to allow plantings for the evaluation of these cotton plant lines between October 1, 2011 and June 1, 2013. Testing the efficacy of insect resistance transgenes and agronomic performance, as well as the production of sample material for regulatory studies, is intended. The applicant requests to conduct testing in the U.S. territory of Puerto Rico and in

12 states: Alabama, Arkansas, Arizona, California, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee and Texas. Testing is proposed to be conducted on a total of 12,210 acres, of which 2,035 acres will be planted to test PIP materials and 10,175 acres to test non-PIP materials. The proposed experimental program requires up to 0.04 pound of Cry1Ab protein, up to 0.17 pound of Cry2Ae protein, up to 0.08 pound of Vip3Aa19 protein, and up to 0.26 pound of full-length Cry1Ab protein. The company is researching the potential for *Bacillus thuringiensis* proteins produced by the inserted genetic material in these cotton PIPs for control of the lepidopteran larvae cotton pests cotton bollworm (*Helicoverpa zea*), tobacco budworm (*Heliothis virescens*), pink bollworm (*Pectinophora gossypiella*), fall armyworm (*Spodoptera frugiperda*), and beet armyworm (*Spodoptera exigua*).

A copy of the application and any information submitted is available for public review in the docket established for this EUP application as described under **ADDRESSES**.

Following the review of the application and any comments and data received in response to this solicitation, EPA will decide whether to issue or deny the EUP request, and if issued, the conditions under which it is to be conducted. Any issuance of an EUP will be announced in the **Federal Register**.

List of Subjects

Environmental protection, Experimental use permits.

Dated: January 9, 2012.

W. Michael McDavit,

Acting Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.

[FR Doc. 2012–837 Filed 1–17–12; 8:45 am]

BILLING CODE 6560–50–P

FARM CREDIT SYSTEM INSURANCE CORPORATION

Board Meeting

AGENCY: Farm Credit System Insurance Corporation Board; Regular Meeting.

SUMMARY: Notice is hereby given of the regular meeting of the Farm Credit System Insurance Corporation Board (Board).

DATE AND TIME: The meeting of the Board will be held at the offices of the Farm Credit Administration in McLean, Virginia, on January 19, 2012, from 9 a.m. until such time as the Board concludes its business.

FOR FURTHER INFORMATION CONTACT: Dale L. Aultman, Secretary to the Farm Credit System Insurance Corporation Board, (703) 883–4009, TTY (703) 883–4056.

ADDRESSES: Farm Credit System Insurance Corporation, 1501 Farm Credit Drive, McLean, Virginia 22102.

SUPPLEMENTARY INFORMATION: This meeting of the Board will be open to the public (limited space available). In order to increase the accessibility to Board meetings, persons requiring assistance should make arrangements in advance. The matters to be considered at the meeting are:

Open Session

A. Approval of Minutes

- December 8, 2011

B. New Business

- Report on Investment Portfolio
- Review of Insurance Premium Rates
- Overview of Communications Crisis Plan with Porter Novelli

Dated: January 12, 2012.

Dale L. Aultman,

Secretary, Farm Credit System Insurance Corporation Board.

[FR Doc. 2012–864 Filed 1–17–12; 8:45 am]

BILLING CODE 6710–01–P

FEDERAL COMMUNICATIONS COMMISSION

Information Collection 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 February 17, 2012. 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 email *Nicholas_A._Fraser@omb.eop.gov;* and to Cathy Williams, FCC, via email *PRA@fcc.gov* <mailto:*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: 3060–0573.

Title: Application for Franchise Authority Consent to Assignment or

Transfer of Control of Cable Television Franchise, FCC Form 394.

Form Number: FCC Form 394.

Type of Review: Extension of a currently approved collection.

Respondents: Business of other for-profit entities; State, Local or Tribal Government.

Number of Respondents and Responses: 2,000 respondents; 1,000 responses.

Estimated Time per Response: 1–5 hours.

Frequency of Response: Third Party Disclosure Requirements.

Total Annual Burden: 7,000 hours.

Total Annual Costs: $750,000.

Privacy Impact Assessment(s): No impact(s).

Needs and Uses: FCC Form 394 is a standardized form that is completed by cable operators in connection with the assignment and transfer of control of cable television systems. On July 23, 1993, the Commission released a Report and Order and Further Notice of Proposed Rulemaking in MM Docket No. 92–264, FCC 93–332, Implementation of Sections 11 and 13 of the Cable Television Consumer Protection and Competition Act of 1992, Horizontal and Vertical Ownership Limits, Cross-Ownership Limitations and Anti-Trafficking Provisions. Among other things, this Report and Order established procedures for use of the FCC Form 394.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary, Office of Managing Director.

[FR Doc. 2012–767 Filed 1–17–12; 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 March 19, 2012. 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 the Federal Communications Commission via email to *PRA@fcc.gov* and *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: 3060–0568.

Title: Sections 76.970, 76.971 and 76.975, Commercial Leased Access Rates, Terms and Conditions.

Form Number:

Type of Review: Extension of a currently approved collection.

Respondents: Businesses or other for-profit, State, Local or Tribal Government.

Number of Respondents and Responses: 4,030 respondents; 11,970 responses.

Estimated Time per Response: 2 minutes–10 hours.

Frequency of Response: Recordkeeping requirement; Third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection is contained in Sections 154(i) and 612 of the Communications Act of 1934, as amended.

Total Annual Burden: 59,671 hours.

Total Annual Cost: $74,000.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Needs and Uses: 47 CFR 76.970(h) requires cable operators to provide the following information within 15 calendar days of a request regarding leased access (for systems subject to small system relief, cable operators are required to provide the following information within 30 days of a request regarding leased access):

(a) A complete schedule of the operator's full-time and part-time leased access rates;

(b) How much of the cable operator's leased access set-aside capacity is available;

(c) Rates associated with technical and studio costs;

(d) If specifically requested, a sample leased access contract; and

(e) Operators must maintain supporting documentation to justify scheduled rates in their files.

47 CFR 76.971 requires cable operators to provide billing and collection services to leased access programmers unless they can demonstrate the existence of third party billing and collection services which, in terms of cost and accessibility, offer leased access programmers an alternative substantially equivalent to that offered to comparable non-leased access programmers.

47 CFR 76.975(b) requires that persons alleging that a cable operator's leased access rate is unreasonable must receive a determination of the cable operator's maximum permitted rate from an independent accountant prior to filing a petition for relief with the Commission.

47 CFR 76.975(c) requires that petitioners attach a copy of the final accountant's report to their petition where the petition is based on allegations that a cable operator's leased access rates are unreasonable.

Federal Communications Commission.

Bulah P. Wheeler,

Deputy Manager, Office of the Secretary, Office of Managing Director.

[FR Doc. 2012–768 Filed 1–17–12; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Notice

AGENCY: Federal Election Commission.

SCHEDULED TO BE PUBLISHED ON JANUARY 17, 2012.

DATES: *Date and Time:* Thursday, January 19, 2012 at 10 a.m.

PLACE: 999 E Street NW., Washington, DC (Ninth Floor).

STATUS: This meeting will be open to the public.

CHANGES IN THE MEETING: The following item has been added to the agenda:

Draft Advisory Opinion 2011–24: Louder Solutions, LLC d/b/a StandLouder.com.

Individuals who plan to attend and require special assistance, such as sign language interpretation or other reasonable accommodations, should contact Shawn Woodhead Werth, Secretary, at (202) 694–1040, at least 72 hours prior to the meeting date.

PERSON TO CONTACT FOR INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694–1220.

Shawn Woodhead Werth,

Secretary of the Commission.

[FR Doc. 2012–934 Filed 1–13–12; 11:15 am]

BILLING CODE 6715–01–P

FEDERAL TRADE COMMISSION

[File No. 102 3116]

Upromise, Inc.; Analysis of Proposed Consent Order to Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices or unfair methods of competition. The attached Analysis to Aid Public Comment describes both the allegations in the draft complaint and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before February 6, 2012.

ADDRESSES: Interested parties may file a comment online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write ''Upromise, File No. 102 3116'' on your comment, and file your comment online at *https://ftcpublic.commentworks.com/ftc/upromiseconsent,* by following the instructions on the web-based form. If you prefer to file your comment on paper, mail or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Room H–113 (Annex D), 600 Pennsylvania Avenue NW., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Ruth Yodaiken (202) 326–2127 or Katrina Blodgett (202) 326–3158, FTC, Bureau of Consumer Protection, 600 Pennsylvania Avenue NW., Washington, DC 20580.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46(f), and § 2.34 the Commission Rules of Practice, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for January 5, 2012), on the World Wide Web, at *http://www.ftc.gov/os/actions.shtm.* A paper copy can be obtained from the FTC Public Reference Room, Room 130–H, 600 Pennsylvania Avenue NW., Washington, DC 20580, either in person or by calling (202) 326–2222.

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before February 6, 2012. Write ''Upromise, File No. 102 3116'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission Web site, at *http://www.ftc.gov/os/publiccomments.shtm.* As a matter of discretion, the Commission tries to remove individuals' home contact information from comments before placing them on the Commission Web site.

Because your comment will be made public, you are solely responsible for making sure that your comment does not include any sensitive personal information, like anyone's Social Security number, date of birth, driver's license number or other state identification number or foreign country equivalent, passport number, financial account number, or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, like medical records or other individually identifiable health information. In addition, do not include any ''[t]rade secret or any commercial or financial information which is obtained from any person and which is privileged or confidential,'' as provided in Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2). In particular, do not include competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

If you want the Commission to give your comment confidential treatment, you must file it in paper form, with a request for confidential treatment, and you have to follow the procedure explained in FTC Rule 4.9(c), 16 CFR 4.9(c).[1] Your comment will be kept confidential only if the FTC General Counsel, in his or her sole discretion, grants your request in accordance with the law and the public interest.

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/upromiseconsent* by following the instructions on the web-based form. If this Notice appears at *http://www.regulations.gov/#!home,* you also may file a comment through that Web site.

If you file your comment on paper, write ''Upromise, File No. 102 3116'' on your comment and on the envelope, and mail or deliver it to the following address: Federal Trade Commission, Office of the Secretary, Room H–113 (Annex D), 600 Pennsylvania Avenue NW., Washington, DC 20580. If possible, submit your paper comment to the Commission by courier or overnight service.

Visit the Commission Web site at *http://www.ftc.gov* to read this Notice and the news release describing it. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before February 6, 2012. You can find more information, including routine uses permitted by the Privacy Act, in the Commission's privacy policy, at *http://www.ftc.gov/ftc/privacy.htm.*

Analysis of Agreement Containing Consent Order To Aid Public Comment

The Federal Trade Commission has accepted, subject to final approval, an

[1] In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c), 16 CFR 4.9(c).

agreement containing a consent order applicable to Upromise, Inc.

The proposed consent order has been placed on the public record for thirty (30) days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After thirty (30) days, the Commission will again review the agreement and the comments received, and will decide whether it should withdraw from the agreement and take appropriate action or make final the agreement's proposed order.

Upromise offers, among other things, a membership service through which consumers who join can receive cash rebates for making online purchases from merchants who participate in the Upromise program. To take part in the program, consumers download and install software, the Upromise TurboSaver Toolbar (''Toolbar''), from Upromise that modifies the consumers' Internet browser to highlight Upromise member merchants.

The Commission's complaint involves the advertising, marketing, and operation of an optional feature of that Toolbar, the ''personalized offers'' feature. That feature modified the Toolbar to provide targeted advertising to the consumer based upon the consumers' online behavior (the modified version is referred to here as the ''Targeting Tool''). Upromise engaged a service provider to develop the Toolbar and the personalized offers feature.

According to the FTC complaint, while Upromise represented to consumers that the Targeting Tool collected information about the web sites consumers visited, its failure to disclose the full extent of data collected through the software was deceptive. The complaint alleges that the Targeting Tool collected the names of all Web sites visited; all links clicked; information that consumers entered into some web pages such as usernames, passwords, and search terms; and, from July 2009 through mid-January 2010, consumers' interactions with forms on secure web pages. The complaint further alleges that Upromise misrepresented its privacy and security practices, including misrepresenting that consumers' data would be encrypted. The complaint alleges that these claims were false and thus violate Section 5 of the FTC Act.

In addition, the FTC complaint alleges that Upromise engaged in a number of practices that, taken together, failed to provide reasonable and appropriate security for the personal information it collected and maintained. Among other things, Upromise: (1) Transmitted sensitive information from secure web pages, such as financial account numbers and security codes, in clear readable text; (2) did not use readily available, low-cost measures to assess and address the risks to consumer information; (3) failed to ensure that employees responsible for the information collection program received adequate guidance and training; (4) failed to take adequate measures to ensure that its service provider employed reasonable and appropriate measures to protect consumer information.

The complaint alleges that Upromise's failure to employ reasonable and appropriate measures to protect consumer information—including credit card and financial account numbers, security codes and expiration dates, and Social Security numbers—was unfair. Tools for capturing data in transit, for example over unsecured wireless networks such as those often provided in coffee shops and other public spaces, are commonly available, making such clear-text data vulnerable to interception. The misuse of such information—particularly financial account information and Social Security numbers—can facilitate identity theft and related consumer harms.

The proposed order contains provisions designed to prevent Upromise from engaging in the future in practices similar to those alleged in the complaint.

Part I of the proposed order requires Upromise to disclose to consumers—before the download or installation of software that records or transmits information about any activity occurring on a computer involving the computer's interactions with Web sites, services, applications, or forms—the types of information collected and how the information will be used. The disclosure must be clear and prominent and separate from other notices. The company must also obtain consumers' express affirmative consent before the consumer downloads, installs, or otherwise activates such software. In addition, the company must provide this clear and prominent notice, and obtain express affirmative consent, before enabling data collection through any previously installed TurboSaver Toolbar and before making any material change from stated practices about collection or sharing of personal information through the Toolbar.

Part II of the proposed order requires Upromise to provide notice to consumers who, prior to the issuance of the order, had the Personalized Offers feature enabled. The notice must inform consumers about the categories of personal information that were, or could have been, transmitted by the feature, and how to disable the Personalized Offers feature and uninstall the Toolbar. Part III of the proposed order requires the company to destroy data it collected during the years covered by the complaint unless otherwise directed by the Commission.

Part IV of the proposed order prohibits the company from making any misrepresentations about the extent to which it maintains and protects the security, privacy, confidentiality, or integrity of any information collected from or about consumers. Part V of the proposed complaint requires Upromise to maintain a comprehensive information security program that is reasonably designed to protect the security, confidentiality, and integrity of such information (whether in paper or electronic format) about consumers. The security program must contain administrative, technical, and physical safeguards appropriate to Upromise's size and complexity, the nature and scope of its activities, and the sensitivity of the information collected from or about consumers and employees. Specifically, the proposed order requires Upromise to:

- Designate an employee or employees to coordinate and be accountable for the information security program;
- Identify material internal and external risks to the security, confidentiality, and integrity of personal information that could result in the unauthorized disclosure, misuse, loss, alteration, destruction, or other compromise of such information, and assess the sufficiency of any safeguards in place to control these risks;
- Design and implement reasonable safeguards to control the risks identified through risk assessment, and regularly test or monitor the effectiveness of the safeguards' key controls, systems, and procedures;
- Develop and use reasonable steps to select and retain service providers capable of appropriately safeguarding personal information they receive from Upromise or obtain on behalf of Upromise, and require service providers by contract to implement and maintain appropriate safeguards; and
- Evaluate and adjust its information security programs in light of the results of testing and monitoring, any material changes to operations or business arrangements, or any other circumstances that it knows or has reason to know may have a material impact on its information security program.

Part VI of the proposed order requires Upromise to obtain within the first one hundred eighty (180) days after service of the order, and on a biennial basis thereafter for a period of twenty (20) years, an assessment and report from a qualified, objective, independent third-party professional, certifying, among other things, that: (1) It has in place a security program that provides protections that meet or exceed the protections required by the proposed order; and (2) its security program is operating with sufficient effectiveness to provide reasonable assurance that the security, confidentiality, and integrity of sensitive consumer, employee, and job applicant information has been protected.

Parts VII, VIII, IX, X, XI, and XII of the proposed order are reporting and compliance provisions. Part VII requires Upromise to retain documents relating to its compliance with the order. For most records, the order requires that the documents be retained for a five-year period. For the third-party assessments and supporting documents, Upromise must retain the documents for a period of three years after the date that each assessment is prepared. Part VIII requires the company to cooperate with the FTC in connection with this action or any subsequent investigations related to or associated with the transactions or the occurrences that are the subject of the FTC complaint. Part IX requires dissemination of the order now and in the future to persons with responsibilities relating to the subject matter of the order. Part X ensures notification to the FTC of changes in corporate status. Part XI mandates that Upromise submit a compliance report to the FTC within 60 days, and periodically thereafter as requested. Part XII provides that the order will terminate after twenty (20) years, with certain exceptions.

The purpose of this analysis is to facilitate public comment on the proposed order. It is not intended to constitute an official interpretation of the proposed order or to modify its terms in any way.

By direction of the Commission.

Richard C. Donohue,

Acting Secretary.

[FR Doc. 2012–750 Filed 1–17–12; 8:45 am]

BILLING CODE 6750–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Designation of a Class of Employees for Addition to the Special Exposure Cohort

AGENCY: National Institute for Occupational Safety and Health (NIOSH), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: HHS gives notice of a decision to designate a class of employees from the Pantex Plant in Amarillo, Texas, as an addition to the Special Exposure Cohort (SEC) under the Energy Employees Occupational Illness Compensation Program Act of 2000. On December 21, 2011, the Secretary of HHS designated the following class of employees as an addition to the SEC:

All employees of the Department of Energy, its predecessor agencies, and their contractors and subcontractors who worked at the Pantex Plant in Amarillo, Texas, during the period from January 1, 1958 through December 31, 1983, for a number of work days aggregating at least 250 work days, occurring either solely under this employment or in combination with work days within the parameters established for one or more other classes of employees included in the SEC.

This designation will become effective on January 20, 2012 unless Congress provides otherwise prior to the effective date. After this effective date, HHS will publish a notice in the **Federal Register** reporting the addition of this class to the SEC or the result of any provision by Congress regarding the decision by HHS to add the class to the SEC.

FOR FURTHER INFORMATION CONTACT: Stuart L. Hinnefeld, Director, Division of Compensation Analysis and Support, NIOSH, 4676 Columbia Parkway, MS C–46, Cincinnati, OH 45226, Telephone 1–(877) 222–7570. Information requests can also be submitted by email to *DCAS@CDC.GOV.*

John Howard,

Director, National Institute for Occupational Safety and Health.

[FR Doc. 2012–850 Filed 1–17–12; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Announcement of the Requirements and Registration for the Healthy New Year Challenge

AGENCY: Office of the National Coordinator for Health Information Technology, HHS.

Award Approving Official: Erin Poetter, Consumer e-Health Policy Analyst.

ACTION: Notice.

SUMMARY: The Office of the National Coordinator for Health Information Technology (ONC), part of the Department of Health and Human Services (HHS), is announcing the launch of the *Healthy New Year Challenge.* This challenge is an open call for people nationwide to create and submit short videos that capture New Year's resolutions geared towards improving their health or the health of a loved one through the use of technology. The *Healthy New Year Challenge* is the first in a series of video contests for the public to share their personal stories about how they use health information technology (health IT) or consumer e-health tools to impact their health or the health of a loved one. The goal of this video contest series is to generate winning videos that will be used to motivate and inspire others and their loved ones to use health information technology to be more engaged partners in improving health and health care. Each challenge will be a call to action for members of the public to create a short video clip [2 minutes or less] on a particular theme, and will award cash prizes to winners in several categories.

DATES: Important date(s) for this challenge are:

Submission Period: today–February 16, 2012.

Public Voting: today–March 8, 2012.

Judging: February 23–March 8, 2012.

Winners Announced: Mid-March 2012.

FOR FURTHER INFORMATION CONTACT: Erin Poetter, Consumer e-Health Policy Analyst, ONC, HHS, *erin.poetter@hhs.gov* or (202) 205–3310.

SUPPLEMENTARY INFORMATION:

Subject of Challenge Competition: Entrants are asked to create a short, compelling video (up to 2 minutes in length) sharing one New Year's resolution for improving your health or the health of a loved one, and how you will use technology to achieve your resolution. Videos should be creative, inspiring and instructive—share a new

years resolution that others can relate to, and demonstrate how technology will make it easier to achieve.

Your resolution can be anything health related, such as quitting smoking or drinking, eating healthier, losing weight, reducing stress, or managing a chronic condition.

Videos must show how you will use information technology to achieve your resolution. Example entries could include the following kinds of resolutions (these are just examples—Entrants are encouraged to be creative and craft their own resolution):

- I will set up an online personal health record for myself (or another family member) so I can have all of my health information conveniently stored in one place.
- I will ask my doctor for a copy of my own health records—electronically if available—and help him or her to identify any important information that may be missing or need to be corrected.
- I will find an online community that helps me figure out the best ways to manage my health condition (depression, cancer, diabetes, etc.).
- I will use a wireless pedometer to help me track my physical activity and will try to take 10,000 steps per day.
- I will find an app on my Smartphone to help me track my food intake so I can lose 10 pounds by my high school reunion.
- I will sign up for a text reminder program on my cell phone to help me stop smoking or remind me to take my medications on time.

Eligibility Rules for Participating in the Competition:

To be eligible to win a prize under this Challenge, an individual or team—

1. Shall have registered to participate in the Challenge under these Official Rules;
2. Shall have complied with all the requirements set forth herein;
3. Shall be at least eighteen (18) years old at the time of entry;
4. Shall be a citizen or permanent resident of the United States; and
5. May not be a Federal entity or Federal employee acting within the scope of their employment.
6. Shall not be an employee of ONC
7. Federal grantees may not use Federal funds to develop COMPETES Act challenge applications unless consistent with the purpose of their grant award.'']
8. Federal contractors may not use Federal funds from a contract to develop COMPETES Act challenge applications or to fund efforts in support of a COMPETES Act challenge submission.

All individual members of a team must meet the eligibility requirements. (**Note:** ''Team members'' do not include people whose only contribution is appearing in the video. Minors can appear in the video, as long as the necessary consent forms are provided.)

An individual or team shall not be deemed ineligible because the individual or team used Federal facilities or consulted with Federal employees during a competition if the facilities and employees are made available to all individuals and teams participating in the competition on an equitable basis.

An individual may join more than one team.

Employees of ONC, the judges, and ChallengePost, Inc. (collectively the ''Promotion Entities'') or any of the Promotion Entities' respective affiliates, subsidiaries, advertising agencies, or any other company or individual involved with the design, production, execution, or distribution of the Challenge and their immediate family (spouse, parents and step-parents, siblings and step-siblings, and children and step-children), and household members (people who share the same residence at least three (3) months out of the year) of each Promotion Entity employee are not eligible.

The Challenge is subject to all applicable federal laws and regulations. Participation constitutes Contestant's full and unconditional agreement to these Official Rules and Sponsor's and Administrator's decisions, which are final and binding in all matters related to the Challenge.

Registration Process for Participants:

During the Challenge Submission Period, visit *HealthyNewYear.Challenge.gov* and register. Registration is free. After a Contestant registers, he or she must verify their email address via the registration email sent to the email entered in the registration form. A registered Contestant will then be able to enter a Submission. A Contestant will be required to fill out the submission form on *HealthyNewYear.Challenge.gov* and must provide:

- The title of your Video;
- A link to your Video on *YouTube.com* or *Vimeo.com* (your Video should be less than 2 minutes long)

There is also a mandatory 'text description field' that you may choose to use to provide a text description of your healthy New Year's resolution, how you will use health IT to achieve it, and how you plan to keep and maintain the resolution.

All individuals that appear in a Video must complete and sign the Video Consent Form. If a minor appears in the Video, the minor's parent/legal guardian must also sign the Video Consent Form. A Submission will not be considered complete and eligible to win prizes without a completed Video Consent Form being uploaded from all individuals that appear in the Video. All completed Video Consent Forms must include a handwritten signature, and be scanned, combined in to a single file, and uploaded on the submission form on *HealthyNewYear.Challenge.gov.*

AMOUNT OF THE PRIZE

Winner	Prize	Quantity
First Prize	$2,000	1
Second Prize	1,000	1
Third Prize	500	1
Honorable Mention	250	3
Popular Choice	750	1

If a team of individuals is selected as a prize winner, the prize will be awarded to the lead representative of the team and it will be up to him or her to split or appropriately allocate the prize. On award, the lead representative of the group will provide his or her full legal name, social security number, and information for the bank account that will receive the prize money.

Basis Upon Which Winner Will Be Selected:

An internal panel will judge the Submissions on the criteria identified below to select the prize winner in each category. All judging will take place between on or about February 24, 2012 at 10 a.m. EST and March 9, 2012 at 5 p.m. EST.

The following information details the commitment of judges:

- Judges will be fair and impartial.
- A judge may not have a personal or financial interest in, or be an employee, officer, director, or agent of any entity that is a registered participant in the competition.
- A judge may not have a familial or financial relationship with an individual who is a registered Contestant.

Odds of winning depend on the number of eligible Submissions received and the quality of Submissions.

First, Second, Third, and Honorable Mention Prizes—

An internal panel of judges will evaluate each Submission on the following three criteria:

1. Quality of the Idea (Includes elements such as the relevance and originality of your plan to use health IT)
2. Implementation of the Idea (Includes elements such as the quality of the video content, narrative and visual appearance)

3. Potential Impact on health IT adoption (Includes whether the video is compelling, instructive, and easy to follow so that others are motivated or inspired to work to achieve a similar resolution using health technology)

The six (6) Contestant whose Submissions earn the highest overall scores will win, respectively, the prize money identified in the 'Amount of Prize' section. In the event of a tie, winners will be selected based on the criteria described in (1), then (2), and finally (3). If there is still a tie then the winner will be selected based on a vote by the judging panel.

Additional Information:

Submission Requirements

- The Video must be no longer than 2 minutes
- The Video must focus on only one health related New Year's resolution
- The Video must show how information technology will be used to help achieve the resolution. Technology use may include electronic health records (EHRs), personal health records (PHRs), e-prescribing technology, and consumer e-health tools (health Web sites, mobile apps, email/text reminders, online communities, and other software applications).
- The Video must include a description of how you plan to maintain/keep your New Year's resolution
- The Video must direct, at any point during the Video, people to the Web site *www.HealthIT.gov* for more information.
- The Submission may be disqualified if the resolution and technology idea presented in the Video are not the same as or closely related to what is described in the text description.
- The Contestant cannot make any changes or alterations to the Submission once the Submission Period has ended.
- Submissions which in Sponsor and/or Administrator's sole discretion are determined to be substantially similar to a prior submitted entry in the Challenge will be disqualified.
- Submissions must be original, be the work of the Contestant, and must not violate the rights of other parties. Each Contestant represents and warrants that he or she is the sole author and owner of the Submission, that the Submission is wholly original with the Contestant, that it does not infringe any copyright or any other rights of any third party of which the Contestant is aware, and is free of malware.
- The Administrator has the right to request access to the Video file to verify any criteria about the Submission.
- Submissions containing any matter which in the sole discretion of the Sponsor, Administrator and Judges is in obvious bad taste, which demonstrates a lack of respect for public morals or conduct, or which adversely affects the reputation of the Sponsor will not be accepted. If the Sponsor, Administrator, or judges, in their discretion, find any Submission to be unacceptable, then such Submission shall be deemed disqualified.
- All Submissions must be in English.
- The Video cannot have been submitted previously in a promotion or contest of any kind, or previously exhibited or displayed publicly through any means.
- The Video may be submitted in only one category.
- The Video should not include any personal identification information about those in the Video (e.g., full name, address, social security number, etc.).
- The video must not contain more than one instance or mention of a commercial business, industry name, brand name, product placement or other trademark. Videos entered for the purpose of commercial promotion may be disqualified by the Sponsor, Administrator, or judges, in their discretion.
- The Video must not contain material that violates or infringes another's rights, including but not limited to privacy, publicity, or intellectual property rights, or material that constitutes copyright or license infringement.
- The Video must not contain material that is inappropriate, indecent, obscene, hateful, defamatory, slanderous, or libelous.
- The Video must not contain material that promotes bigotry, racism, hatred, or harm against any group or individual, or that promotes discrimination based on race, sex, religion, nationality, disability, sexual orientation, or age.
- The Video must not contain material that violates any applicable law.

Submission Rights:

Each Contestant grants to ONC, the Administrator, and others acting on behalf of ONC, an irrevocable, royalty-free, non-exclusive worldwide license to use, copy for use, distribute, display publicly, perform publicly, create derivative works, and license others to do so for the purpose of the Challenge until one year after the announcement of winners. This license includes posting or linking to the Submission on the official ONC and Administrator Web sites and Web sites of others who have agreed to promote the Challenge, and making it available for use by the public.

Verification of Potential Winners

All potential challenge winners are subject to verification by sponsor and/or administrator whose decisions are final and binding in all matters related to the challenge. Potential winners must continue to comply with all terms and conditions of these Official Rules, and winning is contingent upon fulfilling all requirements. The potential winners will be notified by email, telephone, or mail after the date of the judging. The potential winners will be required to sign and return to Sponsor, within ten (10) days of the date notice is sent, an Affidavit of Eligibility and Liability/Publicity Release (except where prohibited) in order to claim his or her prize. If a potential winner of any prize cannot be contacted, fails to sign and return the Affidavit of Eligibility and Liability/Publicity Release within the required time period (if applicable), or if the prize or prize notification is returned as undeliverable, the potential winner forfeits prize. In the event that a potential winner of a Challenge prize is disqualified for any reason, Sponsor may award the applicable prize to the Contestant whose Submission earned the highest score of the remaining of the eligible entries.

Publicity

Except where prohibited, participation in the Challenge constitutes the winning Contestants' consent to the use of its name, likeness, photograph, voice, opinions, and/or hometown and state by the Sponsor and its agents for promotional purposes in any media, worldwide, without further payment or consideration.

General Conditions

Sponsor and Administrator reserve the right to cancel, suspend and/or modify the Challenge, or any part of it, if any fraud, technical failures, or any other factor impairs the integrity or proper functioning of the Challenge.

Sponsor and/or Administrator reserve the right in their sole discretion to disqualify any individual or Competitor it finds to be tampering with the entry process or the operation of the Challenge or to be acting in violation of these Official Rules or any other promotion or in an unsportsmanlike or disruptive manner. Any attempt by any person to deliberately undermine the legitimate operation of the Challenge may be a violation of criminal and civil law, and, should such an attempt be made, Sponsor and/or Administrator reserves the right to seek damages from

any such person to the fullest extent permitted by law. Sponsor and/or Administrator's failure to enforce any term of these Official Rules shall not constitute a waiver of that provision. Sponsor and Administrator are not responsible for, nor are they required to count, incomplete, late, misdirected, damaged, unlawful or illicit votes, including those secured through payment, votes achieved through automated means or by registering more than one email account and name, using another Contestant's email account and name, as well as those lost for technical reasons or otherwise.

Privacy

Sponsor collects personal information from you when you enter the Challenge. The information collected is subject to the ChallengePost privacy policy located at *www.challengepost.com/privacy*.

Participation in this Challenge constitutes a contestant's full and unconditional agreement to abide by the Challenge's Official Rules found at *www.Challenge.gov* and *http://healthynewyear.challenge.gov/rules*.

Authority: 15 U.S.C. 3719.

Dated: January 6, 2012.

Erin Poetter,

Consumer e-Health Policy Analyst, Office of the National Coordinator for Health Information Technology.

[FR Doc. 2012–862 Filed 1–17–12; 8:45 am]

BILLING CODE 4150–45–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Board of Scientific Counselors, National Center for Health Statistics

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), National Center for Health Statistics (NCHS) announces the following meeting of the aforementioned committee:

Times and Dates:

11 a.m.–5:30 p.m., February 9, 2012.
8:30 a.m.–1 p.m., February 10, 2012.

Place: NCHS Headquarters, 3311 Toledo Road, Hyattsville, Maryland 20782.

Status: This meeting is open to the public. The meeting room accommodates approximately 100 people. Visitors must be processed in accordance with established federal policies and procedures. For foreign nationals or non-U.S. citizens, pre-approval is required (please contact Althelia Harris, (301) 458–4261, *adw1@cdc.gov* or Virginia Cain, *vcain@cdc.gov* at least 10 days in advance for requirements). All visitors are required to present a valid form of picture identification issued by a state, federal or international government. As required by the Federal Property Management Regulations, Title 41, Code of Federal Regulation, Subpart 101–20.301, all persons entering in or on Federal controlled property and their packages, briefcases, and other containers in their immediate possession are subject to being x-rayed and inspected. Federal law prohibits the knowing possession or the causing to be present of firearms, explosives and other dangerous weapons and illegal substances.

Purpose: This committee is charged with providing advice and making recommendations to the Secretary, Department of Health and Human Services; the Director, CDC; and the Director, NCHS, regarding the scientific and technical program goals and objectives, strategies, and priorities of NCHS.

Matters to be Discussed: The agenda will include welcome remarks by the Director, NCHS; review of the ambulatory and hospital care statistics program; a discussion of the NHANES genetics program and an open session for comments from the public.

Requests to make oral presentations should be submitted in writing to the contact person listed below. All requests must contain the name, address, telephone number, and organizational affiliation of the presenter.

Written comments should not exceed five single-spaced typed pages in length and must be received by January 30,2012.

The agenda items are subject to change as priorities dictate.

Contact Person for More Information: Virginia S. Cain, PhD, Director of Extramural Research, NCHS/CDC, 3311 Toledo Road, Room 7208, Hyattsville, Maryland 20782, telephone (301) 458–4500, fax (301) 458–4020.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities for both CDC and the Agency for Toxic Substances and Disease Registry.

Dated: January 11, 2012.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2012–825 Filed 1–17–12; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention (CDC)

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Grants for Injury Control Research Centers (Panel 2), Funding Opportunity Announcement (FOA) CE12–001, 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 SEP:

Time and Date: 8:30 a.m.–5 p.m., February 21–22, 2012 (Closed).

Place: Crowne Plaza Atlanta Perimeter Hotel at Ravinia, 4355 Ashford Dunwoody Road, Atlanta, Georgia 30346 Telephone: (770) 395–7700.

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 ''Grants for Injury Control Research Centers, Panel 2, FOA CE12–001''.

Contact Person for More Information: Jane Suen, Dr. P.H., M.S., Scientific Review Officer, CDC, 4770 Buford Highway, NE., Mailstop F63, Atlanta, Georgia 30341–3724, Telephone (770) 488–4281.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: January 11, 2012.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2012–832 Filed 1–17–12; 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): Grants for Injury Control Research Centers (Panel 3), Funding Opportunity Announcement (FOA) CE12–001, 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 SEP:

Time and Date: 8:30 a.m.–5 p.m., February 21–22, 2012 (Closed).

Place: Crowne Plaza Atlanta Perimeter Hotel at Ravinia, 4355 Ashford Dunwoody Rd, Atlanta, Georgia 30346 Telephone: (770) 395–7700.

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 ''Grants for Injury Control Research Centers, Panel 3, FOA CE12–001.''

Contact Person for More Information: Donald Blackman, Ph.D., M.P.H., Scientific Review Officer, CDC, 4770 Buford Highway NE., Mailstop F63, Atlanta, Georgia 30341, Telephone (770) 488–0641.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: January 11, 2012.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2012–842 Filed 1–17–12; 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): Grants for Injury Control Research Centers (Panel 1), Funding Opportunity Announcement (FOA) CE12–001, 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 SEP:

Time and Date: 8:30 a.m.–5 p.m., February 21–22, 2012 (Closed).

Place: Crowne Plaza Atlanta Perimeter Hotel at Ravinia, 4355 Ashford Dunwoody Road, Atlanta, Georgia 30346 Telephone: (770) 395–7700.

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 ''Grants for Injury Control Research Centers, Panel 1, FOA CE12–001.''

Contact Person for More Information: J. Felix Rogers, Ph.D., M.P.H., Scientific Review Officer, CDC, 4770 Buford Highway NE., Mailstop F63, Atlanta, Georgia 30341, Telephone (770) 488–4334.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: January 11, 2012.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2012–848 Filed 1–17–12; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Advisory Committee to the Director (ACD), Centers for Disease Control and Prevention (CDC)—Ethics Subcommittee (ES)

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the CDC announces the following meeting of the aforementioned subcommittee:

Dates and Times:

February 9, 2012, 1 p.m.–5 p.m.
February 10, 2012, 8:30 a.m.–12:30 p.m.

Place: CDC, Thomas R. Harkin Global Communications Center, Auditorium B–3, 1600 Clifton Road, NE., Atlanta, Georgia 30333. This meeting is also available by teleconference. Please dial (877) 928–1204 and enter code 4305992.

Status: Open to the public, limited only by the space available. The meeting room accommodates approximately 200 people. To accommodate public participation in the meeting, a conference telephone line will be available. The public is welcome to participate during the public comment period. The public comment periods are tentatively scheduled for 4:30 p.m.–4:45 p.m. on February 9, 2012 and from 12 p.m.–12:15 p.m. on February 10, 2012.

Purpose: The ES will provide counsel to the ACD, CDC, regarding a broad range of public health ethics questions and issues arising from programs, scientists and practitioners.

Matters To Be Discussed: Agenda items will include the following: Progress on developing practical tools to assist state, tribal, local, and territorial health departments in their efforts to address public health ethics challenges, approaches for evaluating the impact of public health ethics, strategies for increasing collaboration between public health ethics and public health law, and updates on CDC efforts to build national and international collaboration on public health ethics.

The agenda is subject to change as priorities dictate.

Contact Person for More Information: For security reasons, members of the public interested in attending the meeting should contact Drue Barrett, Ph.D., Designated Federal Officer, ACD, CDC–ES, 1600 Clifton Road NE., M/S D–50, Atlanta, Georgia 30333. Telephone: (404) 639–4690. Email: *dbarrett@cdc.gov*. The deadline for notification of attendance is February 3, 2012.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: January 11, 2012.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2012–835 Filed 1–17–12; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Centers for Disease Control and Prevention (CDC)

Office for State, Tribal, Local and Territorial Support (OSTLTS)

In accordance with Presidential Executive Order No. 13175, November 6, 2000, and the Presidential Memorandum of November 5, 2009 and September 23, 2004, Consultation and Coordination with Indian Tribal Governments, CDC, OSTLTS announces the following meeting and Tribal Consultation Session:

Name: Tribal Advisory Committee (TAC) Meeting and 8th Biannual Tribal Consultation Session.

Times and Dates:

8:30 a.m.–5 p.m., January 31 and February 1, 2012 (TAC Meeting).

8:30 a.m.–4 p.m., February 2, 2012 (8th Biannual Tribal Consultation Session).

Place: The TAC Meeting will be held at the Marriott Century Center, 2000 Century Boulevard, NE., Atlanta, Georgia 30345.

The 8th Biannual Tribal Consultation Session will be held at the Centers for Disease Control and Prevention's Global Communication Center, Auditorium B, 1600 Clifton Road, NE., Atlanta, Georgia 30329.

Status: The meetings are being hosted by CDC and the Agency for Toxic Substances and Disease Registry (ATSDR) and are open to the public.

Purpose: CDC released its Tribal Consultation Policy in October of 2005 with the primary purpose of providing guidance across the agency to work effectively with American Indian/Alaska Native (AII/AN) tribes, communities, and organizations to enhance AI/AN access to CDC resources and programs. In November of 2006, an Agency Advisory Committee (the CDC/ATSDR Tribal Advisory Committee or TAC) was established to provide a complementary venue wherein tribal representatives and CDC staff will exchange information about public health issues in Indian Country, identify urgent public health needs in AI/AN communities, and discuss collaborative approaches to these issues and needs. Within the CDC Consultation Policy, it is stated that CDC will conduct government-to-government consultation with elected tribal officials or their designated representatives and confer with AI/AN community-based organizations and AI/AN urban and rural communities before taking actions and/or making decisions that affect them. Consultation is an enhanced form of communication that emphasizes trust, respect, and shared responsibility. It is an open and free exchange of information and opinion among parties that leads to mutual understanding and comprehension. CDC believes that consultation is integral to a deliberative process that results in effective collaboration and informed decision making with the ultimate goal of reaching consensus on issues. Although formal responsibility for the agency's overall government-to-government consultation activities rests within the CDC Office of the Director (OD), other CDC Center, Institute, and Office leadership shall actively participate in TAC meetings and HHS-sponsored regional and national tribal consultation sessions as frequently as possible.

Matters To Be Discussed: The TAC will convene their advisory committee meeting with discussions and presentations from various CDC senior leaders on activities and areas identified by TAC members and other tribal leaders as priority public health issues. The following sessions are currently scheduled topics for presentation and discussion during the TAC Meeting; however, discussion is not limited to these topics: the CDC annual budget report, social determinants of health, social media, health care reform, the CDC Traditional Foods Program, and opportunities at CDC for Native participation.

The 8th Biannual Tribal Consultation Session will engage CDC Senior leadership from the CDC Office of the Director and various CDC Centers, Institute, and Offices including OSTLTS, the National Center for Environmental Health and the Agency for Toxic Substances and Disease Registry (NCEH/ATSDR), the National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), as well as others. Sessions that will be held during the Tribal Consultation include the following:

- National HIV/AIDS Strategy (NHAS) for the United States: CDC, the Indian Health Service and Department of Health and Human Services' Office of the Secretary are directed to consult with tribes to develop and implement scalable approaches for effective prevention interventions targeting American Indian and Alaska Native (AI/AN) populations at greatest risk for HIV and AIDS. To assist with fulfilling this requirement, (1) a brief presentation on the epidemiology of HIV and AIDS in and current prevention strategy targeting AI/AN communities, and (2) an interactive discussion on prevention needs for the population will be provided.
- Environmental Public Health: CDC's National Center for Environmental Health (NCEH) and ATSDR, will provide a brief update and summary of activities, including NCEH/ATSDR's reorganization, ongoing environmental health (EH) activities, as well as efforts to promote engagement between Tribes, states, and local agencies.
- Traditional Foods and Sustainable Ecological Approaches to Promote Health and Prevent Type 2 Diabetes in American Indian and Alaska Native Communities: This program within the National Center for Chronic Disease Prevention and Health Promotion will be seeking input on future planning scenarios related to the current 5-year cooperative agreement with 17 tribes, which ends in 2013.

Additional opportunities will be provided during the Consultation Session for tribal testimony. Tribal Leaders are encouraged to submit written testimony by 12 a.m., EST on January 18, 2012, to Kimberly Cantrell, Deputy, Tribal Support Unit, OSTLTS, via mail to 1600 Clifton Road NE., MS K–70, Atlanta, Georgia, 30329 or email to *klw6@cdc.gov*. Depending on the time available, it may be necessary to limit the time of each presenter.

The agenda is subject to change as priorities dictate.

Information about TAC and CDC's Tribal Consultation Policy and previous meetings may be referenced on the following web link: *http://www.cdc.gov/ostlts/tribal_public_health/announcements.html*.

Contact Person for More Information: Kimberly Cantrell, Deputy, Tribal Support Unit, OSTLTS, via mail to 1600 Clifton Road, NE., MS K–70, Atlanta, Georgia 30329 or email to *klw6@cdc.gov*.

The Director, Management Analysis and Services Office has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention, and the Agency for Toxic Substances and Disease Registry.

Dated: January 10, 2012.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2012–829 Filed 1–17–12; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Title: Subsidized and Transitional Employment Demonstration (STED) and Enhanced Transitional Jobs Demonstration (ETJD).

OMB No.: New Collection.

Description: The Administration for Children and Families (ACF) within the U.S. Department of Health and Human Services (HHS) has launched a national evaluation called the Subsidized and Transitional Employment Demonstration (STED). At the same time, the Employment and Training Administration (ETA) within the Department of Labor (DOL) is conducting an evaluation of the Enhanced Transitional Jobs Demonstration (ETJD). These evaluations will inform the Federal government about the effectiveness of subsidized and transitional employment programs in helping vulnerable populations secure unsubsidized jobs in the labor market and achieve self-sufficiency. The projects will evaluate up to twelve subsidized and transitional employment programs nationwide.

ACF and ETA are collaborating on the two evaluations. In 2011, ETA awarded grants to seven transitional jobs

programs as part of the ETJD, which is testing the effect of combining transitional jobs with enhanced services to assist ex-offenders and noncustodial parents improve labor market outcomes, reduce criminal recidivism, comply with child support orders and improve family engagement.

The STED and ETJD projects have complementary goals and are focusing on related program models and target populations. Thus, ACF and ETA have agreed to collaborate on the design of data collection instruments to promote consistency across the projects. In addition, two of the seven DOL-funded ETJD programs will be evaluated as part of the STED project.

The proposed information collection described here will be used for both the STED and ETJD projects. It is being submitted by ACF on behalf of both collaborating agencies.

There will be a total of twelve sites in the two projects combined. ACF and ETA estimate that 1,000 individuals will be randomly assigned at each site, for a total of 12,000 study participants across the two projects. In each site, 500 of these individuals will be assigned to the treatment group and 500 will be assigned to the control group.

Data for the study will be collected from the following three major sources:

1. *Baseline Forms.* Each subject will be asked to complete three forms upon entry into the study: (1) An informed consent form, which will require signature; (2) a contact sheet, which will obtain contact information for people who may help locate the subject for follow-up surveys; and (3) a baseline information form, which will collect demographic data and information on the subject's work and education history.

2. *Follow-Up Surveys.* Follow-up telephone surveys will be conducted with all participants. There will be three follow-up surveys in each of the seven STED sites (including the two sites that are also part of ETJD), approximately 6, 12, and 24 months after study entry.

There will be up to three follow-up surveys, at approximately 6, 12 and 30 months, in the five ETJD sites that are not part of STED.

The 6-month survey is intended to gather information from treatment and control group members while treatment group members are still participating in—or have very recently completed—a subsidized job. It will focus on self efficacy, well-being, worksite experiences, and other domains that are most likely to be directly affected by employment. The 12-month survey will collect data on study participants' receipt of services and attainment of education credentials, labor market status, material hardship, household income, criminal justice, self-sufficiency and family engagement, including, child support payments and parent-child contact. Participants will again be contacted 24 or 30 months after random assignment to follow-up and measure progress on similar domains as were measured at the 12-month point. In addition to the surveys, each respondent will be contacted once by mail and asked to provide updated contact information.

3. *Implementation Research and Site Visits.* Data on the context for the programs and their implementation will be collected during two rounds of site visits to each of the twelve sites, including interviews, focus groups, and observations. These data will be supplemented by short questionnaires for program staff, clients, worksite supervisors, and participating employers, as well as a time study for program staff.

The purpose of this **Federal Register** notice is to request approval of the baseline forms, the 6- and 12-month surveys, the implementation research protocols, and to request a waiver for subsequent 60-day notices for the other instruments listed above.

Under a related submission (OMB Number 0970–0384), a descriptive study of American Recovery and Reinvestment Act (ARRA)-funded subsidized employment programs has been released. The report can be found at *http://www.acf.hhs.gov/programs/opre/welfare_employ/stedep/reports/tanf_emer_fund.pdf.*

Respondents

The respondents to the baseline and follow-up surveys will be the study participants in the treatment and control groups. The respondents to the implementation research interviews and questionnaires will be program staff or employers who work with the subsidized employment programs, as well as clients participating in subsidized or transitional employment programs.

ANNUAL BURDEN ESTIMATES

Instrument	Annual number of respondents	Number of responses per respondent	Average burden hour per response	Total annual burden hours [1]
Participant Burden				
Baseline forms	1,667	1	.17	283
Updated contact information	4,000	1	.03	120
6-month survey	1,867	1	.5	934
12-month survey	3,200	1	.75	2,400
Focus Group Discussion Guide	40	2	.75	60
Client Implementation Questionnaire	80	2	.33	53
Staff and Employer Burden				
Staff implementation Questionnaire	40	2	.33	26
Employer implementation Questionnaire	40	2	.33	26
Worksite Supervisor Implementation Questionnaire	40	2	.33	26
Staff Time Study	40	1	1	40
Program Staff Interview Guide	40	2	1	80

Estimated Total Annual Burden Hours: 4,048.

In compliance with the requirements of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families and the Employment and Training Administration are e soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and

comments may be forwarded by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: OPRE Reports Clearance Officer. Email address: *OPREinfocollection@acf.hhs.gov.* All requests should be identified by the title of the information collection.

The Department specifically requests comments on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agencies, including whether the information shall have practical utility; (b) the accuracy of the agencies' estimate of the burden of the proposed collection of information; (c) 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. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Robert Sargis,

Reports Clearance Officer, Administration for Children and Families.

[FR Doc. 2012–812 Filed 1–17–12; 8:45 am]

BILLING CODE 4184–09–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects

Title: Child Care and Development Fund Annual Aggregate Report—ACF–800.

OMB No.: 0970–0150.

Description: Section 658K of the Child Care and Development Block Grant Act of 1990 (Pub. L. 101–508, 42 U.S.C. 9858) requires that States and Territories submit annual aggregate data on the children and families receiving direct services under the Child Care and Development Fund. The implementing regulations for the statutorily required reporting are at 45 CFR 98.70. Annual aggregate reports include data elements represented in the ACF–800 reflecting the scope, type, and methods of child care delivery. This provides ACF with the information necessary to make reports to Congress, address national child care needs, offer technical assistance to grantees, meet performance measures, and conduct research. Consistent with the statute and regulations, ACF requests extension of the ACF–800.

Respondents: States, the District of Columbia, and Territories including Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Northern Marianna Islands.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
ACF–800	56	1	40	2,240

Estimated Total Annual Burden Hours: 2,240

In compliance with the requirements of Section 506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. Email address: *infocollection@acf.hhs.gov.* All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) 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. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2012–737 Filed 1–17–12; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2012–N–0021]

Agency Information Collection Activities; Proposed Collection; Comment Request; Substances Generally Recognized as Safe: Notification Procedure

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the information collection provisions of the Notification Procedure for Substances Generally Recognized as Safe (GRAS) and new Form FDA 3667, which may be submitted electronically via the Electronic Submission Gateway (ESG).

DATES: Submit either electronic or written comments on the collection of information by March 19, 2012.

ADDRESSES: Submit electronic comments on the collection of information to *http://www.regulations.gov.* Submit written comments on the collection of information to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. All comments should be identified with the

docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Denver Presley, II, Office of Information Management, Food and Drug Administration, 1350 Piccard Dr., PI50–400B, Rockville, MD 20850, (301) 796–3793.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Substances Generally Recognized as Safe: Notification Procedure—21 CFR 170.36 and 570.36 (OMB Control Number 0910–0342)—Revision

I. Background

Section 409 of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 348) establishes a premarket approval requirement for ''food additives;'' section 201(s) of the FD&C Act (21 U.S.C. 321) provides an exemption from the definition of ''food additive'' and thus from the premarket approval requirement, for uses of substances that are GRAS by qualified experts. In the **Federal Register** of April 17, 1997 (62 FR 18938) (the 1997 proposed rule), FDA published a proposed rule that would establish a voluntary procedure whereby manufacturers would notify FDA about a view that a particular use (or uses) of a substance is not subject to the statutory premarket approval requirements based on a determination that such use is GRAS. The proposed regulations (proposed 21 CFR 170.36 and 21 CFR 570.36) provide a standard format for the voluntary submission of a notice. The notice would include a detailed summary of the data and information that support the GRAS determination, and the notifier would maintain a record of such data and information. FDA would make the information describing the subject of the GRAS notice, and the Agency's response to the notice, available in a publicly accessible file; the entire GRAS notice would be publicly available consistent with the Freedom of Information Act and other Federal disclosure statutes. In the **Federal Register** of December 28, 2010 (75 FR 81536) (the GRAS reopener), FDA announced the reopening of the comment period for the 1997 proposed rule. The Agency requested that comments be submitted by March 28, 2011.

FDA's Center for Food Safety and Applied Nutrition (CFSAN) has recently developed a form that prompts a notifier to include certain elements of a GRAS notice in a standard format. New Form FDA 3667 is entitled ''Generally Recognized as Safe (GRAS) Notice.'' The form, and elements that would be prepared as attachments to the form, may be submitted in electronic format via the ESG, or may be submitted in paper format, or as electronic files on physical media with paper signature page. CFSAN expects that most if not all businesses filing GRAS notices in the next 3 years will choose to take advantage of the option of electronically submitting their GRAS notice. Thus, the burden estimate in table 1, line 1 is based on the expectation of 100 percent participation in the electronic submission process.

FDA's Center for Veterinary Medicine (CVM) continues to comply with the GRAS Pilot Program procedures announced on June 4, 2010 (75 FR 31800).

II. GRAS Information on Form FDA 3667

The GRAS notice submitted to CFSAN includes the following information on Form FDA 3667 and in attachments to the form:

A. Introductory Information About the Submission

- Whether the GRAS notice submission is a new GRAS notice, or an amendment or supplement to a previously transmitted GRAS notice;
- Whether the notifier has determined that all files provided in an electronic transmission are free of computer viruses;
- The date of the notifier's most recent meeting with FDA before transmitting a new GRAS notice; and
- The date of any correspondence, sent to the notifier by FDA, relevant to an amendment or supplement the notifier is transmitting.

B. Information About the Notifier

- The name of and contact information for the notifier, including the identity of the contact person and the company name (if applicable); and
- The name of and contact information for any agent or attorney who is authorized to act on behalf of the notifier.

C. General Administrative Information

- The name of the substance that is the subject of the GRAS notice submission;
- The format of the submission (*i.e.,* paper, electronic, or electronic with a paper signature page);
- The mode of transmission of any electronic submission (*i.e.,* ESG or transmission on physical media such as CD–ROM or DVD);
- Whether the notifier is referring us to information already in our files;
- The statutory basis for the notifier's determination of GRAS status;
- Whether the notifier has designated in its submission any information as trade secret or as confidential commercial or financial information; and
- Whether the notifier has attached a redacted copy of some or all of the submission.

D. Intended Use

- The intended conditions of use of the notified substance.

E. Identity

- Information that identifies the notified substance. For example, there may be a chemical name and formula and a standardized registry number.

F. Checklist of Other Elements Not Completed Directly on Form FDA 3667

- Any additional information about identity not previously covered;
- Method of manufacture;
- Specifications for food-grade material;

- Dietary exposure;
- Self-limiting levels of use;
- Common use in food before 1958 (if applicable);
- Comprehensive discussion of the basis for the determination of GRAS status; and
- Bibliography.

Form FDA 3667 also requires the signature of a responsible official (or agent or attorney) and a list of attachments.

The information is used by FDA to evaluate whether the notice provides a sufficient basis for a conclusion of GRAS status and whether information in the notice or otherwise available to FDA raises issues of public health significance that lead the Agency to question whether use of the substance is GRAS.

III. Description of Respondents

The respondents to this collection of information are manufacturers of substances used in food and feed.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

21 CFR section	FDA Form No.[2]	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
170.36 (CFSAN)	FDA 3667 [3]	40	1	40	150	6,000
570.36 (CVM)	N/A	20	1	20	150	3,000
Total						9,000

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.
[2] Only CFSAN uses Form FDA 3667. CVM continues to comply with the GRAS Pilot Program procedures announced on June 4, 2010 (75 FR 31800).
[3] Form FDA 3667 may be submitted electronically via the ESG.

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

21 CFR section	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
170.36(c)(v) (CFSAN)	40	1	40	15	600
570.36(c)(v) (CVM)	20	1	20	15	300
Total					900

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

As noted, CFSAN estimates that all of the future Form FDA 3667 submissions will be made electronically via the ESG. While FDA does not charge for the use of the ESG, FDA requires respondents to obtain a public key infrastructure certificate in order to set up the account. This can be obtained in-house or outsourced by purchasing a public key certificate that is valid for 1 year to 3 years. The certificate typically costs from $20–$30.

Both CFSAN and CVM receive submissions that are intended by the submitter to be GRAS notices. Not all of the submissions received contain sufficient information to be filed by the Agency as GRAS notices. In the December 28, 2010, GRAS reopener, FDA requested comment on its GRAS submission filing decision process and described its current preliminary review process of GRAS submissions (75 FR 81536, at 81543). Therefore, the Agency is basing the following estimates on the number of GRAS notices that have been filed by the relevant Center.

In the 1997 proposed rule, FDA estimated that CFSAN would file approximately 50 GRAS notices per year and that CVM would file approximately 10 GRAS notices per year. Approval for the GRAS notification program was granted by OMB on June 16, 1997, under OMB control number 0910–0342. In 2009, FDA's estimate of the annual number of GRAS notices that will be filed by CFSAN and CVM was revised downward from the original PRA approval, based on the actual number of GRAS notices filed by CFSAN from 1998 to 2008. In 2009, FDA sought and OMB approved an estimate that CFSAN would file 25 GRAS notices and CVM would file 5 GRAS notices. On June 4, 2010 CVM announced the beginning of a GRAS Pilot Program (75 FR 31800). This notice stated that the revised estimate in the 2009 PRA approval reflected FDA's best judgment at the time as to the number of notices CVM will file annually through this pilot program.

For purposes of this extension request, CFSAN and CVM are re-evaluating their estimates of the annual number of GRAS notices that will be received by CFSAN and CVM in the next 3 years, 2012 through 2015. CFSAN filed 365 GRAS notices during the 13-year period from 1998 through 2010, for an average of approximately 28 GRAS notices per year. However, recent years have seen an increase in the number of GRAS notices filed, with 36 notices filed in both 2008 and 2009 and 55 notices in 2010. Based on an approximate average from the last 3 years, FDA is revising its estimate of the annual number of GRAS notices filed by CFSAN to be 40 or less. CFSAN expects that most if not all businesses filing GRAS notices in the next 3 years will choose to take advantage of the option of electronically submitting their GRAS notice. We expect participation to be 100 percent; thus the estimate in Table 1 is based on the burden of that experience. FDA also is revising its estimate of the annual number of GRAS notices submitted to CVM. As noted, on June 4, 2010, CVM announced the beginning of a GRAS Pilot Program. From June 2010 to October 2011, CVM filed 13 GRAS notices. Based on this experience, FDA is revising its estimate of the annual number of GRAS notices filed by CVM to be 20 or less.

In the 1997 proposed rule, FDA estimated that the notification procedures would require 150 hours per response for the reporting burdens and 15 hours per response for the recordkeeping burdens for both proposed sections (§§ 170.36 and 570.36). FDA is retaining these

estimates for this request. The availability of the form, and the opportunity to provide the information in electronic format, could reduce this estimate. However, as a conservative approach for the purpose of this analysis, FDA is assuming that the availability of the form and the opportunity to submit the information in electronic format will have no effect on the average time to prepare a GRAS notification.

Dated: January 11, 2012.

Leslie Kux,

Acting Assistant Commissioner for Policy.

[FR Doc. 2012–783 Filed 1–17–12; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2011–P–0756]

Determination That PREZISTA (darunavir) Tablets, 300 Milligrams Was Not Withdrawn From Sale for Reasons of Safety or Effectiveness

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined that PREZISTA (darunavir) Tablets, 300 milligrams (mg), was not withdrawn from sale for reasons of safety or effectiveness. This determination will allow FDA to approve abbreviated new drug applications (ANDAs) for darunavir tablets, 300 mg, if all other legal and regulatory requirements are met.

FOR FURTHER INFORMATION CONTACT: Nam Kim, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, rm. 6320, Silver Spring, MD 20993–0002, (301) 796–3472.

SUPPLEMENTARY INFORMATION: In 1984, Congress enacted the Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) (the 1984 amendments), which authorized the approval of duplicate versions of drug products under an ANDA procedure. ANDA applicants must, with certain exceptions, show that the drug for which they are seeking approval contains the same active ingredient in the same strength and dosage form as the ''listed drug,'' which is a version of the drug that was previously approved. ANDA applicants do not have to repeat the extensive clinical testing otherwise necessary to gain approval of a new drug application (NDA). The only clinical data required in an ANDA are data to show that the drug that is the subject of the ANDA is bioequivalent to the listed drug.

The 1984 amendments include what is now section 505(j)(7) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(7)), which requires FDA to publish a list of all approved drugs. FDA publishes this list as part of the ''Approved Drug Products With Therapeutic Equivalence Evaluations,'' which is known generally as the ''Orange Book.'' Under FDA regulations, drugs are removed from the list if the Agency withdraws or suspends approval of the drug's NDA or ANDA for reasons of safety or effectiveness or if FDA determines that the listed drug was withdrawn from sale for reasons of safety or effectiveness (21 CFR 314.162).

A person may petition the Agency to determine, or the Agency may determine on its own initiative, whether a listed drug was withdrawn from sale for reasons of safety or effectiveness. This determination may be made at any time after the drug has been withdrawn from sale, but must be made prior to approving an ANDA that refers to the listed drug (§ 314.161 (21 CFR 314.161)). FDA may not approve an ANDA that does not refer to a listed drug.

PREZISTA (darunavir) Tablets, 300 mg, is the subject of NDA 21–976, held by Tibotec, Inc., and initially approved on June 23, 2006. PREZISTA is a human immunodeficiency virus (HIV–1) protease inhibitor indicated for the treatment of HIV–1 infection in adult patients. PREZISTA is also indicated for the treatment of HIV–1 infection in pediatric patients 6 years of age and older. PREZISTA must be coadministered with ritonavir (PREZISTA/ritonavir) and with other antiretroviral agents.

PREZISTA (darunavir) Tablets, 300 mg, is currently listed in the ''Discontinued Drug Product List'' section of the Orange Book.

Lupin Pharmaceuticals, Inc. (Lupin), submitted a citizen petition dated October 14, 2011 (Docket No. FDA–2011–P–0756), under 21 CFR 10.30, requesting that the Agency determine whether PREZISTA (darunavir) Tablets, 300 mg, was withdrawn from sale for reasons of safety or effectiveness. After considering the citizen petition and reviewing Agency records and based on the information we have at this time, FDA has determined under § 314.161 that PREZISTA (darunavir) Tablets, 300 mg, was not withdrawn for reasons of safety or effectiveness. The petitioner Lupin has identified no data or other information suggesting that PREZISTA (darunavir) Tablets, 300 mg, was withdrawn for reasons of safety or effectiveness. We have carefully reviewed our files for records concerning the withdrawal of PREZISTA (darunavir) Tablets, 300 mg, from sale. We have also independently evaluated relevant literature and data for possible postmarketing adverse events. We have found no information that would indicate that this product was withdrawn from sale for reasons of safety or effectiveness.

Accordingly, the Agency will continue to list PREZISTA (darunavir) Tablets, 300 mg, in the ''Discontinued Drug Product List'' section of the Orange Book. The ''Discontinued Drug Product List'' delineates, among other items, drug products that have been discontinued from marketing for reasons other than safety or effectiveness. ANDAs that refer to PREZISTA (darunavir) Tablets, 300 mg, may be approved by the Agency as long as they meet all other legal and regulatory requirements for the approval of ANDAs. If FDA determines that labeling for this drug product should be revised to meet current standards, the Agency will advise ANDA applicants to submit such labeling.

Dated: *January 11, 2012.*

Leslie Kux,

Acting Assistant Commissioner for Policy.

[FR Doc. 2012–847 Filed 1–17–12; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2007–D–0020 (formerly Docket No. 2007D–0249)]

Guidance for Industry: Preparation of Investigational Device Exemptions and Investigational New Drug Applications for Products Intended To Repair or Replace Knee Cartilage; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a document entitled ''Guidance for Industry: Preparation of IDEs and INDs for Products Intended to Repair or Replace Knee Cartilage'' dated December 2011. The guidance document provides sponsors of an investigational device exemption application (IDE) or an investigational new drug application (IND) recommendations about certain information that should be included in

a submission describing a product intended to repair or replace knee cartilage. The guidance does not apply to prostheses such as unicondylar or total knee implants, or meniscus replacement products. The guidance supplements recommendations regarding IDE and IND submissions contained in other FDA publications. The guidance announced in this notice finalizes the draft guidance of the same title dated July 2007.

DATES: Submit either electronic or written comments on Agency guidances at any time.

ADDRESSES: Submit written requests for single copies of the guidance to the Office of Communication, Outreach and Development (HFM–40), Center for Biologics Evaluation and Research (CBER), Food and Drug Administration, 1401 Rockville Pike, suite 200N, Rockville, MD 20852–1448; or the Division of Small Manufacturers, International, and Consumer Assistance, Center for Devices and Radiological Health (CDRH), Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, rm. 4613, Silver Spring, MD 20993. Send one self-addressed adhesive label to assist the office in processing your requests. The guidance may also be obtained by mail by calling CBER at 1–(800) 835–4709 or (301) 827–1800; or by calling CDRH at 1–(800) 638–2041 or by faxing a request to CDRH at (301) 847–8149. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

Submit electronic comments on the guidance to *http://www.regulations.gov.* Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Lori Jo Churchyard, Center for Biologics Evaluation and Research (HFM–17), Food and Drug Administration, 1401 Rockville Pike, suite 200N, Rockville, MD 20852–1448, (301) 827–6210; or Elizabeth L. Frank, Center for Devices and Radiological Health, 10903 New Hampshire Ave., Bldg. 66, rm. 1407, Silver Spring, MD 20993, (301) 796–5650.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a document entitled ''Guidance for Industry: Preparation of IDEs and INDs for Products Intended to Repair or Replace Knee Cartilage'' dated December 2011. The guidance document provides sponsors of an IDE or an IND recommendations about certain information that should be included in a submission describing a product intended to repair or replace knee cartilage. The guidance does not apply to prostheses such as unicondylar or total knee implants, or meniscus replacement products. Human cells, tissues, and cellular and tissue-based products (HCT/P's) regulated solely under section 361 of the Public Health Service Act (42 U.S.C. 264) and 21 CFR part 1271 are beyond the scope of this guidance. A product intended to repair or replace knee cartilage may include a biologic, device, or combination product (comprised of two or more different types of regulated constituents) whose components would individually be regulated by CBER and CDRH. The guidance addresses issues that may arise in the development of articular cartilage repair or replacement products. The guidance supplements other FDA publications on IDEs and INDs that may be relevant to development of these products.

In the **Federal Register** of July 9, 2007 (72 FR 37245), FDA announced the availability of the draft guidance of the same title dated July 2007. FDA received numerous comments on the draft guidance, and those comments were considered as the guidance was finalized. In response to comments, changes incorporated in the guidance included adding new sections and clinical study schedules, elaborating on nonclinical data considerations, and updating the references. In addition, organizational and editorial changes were made to improve clarity. Some terminology was changed to harmonize terminology within the Agency and does not change the intent of the guidance. The guidance also reflects input received from the public and the Cellular, Tissue, and Gene Therapy Advisory Committee meeting held on May 15, 2009. The guidance announced in this notice finalizes the draft guidance dated July 2007.

The guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents FDA's current thinking on this topic. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statutes and regulations.

II. Paperwork Reduction Act of 1995

The guidance refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in 21 CFR part 312 have been approved under OMB control number 0910–0014; and the collections of information in 21 CFR part 812 have been approved under OMB control number 0910–0078.

III. Comments

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) either electronic or written comments regarding this document. It is only necessary to send one set of comments. Identify comments 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.

IV. Electronic Access

Persons with access to the Internet may obtain the guidance at either: *http://www.fda.gov/BiologicsBloodVaccines/GuidanceComplianceRegulatoryInformation/Guidances/default.htm, http://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/default.htm, or http://www.regulations.gov.*

Dated: January 11, 2012.

Leslie Kux,

Acting Assistant Commissioner for Policy.

[FR Doc. 2012–828 Filed 1–17–12; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2011–N–0002]

Ethical and Regulatory Challenges in the Development of Pediatric Medical Countermeasures; Public Workshop

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public workshop.

The Food and Drug Administration (FDA), Office of Pediatric Therapeutics, is announcing a public workshop entitled ''Ethical and Regulatory Challenges in the Development of Pediatric Medical Countermeasures.'' There is a critical need for pediatric research on medical countermeasures to ensure that these products are safe and effective in the pediatric population. The challenges to developing and evaluating drugs, biologics, and devices for children in the medical countermeasure context are complex

and need to be better understood by ethicists, researchers, policymakers, and the general public. The purpose of the public workshop is to provide a forum for careful consideration of scientific, ethical, and regulatory issues confronting FDA and other stakeholders in the area of medical countermeasures and public health preparedness.

Date and Time: The public workshop will be held on February 15, 2012, from 8:30 a.m. to 5 p.m. and February 16, 2012, from 8:30 a.m. to 3 p.m.

Location: The public workshop will be held at the Rockville Hilton Hotel, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Cindy de Sales, (240) 316–3207, FAX: (240) 316–3201, email: *cindy@tepgevents.com.*

Registration: Please use the following Web site to register online: *http://www.contractmeetings.com.* Alternatively, you can email or fax your registration information (including name, title, firm name, address, telephone and fax numbers) to the contact person by February 1, 2012. There is no registration fee for the public workshop. Early registration is recommended because seating is limited. Registration on the day of the public workshop will be provided on a space available basis beginning at 8 a.m.

If you need special accommodations due to a disability, please contact Cindy de Sales (see *Contact Person*) at least 7 days in advance.

SUPPLEMENTARY INFORMATION: The workshop will include plenaries and breakout sessions on the ethical and regulatory challenges in the development of medical countermeasures for the pediatric population. Topics of the breakout sessions will include: (1) Institutional Review Board preparedness to review study protocols relevant to pediatric medical countermeasures; (2) potential scientific and ethical justifications for conducting *pre-event* pediatric medical countermeasures research; (3) leveraging new technologies to develop pediatric medical countermeasures; and (4) risk communication related to pediatric treatment and research during public health emergencies. The workshop also will include discussion of a number of case studies to facilitate discussion of the challenges of pediatric medical countermeasure development and deployment.

Transcripts: Transcripts of the public workshop may be requested in writing from the Division of Freedom of Information (ELEM–1029), Food and Drug Administration, 12420 Parklawn Dr., Element Bldg., Rockville, MD 20857, approximately 15 working days after the public workshop at the cost of 10 cents per page. A transcript of the public workshop will be available on the Internet at *http://www.regulations.gov,* Docket No. FDA–2011–N–0002. Transcripts may also be viewed at the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Dated: January 12, 2012.

David Dorsey,

Acting Associate Commissioner for Policy and Planning.

[FR Doc. 2012–846 Filed 1–17–12; 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(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the meeting of the National Cancer Advisory Board.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

A portion of the meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4), and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Advisory Board Ad hoc Subcommittee on Global Cancer Research.

Open: February 27, 2012, 6:30 p.m. to 8 p.m.

Agenda: Discussion on Global Cancer.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, Bethesda, Maryland 20814.

Contact Person: Dr. Ted Trimble, Executive Secretary, NCAB Ad hoc Subcommittee on Global Cancer Research, National Cancer Institute, National Institutes of Health, 6130 Executive Boulevard, EPN/7025, Rockville, MD 20892–8345, (301) 496–2522, *trimblet@mail.nih.gov.*

Name of Committee: National Cancer Advisory Board.

Open: February 28, 2012, 9 a.m. to 3:30 p.m.

Agenda: Program reports and presentations; business of the Board.

Place: National Institutes of Health, 9000 Rockville Pike, Building 31, C Wing, 6th Floor, Conference Room 10, Bethesda, MD 20892.

Closed: February 28, 2012, 3:30 p.m. to 5 p.m.

Agenda: Review of grant applications.

Place: National Institutes of Health, 9000 Rockville Pike, Building 31, C Wing, 6th Floor, Conference Room 10, Bethesda, MD 20892.

Contact Person: Dr. Paulette S. Gray, Executive Secretary, National Cancer Institute, National Institutes of Health, 6116 Executive Boulevard, 8th Floor, Room 8001, Bethesda, MD 20892–8327, (301) 496–5147.

Name of Committee: National Cancer Advisory Board.

Open: February 29, 2012, 9 a.m. to 12 p.m.

Agenda: Program reports and presentations; business of the Board.

Place: National Institutes of Health, 9000 Rockville Pike, Building 31, C Wing, 6th Floor, Conference Room 10, Bethesda, MD 20892.

Contact Person: Dr. Paulette S. Gray, Executive Secretary, National Cancer Institute, National Institutes of Health, 6116 Executive Boulevard, 8th Floor, Room 8001, Bethesda, MD 20892–8327, (301) 496–5147.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: *deainfo.nci.nih.gov/advisory/ncab.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: January 11, 2012.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy .

[FR Doc. 2012–869 Filed 1–17–12; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS–2011–0108]

RIN 1601–ZA11

Identification of Foreign Countries Whose Nationals Are Eligible To Participate in the H–2A and H–2B Nonimmigrant Worker Programs

AGENCY: Office of the Secretary, DHS.

ACTION: Notice.

SUMMARY: Under Department of Homeland Security (DHS) regulations, U.S. Citizenship and Immigration Services (USCIS) may approve petitions for H–2A and H–2B nonimmigrant status only for nationals of countries that the Secretary of Homeland Security, with the concurrence of the Secretary of State, has designated by notice published in the **Federal Register**. That notice must be renewed each year. This notice announces that the Secretary of Homeland Security, in consultation with the Secretary of State, is identifying 58 countries whose nationals are eligible to participate in the H–2A and H–2B programs for the coming year. New countries on this year's list include Haiti, Iceland, Montenegro, Spain, and Switzerland.

DATES: *Effective Date:* This notice is effective January 18, 2012, and shall be without effect at the end of one year after January 18, 2012.

FOR FURTHER INFORMATION CONTACT: Francis Cissna, Office of Policy, Department of Homeland Security, Washington, DC 20528, (202) 447–3835.

SUPPLEMENTARY INFORMATION:

Background: USCIS generally may approve H–2A and H–2B petitions only for nationals of countries that the Secretary of Homeland Security, with the concurrence of the Secretary of State, has designated as participating countries. Such designation must be published as a notice in the **Federal Register** and expires after one year. USCIS may, however, allow a national from a country not on the list to be named as a beneficiary of an H–2A or H–2B petition based on a determination that such participation is in the U.S. interest. *See* 8 CFR 214.2(h)(5)(i)(F) and 8 CFR 214.2(h)(6)(i)(E).

In designating countries to include on the list, the Secretary of Homeland Security, with the concurrence of the Secretary of State, will take into account factors including, but not limited to: (1) The country's cooperation with respect to issuance of travel documents for citizens, subjects, nationals, and residents of that country who are subject to a final order of removal; (2) the number of final and unexecuted orders of removal against citizens, subjects, nationals, and residents of that country; (3) the number of orders of removal executed against citizens, subjects, nationals, and residents of that country; and (4) such other factors as may serve the U.S. interest. *See* 8 CFR 214.2(h)(5)(i)(F)(1)(i) and 8 CFR 214.2(h)(6)(i)(E)(1).

In December 2008, DHS published in the **Federal Register** two notices, ''Identification of Foreign Countries Whose Nationals Are Eligible to Participate in the H–2A Visa Program,'' and ''Identification of Foreign Countries Whose Nationals Are Eligible to Participate in the H–2B Visa Program,'' which designated 28 countries whose nationals are eligible to participate in the H–2A and H–2B programs. *See* 73 FR 77,043 (Dec. 18, 2008); 73 FR 77,729 (Dec. 19, 2008). The notices ceased to have effect on January 17, 2010 and January 18, 2010, respectively. *See* 8 CFR 214.2(h)(5)(i)(F)(2) and 8 CFR 214.2(h)(6)(i)(E)(3).

To allow for the continued operation of the H–2A and H–2B programs, the Secretary of Homeland Security published, with the concurrence of the Secretary of State, a notice in the **Federal Register** on January 19, 2010, ''Identification of Foreign Countries Whose Nationals Are Eligible to Participate in the H–2A and H–2B Programs.'' The notice provided for the continued eligibility of the 28 countries initially listed in the **Federal Register** notices of December 18 and December 19, 2008, and added 11 additional countries. *See* 75 FR 2,879 (Jan. 19, 2010). A notice in the **Federal Register** on January 18, 2011, ''Identification of Foreign Countries Whose Nationals Are Eligible to Participate in the H–2A and H–2B Programs,'' provided for the continued eligibility of 38 of the countries listed in the 2010 notice, removed Indonesia from the list, as Indonesia was not meeting the standards set forth in the regulation, and added 15 countries. *See* 76 FR 2,915 (Jan. 18, 2011).

The Secretary of Homeland Security has determined, with the concurrence of the Secretary of State, that the 53 countries previously designated in the January 18, 2011 notice continue to meet the standards identified in that notice for eligible countries and therefore should remain designated as countries whose nationals are eligible to participate in the H–2A and H–2B programs. Further, the Secretary of Homeland Security, with the concurrence of the Secretary of State, has determined that it is now appropriate to add five additional countries to the list of countries whose nationals are eligible to participate in the H–2A and H–2B programs. This determination is made taking into account the four factors identified above. The Secretary of Homeland Security also considered other pertinent factors including, but not limited to, evidence of past usage of the H–2A and H–2B programs by nationals of the countries to be added, as well as evidence relating to the economic impact on particular U.S. industries or regions resulting from the addition or continued non-inclusion of specific countries. In consideration of all of the above, this notice designates for the first time Haiti, Iceland, Montenegro, Spain, and Switzerland as countries whose nationals are eligible to participate in the H–2A and H–2B programs.

Designation of Countries Whose Nationals Are Eligible To Participate in the H–2A and H–2B Nonimmigrant Worker Programs

Pursuant to the authority provided to the Secretary of Homeland Security under sections 214(a)(1), and 215(a)(1) and 241 of the Immigration and Nationality Act (8 U.S.C. 1184(a)(1), 1185(a)(1), and 1231), I have designated, with the concurrence of the Secretary of State, that nationals from the following countries are eligible to participate in the H–2A and H–2B non-immigrant worker programs:

Argentina
Australia
Barbados
Belize
Brazil
Bulgaria
Canada
Chile
Costa Rica
Croatia
Dominican Republic
Ecuador
El Salvador
Estonia
Ethiopia
Fiji
Guatemala
Haiti
Honduras
Hungary
Iceland
Ireland
Israel
Jamaica

Japan
Kiribati
Latvia
Lithuania
Macedonia
Mexico
Moldova
Montenegro
Nauru
The Netherlands
Nicaragua
New Zealand
Norway
Papua New Guinea
Peru
Philippines
Poland
Romania
Samoa
Serbia
Slovakia
Slovenia
Solomon Islands
South Africa
South Korea
Spain
Switzerland
Tonga
Turkey
Tuvalu
Ukraine
United Kingdom
Uruguay
Vanuatu

This notice does not affect the status of aliens who currently hold valid H–2A or H–2B nonimmigrant status. Persons currently holding such status, however, will be affected by this notice at the time they seek an extension of stay in H–2 classification, or a change of status from another non-immigrant status to H–2 status, or a change of status from H–2A to H–2B (and vice-versa).

Nothing in this notice limits the authority of the Secretary of Homeland Security or her designee or any other federal agency to invoke against any foreign country or its nationals any other remedy, penalty, or enforcement action available by law.

Janet Napolitano,

Secretary.

[FR Doc. 2012–870 Filed 1–17–12; 8:45 am]

BILLING CODE 9110–9M–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

Agency Information Collection Activities: New Information Collection: Comment Request

ACTION: 60-Day notice of information collection under review: E-Verify 2012 Web User Survey.

* * * * *

The Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS) will be submitting the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for sixty days until March 19, 2012.

Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Department of Homeland Security (DHS), USCIS, Chief, Regulatory Products Division, 20 Massachusetts Avenue NW., Washington, DC 20529–2020. Comments may also be submitted to DHS via facsimile to (202) 272–0997 or via email at *rfs.regs@dhs.gov.* When submitting comments by email, please make sure to add E-Verify 2012 Web User Survey in the subject box.

Note: The address listed in this notice should only be used to submit comments concerning E-Verify Program Data Collection. Please do not submit requests for individual case status inquiries to this address. If you are seeking information about the status of your individual case, please check ''My Case Status'' online at *https://egov.uscis.gov/cris/Dashboard.do,* or call the USCIS National Customer Service Center at 1–(800) 375–5283 (TTY 1–(800) 767–1833).

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* New information collection.

(2) *Title of the Form/Collection:* E-Verify 2012 Web User Survey.

(3) *Agency form number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection:* No Form Number; U.S. Citizenship and Immigration Services.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or Households. E-Verify 2012 Web User Survey is necessary in order for U.S. Citizenship and Immigration Services (USCIS) to obtain data from E-Verify employers in anticipation of the enactment of mandatory state and/or national eligibility verification programs for all or a substantial number of employers.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 2,800 responses at 30 minutes (.50 hours) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 1,400 annual burden hours.

If you need a copy of the information collection instrument, please visit the Web site at: *http://www.regulations.gov/.*

We may also be contacted at: USCIS, Regulatory Products Division, 20 Massachusetts Avenue NW., Washington, DC 20529–2020, Telephone number (202) 272–8377.

Dated: January 12, 2012.

Sunday Aigbe,

Chief, Regulatory Products Division, Office of the Executive Secretariat, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2012–874 Filed 1–17–12; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

Agency Information Collection Activities: Form I–90, Revision of a Currently Approved Information Collection; Comment Request

ACTION: 30-Day notice of information collection under review: Form I–90, Application to Replace Permanent Resident Card.

The Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. An information collection notice was previously published in the **Federal Register** on November 15, 2011, at 76 FR 70747, allowing for a 60-day public comment period. USCIS did not receive any comments on the 60-day notice.

The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until February 17, 2012. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Department of Homeland Security (DHS), and to the Office of Management and Budget (OMB), USCIS Desk Officer. Comments may be submitted to: USCIS, Chief, Regulatory Products Division, 20 Massachusetts Avenue NW., Washington, DC 20529–2020. Comments may also be submitted to DHS via facsimile to (202) 272–0997 or via email at *uscisfrcomment@dhs.gov,* and to the OMB USCIS Desk Officer via facsimile at (202) 395–5806 or via email at *oira_submission@omb.eop.gov.*

When submitting comments by email please make sure to add OMB Control Number 1615–0082 in the subject box. Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques, or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Revision of an existing information collection.

(2) *Title of the Form/Collection:* Application to Replace Permanent Resident Card.

(3) *Agency form number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection:* Form I–90. U.S. Citizenship and Immigration Services.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary: Individuals or households.* This form will be used by USCIS to determine eligibility to replace a Lawful Permanent Resident Card.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 540,000 responses at 55 minutes (.916) hour per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 494,640 annual burden hours.

If you need a copy of the information collection instrument, please visit the Web site at: *http://www.regulations.gov/.*

We may also be contacted at: USCIS, Regulatory Products Division, 20 Massachusetts Avenue NW., Washington, DC 20529–2020, telephone number (202) 272–8377.

Dated: January 12, 2012.

Sunday Aigbe,

Chief, Regulatory Products Division, Office of the Executive Secretariat, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2012–871 Filed 1–17–12; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Agency Information Collection Activities: Entry Summary

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: 30-Day notice and request for comments; revision and extension of an existing information collection: 1651–0022.

SUMMARY: U.S. Customs and Border Protection (CBP) of the Department of Homeland Security 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: Entry Summary (CBP Form 7501). This is a proposed revision and extension of an information collection that was previously approved. CBP is proposing that this information collection be revised and extended with a change to the burden hours and to the information collected as a result of the addition of the new proposed Document/Payment Transmittal form. This document is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** (76 FR 69277) on November 8, 2011, allowing for a 60-day comment period. One comment was received. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.10.

DATES: Written comments should be received on or before February 17, 2012.

ADDRESSES: Interested persons are invited to submit written comments on this proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the OMB Desk Officer for Customs and Border Protection, Department of Homeland Security, and sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–5806.

SUPPLEMENTARY INFORMATION: U.S. Customs and Border Protection (CBP) encourages the general public and affected Federal agencies to submit written comments and suggestions on proposed and/or continuing information collection requests pursuant to the Paperwork Reduction Act (Pub. L.104–13). Your comments should address one of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency/component, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies/components 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 collections of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological techniques or other forms of information.

Title: Entry Summary.

OMB Number: 1651–0022.

Form Number: CBP Form 7501

Abstract: CBP Form 7501, *Entry Summary,* is used to identify merchandise entering the commerce of the United States, and to document the amount of duty and/or tax paid. CBP Form 7501 is submitted by the importer, or the importer's agent, for each import transaction. The data on this form is used by CBP as a record of the import transaction; to collect the proper duty, taxes, certifications and enforcement information; and to provide data to the U.S. Census Bureau for statistical purposes. Collection of the data on this form is authorized by 19 U.S.C. 1484 and provided for by 19 CFR 142.11 and CFR 141.61. CBP Form 7501 and accompanying instructions can be found at *http://www.cbp.gov/xp/cgov/toolbox/forms/.*

CBP also proposes to establish a new form called the Document/Payment Transmittal. This form can be used by the trade community to submit additional documentation associated with an ACE entry summary when it involves information that cannot be submitted electronically such as check payments and commercial invoices.

Current Actions: CBP proposes to extend the expiration date of this information collection with a change to the burden hours as a result updated estimates by CBP regarding response times and numbers of entry summaries filed. Also, CBP is proposing to add the new Document/Payment Transmittal form.

Type of Review: Revision and Extension.

Affected Public: Businesses.

CBP Form 7501—Formal Entries

Estimated Number of Respondents: 2,450.

Estimated Number of Responses per Respondent: 9,903.

Estimated Total Annual Responses: 24,262,350.

Estimated Time per Response: 20 minutes.

Estimated Total Annual Burden Hours: 8,079,363.

CBP Form 7501—Formal Entries With Softwood Lumber Agreement

Estimated Number of Respondents: 210.

Estimated Number of Responses per Respondent: 1905.

Estimated Total Annual Responses: 400,050.

Estimated Time per Response: 40 minutes.

Estimated Total Annual Burden Hours: 266,433 .

CBP Form 7501—Informal Entries

Estimated Number of Respondents: 1,572.

Estimated Number of Responses per Respondent: 2,582.

Estimated Total Annual Responses: 4,058,904.

Estimated Time per Response: 15 minutes.

Estimated Total Annual Burden Hours: 1,014,726.

Document/Payment Transmittal

Estimated Number of Respondents: 20.

Estimated Number of Responses per Respondent: 60.

Estimated Total Annual Responses: 1,200.

Estimated Time per Response: 15 minutes.

Estimated Total Annual Burden Hours: 300.

If additional information is required contact: Tracey Denning, U.S. Customs and Border Protection, Regulations and Rulings, Office of International Trade, 799 9th Street NW., 5th Floor, Washington, DC 20229–1177, at (202) 325–0265.

Dated: January 12, 2011.

Tracey Denning,

Agency Clearance Officer, U.S. Customs and Border Protection.

[FR Doc. 2012–843 Filed 1–17–12; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Agency Information Collection Activities: Passenger List/Crew List (CBP Form I–418)

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 60-Day notice and request for comments; Extension of an existing information collection: 1651–0103.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, CBP invites the general public and other Federal agencies to comment on an information collection requirement concerning the Passenger List/Crew List (CBP Form I–418). This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3505(c)(2)).

DATES: Written comments should be received on or before March 19, 2012, to be assured of consideration.

ADDRESSES: Direct all written comments to U.S. Customs and Border Protection, Attn: Tracey Denning, Regulations and Rulings, Office of International Trade, 799 9th Street NW., 5th Floor, Washington, DC 20229–1177.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Tracey Denning, U.S. Customs and Border Protection, Regulations and Rulings, Office of International Trade, 799 9th Street NW., 5th Floor, Washington, DC 20229–1177, at (202) 325–0265.

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3505(c)(2)). The comments should address: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) estimates of capital or start-up costs and costs of operations, maintenance, and purchase of services to provide information. The comments that are

submitted will be summarized and included in the request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document the CBP is soliciting comments concerning the following information collection:

Title: Passenger List/Crew List.

OMB Number: 1651–0103.

Form Number: CBP Form I–418.

Abstract: CBP Form I–418 is prescribed by the Department of Homeland Security, Customs and Border Protection (CBP), for use by masters, owners, or agents of vessels in complying with Sections 231 and 251 of the Immigration and Nationality Act (INA). This form is filled out upon arrival of any person by water at any port within the United States from any place outside the United States. The master or commanding officer of the vessel is responsible for providing CBP officers at the port of arrival with lists or manifests of the persons on board such conveyances. CBP is working to allow for electronic submission of the information on CBP Form I–418. This form is provided for in 8 CFR 251.1, 251.3, and 251.4. A copy of CBP Form I–418 can be found at *http://forms.cbp.gov/pdf/CBP_Form_I418.pdf.*

Current Actions: This submission is being made to extend the expiration date with no change to information collected or to CBP Form I–418.

Type of Review: Extension (without change).

Affected Public: Businesses.

Estimated Number of Respondents: 95,000.

Estimated Time per Respondent: 1 hour.

Estimated Total Annual Hours: 95,000.

Dated: January 12, 2012.

Tracey Denning,

Agency Clearance Officer, U.S. Customs and Border Protection.

[FR Doc. 2012–865 Filed 1–17–12; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Notice of Availability of the Draft Programmatic Environmental Assessment for the Deployment and Operation of Low Energy X-Ray Inspection Systems at U.S. Customs and Border Protection Operational Areas

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of Availability and Request for Comments.

SUMMARY: U.S. Customs and Border Protection (CBP) is advising the public that a draft Programmatic Environmental Assessment (PEA) for Low Energy X-Ray Inspection Systems (LEXRIS) at CBP operational areas has been prepared and is available for public review. The draft PEA analyzes the potential environmental impacts due to the deployment and use of LEXRIS. CBP seeks public comment on the draft PEA. CBP will consider comments before issuing a final PEA.

DATES: The draft PEA will be available for public review and comment for a period of 30 days beginning on the date this document is published in the **Federal Register**. To ensure consideration, comments must be received by February 17, 2012. Comments regarding the draft PEA may be submitted as set forth in the **ADDRESSES** section of this document.

ADDRESSES: Copies of the draft PEA may be obtained by accessing the following Internet addresses: *http://ecso.swf.usace.army.mil/Pages/Publicreview.cfm* or *www.dhs.gov/nepa,* or by sending a request to David Duncan of CBP by telephone (202) 344–1527 by fax (202) 344–1418, by email to *david.c.duncan@dhs.gov* or by writing to: CBP, Attn: David Duncan, 1300 Pennsylvania Avenue NW., Suite 1575, Washington, DC 20229.

You may submit comments on the draft PEA by mail or email. Comments are to be addressed to CBP, Attention: David Duncan, 1300 Pennsylvania Avenue NW., Suite 1575, Washington, DC 20229, or sent to *david.c.duncan@dhs.gov.*

Substantive comments received during the comment period will be addressed in, and included as an appendix to, the final PEA. The final PEA will be made available to the public through a Notice of Availability in the **Federal Register**.

Respondents may request to withhold names or street addresses, except for city or town, from public view or from disclosure under the Freedom of Information Act. Such request must be stated prominently at the beginning of the comment and will be honored to the extent allowed by law. A request to withhold personal information does not apply to submissions from organizations or businesses, or from individuals identifying themselves as representatives or officials of organizations or businesses.

FOR FURTHER INFORMATION CONTACT: Antoinette DiVittorio, Environmental and Energy Division, U.S. Customs and Border Protection, telephone (202) 344–3131.

SUPPLEMENTARY INFORMATION:

Background

A draft Programmatic Environmental Assessment (PEA) for the deployment and operation of Low Energy X-Ray Inspection Systems (LEXRIS) at CBP operational areas has been completed by the U.S. Customs and Border Protection (CBP), Office of Information and Technology, Laboratories and Scientific Services, Interdiction Technology Branch. The draft PEA is available for public comment.

The purpose of deploying and operating LEXRIS is to non-intrusively scan vehicles for the presence of contraband, including weapons of mass destruction, explosives, and illicit drugs. Use of LEXRIS at U.S. ports of entry, for example, directly supports CBP's mission of securing the U.S. borders and homeland from terrorists and other threats while simultaneously facilitating legitimate trade and travel by assisting CBP personnel in preventing contraband, including illegal drugs and terrorist weapons, from entering the United States.

Two different LEXRIS models are available. One system is mobile, mounted on a truck or van type platform and will be used at CBP operational areas. The system can be driven along side a parked vehicle and will scan the vehicle as it drives by. The driver and passenger(s) will exit the vehicle to be scanned and be escorted outside the controlled area before the vehicle is scanned. The other system is a stationary, portal configuration that will be installed along an existing traffic lane. Vehicles will be scanned as they are driven through the portal. Occupants of the vehicle will have the option of remaining in the vehicle while the driver drives it through the portal or exiting the vehicle and having CBP personnel drive it through the portal. Examples of CBP operational areas include, but are not limited to, ports of entry, CBP checkpoints, and locations of events designated as national special security events.

LEXRIS is needed to fill a unique capability to detect objects that are not effectively visualized by other non-intrusive inspection technologies currently used by CBP. LEXRIS gives a clear image of objects in the vehicle, including objects that may be hidden in fenders, tires, trunks, gas tanks, and under hoods. LEXRIS provides CBP personnel with information about what may be encountered during a manual search and, in some cases, will

eliminate the need for CBP personnel to manually enter vehicles to search for contraband. As a result, LEXRIS will increase the safety of CBP personnel.

The draft PEA addresses the potential impacts from the installation and operation of LEXRIS at various CBP operational areas throughout the United States for the purpose of conducting non-intrusive inspections. Evaluations were conducted on various resources present at operational areas, including: climate, soils, water quality, air quality, vegetation, wildlife, noise, infrastructure, aesthetics, and radiological health and safety.

Next Steps

This process is being conducted pursuant to the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*), the Council on Environmental Quality Regulations for Implementing the NEPA (40 CFR parts 1500–1508), and Department of Homeland Security Directive 023–01, *Environmental Planning Program,* (April 19, 2006).

Substantive comments concerning environmental impacts received from the public and agencies during the comment period will be evaluated to determine whether further environmental impact review is needed in order to complete the Final PEA. The Final PEA will be made available to the public through a Notice of Availability in the **Federal Register**.

Should CBP determine, after review of the comments, that the implementation of the proposed action would not have a significant impact on the environment, it will prepare a Finding of No Significant Impact (FONSI), and a Notice of Availability of the FONSI for publication in the **Federal Register**.

Should CBP determine that significant environmental impacts exist due to the action, CBP will prepare a Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) for publication in the **Federal Register**.

Dated: January 12, 2012.

Karl H. Calvo,

Executive Director, Facilities Management and Engineering, Office of Administration.

[FR Doc. 2012–809 Filed 1–17–12; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLAZ91000.L14300000.ET0000. LXSIURAM0000, AZA 35138]

Public Land Order No. 7787; Withdrawal of Public and National Forest System Lands in the Grand Canyon Watershed; Arizona

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order withdraws approximately 1,006,545 acres of public and National Forest System lands from location and entry under the Mining Law of 1872, 30 U.S.C. 22–54, subject to valid existing rights, for a period of 20 years in order to protect the Grand Canyon Watershed from adverse effects of locatable mineral exploration and development.

DATES: This Order is effective on January 21, 2012.

FOR FURTHER INFORMATION CONTACT: Chris Horyza, Bureau of Land Management, Arizona State Office, One North Central Avenue, Suite 800, Phoenix, Arizona 85004, (602) 417–9446 or Liz M. Schuppert, U.S. Forest Service, Kaibab National Forest, 800 South 6th Street, Williams, Arizona 86046, (928) 635–8367. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–(800) 877–8339 to reach the Bureau of Land Management or U.S. Forest Service contact during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with either of the above individuals. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The public and National Forest System lands described in this order are within Coconino and Mohave Counties, Arizona. The lands will remain open to the mineral leasing laws, geothermal leasing laws, mineral material sales laws, and other public land laws. Non-Federal interests within the area described are not affected by this order. If the non-Federal interests within the boundaries of the area described in this order are subsequently acquired by the United States, the non-Federal interests will become subject to the withdrawal.

Order

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714, it is ordered as follows:

1. Subject to valid existing rights, the following described public and National Forest System lands are hereby withdrawn from location and entry under the Mining Law of 1872 (30 U.S.C. 22–54), but not from the mineral leasing, geothermal leasing, mineral materials or other public land laws, in order to protect the Grand Canyon Watershed from adverse effects of locatable mineral exploration and development:

Gila and Salt River Meridian

South Parcel

T. 28 N., R. 1 E.,
Sec. 1;
Sec. 2, lots 1 and 2, S½NE¼, and SE¼;
Sec. 11, E½;
Sec. 12.
T. 29 N., R. 1 E.,
Secs. 1, 2, and, secs. 11 to 14, inclusive;
Sec. 23, E½;
Secs. 24 and 25;
Sec. 26, E½;
Sec. 35, NW¼NE¼NE¼, N½NW¼NE¼, SW¼NW¼NE¼, NW¼SE¼NW¼NE¼, NW¼NW¼SW¼NE¼, SE¼SE¼SW¼NE¼, E½SE¼NE¼, E½NW¼SE¼NE¼, SW¼SE¼NE¼, and SE¼;
Sec. 36.
T. 30 N., R. 1 E.,
Secs. 1 and 2:
Secs. 11 to 14, inclusive;
Secs. 23 to 26, inclusive;
Secs. 35 and 36.
T. 31 N., R. 1 E.,
Sec. 17, lots 2, 3, S½NE¼, W½, and SE¼;
Secs. 18, 19, and 20;
Sec. 21, lot 2, W½NE¼, SE¼NE¼, W½, and SE¼;
Secs. 27 to 35, inclusive.
T. 28 N., R. 2 E.,
Secs. 1 to 6, inclusive;
Sec. 7, excluding MS 1419;
Secs. 8 to 13, inclusive.
T. 29 N., Rs. 2, 3, and 4 E.
T. 30 N., R. 2 E.,
Secs. 2 to 11, inclusive;
Secs. 13 to 36, inclusive.
T. 27 N., R. 3 E.,
Sec. 1.
T. 28 N., R. 3 E.,
Secs. 1 to 18, inclusive;
Secs. 23 to 25, inclusive;
Sec. 36.
T. 30 N., R. 3 E.,
Secs. 15 to 36, inclusive.
T. 27 N., R. 4 E.,
Secs. 1 to 6, inclusive.
T. 28 N., Rs. 4 and 5 E.
T. 30 N., R. 4 E.,
Sec. 13, 24, 25, and 26;
Sec. 27, S½;
Sec. 28, S½;
Sec. 29, S½;
Sec. 30, lots 3 to 7, inclusive, NE¼SW¼ and N½SE¼;
Secs. 31 to 36, inclusive.
T. 27 N., R. 5 E.,
Secs. 1 to 6, inclusive.
T. 29 N., R. 5 E., partly unsurveyed.
T. 30 N., R. 5 E.,

Secs. 7 to 36, inclusive, unsurveyed.
T. 27 N., R. 6 E.,
Secs. 1 to 6, inclusive.
T. 28 N., R. 6 E.,
Secs. 2 to 11, inclusive;
Sec. 12, S½;
Secs. 13 to 36, inclusive.
T. 29 N., R. 6 E.,
Secs. 3 to 9, inclusive;
Secs. 15 and 16, unsurveyed;
Secs. 17 to 21, inclusive;
Sec. 22, unsurveyed;
Secs. 27 to 34, inclusive.
T. 30 N., R. 6 E.,
Secs. 7 to 9, inclusive;
Secs. 15 to 22, inclusive, unsurveyed;
Sec. 23, W½;
Sec. 26, W½;
Secs. 27 to 34, inclusive, unsurveyed.
T. 31 N., R. 1 W.,
Sec. 2, lots 3 and 4, S½NW¼ and SW¼;
Secs. 3, 4, 9, 10, and 11, Secs. 13 to 16, inclusive;
Secs. 21 to 28, inclusive;
Secs. 33 to 36, inclusive.

North Parcel

T. 40 N., R. 1 E.,
Secs. 4 to 9, inclusive;
Secs. 16 to 21, inclusive;
Secs. 28 to 33, inclusive.
T. 41 N., R. 1 E.
T. 38 N., R. 1 W.,
Secs. 2 to 4, inclusive, excluding that part within the Grand Canyon National Game Preserve and Kanab Creek Wilderness;
Sec. 5;
Secs. 6 to 11, inclusive, excluding that part within the Grand Canyon National Game Preserve and Kanab Creek Wilderness.
T. 39 N., R. 1 W.,
Secs. 2 to 11, inclusive;
Secs. 14 to 23, inclusive;
Secs. 26 to 35, inclusive.
Tps. 40 and 41 N., R. 1 W.
T. 38 N., R. 2 W.,
Secs. 1 to 8, inclusive, unsurveyed, excluding that part within the Grand Canyon National Game Preserve and Kanab Creek Wilderness;
Secs. 10 to 12, inclusive, unsurveyed, excluding that part within the Grand Canyon National Game Preserve and Kanab Creek Wilderness.
T. 39 N., Rs. 2 and 3 W.
T. 40 N., R. 2 W.,
Secs. 1, 2, and 3;
Secs. 10 to 15, inclusive;
Secs. 22 to 27, inclusive;
Secs. 31 to 36, inclusive.
T. 37 N., R. 3 W.,
Secs. 4 and 5, unsurveyed, excluding that part within the Grand Canyon National Game Preserve and Kanab Creek Wilderness;
Secs. 6 and 7, unsurveyed;
Secs. 8, 9, 16, and 17, unsurveyed, excluding that part within the Grand Canyon National Game Preserve and Kanab Creek Wilderness;
Secs. 18 and 19, unsurveyed;
Secs. 20 and 21, unsurveyed, excluding that part within the Grand Canyon National Game Preserve and Kanab Creek Wilderness;
Secs. 29, 30, and 31, unsurveyed, excluding that part within the Grand Canyon National Game Preserve and Kanab Creek Wilderness.
T. 38 N., R. 3 W.,
Secs. 1 to 10, inclusive;
Secs. 11 to 14, inclusive, excluding that part within the Grand Canyon National Game Preserve and Kanab Creek Wilderness;
Secs. 15 to 22, inclusive;
Secs. 23, 26, and 27, excluding that part within the Grand Canyon National Game Preserve and Kanab Creek Wilderness;
Secs. 28 to 32, inclusive;
Secs. 33 and 34, excluding that part within the Grand Canyon National Game Preserve and Kanab Creek Wilderness.
T. 40 N., R. 3 W.,
Secs. 31 to 36, inclusive.
T. 35 N., R. 4 W.,
Sec. 5, unsurveyed, excluding that part within the Grand Canyon National Game Preserve;
Secs. 6 and 7, unsurveyed;
Sec. 8, unsurveyed, excluding that part within the Grand Canyon National Game Preserve;
Sec. 17, unsurveyed, excluding that part within the Grand Canyon National Game Preserve;
Secs. 18 and 19, unsurveyed;
Sec. 20, unsurveyed, excluding the part within the Grand Canyon National Game Preserve.
T. 36 N., R. 4 W.,
Sec. 1, unsurveyed, excluding that part within the Grand Canyon National Game Preserve and Kanab Creek Wilderness;
Sec. 2, excluding that part within the Kanab Creek Wilderness;
Secs. 3 to 10, inclusive, unsurveyed;
Sec. 11, unsurveyed, excluding that part within the Kanab Creek Wilderness;
Secs. 12 and 13, unsurveyed, excluding that part within Grand Canyon National Game Preserve and Kanab Creek Wilderness;
Sec. 14, unsurveyed, excluding that part within the Kanab Creek Wilderness;
Secs. 15 to 22, inclusive, unsurveyed;
Sec. 23, unsurveyed, excluding that part within the Kanab Creek Wilderness;
Sec. 29, unsurveyed, excluding that part within the Grand Canyon National Game Preserve;
Sec. 30, unsurveyed;
Sec. 31;
Sec. 32, unsurveyed, excluding that part within the Grand Canyon National Game Preserve.
T. 37 N., R. 4 W.,
Secs. 1, 2, and 3, unsurveyed;
Sec. 4;
Secs. 5 to 8, inclusive, unsurveyed;
Sec. 9;
Secs. 10 to 15, inclusive, unsurveyed;
Secs. 16 to 18;
Secs. 19 to 22, inclusive, unsurveyed;
Secs. 23 and 24;
Secs. 25, unsurveyed;
Secs. 26, 27, and 28, unsurveyed, excluding that part within the Kanab Creek Wilderness;
Secs. 29, 30, and 31, unsurveyed;
Secs. 32 to 35, inclusive, unsurveyed, excluding that part within the Kanab Creek Wilderness;
Sec. 36, unsurveyed, excluding that part within the Grand Canyon National Game Preserve and Kanab Creek Wilderness.
Tps. 38 and 39 N., R. 4 W.,
T. 40 N., R. 4 W.,
Secs. 31 to 36, inclusive.
T. 35 N., R. 5 W.,
Secs. 1 to 24, inclusive.
T. 36 N., Rs. 5 and 6 W.
Tps. 37 to 39 N., Rs. 5 to 7 W.
T. 40 N., R. 5 W.,
Secs. 31 to 36, inclusive.
T. 35 N., R. 6 W.,
Secs. 1 to 24, inclusive.
T. 35 N. R. 7 W.,
Secs. 1 and 2;
Secs. 3 to 6, inclusive, excluding that part within the Grand Canyon-Parashant National Monument;
Secs. 9 and 10, excluding that part within the Grand Canyon-Parashant National Monument;
Secs. 11 to 15, inclusive;
Secs. 16, 21, 22, and 23, excluding that part within the Grand Canyon-Parashant National Monument;
Sec. 24;
Secs. 27 and 28, excluding that part within the Grand Canyon-Parashant National Monument.
T. 36 N., R. 7 W.,
Secs. 1 to 32, inclusive;
Secs. 33 and 34, excluding that part within the Grand Canyon-Parashant National Monument;
Secs. 35 and 36.

East Parcel

T. 37 N., R. 3 E.,
Sec. 1, unsurveyed;
Secs. 2 and 11 unsurveyed, excluding that part within the Grand Canyon National Game Preserve;
Secs. 12 and 13, unsurveyed;
Sec. 14, unsurveyed, excluding that part within the Grand Canyon National Game Preserve.
T. 38 N., R. 3 E.,
Secs. 1 and 2, excluding that part within the Vermilion Cliffs National Monument;
Sec. 3, unsurveyed;
Secs. 4 and 9, unsurveyed, excluding that part within the Grand Canyon National Game Preserve;
Secs. 10 and 11, unsurveyed;
Sec. 12;
Secs. 13 to 15, inclusive, unsurveyed;
Secs. 16 and 21, unsurveyed, excluding that part within the Grand Canyon National Game Preserve;
Secs. 22 to 27, inclusive, unsurveyed;
Secs. 28 and 35, unsurveyed, excluding that part within the Grand Canyon National Game Preserve;
Sec. 36, unsurveyed.
T. 39 N., R. 3 E.,
Sec. 4, excluding that part within the Grand Canyon National Game Preserve and the Vermilion Cliffs National Monument;
Secs. 5 and 8, inclusive, excluding that part within the Grand Canyon National Game Preserve;
Secs. 9 and 15, inclusive, excluding that part within the Vermilion Cliffs National Monument;

Sec. 16;
Secs. 17 and 20, excluding that part within the Grand Canyon National Game Preserve;
Sec. 21;
Secs. 22 and 27, excluding that part within the Vermilion Cliffs National Monument;
Sec. 28;
Secs. 29 and 32, excluding that part within the Grand Canyon National Game Preserve;
Secs. 33 and 34;
Sec. 35, excluding that part within the Vermilion Cliffs National Monument.

T. 40 N., R. 3 E.,
Secs. 3, 10, and 15, excluding that part within the Vermilion Cliffs National Monument;
Sec. 21, unsurveyed, excluding that part within the Grand Canyon National Game Preserve;
Secs. 22 and 27, excluding that part within the Vermilion Cliffs National Monument;
Secs. 28 and 33, unsurveyed, excluding that part within the Grand Canyon National Game Preserve.

T. 36 N., R. 4 E.,
Secs. 1 to 5, inclusive;
Secs. 6 and 7, excluding that part within the Grand Canyon National Game Preserve;
Secs. 8 to 17, inclusive;
Secs. 18 to 24, inclusive, excluding that part within the Grand Canyon National Game Preserve.

T. 37 N., R. 4 E.,
Secs. 1 to 18, inclusive;
Sec. 19, excluding that part within the Grand Canyon National Game Preserve;
Secs. 20 to 29, inclusive;
Secs. 30 and 31, excluding that part within the Grand Canyon National Game Preserve;
Secs. 32 to 36, inclusive.

T. 38 N., R. 4 E.,
Secs. 5 and 6, excluding that part within the Vermilion Cliffs National Monument;
Sec. 7;
Secs. 8 to 13, inclusive, excluding that part within the Vermilion Cliffs National Monument;
Secs. 14 to 36, inclusive.

T. 36 N., R. 5 E.,
Sec. 2, unsurveyed, excluding that part within the Grand Canyon National Park;
Secs. 3 to 9, inclusive;
Sec. 10, partly surveyed, excluding that part within the Grand Canyon National Park;
Secs. 11 and 15, unsurveyed, excluding that part within the Grand Canyon National Park;
Sec. 16, excluding that part within the Grand Canyon National Park;
Sec. 17;
Sec. 18, excluding that part within the Grand Canyon National Park;
Sec. 19, partly unsurveyed, excluding that part within the Grand Canyon National Park and the Grand Canyon National Game Preserve;
Sec. 20, unsurveyed, excluding that part within the Grand Canyon National Game Preserve and the Grand Canyon National Park;
Secs. 21, unsurveyed, excluding that part within the Grand Canyon National Park.

T. 37 N., R. 5 E.,
Secs. 1 to 12, inclusive;
Sec. 13, excluding that part within the Grand Canyon National Park;
Secs. 14 to 24, inclusive;
Sec. 25, unsurveyed, excluding that part within the Grand Canyon National Park;
Secs. 26 to 34, inclusive;
Sec. 35, partly unsurveyed, excluding that part within the Grand Canyon National Park;
Sec. 36, unsurveyed, excluding that part within the Grand Canyon National Park and Navajo Indian Reservation.

T. 38 N., R. 5 E.,
Secs. 13 and 14, 16 to 18, inclusive, excluding that part within the Vermilion Cliffs National Monument;
Secs. 19 and 20;
Secs. 21, 22, and 23, excluding that part within the Vermilion Cliffs National Monument;
Secs. 24 to 36, inclusive.

T. 37 N., R. 6 E.,
Sec. 4, unsurveyed, excluding that part within the Grand Canyon National Park and Navajo Indian Reservation;
Sec. 5, partly unsurveyed, excluding that part within the Grand Canyon National Park;
Sec. 6;
Sec. 7, excluding that part within the Grand Canyon National Park;
Sec. 8, partly unsurveyed, excluding that part within the Grand Canyon National Park;
Sec. 9, unsurveyed, excluding that part within the Grand Canyon National Park and Navajo Indian Reservation;
Sec. 17, partly unsurveyed, excluding that part within the Grand Canyon National Park;
Sec. 18, excluding that part within the Grand Canyon National Park;
Sec. 19, partly unsurveyed, excluding that part within the Grand Canyon National Park;
Secs. 20 and 30, unsurveyed, excluding that part within the Grand Canyon National Park and Navajo Indian Reservation.

T. 38 N., R. 6 E.,
Sec. 1, unsurveyed, excluding that part within the Grand Canyon National Park and Navajo Indian Reservation;
Secs. 2 and 3, excluding that part within the Grand Canyon National Park;
Secs. 4, 5, 7, and 8, excluding that part within the Vermilion Cliffs National Monument;
Secs. 9 and 10;
Sec. 11, partly unsurveyed, excluding that part within the Grand Canyon National Park;
Secs. 12 and 14, unsurveyed, excluding that part within the Grand Canyon National Park and Navajo Indian Reservation;
Sec. 15, partly unsurveyed, excluding that part within the Grand Canyon National Park;
Secs. 16 and 17;
Sec. 18, excluding that part within the Vermilion Cliffs National Monument;
Sec. 19;
Secs. 20 and 21, partly unsurveyed, excluding that part within the Grand Canyon National Park;
Secs. 22 and 27, unsurveyed, excluding that part within the Grand Canyon National Park and Navajo Indian Reservation;
Secs. 28 and 29, partly unsurveyed, excluding that part within the Grand Canyon National Park;
Secs. 30 to 32, inclusive, excluding that part within the Grand Canyon National Park;
Secs. 33, unsurveyed, excluding that part within the Grand Canyon National Park and Navajo Indian Reservation.

T. 39 N., R. 6 E.,
Secs. 13, 23, and 24, excluding that part within the Vermilion Cliffs National Monument;
Sec. 25;
Sec. 26, excluding that part within the Vermilion Cliffs National Monument;
Sec. 27, excluding that part within the Vermilion Cliffs National Monument and the Grand Canyon National Park;
Sec. 33, S½NE¼, SE¼SW¼, and SE¼, excluding that part within the Vermilion Cliffs National Monument;
Secs. 34 and 35, excluding that part within the Grand Canyon National Park;
Sec. 36, partly unsurveyed, excluding that part within the Grand Canyon National Park.

T. 39 N., R. 7 E.,
Sec. 3, excluding that part within the Grand Canyon National Park and Navajo Indian Reservation;
Sec. 4, partly unsurveyed, excluding that part within the Grand Canyon National Park, Vermilion Cliffs National Monument, and Navajo Indian Reservation;
Secs. 5, 7, and 8, excluding that part within the Vermilion Cliffs National Monument;
Secs. 9 and 16, partly unsurveyed, excluding that part within the Grand Canyon National Park and Navajo Indian Reservation;
Sec. 17, excluding that part within the Grand Canyon National Park;
Sec. 18, excluding that part within the Vermilion Cliffs National Monument;
Sec. 19;
Sec. 20, and Secs. 29 to 31, inclusive, partly unsurveyed, excluding that part within the Grand Canyon National Park and Navajo Indian Reservation.

T. 40 N., R. 7 E.,
Sec. 33, excluding that part within the Grand Canyon National Park and Vermilion Cliffs National Monument;
Sec. 34, excluding that part within the Grand Canyon National Park and Navajo Indian Reservation.

The areas described aggregate approximately 1,006,545 acres of public and National Forest System lands in Coconino and Mohave Counties.

2. The withdrawal made by this order does not alter the applicability of the public land laws other than the Mining Law.

3. This withdrawal will expire 20 years from the effective date of this

order unless, as a result of a review conducted before the expiration date pursuant to Section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f), the Secretary determines that the withdrawal shall be extended.

Authority: 43 CFR 2310.3–3(b)(1).

Dated: January 9, 2012.

Ken Salazar,

Secretary of the Interior.

[FR Doc. 2012–849 Filed 1–17–12; 8:45 am]

BILLING CODE 4310–32–P

INTERNATIONAL TRADE COMMISSION

[USITC SE–12–001]

Government in the Sunshine Act Meeting Notice

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: January 20, 2012 at 11 a.m.

PLACE: Room 101, 500 E Street SW., Washington, DC 20436, Telephone: (202) 205–2000.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agendas for future meetings: none.
2. Minutes.
3. Ratification List.
4. Vote in Inv. No. 731–TA–703 (Third Review) (Furfuryl Alcohol from China). The Commission is currently scheduled to transmit its determination and Commissioners' opinions to the Secretary of Commerce on or before January 30, 2012.
5. Outstanding action jackets: none.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

By order of the Commission.

Issued: January 13, 2012.

William R. Bishop,

Hearings and Meetings Coordinator.

[FR Doc. 2012–949 Filed 1–13–12; 4:15 pm]

BILLING CODE 7020–02–P

DEPARTMENT OF LABOR

Employment and Training Administration

Comment Request for Information Collection for a Three-Year Extension of the Labor Exchange Reporting System (LERS), Extension With Revisions

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: The Department of Labor (Department), 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 Employment and Training Administration (ETA) is soliciting comments concerning LERS, Office of Management and Budget (OMB) Control No. 1205–0240), which facilitates performance reporting for the Wagner-Peyser Act funded public employment service activities through the ETA 9002 reports and for the Jobs for Veterans' State grants' activities through the Veterans' Employment and Training Services (VETS) 200 reports. The current expiration date is March 31, 2012. A copy of the proposed information collection request can be obtained by contacting the office listed below in the addresses section of this notice.

DATES: Written comments must be submitted to the office listed in the addresses section below on or before March 19, 2012.

ADDRESSES: Submit written comments to Karen Staha, Office of Policy Development and Research, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–5641, Washington, DC 20210. Telephone number: (202) 693–2917 (this is not a toll-free number). Fax: (202) 693–3490. Email: *Staha.Karen@dol.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Each quarter, states and territories submit data on individuals and employers who receive core employment and workforce information services through the public labor exchange and employment services and the Jobs for Veterans' state grants in the states' One-Stop delivery systems. These data—submitted to the Department via the ETA 9002 and VETS 200 reports—are used by ETA and VETS to evaluate performance and delivery of labor exchange and employment services within the One-Stop delivery system.

ETA and VETS use the data to track total participants, aggregate information about characteristics, services and outcomes of job seeker customers. Additionally, ETA and VETS analyze the data to determine the delivery of core labor exchange services; to study performance outcomes vis-à-vis performance measures, and state policies and procedures; and to help drive the workforce investment system toward continuous improvement of outcomes and integrated service delivery. Within ETA, the data are used by the Office of Workforce Investment, the Office of Unemployment Insurance, the Office of Financial and Administrative Management, the Office of Policy Development and Research, and the Office of Regional Management (including the regional offices). Other Departmental users include the Office of the Assistant Secretary for Employment and Training and the Office of the Assistant Secretary for Policy.

The reports and other analyses of the data are made available to the states, members of Congress, veterans' organizations, research firms and others needing information on public employment and workforce information services. Information about labor exchange and employment services for veterans are provided to Congress to meet VETS reporting requirements codified in Title 38 of the United States Code (U.S.C.).

Currently, LERS is the only mechanism for collecting performance information on Wagner-Peyser Act funded and Jobs for Veterans' state grants. As such, this set of reports is necessary for tracking and reporting to stakeholders data on the usage and performance of these programs. More specifically, these reports are used to monitor the core purpose of the program—mainly, tracking how many people found jobs; did people stay employed; and what were their earnings.

Information is collected on the ETA 9002 and VETS 200 Reports under the following authority:

- Wagner-Peyser Act sec. 3(a), 29 U.S.C. 49b(a)
- Wagner-Peyser Act sec. 3(c), 29 U.S.C. 49b(c)
- Wagner-Peyser Act sec. 7(b), 29 U.S.C. 49f(b)
- Wagner-Peyser Act sec. 10(c), 29 U.S.C. 49i(c)
- Wagner-Peyser Act sec. 13(a), 29 U.S.C. 49l(a)
- Wagner-Peyser Act sec. 15(e)(2)(I), 29 U.S.C. 49l–2(e)(2)(I).
- Provisional Guidance on the Implementation of the 1997 Standards for Federal Data on Race and Ethnicity, Executive Office of the President, Office of Management and Budget (66 FR 3829–3831).
- Revisions to the Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity (62 FR 58781–58790); and
- Priority of Service for veterans in Department of Labor job training programs, 38 U.S.C. 4215(a)(2).

By July 1, 2012, ETA must modify the current reporting system to begin the collection of several additional statutorily required pieces of information. The first pertains to the priority of service provisions contained in the Jobs for Veterans Act, Public Law 107–288. These provisions provide that veterans and certain spouses of veterans (together comprising the category of covered persons) are entitled to priority over non-covered persons for the receipt of employment, training, and placement services provided under new or existing qualified job training programs. Qualified job training programs are defined at 38 U.S.C. 4215(a)(2) as any workforce preparation, development or delivery program or service that is directly funded, in whole or in part, by the Department.

Additional items are required under Public Law 112–56, Title II, Vow to Hire Heroes, Sections 238 and 239, and pertain to: (1) Performance measures on job counseling, training and placement programs of the Department, and; (2) clarifications of priority of service for veterans in Departmental job training programs.

These requirements impact both the ETA 9002 and VETS 200 reports. Lastly, the expansive focus on veterans reemployment initiatives has necessitated collection of additional information on groups of veterans (such as Post 9/11 era veterans), targeted services they received, and additional aspects of their outcomes in order to monitor and oversee their effectiveness.

II. Review Focus

The Department is particularly interested in comments which:

- Evaluate whether the proposed continuation of the collection of information is necessary for the proper performance of the functions of the agency, including whether the information has considerable 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

Type of Review: Extension with revisions.

Title: Labor Exchange Reporting System (LERS).

OMB Number: 1205–0240.

Affected Public: State, local and tribal government entities and private non-profit organizations.

Form(s): ETA–9002, VETS–200, The Employment and Training (ET) Handbook No. 406, Employment Service Record Layout, Labor Exchange DRVS Software Version 7.2 User's Guide.

Total Annual Respondents: 54.

Annual Frequency: Quarterly.

Total Annual Responses: 1944.

Average Time per Response: 375 hours.

Estimated Total Annual Burden Hours: 728,889.

Total Annual Burden Cost for Respondents: $0.

Comments submitted in response to this comment request will be summarized and/or included in the request for OMB approval of the information collection request; they will also become a matter of public record.

Dated: January 2, 2012.

Jane Oates,

Assistant Secretary for Employment and Training.

[FR Doc. 2012–790 Filed 1–17–12; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

Proposed Collection of Information for the Job Corps Process Study; New Collection

AGENCY: Employment and Training Administration (ETA), Labor.

ACTION: Notice.

SUMMARY: The Department of Labor (Department), 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, ETA is soliciting comments on a new information collection for the Job Corps Process Study (Process Study). A copy of the proposed information collection request can be obtained by contacting the office listed below in the addresses section of this notice.

DATES: Written comments must be submitted to the office listed in the addresses section below on or before March 19, 2012.

ADDRESSES: Submit written comments to Dan Ryan, Employment and Training Administration, 200 Constitution Avenue NW., Room N–5641, Washington, DC 20210. Telephone number: (202) 693–3649 (this is not a toll-free number). Fax number: (202) 693–2766. Email: *ryan.dan@dol.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Job Corps is a comprehensive program designed to assist eligible disadvantaged youth aged 16 to 24 through intensive education and training services. A total of 125 primarily residential Job Corps centers operate in 48 states, the District of Columbia, and Puerto Rico. Job Corps provides academic instruction to improve students' reading and math abilities and prepare students for obtaining General Educational Development certificates or high school diplomas, career technical training in over 100 programs, and development of

social skills. In addition, Job Corps provides dormitory-style housing, meals, medical care, and counseling. Finally, the program assists its enrollees with career transitions through placement in jobs, higher education, and the military. Over the course of its 45 years of operation, Job Corps has served almost 3 million youth.

In the fall of 2010, ETA contracted with IMPAQ International, LLC (with subcontracts to the Battelle Memorial Institute and Decision Information Resources, Inc.—henceforth, the IMPAQ team) to conduct this Process Study to address the following broad questions:

- What center practices appear to be associated with center performance or particular dimensions of performance and what is the nature of such associations?
- How do interactions among center practices and characteristics mediate these associations? Put differently, do some strategies or practices work especially well (or especially badly) for certain kinds of centers?

ETA is requesting clearance for the IMPAQ team to carry out two principal research activities, integral to the Process Study: (1) Site visits to 16 Job Corps centers with interviews with senior center and operator management, instructors, staff, and partners and focus groups with students and (2) a Web-based survey of all Job Corps center directors.

The centers for visits will be selected in a purposive fashion to represent diversity of performance, using established Job Corps performance metrics on student outcomes both during and after program enrollment, adjusted for participant and local labor market characteristics, supplemented by additional measures of job placement and student satisfaction. Practices identified during the visits will also be examined through the survey. The ultimate use of the information collection is to associate practices with performance outcomes, an analysis which should be useful for programmatic improvement.

II. Review Focus

The Department is particularly interested in comments, which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the 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

Agency: Employment and Training Administration.

Type of Review: New collection.

Title: Job Corps Process Study.

OMB Number: 1205–0NEW.

Affected Public: Job Corps center management and staff; Job Corps students; Job Corps partner organizations' staff; and Job Corps center operators' staff.

Total Respondents: 637.

Frequency: Twice for directors of the 16 visited centers and once for all other respondents.

Total Responses: 653.

Average Time per Response: 85 minutes.[1]

Estimated Total Burden Hours: 927.

Total Other Burden Cost for Respondents: $0.

Data collection activity (interview unless noted as survey)	Total burden hours for position type across all centers Concerned
Center Directors	32
Human Resources Managers	8
Academic Instruction Managers	24
Career Technical Training (CTT) Managers	24
Work-Based Learning Coordinators	16
Career Preparation Period Managers	16
Counseling Managers	24
Peer Leadership Coordinators	8
Social Development Managers	16
Center Safety Officers	16
Academic Instructors	48
CTT Instructors	48
Residential Advisors	48
Senior Administration Staff, Including from Operators	32
Business and Community Liaisons	16
Organizational Partners: Outreach and Admissions and Career Technical Services	32
Community Partners, Other than Employers	32
Employer Partners	32
Regional Office Project Managers	16
Students	64
Center Director Survey	375
TOTAL	927

Comments submitted in response to this comment request will be summarized and/or included in the request for the Office of Management and Budget approval of the information

[1] This is the average across all types of information collection activities.

collection request; they will also become a matter of public record.

Dated: Signed in Washington, DC, on this 11th day of January, 2012.

Jane Oates,

Assistant Secretary for Employment and Training.

[FR Doc. 2012–795 Filed 1–17–12; 8:45 am]

BILLING CODE 4510–FT–P

DEPARTMENT OF LABOR

Employment and Training Administration

Agency Information Collection Activities; Comment Request for Information Collection: Guam Military Base Realignment Contractor Recruitment Standards, Extension Without Revisions

AGENCY: Employment and Training Administration (ETA), Labor.

ACTION: Notice.

SUMMARY: The Department of Labor (Department), 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 (PRA 95) [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, ETA is soliciting comments concerning the extension of data collection on its Guam Military Base Realignment Contractors Recruitment Standards, which expire April 30, 2012. This information collection follows an emergency review that was conducted in accordance with the PRA 95 and 5 CFR 1320.13. The submission for Office of Management and Budget (OMB) emergency review was approved on October 19, 2011. A copy of the proposed information collection request can be obtained either by: (1) Accessing the RegInfo.gov Web site at *http://www.reginfo.gov/public/do/PRAViewDocument?ref_nbr=201108-1205-007,* or (2) by contacting the office listed below in the **ADDRESSES** section of this notice.

DATES: Written comments must be submitted to the office listed in the **ADDRESSES** section below on or before March 19, 2012.

ADDRESSES: Submit written comments to Anthony D. Dais, Office of Workforce Investment, Room C–4512, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room S–4231, Washington, DC 20210. Telephone (202) 693–2784 (this is not a toll-free number). Individuals with hearing or speech impairments may access the telephone number above via TTY by calling the toll-free Federal Information Relay Service at 1–(877) 889–5627 (TTY/TDD). Fax: (202) 693–3015. Email: *dais.anthony@dol.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Section 2834(a) of the National Defense Authorization Act (NDAA) for Fiscal Year 2010 (Pub. L. 111–84, enacted October 28, 2009) amended Section 2824(c) of the Military Construction Authorization Act (Pub. L. 110–417, Division B) by adding a new subsection (6). This provision prohibits contractors engaged in construction projects related to the realignment of U.S. military forces from Okinawa to Guam from hiring non-U.S. workers unless the Governor of Guam (Governor), in consultation with the U.S. Secretary of Labor (Secretary), certifies that (1) there is an insufficient number of U.S. workers that are able, willing, and qualified to perform the work; and (2) that the employment of non-U.S. workers will not have an adverse effect on either the wages or the working conditions of U.S. construction workers in Guam.

In order to allow the Governor to make this certification, the NDAA requires contractors to recruit workers in the United States, including in Guam, the Northern Mariana Islands, American Samoa, the U.S. Virgin Islands, and Puerto Rico, according to the terms of recruitment standards developed and approved by the Secretary. The recruitment standards have been reproduced in full below.

Although the Department has developed the recruitment standards, it has assigned oversight of the contractor recruitment standards and the NDAA-required consultation with the Governor to the Guam Department of Labor (GDOL) through a Memorandum of Understanding between the U.S. Department of Labor and GDOL, effective November 22, 2011.

I. Guam Military Base Realignment Contractors Recruitment Standards

Guam military base realignment contractors must take the following actions to recruit U.S. workers.

1. At least 60 days before the start date of workers under a base realignment contract, contractors must:

(a) Submit a job posting with GDOL at *http://dol.guam.gov/index.php?option=com_jobline&Itemid=0&task=add,* or by submitting a completed Job Order (Form GES 514) in person at the Guam Employment Service office. The job posting must be posted on the GDOL Job Bank for at least 21 consecutive days;

(b) Submit a job posting with the state workforce agency's Internet job bank in American Samoa at *www.usworks.com/americansamoa/*, the Commonwealth of the Northern Mariana Islands at *https://marianaslabor.net/employer.asp,* and in the following states:

i. Alaska (*www.jobs.state.ak.us*);

ii. California (*www.caljobs.ca.gov*);

iii. Hawaii (*www.hirenethawaii.com*);

iv. Oregon (*www.emp.state.or.us/jobs*); and

v. Washington (*https://fortress.wa.gov/esd/worksource/Employment.aspx*).

The job posting must be posted for at least 21 consecutive days. If for any reason the Internet job bank in American Samoa is not available, the contractor must place an advertisement on two Sundays in a newspaper that: (1) Is of general circulation in the territory; (2) has a reasonable distribution and is appropriate to the occupation; and (3) is likely to be seen by workers interested in applying for construction employment.

(c) Submit a job posting with an Internet-based job bank that is:

i. National in scope, including the entire United States, Guam, the Commonwealth of the Northern Mariana Islands, American Samoa, the Virgin Islands, and the Commonwealth of Puerto Rico;

ii. Allows job postings for all occupations; and

iii. Is free of charge for job seekers and their intermediaries in One-Stop Career Centers and the employment service delivery system nationwide.

(d) Where the occupation or industry is customarily unionized, contact the local union in Guam in writing to seek U.S. workers who are qualified and who will be available for the job opportunity.

The postings are separate and distinct requirements—i.e., a posting under Section 1(b) cannot be used to satisfy the posting requirement under Section 1(c).

2. Each job posting in (1)(a) through (d) must include, at a minimum, the following:

(a) The contractor's name and appropriate contact information for applicants to inquire about the job opportunity or to send applications and/or résumés directly to the employer;

(b) The geographic area of employment, with enough specificity to apprise applicants of any travel requirements and where applicants will likely have to reside to perform the services or labor;

(c) A statement indicating whether or not the employer will pay for the worker's transportation to Guam;

(d) If applicable, a statement that daily transportation to and from the worksite(s) will be provided by the employer;

(e) A description of the job opportunity with sufficient information to apprise U.S. workers of the services or labor to be performed, including the duties, the minimum education and experience requirements, the work hours and days, and the anticipated start and end dates of the job opportunity;

(f) If applicable, a statement that on-the-job training will be provided to the worker;

(g) If applicable, a statement that overtime will be available to the worker and the wage offer for working any overtime hours;

(h) The wage offer, and the benefits, if any, offered;

(i) A statement that the position is temporary;

(j) The total number of job openings the employer intends to fill; and

(k) If the employer provides the worker with the option of board, lodging, or other facilities, including fringe benefits, or intends to assist workers to secure such lodging, a statement disclosing the provision and cost of the board, lodging, or other facilities, including fringe benefits or assistance to be provided.

3. During the 28-day recruitment period, which begins on the earliest date of posting, contractors must interview all qualified and available Guam and U.S. construction workers who have applied for the employment opportunity.

4. After the close of the recruitment period, and no later than 30 days before the start date of workers under a contract, the contractor must provide a report including the following information via email to GDOL at *ndaa.recruitment@dol.guam.gov* documenting its efforts to recruit U.S. workers from the United States and all U.S. territories:

(a) A description of all the recruitment approaches used to recruit realignment workers. The description must include identification of the Internet job banks where the postings occurred, the occupation or trade, a description of wages and other terms and conditions of employment, the date of each posting, and the job order or requisition number. If newspaper advertisements were used, the description must also include the dates that these ads appeared in the newspaper;

(b) A copy of each job posting;

(c) A detailed description of how each response to the job postings was handled, including:

i. The number of job applications received;

ii. The name of each applicant;

iii. The position applied for;

iv. The final employment determination for each applicant or job candidate; and

v. For each U.S. job applicant not hired, a description of the specific, lawful, job-related reason for rejecting the applicant for employment, which includes a comparison of the job applicant's skills and experience against the terms listed in the original job posting.

II. USDOL Recruitment Support Activities

Separate from the contractor recruitment standards, ETA will facilitate a nationwide outreach and recruitment effort to maximize hiring of U.S. construction workers, including outreach to its workforce investment system. ETA will do the following:

- Develop and issue a Training and Employment Notice (TEN), and hold an Internet-based training session (''Webinar'') to inform contractors, state workforce agencies, state and local workforce investment boards, and One-Stop Career Centers of the anticipated construction employment opportunities on Guam and how these opportunities will be posted [interested individuals can automatically receive notice of the TEN by going to *http://wdr.doleta.gov/directives* and clicking on the last bullet, stating ''To be added to the ETA Advisory electronic distribution list—click here,'' and interested individuals can automatically receive notice of the Webinar by registering for ETA's Workforce3One by going to *https://www.workforce3one.org/register.aspx,* then going to the fourth category (Newsletters and Updates) and checking the box for ''Webinars/Live Events,'' and should also check both boxes under ''Reemployment Works'' in the preceding category (labeled ''Join Communities'')];
- Develop telephone scripts for a Toll-Free Help Line directing job seekers to the GDOL job bank;
- Ensure that Departmental offices—including the Office of Unemployment Insurance, the Office of Apprenticeship, the Office of Job Corps, the Veterans' Employment and Training Service, and the YouthBuild program—are informed of the construction employment opportunities; and
- Brief pertinent inter-governmental and labor organizations (including the National Governors Association, National Conference of State Legislatures, and building trades unions) so that they can assist in spreading information about the U.S. worker outreach effort.

II. Review Focus

The Department is particularly interested in comments which

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the 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: Extension Without Changes

Title: Guam Military Base Realignment Contractors Recruitment Standards.

OMB Number: 1205–0484.

Affected Public: Contractors for Guam construction projects funded through NDAA, plus job applicants for these projects.

Form: Contractor Recruitment Standards.

Total Annual Respondents: 111.

Annual Frequency: Occasional.

Total Annual Responses: 111.

Average Time per Response: 3 hours.

Estimated Total Annual Burden Hours: 333 hours.

Total Annual Burden Cost for Respondents: Zero.

Comments submitted in response to this comment request will be summarized and/or included in the request for OMB approval of the information collection request; they will also become a matter of public record.

Signed in Washington, DC, on this 30th day of December, 2011.

Jane Oates,

Assistant Secretary for Employment and Training.

[FR Doc. 2012–805 Filed 1–17–12; 8:45 am]

BILLING CODE 4510–FN–P

LIBRARY OF CONGRESS

Copyright Royalty Board

Notice of Intent to Audit

AGENCY: Copyright Royalty Board, Library of Congress.

ACTION: Public notice.

SUMMARY: The Copyright Royalty Judges are announcing receipt of a notice of intent to audit the 2008 statements of account submitted by Lastfm, Ltd., concerning the royalty payments made pursuant to two statutory licenses.

FOR FURTHER INFORMATION CONTACT: LaKeshia Keys, Program Specialist, by telephone at (202) 707–7658 or email at *crb@loc.gov.*

SUPPLEMENTARY INFORMATION: The Copyright Act, title 17 of the United States Codes, grants to copyright owners of sound recordings the exclusive right to perform publicly sound recordings by means of certain digital audio transmissions, subject to certain limitations. Specifically, this right is limited by two statutory licenses. The section 114 license allows the public performance of sound recordings by means of digital audio transmissions by nonexempt noninteractive digital subscription services and eligible nonsubscription services. 17 U.S.C. 114(f). The second license allows a service to make any necessary ephemeral reproductions to facilitate the digital transmission of the sound recording. 17 U.S.C. 112(e).

Licensees may operate under these licenses provided they pay the royalty fees and comply with the terms set by the Copyright Royalty Judges. The rates and terms for the section 112 and 114 licenses are set forth in 37 CFR part 380. As part of the terms set for these licenses, the Judges designated SoundExchange, Inc., as the organization charged with collecting the royalty payments and statements of account and distributing the royalties to the copyright owners and performers entitled to receive such royalties under the section 112 and 114 licenses. 37 CFR 380.13(b)(1). As the designated Collective, SoundExchange may conduct a single audit of a licensee for any calendar year for the purpose of verifying their royalty payments. SoundExchange must first file with the Judges a notice of intent to audit a licensee and serve the notice on the licensee to be audited. 37 CFR 380.15(c).

On December 23, 2011, pursuant to § 380.15(c), SoundExchange filed with the Judges a notice of intent to audit Last.fm, Ltd., for the year 2008. Section 380.15(c) requires the Judges to publish a notice in the **Federal Register** within 30 days of receipt of the notice announcing the Collective's intent to conduct an audit.

In accordance with § 380.15(c), the Copyright Royalty Judges are publishing today's notice to fulfill this requirement with respect to SoundExchange's notice of intent to audit Last.fm, Ltd. filed December 23, 2011.

Dated: January 12, 2012.

James Scott Sledge,

Chief, U.S. Copyright Royalty Judge.

[FR Doc. 2012–834 Filed 1–17–12; 8:45 am]

BILLING CODE 1410–72–P

NATIONAL LABOR RELATIONS BOARD

Sunshine Act Meetings: January 2012

TIME AND DATES: All meetings are held at 2:30 p.m.

Tuesday, January 24;
Wednesday, January 25;
Thursday, January 26;
Tuesday, January 31.

PLACE: Board Agenda Room, No. 11820, 1099 14th St. NW., Washington, DC 20570.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Pursuant to § 102.139(a) of the Board's Rules and Regulations, the Board or a panel thereof will consider ''the issuance of a subpoena, the Board's participation in a civil action or proceeding or an arbitration, or the initiation, conduct, or disposition * * * of particular representation or unfair labor practice proceedings under section 8, 9, or 10 of the [National Labor Relations] Act, or any court proceedings collateral or ancillary thereto.'' See also 5 U.S.C. 552b(c)(10).

Dated: January 13, 2012.

Lester A. Heltzer,

Executive Secretary, (202) 273–1067.

[FR Doc. 2012–942 Filed 1–13–12; 4:15 pm]

BILLING CODE 7545–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards (ACRS); Meeting of the ACRS Subcommittee on Regulatory Policies and Practices; Notice of Meeting

The ACRS Subcommittee on Regulatory Policies and Practices will hold a meeting on February 8, 2012, Room T–2B1, 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Wednesday, February 8, 2012—8:30 a.m. until 12 p.m.

The Subcommittee will review a Draft Final Revision 2 of Regulatory Guide (RG) 1.127, ''Inspection of Water-Control Structures Associated with Nuclear Power Plants.'' The Subcommittee will hear presentations by and hold discussions with the NRC staff and other interested persons regarding this matter. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), Peter Wen (Telephone (301) 415–2832 or Email: *Peter.Wen@nrc.gov*) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 17, 2011, (76 FR 64127–64128).

Detailed meeting agendas and meeting transcripts are available on the NRC Web site at *http://www.nrc.gov/reading-rm/doc-collections/acrs*. Information regarding topics to be discussed, changes to the agenda, whether the meeting has been canceled or

rescheduled, and the time allotted to present oral statements can be obtained from the Web site cited above or by contacting the identified DFO. Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with these references if such rescheduling would result in a major inconvenience.

If attending this meeting, please enter through the One White Flint North building, 11555 Rockville Pike, Rockville, MD. After registering with security, please contact Mr. Theron Brown (Telephone (240) 888–9835) to be escorted to the meeting room.

Dated: January 10, 2012.

Antonio F. Dias,

Technical Advisor, Advisory Committee on Reactor Safeguards.

[FR Doc. 2012–807 Filed 1–17–12; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards (ACRS) Meeting of the ACRS Subcommittee on Planning and Procedures; Notice of Meeting

The ACRS Subcommittee on Planning and Procedures will hold a meeting on February 8, 2012, Room T–2B3, 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance, with the exception of a portion that may be closed pursuant to 5 U.S.C. 552b(c)(2) and (6) to discuss organizational and personnel matters that relate solely to the internal personnel rules and practices of the ACRS, and information the release of which would constitute a clearly unwarranted invasion of personal privacy.

The agenda for the subject meeting shall be as follows:

Wednesday, February 8, 2012—1 p.m. until 2 p.m.

The Subcommittee will discuss proposed ACRS activities and related matters. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), Mr. Antonio Dias (Telephone (301) 415–6805 or Email: *Antonio.Dias@nrc.gov*) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 17, 2011, (76 FR 64127–64128).

If attending this meeting, please enter through the One White Flint North building, 11555 Rockville Pike Rockville, MD. After registering with security, please contact Mr. Theron Brown (Telephone (240) 888–9835) to be escorted to the meeting room.

Dated: January 11, 2012.

Antonio Dias,

Technical Advisor, Advisory Committee on Reactor Safeguards.

[FR Doc. 2012–810 Filed 1–17–12; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2012–0002]

Sunshine Federal Register Notice

AGENCY HOLDING THE MEETINGS: Nuclear Regulatory Commission.

DATES: Weeks of January 16, 23, 30, February 6, 13, 20, 2012.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

Week of January 16, 2012

There are no meetings scheduled for the week of January 16, 2012.

Week of January 23, 2012—Tentative

There are no meetings scheduled for the week of January 23, 2012.

Week of January 30, 2012—Tentative

There are no meetings scheduled for the week of January 30, 2012.

Week of February 6, 2012—Tentative

Thursday, February 9, 2012

9 a.m. Briefing on Status of Outreach and Educational Efforts with External Stakeholders Related to the Safety Culture Policy Statement (Public Meeting) (Contact: Diane Sieracki, (301) 415–3297).

This meeting will be webcast live at the Web address: *www.nrc.gov.*

Week of February 13, 2012—Tentative

There are no meetings scheduled for the week of February 13, 2012.

Week of February 20, 2012—Tentative

Wednesday, February 22, 2012

9 a.m. Briefing on Fort Calhoun (Public Meeting) (Contact: Jeff Clark, (817) 860–8147).

This meeting will be webcast live at the Web address: *www.nrc.gov.*

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*The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings, call (recording)—(301) 415–1292. Contact person for more information: Rochelle Bavol, (301) 415–1651.

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The NRC Commission Meeting Schedule can be found on the Internet at: *http://www.nrc.gov/public-involve/public-meetings/schedule.html.*

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The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (e.g. braille, large print), please notify Bill Dosch, Chief, Work Life and Benefits Branch, at (301) 415–6200, TDD: (301) 415–2100, or by email at *william.dosch@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

* * * * *

This notice is distributed electronically to subscribers. If you no longer wish to receive it, or would like to be added to the distribution, please contact the Office of the Secretary, Washington, DC 20555 (301) 415–1969), or send an email to *darlene.wright@nrc.gov*.

January 12, 2012.

Richard J. Laufer,

Technical Coordinator, Office of the Secretary.

[FR Doc. 2012–943 Filed 1–13–12; 4:15 pm]

BILLING CODE 7590–01–P

POSTAL SERVICE

International Product Change—Global Plus 1C and 2C Negotiated Service Agreements

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service hereby gives notice of its filing a request with the Postal Regulatory Commission to add Global Plus 1C and 2C Negotiated Service Agreements to the Competitive Products List.

DATES: January 18, 2012.

FOR FURTHER INFORMATION CONTACT: Margaret M. Falwell, (202) 268–2576.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642, on December 30, 2011, and January 4, 2012, it filed with the Postal Regulatory Commission, Requests of United States Postal Service to Add Global Plus 1C and 2C Negotiated Service Agreements to the Competitive Products List, and Notices of Filing Two Functionally Equivalent Agreements and Applications for Non-Public Treatment of Materials Filed Under Seal for each filing. Documents are available at *http://www.prc.gov,* Docket Nos. MC2012–5, MC2012–6, CP2012–10, CP2012–11, CP2012–12 and CP2012–13.

B. J. Meadows III,

Attorney, Legal Strategy.

[FR Doc. 2012–766 Filed 1–17–12; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Investor Education and Advocacy, Washington, DC 20549–0213.

Extension:

Rule 22c–2; SEC File No. 270–541; OMB Control No. 3235–0620.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) the Securities and Exchange Commission (the ''Commission'') has submitted to the Office of Management and Budget a request for extension of the previously approved collection of information discussed below.

Rule 22c–2 (17 CFR 270.22c–2 ''Mutual Fund Redemption Fees'') under the Investment Company Act of 1940 (15 U.S.C. 80a) (the ''Investment Company Act'' or ''Act'') requires the board of directors (including a majority of independent directors) of most registered investment companies (''funds'') to either approve a redemption fee of up to two percent or determine that imposition of a redemption fee is not necessary or appropriate for the fund. Rule 22c–2 also requires a fund to enter into written agreements with their financial intermediaries (such as broker-dealers and retirement plan administrators) under which the fund, upon request, can obtain certain shareholder identity and trading information from the intermediaries. The written agreement must also allow the fund to direct the intermediary to prohibit further purchases or exchanges by specific shareholders that the fund has identified as being engaged in transactions that violate the fund's market timing policies. These requirements enable funds to obtain the information that they need to monitor the frequency of short-term trading in omnibus accounts and enforce their market timing policies.

The rule includes three ''collections of information'' within the meaning of the Paperwork Reduction Act of 1995 (''PRA'').[1] First, the rule requires boards to either approve a redemption fee of up to two percent or determine that imposition of a redemption fee is not necessary or appropriate for the fund. Second, funds must enter into information sharing agreements with all of their ''financial intermediaries''[2] and maintain a copy of the written information sharing agreement with each intermediary in an easily accessible place for six years. Third, pursuant to the information sharing agreements, funds must have systems that enable them to request frequent trading information upon demand from their intermediaries, and to enforce any restrictions on trading required by funds under the rule.

The collections of information created by Rule 22c–2 are necessary for funds to effectively assess redemption fees, enforce their policies in frequent trading, and monitor short-term trading, including market timing, in omnibus accounts. These collections of information are mandatory for funds that redeem shares within seven days of purchase. The collections of information also are necessary to allow Commission staff to fulfill its examination and oversight responsibilities.

Rule 22c–2(a)(1) requires the board of directors of all registered investment companies and series thereof (except for money market funds, ETFs, or funds that affirmatively permit short-term trading of its securities) to approve a redemption fee for the fund, or instead make a determination that a redemption fee is either not necessary or appropriate for the fund. Commission staff understands that the boards of all funds currently in operation have undertaken this process for the funds they currently oversee, and the rule does not require boards to review this determination periodically once it has been made. Accordingly, we expect that only boards of newly registered funds or newly created series thereof would undertake this determination. Commission staff estimates that approximately 117 funds or series thereof (excluding money market funds and ETFs) are newly formed each year and would need to make this determination.

Based on conversations with fund representatives,[3] Commission staff estimates that it takes approximately 2 hours of the boards' time, as a whole, to approve a redemption fee or make the required determination. In addition, Commission staff estimates that it takes compliance personnel of the fund approximately 8 hours to prepare trading, compliance, and other information regarding the fund's operations to enable the board to make its determination, and takes internal counsel of the fund approximately 3 hours to review this information and present its recommendations to the board. Therefore, for each fund board that undertakes this determination process, Commission staff estimates it expends approximately 13 hours.[4] As a result, Commission staff estimates that

[1] 44 U.S.C. 3501–3520.

[2] The rule defines a Financial Intermediary as: (i) Any broker, dealer, bank, or other person that holds securities issued by the fund in nominee name; (ii) a unit investment trust or fund that invests in the fund in reliance on section 12(d)(i)(E) of the Act; and (iii) in the case of a participant directed employee benefit plan that owns the securities issued by the fund, a retirement plan's administrator under section 316(A) of the Employee Retirement Security Act of 1974 (29 U.S.C. 1002(16)(A) or any person that maintains the plans' participant records. Financial Intermediary does not include any person that the fund treats as an individual investor with respect to the fund's policies established for the purpose of eliminating or reducing any dilution of the value of the outstanding securities issued by the fund. Rule 22c–2(c)(1).

[3] Unless otherwise stated, estimates throughout this analysis are derived from a survey of funds and conversations with fund representatives.

[4] This calculation is based on the following estimate: (2 hours of board time + 3 hours of internal counsel time + 8 hours of compliance time = 13 hours).

the total time spent for all funds on this process is 1,521 hours.[5]

Rule 22c–2(a)(2) requires a fund to enter into information sharing agreements with each of its financial intermediaries. Commission staff understands that all currently registered funds have already entered into such agreements with their intermediaries. Funds enter into new relationships with intermediaries from time to time, however, which requires them to enter into new information sharing agreements. Commission staff understands that, in general, funds enter into information-sharing agreement when they initially establish a relationship with an intermediary, which is typically executed as an addendum to the distribution agreement. Commission staff estimates that there are approximately 6,911 open-end fund series currently in operation (excluding money market funds and ETFs). However, the Commission staff understands that most shareholder information agreements are entered into by the fund group (a group of funds with a common investment adviser), and estimates that there are currently 669 currently active fund groups.[6] Commission staff estimates that, on average, each active fund group enters into relationships with approximately 3 new intermediaries each year. Commission staff understands that funds generally use a standard information sharing agreement, drafted by the fund or an outside entity, and modifies that agreement according to the requirements of each intermediary. Commission staff estimates that negotiating the terms and entering into an information sharing agreement takes a total of approximately 4 hours of attorney time per intermediary (representing 2.5 hours of fund attorney time and 1.5 hours of intermediary attorney time). Accordingly, Commission staff estimates that each existing fund group expends 12 hours each year[7] to enter into new information sharing agreements, and all existing fund groups incur a total of 8,028 hours.[8]

In addition, newly created funds advised by new entrants (effectively new fund groups) must enter into information sharing agreements with all of their financial intermediaries. Commission staff estimates that there are approximately 40 new funds or fund groups that form each year that will have to enter into information sharing agreements with each of their intermediaries.[9] Commission staff estimates that funds and fund groups formed by new advisers typically have relationships with significantly fewer intermediaries than existing fund groups, and estimates that new fund groups will typically enter into approximately 100 information sharing agreements with their intermediaries when they begin operations.[10] As discussed previously, Commission staff estimates that it takes approximately 4 hours of attorney time per intermediary to enter into information sharing agreements. Therefore, Commission staff estimates that each newly formed fund group will incur 400 hours of attorney time,[11] and all newly formed fund groups will incur a total of 16,000 hours to enter into information sharing agreements with their intermediaries.[12]

Rule 22c–2(a)(3) requires funds to maintain records of all information sharing agreements for 6 years in an easily accessible place. Commission staff estimates that there are approximately 6,911 open-end fund series currently in operation (excluding money market funds and ETFs). However, the Commission staff anticipates that most shareholder information agreements will be stored at the fund group level and estimates that there are currently approximately 669 fund groups. Commission staff understands that information-sharing agreements are generally included as addendums to distribution agreements between funds and their intermediaries, and that these agreements would be stored as required by the rule as a matter of ordinary business practice. Therefore, Commission staff estimates that maintaining records of information sharing agreements requires approximately 10 minutes of time spent by a general clerk per fund, each year. Accordingly, Commission staff estimates that all funds will incur approximately 112 hours[13] in complying with the recordkeeping requirement of rule 22c–2(a)(3).

Therefore, Commission staff estimates that to comply with the information sharing agreement requirements of rule 22c–2(a)(1) and (3), it requires a total of 24,140 hours.[14]

The Commission staff estimates that on average, each fund group requests shareholder information once a week, and gives instructions regarding the restriction of shareholder trades every day, for a total of 417 responses related to information sharing systems per fund group each year, and a total 278,973 responses for all fund groups annually.[15] In addition, the staff estimates that funds make 117 responses related to board determinations, 2,007 responses related to new intermediaries of existing fund groups, 4,000 responses related to new fund group information sharing agreements, and 669 responses related to recordkeeping, for a total of 6,793 responses related to the other requirements of rule 22c–2. Therefore, the Commission staff estimates that the total number of responses is 285,766 (278,973 + 6,793 = 285,766). The Commission staff estimates that the total hour burden for rule 22c–2 is 25,661 hours.[16]

Rule 22c–2 requires funds to enter into information sharing agreements with their intermediaries that enable funds to, upon request (i) be provided certain information regarding shareholders and their trades that are held through a financial intermediary or an indirect intermediary, and (ii) require the intermediary to execute instructions from the fund restricting or prohibiting further purchases or exchanges by shareholders that violate the fund's frequent trading policies. As a result of this requirement, some funds and intermediaries have had to develop and maintain information sharing, monitoring, and order execution systems (collectively ''information sharing systems''). In general, costs related to these information-sharing systems are borne at the fund group level.

The Commission understands that all currently operating funds and

[5] This calculation is based on the following estimate: (13 hours × 117 funds = 1,521 hours).

[6] ICI, 2011 Investment Company Fact Book at Fig 1.7 (2011) (*http://www.ici.org/stats/latest/2011_factbook.pdf*).

[7] This estimate is based on the following calculation: (4 hours × 3 new intermediaries = 12 hours).

[8] This estimate is based on the following calculation: (12 hours × 669 fund groups = 8,028 hours).

[9] ICI, 2011 Investment Company Fact Book at Fig 1.7 (2011) (*http://www.ici.org/stats/latest/2011_factbook.pdf*).

[10] Commission staff understands that funds generally use a standard information sharing agreement, drafted by the fund or an outside entity, and then modifies that agreement to according the requirements of each intermediary.

[11] This estimate is based on the following calculation: (4 hours × 100 intermediaries = 400 hours).

[12] This estimate is based on the following calculation: (40 fund groups × 400 hours = 16,000 hours).

[13] This estimate is based on the following calculation: (10 minutes × 669 fund groups = 6,690 minutes); (6,690 minutes/60 = 112 hours).

[14] This estimate is based on the following calculation: (8,028 hours + 16,000 hours + 112 hours = 24,140 hours).

[15] This estimate is based on the following calculations: (52 + 365 = 417); (417 × 669 fund groups = 278,973).

[16] This estimate is based on the following calculation: (1,521 hours (board determination) + 24,140 hours (information sharing agreements) = 25,661 total hours).

intermediaries have either developed information systems themselves or purchased them from third parties. However, these funds and intermediaries also incur certain ongoing costs related to these systems' maintenance and operation. The Commission staff understands that various organizations have developed enhancements to their systems that allow funds and intermediaries to share the information required by the rule without developing or maintaining systems of their own. Other organizations have developed ''22c–2 solution'' systems that funds may lease. The Commission staff understands that most funds and intermediaries use these outside systems. In general, the staff estimates that the typical charges involved in operating and maintaining information sharing systems average 25 cents for every 100 account transactions requested. These systems generally also provide analytics, spreadsheets, and other tools designed to enable funds to analyze the data presented, as well as communication tools to process fund instructions regarding the restrictions and prohibitions they may request. Commission staff estimates that the costs of developing, maintaining and operating information systems for funds and intermediaries that do not use outside provider's systems is comparable to the costs charged by outside providers.[17]

The Commission staff estimates that, on average, each fund group requests information for 100,000 transactions each week, incurring costs of $250 weekly, or $13,000 a year.[18] In addition, the Commission staff estimates that funds pay access fees to use these information sharing systems (or comparable internal costs) of approximately $30,000 each year. The Commission staff therefore estimates that a fund group would typically incur approximately $43,000 in costs each year related to the operation and maintenance of information sharing systems required by rule 22c–2. The Commission staff has previously estimated that there are approximately 669 fund groups currently active, and therefore estimates that all fund groups incur a total of $28,767,000 in ongoing costs each year related to maintaining and operating information sharing systems.[19]

In addition, newly formed funds and fund groups advised by advisers who are new entrants would also need to incur certain additional costs related to the initial development or purchase of these information-sharing systems. Commission staff estimates that it requires approximately $100,000 to purchase or develop and implement such an information sharing system for the first time. Commission staff has previously estimated that approximately 40 funds or fund groups are formed each year managed by new advisers, and therefore estimates that all these funds would incur total costs of approximately $4,000,000.[20] Therefore the staff estimates that the total costs related to rule 22c–2 would be approximately $32,767,000 ($28,767,000 + $4,000,000 = $32,767,000).

Responses provided to the Commission will be accorded the same level of confidentiality accorded to other responses provided to the Commission in the context of its examination and oversight program. Responses provided in the context of the Commission's examination and oversight program are generally kept confidential. Complying with the information collections of rule 22c–2 is mandatory for funds that redeem their shares within 7 days of purchase. An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid control number.

The public may view the background documentation for this information collection at the following Web site, *www.reginfo.gov.* Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Shagufta_Ahmed@omb.eop.gov;* and (ii) Thomas Bayer, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 6432 General Green Way Alexandria, VA 22312 or send an email to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: January 11, 2012.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2012–781 Filed 1–17–12; 8:45 am]

BILLING CODE 8011–01–P

[17] We include the burden for funds that develop and operate these information sharing systems internally rather than purchasing them from third parties as a cost rather than as an hourly burden because Commission staff understands that, even when developing these systems themselves, funds generally either use independent contractors or hire new personnel, and thereby incur this burden as a cost, not an hourly expenditure.

[18] This estimate is based on the following calculations: (100,000 transaction requests × $0.0025 = $250); ($250 × 52 weeks = $13,000).

[19] This estimate is based on the following calculation: (669 fund groups × $43,000 = $28,767,000).

[20] This estimate is based on the following estimate: ($100,000 × 40 new fund groups = $4,000,000).

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Investor Education and Advocacy, Washington, DC 20549–0213.

Extension:

Rule 17Ad–6 and 17Ad–7; SEC File No. 270–151; OMB Control No. 3235–0291.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for approval of extension of the existing collection of information provided for in the following rules: Rule 17Ad–6 (17 CFR 240.17Ad–6) and Rule 17Ad–7 (17 CFR 240.17Ad–7) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) (''Exchange Act'').

Rule 17Ad–6 under the Exchange Act requires every registered transfer agent to make and keep current records about a variety of information, such as: (1) Specific operational data regarding the time taken to perform transfer agent activities (to ensure compliance with the minimum performance standards in Rule 17Ad–2 (17 CFR 240.17Ad–2)); (2) written inquiries and requests by shareholders and broker-dealers and response time thereto; (3) resolutions, contracts or other supporting documents concerning the appointment or termination of the transfer agent; (4) stop orders or notices of adverse claims to the securities; and (5) all canceled registered securities certificates.

Rule 17Ad–7 under the Exchange Act requires each registered transfer agent to retain the records specified in Rule 17Ad–6 in an easily accessible place for a period of six months to six years, depending on the type of record or document. Rule 17Ad–7 also specifies the manner in which records may be maintained using electronic, microfilm, and microfiche storage methods.

These recordkeeping requirements are designed to ensure that all registered transfer agents are maintaining the records necessary for transfer agents to monitor and keep control over their own performance and for the Commission to

adequately examine registered transfer agents on an historical basis for compliance with applicable rules.

The Commission estimates that approximately 473 registered transfer agents will spend a total of 236,500 hours per year complying with Rules 17Ad–6 and 17Ad–7 (500 hours per year per transfer agent).

The retention period for the recordkeeping requirements under Rule 17Ad–6 is six months to one year. In addition, such records must be retained for a total of two to six years or for one year after termination of the transfer agency, depending on the particular record or document. The recordkeeping requirements under Rules 17Ad–6 and 17Ad–7 are mandatory to assist the Commission and other regulatory agencies with monitoring transfer agents and ensuring compliance with the rule. This rule does not involve the collection of confidential information.

The Commission may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act that does not display a valid OMB control number.

The public may view the background documentation for this information collection at the following Web site, *www.reginfo.gov.* Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Shagufta_Ahmed@omb.eop.gov;* and (ii) Thomas Bayer, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 6432 General Green Way, Alexandria, VA 22312 or send an email to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: January 11, 2011.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2012–780 Filed 1–17–12; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Securities Act of 1933 Release No. 33–9294/January 11, 2012 Securities Exchange Act of 1934 Release No. 34–66141/January 11, 2012]

Order Approving Public Company Accounting Oversight Board Budget and Annual Accounting Support Fee for Calendar Year 2012

The Sarbanes-Oxley Act of 2002, as amended (the ''Sarbanes-Oxley Act''),[1] established the Public Company Accounting Oversight Board (''PCAOB'') to oversee the audits of companies that are subject to the securities laws, and related matters, in order to protect the interests of investors and further the public interest in the preparation of informative, accurate and independent audit reports. The PCAOB is to accomplish these goals through registration of public accounting firms and standard setting, inspection, and disciplinary programs. The PCAOB is subject to the comprehensive oversight of the Securities and Exchange Commission (the ''Commission'').

Section 109 of the Sarbanes-Oxley Act provides that the PCAOB shall establish a reasonable annual accounting support fee, as may be necessary or appropriate to establish and maintain the PCAOB. Under Section 109(f) of the Sarbanes-Oxley Act, the aggregate annual accounting support fee shall not exceed the PCAOB's aggregate ''recoverable budget expenses,'' which may include operating, capital and accrued items. The PCAOB's annual budget and accounting support fee is subject to approval by the Commission.

Section 982 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (the ''Dodd-Frank Act'')[2] amended the Sarbanes-Oxley Act to provide the PCAOB with explicit authority to oversee auditors of broker-dealers registered with the Commission. In addition, the PCAOB must allocate the annual accounting support fee among issuers and among brokers and dealers.

Section 109(b) of the Sarbanes-Oxley Act directs the PCAOB to establish a budget for each fiscal year in accordance with the PCAOB's internal procedures, subject to approval by the Commission. Rule 190 of Regulation P facilitates the Commission's review and approval of PCAOB budgets and annual accounting support fees.[3] This budget rule provides, among other things, a timetable for the preparation and submission of the PCAOB budget and for Commission actions related to each budget, a description of the information that should be included in each budget submission, limits on the PCAOB's ability to incur expenses and obligations except as provided in the approved budget, procedures relating to supplemental budget requests, requirements for the PCAOB to furnish on a quarterly basis certain budget-related information, and a list of definitions that apply to the rule and to general discussions of PCAOB budget matters.

In accordance with the budget rule, in March 2011 the PCAOB provided the Commission with a narrative description of its program issues and outlook for the 2012 budget year. In response, the Commission provided the PCAOB with economic assumptions and budgetary guidance for the 2012 budget year. The PCAOB subsequently delivered a preliminary budget and budget justification to the Commission. Staff from the Commission's Offices of the Chief Accountant and Financial Management dedicated a substantial amount of time to the review and analysis of the PCAOB's programs, projects and budget estimates; reviewed the PCAOB's estimates of 2011 actual spending; and attended several meetings with management and staff of the PCAOB to further develop an understanding of the PCAOB's budget and operations. During the course of this review, Commission staff relied upon representations and supporting documentation from the PCAOB. Based on this review, the Commission issued a ''pass back'' letter to the PCAOB.

On November 30, 2011, the PCAOB approved its 2012 budget during an open meeting and submitted that budget to the Commission for approval. Upon review of the submitted budget and budget justification, Commission staff raised questions regarding the calculation and presentation of the accounting support fee in the budget justification. On December 23, 2011, the PCAOB supplemented the original budget justification with additional materials, including a revised calculation and presentation of the accounting support fee. Due to the time needed to resolve this matter, consideration of the budget and accounting support fee was delayed beyond the normal expected date of December 23rd.[4]

[1] 15 U.S.C. 7201 *et seq.*

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

[3] 17 CFR 202.190.

[4] See 17 CFR 202.190(c). The budget rule also provides that in the event the Commission has not approved a budget prior to the beginning of the fiscal year, the PCAOB may spend funds from its reserve and continue to incur obligations as if the

After considering the above, the Commission did not identify any proposed disbursements in the 2012 budget adopted by the PCAOB that are not properly recoverable through the annual accounting support fee, and the Commission believes that the aggregate proposed 2012 annual accounting support fee does not exceed the PCAOB's aggregate recoverable budget expenses for 2012. The Commission also acknowledges the PCAOB's updated strategic plan and looks forward to providing views to the PCAOB as future updates are made to the plan.

In light of the recent report on information technology (''IT'') governance and staffing by the PCAOB's Office of Internal Oversight and Performance Assurance,[5] the Commission understands that the PCAOB has recently taken, and plans to continue to take, significant steps designed to improve its IT program. These steps include IT staffing changes, conducting a review of the IT program, implementing IT governance structures, and strengthening Board oversight over its IT program. In addition to these important steps, the Commission directs the Board to continue to provide in its quarterly reports to the Commission detailed information about the state of the PCAOB's IT program, including planned, estimated, and actual costs for IT projects, and the level of involvement of consultants. These reports also should include: (a) a discussion of the Board's assessment of the progress and implementation of the Board actions mentioned above; and (b) the quarterly IT report that will be prepared by PCAOB staff and submitted to the Board.

The Commission also directs the PCAOB during the 2012 budget cycle to continue to include in its quarterly reports to the Commission information about the PCAOB's inspections program. Such information is to include: (a) Statistics relative to the numbers and types of firms budgeted and expected to be inspected in 2012, including by location and by year the inspections that are required to be conducted in accordance with the Sarbanes-Oxley Act and PCAOB rules; (b) information about the timing of the issuance of inspections reports for domestic and non-U.S. inspections; and (c) updates on the PCAOB's efforts to establish cooperative arrangements with respective non-U.S. authorities for inspections required in those countries.

The Commission has determined that the PCAOB's 2012 budget and annual accounting support fee are consistent with Section 109 of the Sarbanes-Oxley Act. Accordingly,

It is ordered, pursuant to Section 109 of the Sarbanes-Oxley Act, that the PCAOB budget and annual accounting support fee for calendar year 2012 are approved.

By the Commission.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2012–764 Filed 1–17–12; 8:45 am]

BILLING CODE 8011–01–P

budget most recently approved by the Commission were continuing in effect. See 17 CFR 202.190(e)(3).

[5] The PCAOB's Office of Internal Oversight and Performance Assurance provides internal examination of the programs and operations of the PCAOB. A public summary of the Office's report on IT is available here: *http://pcaobus.org/InternalOversight/Documents/2011_Information_Technology.pdf.*

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–66132; File No. SR–NYSEArca–2011–99]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Amending NYSE Arca Equities Rule 7.11, Which Provides for Trading Pauses in Individual Securities Due to Extraordinary Market Volatility, To Extend the Effective Date of the Pilot Until July 31, 2012

January 11, 2012.

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 December 28, 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 Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend NYSE Arca Equities Rule 7.11, which provides for trading pauses in individual securities due to extraordinary market volatility, to extend the effective date of the pilot by which such rule operates from the current scheduled expiration date of January 31, 2012, until July 31, 2012. The text of the proposed rule change is available at the Exchange, the Commission's Public Reference Room, and *www.nyse.com.*

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

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 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 amend NYSE Arca Equities Rule 7.11, which provides for trading pauses in individual securities due to extraordinary market volatility, to extend the effective date of the pilot by which such rule operates from the current scheduled expiration date of January 31, 2012,[3] until July 31, 2012.

NYSE Arca Equities Rule 7.11 requires the Exchange to pause trading in an individual security listed on the Exchange if the price moves by a specified percentage as compared to prices of that security in the preceding five-minute period during a trading day, which period is defined as a ''Trading Pause.'' The pilot was developed and implemented as a market-wide initiative by the Exchange and other national securities exchanges in consultation with the Commission staff and is currently applicable to all NMS stocks and specified exchange-traded products.[4]

[3] *See* Securities Exchange Act Release No. 65088 (August 10, 2011), 76 FR 50793 (August 16, 2011) (SR–NYSEArca–2011–55).

[4] The Exchange notes that the other national securities exchanges and the Financial Industry Regulatory Authority have adopted the pilot in substantially similar form. *See* Securities Exchange Act Release No. 62252 (June 10, 2010), 75 FR 34186 (June 16, 2010) (File Nos. SR–BATS–2010–014; SR–EDGA–2010–01; SR–EDGX–2010–01; SR–BX–2010–037; SR–ISE–2010–48; SR–NYSE–2010–39; SR–NYSEAmex–2010–46; SR–NYSEArca–2010–41; SR–NASDAQ–2010–061; SR–CHX–2010–10; SR–NSX–2010–05; and SR–CBOE–2010–047) and Securities Exchange Act Release No. 62251 (June 10, 2010), 75 FR 34183 (June 16, 2010) (SR–FINRA–2010–025). *See also* Securities Exchange Act Release No. 62884 (September 10, 2010), 75 FR 56618 (September 16, 2010) (File Nos. SR–BATS–2010–018; SR–BX–

Continued

The extension proposed herein would allow the pilot to continue to operate without interruption while the Exchange, other national securities exchanges and the Commission further assess the effect of the pilot on the marketplace or whether other initiatives should be adopted in lieu of the current pilot.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Securities Exchange Act of 1934 (the ''Act''),[5] in general, and furthers the objectives of Section 6(b)(5) of the Act,[6] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. The Exchange believes that the change proposed herein meets these requirements in that it promotes uniformity across markets concerning decisions to pause trading in a security when there are significant price movements. Additionally, extension of the pilot until July 31, 2012 would allow the pilot to continue to operate without interruption while the Exchange and the Commission further assess the effect of the pilot on the marketplace or whether other initiatives should be adopted in lieu of the current pilot.

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[7] and Rule 19b–4(f)(6) thereunder.[8] 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[9] and Rule 19b–4(f)(6)(iii) thereunder.[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.

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 email to *rule-comments@sec.gov*. Please include File No. SR–NYSEArca–2011–99 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 No. SR–NYSEArca–2011–99. This file number should be included on the subject line if email 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 No. SR–NYSEArca–2011–99 and should be submitted on or before February 8, 2012.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2012–772 Filed 1–17–12; 8:45 am]

BILLING CODE 8011–01–P

2010–044; SR–CBOE–2010–065; SR–CHX–2010–14; SR–EDGA–2010–05; SR–EDGX–2010–05; SR–ISE–2010–66; SR–NASDAQ–2010–079; SR–NYSE–2010–49; SR–NYSEAmex–2010–63; SR–NYSEArca–2010–61; and SR–NSX–2010–08 and Securities Exchange Act Release No. 62883 (September 10, 2010), 75 FR 56608 (September 16, 2010) (SR–FINRA–2010–033). *See also* Securities Exchange Act Release No. 63496 (December 9, 2010), 75 FR 78285 (December 15, 2010) (SR–NYSEArca–2010–114). A proposal to, among other things, expand the pilot to include all NMS stocks not already included therein was implemented on August 8, 2011. *See* Securities Exchange Act Release No. 64735 (June 23, 2011), 76 FR 38243 (June 29, 2011) (File Nos. SR–BATS–2011–016; SR–BYX–2011–011; SR–BX–2011–025; SR–CBOE–2011–049; SR–CHX–2011–09; SR–EDGA–2011–15; SR–EDGX–2011–14; SR–FINRA–2011–023; SR–ISE–2011–028; SR–NASDAQ–2011–067; SR–NYSE–2011–21; SR–NYSEAmex–2011–32; SR–NYSEArca–2011–26; SR–NSX–2011–06; and SR–Phlx–2011–64).

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

[7] 15 U.S.C. 78s(b)(3)(A)(iii).

[8] 17 CFR 240.19b–4(f)(6).

[9] 15 U.S.C. 78s(b)(3)(A).

[10] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[11] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–66145; File No. SR–Phlx–2011–189]

Self-Regulatory Organizations; NASDAQ OMX PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Qualified Contingent Cross Orders

January 11, 2012.

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 December 30, 2011, NASDAQ OMX PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its Fee Schedule to create a tiered rebate for Qualified Contingent Cross orders (''QCC Orders'').

While changes to the Fee Schedule pursuant to this proposal are effective upon filing, the Exchange has designated these changes to be operative on January 3, 2012.

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaqtrader.com/micro.aspx?id=PHLXfilings,* at the principal office of the Exchange, on the Commission's Web site at *http://www.sec.gov*, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The 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 amend the rebate applicable to both electronic QCC Orders (''eQCC'')[3] and Floor QCC Orders,[4] in order to create a tiered rebate structure. The Exchange believes that offering tiered rebates for QCC Orders will create an additional incentive for market participants to execute QCC Orders on the Exchange in Multiply Listed Securities.[5]

There are currently several categories of market participants: Customers, Directed Participants,[6] Specialists,[7] Registered Options Traders,[8] SQTs,[9] RSQTs,[10] Broker-Dealers, Firms and Professionals.[11] The Exchange proposes to amend the current rebates applicable to both eQCC Orders and Floor QCC Orders, for the above categories of market participants, applicable to both Sections I[12] and II[13] of the Fee Schedule. Currently, the Exchange pays a rebate of $0.07 per contract for all executed eQCC Orders and Floor QCC Orders.[14]

The Exchange proposes to offer a tiered rebate structure for both eQCC Orders and Floor QCC Orders. The Exchange proposes to pay a rebate of $0.07 per contract on all qualifying executed QCC Orders up to 1,000,000 contracts in a month. If a member exceeds 1,000,000 contracts in a month of qualifying executed QCC Orders, the Exchange would pay $0.10 per contract on all qualifying executed QCC Orders in a given month. In other words, the Exchange would either pay a $0.07 or $0.10 rebate depending on the number of qualifying contracts for that month. With respect to a Floor QCC Order, the Exchange will continue to offer the rebate to the Floor Broker.

The Exchange does not offer a rebate on executed eQCC Orders or Floor QCC Orders where the transaction is either: (i) Customer-to-Customer; or (ii) a dividend,[15] merger[16] or short stock

[3] A QCC Order is comprised of an order to buy or sell at least 1,000 contracts that is identified as being part of a qualified contingent trade, as that term is defined in Rule 1080(o)(3), coupled with a contra-side order to buy or sell an equal number of contracts. The QCC Order must be executed at a price at or between the National Best Bid and Offer and be rejected if a Customer order is resting on the Exchange book at the same price. A QCC Order shall only be submitted electronically from off the floor to the PHLX XL II System. *See* Rule 1080(o). *See also* Securities Exchange Act Release No. 64249 (April 7, 2011), 76 FR 20773 (April 13, 2011) (SR–Phlx–2011–47) (a rule change to establish a QCC Order to facilitate the execution of stock/option Qualified Contingent Trades (''QCTs'') that satisfy the requirements of the trade through exemption in connection with Rule 611(d) of the Regulation NMS).

[4] A Floor QCC Order must: (i) be for at least 1,000 contracts, (ii) meet the six requirements of Rule 1080(o)(3) which are modeled on the QCT Exemption, (iii) be executed at a price at or between the National Best Bid and Offer (''NBBO''); and (iv) be rejected if a Customer order is resting on the Exchange book at the same price. In order to satisfy the 1,000-contract requirement, a Floor QCC Order must be for 1,000 contracts and could not be, for example, two 500-contract orders or two 500-contract legs. *See* Rule 1064(e). *See also* Securities Exchange Act Release No. 64688 (June 16, 2011), 76 FR 36606 (June 22, 2011) (SR–Phlx–2011–56).

[5] Multiply Listed Securities include those symbols which are subject to rebates and fees in Section I, Rebates and Fees For Adding and Removing Liquidity in Select Symbols, and Section II, Equity Options Fees.

[6] A Directed Participant is a Specialist, SQT, or RSQT that executes a customer order that is directed to them by an Order Flow Provider and is executed electronically on PHLX XL II.

[7] A Specialist is an Exchange member who is registered as an options specialist pursuant to Rule 1020(a).

[8] A Registered Options Trader (''ROT'') includes a Streaming Quote Trader (''SQT''), a Remote Streaming Quote Trader (''RSQT'') and a Non-SQT ROT, which by definition is neither a SQT or a RSQT. A ROT is defined in Exchange Rule 1014(b) as a regular member or a foreign currency options participant of the Exchange located on the trading floor who has received permission from the Exchange to trade in options for his own account. *See* Exchange Rule 1014 (b)(i) and (ii).

[9] An SQT is defined in Exchange Rule 1014(b)(ii)(A) as an ROT who has received permission from the Exchange to generate and submit option quotations electronically in options to which such SQT is assigned.

[10] An RSQT is defined Exchange Rule in 1014(b)(ii)(B) as an ROT that is a member or member organization with no physical trading floor presence who has received permission from the Exchange to generate and submit option quotations electronically in options to which such RSQT has been assigned. An RSQT may only submit such quotations electronically from off the floor of the Exchange.

[11] The Exchange defines a ''professional'' as any person or entity that (i) is not a broker or dealer in securities, and (ii) places more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s) (hereinafter ''Professional'').

[12] Section I of the Fee Schedule is entitled ''Rebates and Fees for Adding and Removing Liquidity in Select Symbols.'' The Section I fees and rebates are applicable to certain select symbols which are defined in that section.

[13] Section II of the Fee Schedule is entitled ''Equity Options Fees.'' Section II includes options overlying equities, ETFs, ETNs, indexes and HOLDRS which are Multiply Listed.

[14] QCC Transaction Fees for a Specialist, ROT, SQT, RSQT, Professional, Firm and Broker-Dealer are $0.20 per contract. QCC Transaction Fees apply to QCC Orders, as defined in Exchange Rule 1080(o), and Floor QCC Orders, as defined in 1064(e).

[15] A dividend strategy is defined as transactions done to achieve a dividend arbitrage involving the purchase, sale and exercise of in-the-money options of the same class, executed the first business day prior to the date on which the underlying stock goes ex-dividend. *See* Section II of the Fee Schedule.

[16] A merger strategy is defined as transactions done to achieve a merger arbitrage involving the

Continued

interest strategy [17] and executions subject to the Reversal and Conversion Cap.[18] These exceptions will remain the same. Currently, QCC Transaction Fees apply to Sections I and II of the Fee Schedule and are subject to the Monthly Firm Fee Cap [19] and the Monthly Market Maker Cap.[20] This will also remain the same.

The Exchange also proposes to add additional language to Section I, Part C to clarify which QCC Orders are qualifying orders. The proposed language that is added to Section I conforms the text related to the QCC rebate to Section II text. The proposed text is being added to clarify the exceptions to the rebate, which exceptions apply to both Sections I and II.

While changes to the Fee Schedule pursuant to this proposal are effective upon filing, the Exchange has designated these changes to be operative on January 3, 2012.

2. Statutory Basis

The Exchange believes that its proposal to amend its Fee Schedule is consistent with Section 6(b) of the Act [21] in general, and furthers the objectives of Section 6(b)(4) of the Act [22] in particular, in that it is an equitable allocation of reasonable fees and other charges among Exchange members. The Exchange also believes that there is an equitable allocation of reasonable rebates among Exchange members.

The Exchange believes that it is reasonable to incentivize members to transact both eQCC Orders and Floor QCC Orders in Multiply Listed securities [23] by paying a tiered rebate of $0.07 per contract on all qualifying executed QCC Orders up to 1,000,000 contracts in a month or a rebate of $0.10 per contract for members with qualifying executed QCC Orders exceeding 1,000,000 contracts in a month. The Exchange believes that paying a tiered rebate will sufficiently incentivize its members to send both eQCC Orders and Floor QCC Orders to the Exchange. The Exchange believes that offering a tiered rebate, as compared to a flat rate, is reasonable because the Exchange is paying a rebate on every contract, similar to the flat rate, and the Exchange is also incentivizing members to execute an even greater number of qualifying executed QCC Orders to achieve a higher rebate on all contracts in that given month. In other words, the proposal offers members more incentive to send a greater number of QCC Orders, while still paying a $0.07 rebate below 1,000,000 contracts. The proposed tiered rebate structure is within the range of rebates paid by other exchanges [24] and balances the Exchange's desire to incentivize its members to send order flow to the Exchange while considering the costs attributable to offering such rebates.

With respect to the Floor QCC Order, the Exchange will also continue to offer the rebate to the Floor Broker. The Floor Broker is in receipt of the Floor QCC Orders and enters those orders into FBMS. The Exchange believes it is necessary from a competitive standpoint to offer this rebate to the executing Floor Broker on a Floor QCC Order. The Exchange expects that the rebate offered to executing Floor Brokers will allow them to price their services at a level that will enable them to attract Floor QCC order flow from participants who would otherwise enter these orders electronically from off the floor to the PHLX XL II System. To the extent that Floor Brokers are able to attract these Floor QCC orders, they will gain important information that will allow them to solicit the parties to the Floor QCC orders for participation in other trades, which will in turn benefit all other Exchange participants through the additional liquidity and price discovery that may occur as a result.

The Exchange believes it continues to be reasonable to not offer a rebate for eQCC Orders and Floor QCC Orders for Customer-to-Customer executions because members executing Customer orders are not assessed a QCC Transaction Fee [25] and therefore do not need to be incentivized to send QCC Orders to the Exchange. Likewise, the Exchange believes that it is reasonable to not offer a rebate for dividend, merger and short stock interest strategies and executions subject to the Reversal and Conversion Cap because the Exchange already provides a cap today on the transaction fees associated with these strategies and therefore does not believe an additional incentive is required.

The Exchange believes that it is equitable and not unfairly discriminatory to pay a tiered rebate for executed QCC Orders because all market participants will continue to be eligible for the $0.07 rebate, as they are today, unless they are able to exceed 1,000,000 contracts of qualifying executed QCC Orders in a given month, then the member would be entitled to a higher rebate of $0.10 per contract on all qualifying executed QCC Orders. This benefit is intended to incentivize members to transact a greater number of contracts and qualifying QCC Orders in order to take advantage of the higher rebate. Additionally, the proposed rebate is within the range of tiered rebates offered by the International Securities Exchange, LLC (''ISE'').[26]

purchase, sale and exercise of options of the same class and expiration date, executed the first business day prior to the date on which shareholders of record are required to elect their respective form of consideration, i.e., cash or stock. *See* Section II of the Fee Schedule.

[17] A short stock interest strategy is defined as transactions done to achieve a short stock interest arbitrage involving the purchase, sale and exercise of in-the-money options of the same class. *See* Section II of the Fee Schedule.

[18] Specialists, ROTs, SQTs and RSQTs, Professionals, Firms and Broker-Dealers options transaction fees in Multiply Listed Options are capped at $500 per day for reversal and conversion strategies executed on the same trading day in the same options class.

[19] Firms are subject to a maximum fee of $75,000 (''Monthly Firm Fee Cap''). Firm equity option transaction fees and QCC Transaction Fees in the aggregate, for one billing month may not exceed the Monthly Firm Fee Cap per member organization when such members are trading in their own proprietary account. All dividend, merger, short stock interest and reversal and conversion strategy executions are excluded from the Monthly Firm Fee Cap. The Firm equity options transaction fees are waived for members executing facilitation orders pursuant to Exchange Rule 1064 when such members are trading in their own proprietary account. QCC Transaction Fees are included in the calculation of the Monthly Firm Fee Cap.

[20] ROTs and Specialists are currently subject to a Monthly Market Maker Cap of $550,000. The trading activity of separate ROTs and Specialist member organizations will be aggregated in calculating the Monthly Market Maker Cap if there is at least 75% common ownership between the member organizations. In addition, ROTs and Specialists that (i) are on the contra-side of an electronically-delivered and executed Customer complex order; and (ii) have reached the Monthly Market Maker Cap will be assessed a $0.05 per contract fee. *See* Securities Exchange Act Release No. 64113 (March 23, 2011), 76 FR 17468 (March 29, 2011) (SR–Phlx–2011–36).

[21] 15 U.S.C. 78f(b).

[22] 15 U.S.C. 78f(b)(4).

[23] The rebate does not apply to Singly Listed Securities. For purposes of this filing, a Singly Listed Option means an option that is only listed on the Exchange and is not listed by any other national securities exchange. *See* Section III of the Exchange's Fee Schedule entitled Singly Listed Options.

[24] *See* NYSE Arca, Inc.'s (''NYSE Arca'') Fee Schedule. NYSE Arca pays a $0.10 per contract rebate for executed QCC orders entered by a Floor Broker.

[25] Specialists, ROTs, SQTs, RSQTs, Professionals, Firms and Broker-Dealers are assessed a QCC Transaction Fee of $0.20 per contract.

[26] *See* ISE's Schedule of Fees. ISE provides a rebate to members who reach a certain volume threshold in QCC orders and/or solicitation orders during a month. Once a member reaches the volume threshold, ISE pays a rebate to that member for all qualified contingent cross and solicitation traded contracts for that month. The rebate is paid to the member entering a qualifying order, i.e., a qualified contingent cross order and/or a solicitation order. The rebate applies to qualified contingent cross orders and solicitation orders in all symbols traded on the Exchange. Additionally, the threshold levels are based on the originating side. Specifically, the following rebates apply: For 0–199,999 originating contract sides ISE pays no rebate; for 200,000 to 999,999 originating contract sides ISE pays $0.02 per contract; for 1,000,000 to 1,699,999 originating contract sides ISE pays $0.03 per contract; for 1,700,000 to 1,999,999 ISE pays $0.04 per contract;

Also, all members are equally eligible to transact Multiply Listed securities.

The Exchange believes that it continues to be equitable and not unfairly discriminatory to pay the rebate for Floor QCC Orders to Floor Brokers because it would uniformly apply to all Floor QCC Orders entered by a Floor Broker into FBMS for execution based on volume. The rebate is not unfairly discriminatory to firms that enter eQCC Orders directly into PHLX XL II, because the transaction fees and rebates are the same whether the order is entered electronically or through a Floor Broker. In addition, pursuant to Exchange Rule 1080(o)(3), only Floor Brokers may enter a Floor QCC Order from the floor of the Exchange; therefore, providing the rebate to Floor Brokers does not discriminate against eQCC orders entered into PHLX XL II. Any participant will be able to engage a rebate-receiving Floor Broker in a discussion surrounding the appropriate level of fees that they may be charged for entrusting the entry of the Floor QCC Order to the Floor Broker into FBMS for execution. The additional order flow attracted by this rebate should benefit all participants. The rebate is meant to assist Floor Brokers to recruit business on an agency basis. The Floor Broker may use all or part of the rebate to offset its fees.

The Exchange believes it is equitable and not unfairly discriminatory to not offer a rebate for eQCC Orders and Floor QCC Orders for Customer-to-Customer executions and for dividend, merger and short stock interest strategies and executions subject to the Reversal and Conversion Cap because the Exchange would not offer a rebate for these two types of transactions for any QCC Order uniformly. Neither Customer-to-Customer executions nor dividend, merger and short stock interest strategies and executions subject to the Reversal and Conversion Cap will receive the rebate. Also, Customers are not assessed a QCC Transaction Fee.

The Exchange believes that the technical amendments proposed herein are reasonable, equitable and not unfairly discriminatory because they would add clarity to the Fee Schedule and conform the Fee Schedule.

The Exchange operates in a highly competitive market comprised of nine U.S. options exchanges in which sophisticated and knowledgeable market participants readily can, and do, send order flow to competing exchanges if they deem fee levels at a particular exchange to be excessive. The Exchange believes that the proposed rebates for eQCC Orders and Floor QCC Orders must be competitive with rebates offered at other options exchanges. The Exchange believes that this competitive marketplace impacts the rebates and fees present on the Exchange today and influences the proposals set forth above.

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.[27] 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 email to *rule-comments@sec.gov.* Please include File Number SR–Phlx–2011–189 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–Phlx–2011–189. This file number should be included on the subject line if email 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–Phlx–2011–189 and should be submitted on or before February 8, 2012.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[28]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2012–818 Filed 1–17–12; 8:45 am]

BILLING CODE 8011–01–P

and for 2,000,000 or more originating contract sides ISE pays $0.05 per contract.

[27] 15 U.S.C. 78s(b)(3)(A)(ii).

[28] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–66130; File No. SR–EDGA–2011–42]

Self-Regulatory Organizations; EDGA Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Amendments to the EDGA Exchange, Inc. Fee Schedule

January 11, 2012.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2]

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

notice is hereby given that on December 30, 2011, the EDGA Exchange, Inc. (the ''Exchange'' or the ''EDGA'') 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 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 its fees and rebates applicable to Members [3] of the Exchange pursuant to EDGA Rule 15.1(a) and (c). All of the changes described herein are applicable to EDGA Members. The text of the proposed rule change is available on the Exchange's Internet 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 self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections A, B and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

Purpose

Footnote 4 of the EDGA fee schedule currently provides that: If a Member, on a daily basis, measured monthly, posts more than 1% of the Total Consolidated Volume (''TCV'') in average daily volume, then the Member will receive a rebate of $0.0005 per share. TCV is defined as volume reported by all exchanges and trade reporting facilities to the consolidated transaction reporting plans for Tapes A, B and C securities for the month prior to the month in which the fees are calculated.

If a Member, on a daily basis, measured monthly, posts more than .25% of the TCV and removes more than .25% of TCV in average daily volume, then the Member will receive a rebate of $0.0005 per share.

The Exchange proposes to amend the description in footnote 4 of its fee schedule to state that all non-displayed orders (H Flag executions) count toward added/posting liquidity in both paragraphs of footnote 4. The Exchange also proposes to append footnote 4 to the H Flag on its fee schedule in connection with this. Similar to the way that the H Flag counts toward adding/posting liquidity tiers on the EDGX Exchange, Inc. (''EDGX''),[4] the H Flag is another flag that can also add liquidity on EDGA. Currently, the flags that add liquidity on EDGA and count toward the tiers identified in footnote 4 are B, V, Y, 3, and 4.

Furthermore, the Exchange also proposes to amend the description in footnote 4 of its fee schedule to state that a Member has to post liquidity *to EDGA* in order to satisfy the tiers delineated in footnote 4. To do so, the Exchange proposes to insert the words ''to EDGA'' after the phrases ''posts more than 1% of the TCV'' and ''posts more than .25% of the TCV'' in footnote 4.

The Exchange proposes to delete footnote 13 from its fee schedule, as no Members have qualified for this tier. Footnote 13 states that for Members that route an average daily volume (ADV) more than 30,000,000 shares per day to NYSE using the RDOT or RDOX routing strategy, then their removal rate decreases to $0.0022 per share.

The Exchange also proposes to amend its fee schedule to add footnote b to it to specify that trading activity on days when the market closes early [5] does not count toward any volume tiers, which are currently found in footnotes 1, 2, 4, 6, 13.

The Exchange proposes to implement these amendments to its fee schedule on January 1, 2012.

Basis

The Exchange believes that the proposed rule change is consistent with the objectives of Section 6 of the Act,[6] in general, and furthers the objectives of Section 6(b)(4),[7] in particular, as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its members and other persons using its facilities.

The Exchange believes that amending the H Flag's application toward the tiers outlined in footnote 4 on the Exchange's fee schedule is an equitable allocation of reasonable dues, fees, and other charges. The H Flag is another flag that can also add liquidity on EDGA and counts towards the tiers identified in footnote 4. The Exchange believes that providing discounts for adding liquidity to the Exchange would incent liquidity. In addition, such increased volume increases potential revenue to the Exchange, and would allow the Exchange to spread its administrative and infrastructure costs over a greater number of shares, leading to lower per share costs. These lower per share costs would allow the Exchange to pass on the savings to Members in the form of a higher rebate. The increased liquidity also benefits all investors by deepening EDGA's liquidity pool, offering additional flexibility for all investors to enjoy cost savings, supporting the quality of price discovery, promoting market transparency and improving investor protection. In addition, by making this amendment, the Exchange adds additional transparency to its fee schedule for Members.

The deletion of the tier in footnote 13 to the fee schedule is an equitable allocation of reasonable dues, fees, and other charges, as no Members have qualified for this tier and the Exchange generates administrative costs by maintaining it. In addition, by deleting this tier, the Exchange adds additional clarity to its fee schedule for Members. The Exchange believes that the proposed amendment is nondiscriminatory in that it applies uniformly to all Members.

The Exchange also proposes to amend its schedule by adding footnote b to specify that trading activity on days when the market closes early does not count toward volume tiers (footnotes 1, 2, 4, 6, 13). Since the Exchange is only open until 1 p.m. Eastern Time (''ET'') on these days (e.g., the day after Thanksgiving),[8] the Exchange believes that counting volume on these days towards the tiers would not be illustrative of typical market activity or liquidity provision, since the trading day is shortened. Therefore, the Exchange proposes to exclude such shortened trading days from any volume tier calculations, as presently found in footnotes numbers 1, 2, 4, 6, and 13. The Exchange believes that the proposed amendment is non-discriminatory in

[3] A Member is any registered broker or dealer, or any person associated with a registered broker or dealer, that has been admitted to membership in the Exchange.

[4] *See, e.g.,* Securities Exchange Act Release No. 65541 (October 12, 2011), 76 FR 64409 (October 18, 2011) (SR–EDGX–2011–31).

[5] In 2012, these days include July 3, 2012, November 23, 2012, and December 24, 2012.

[6] 15 U.S.C. 78f.

[7] 15 U.S.C. 78f(b)(4).

[8] In 2012, these days include July 3, 2012, November 23, 2012, and December 24, 2012.

that it applies uniformly to all Members and would more accurately represent their trading volume. In addition, the proposed amendment is in accordance with the practices employed by other Exchanges.[9]

The Exchange also notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive. The proposed rule change reflects a competitive pricing structure designed to incent market participants to direct their order flow to the Exchange. The Exchange believes that the proposed rates are equitable and non-discriminatory in that they apply uniformly to all Members. The Exchange believes the fees and credits remain competitive with those charged by other venues and therefore continue to be reasonable and equitably allocated to Members.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Act[10] and Rule 19b–4(f)(2)[11] thereunder. 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.

[9] *See* fee schedules of Nasdaq and NYSE Arca found at: *http://www.nasdaqtrader.com/Trader.aspx?id=PriceListTrading2;* and *https://usequities.nyx.com/sites/usequities.nyx.com/files/nyse_arca_marketplace_fees_12_1_2011.pdf*

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 19b–4(f)(2).

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 email to *rule-comments@sec.gov*. Please include File Number SR–EDGA–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–EDGA–2011–42. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

All submissions should refer to File Number SR–EDGA–2011–42 and should be submittedon or before February 8, 2012.

[12] 17 CFR 200.30–3(a)(12).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2012–770 Filed 1–17–12; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–66139; File No. SR–CHX–2012–01]

Self-Regulatory Organizations; Chicago Stock Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend its Fee Schedule To Assess Fees for Derivative Securities Products

January 11, 2012.

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 January 6, 2012, the Chicago Stock Exchange, Inc. (''CHX'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the CHX. CHX has filed the proposal pursuant to Section 19(b)(3)(A) of the Act[3] and Rule 19b–4(f)(2) 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 Substance of the Proposed Rule Change

CHX proposes to amend its Fee Schedule, effective January 9, 2012, to create a separate fee and rebate structure for Derivative Securities Products and to remove certain references to Tape A, B and C securities throughout the Fee Schedule.

The text of this proposed rule change is available on the Exchange's Web site at (*www.chx.com*) and in 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 CHX included statements concerning the purpose of and basis for the

[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)(2).

proposed rule changes and discussed any comments it received regarding the proposal. The text of these statements may be examined at the places specified in Item IV below. The CHX 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

Through this filing, the Exchange proposes to amend its Schedule of Fees and Assessments (the ''Fee Schedule''), effective January 9, 2012, to create a separate fee and rebate structure for Derivative Securities Products [5] and to remove references to Tape A, B and C securities throughout our Fee Schedule.

Pursuant to this proposal, the Exchange would eliminate the distinction in the fee and rebate structure for Tape A, B and C securities and replace it with a structure based on Derivative Securities Products.[6] Currently, the Exchange offers a provide credit of $0.0022/share under Section E.1. of the Fee Schedule only for transactions in Tape B securities.[7] Many, but not all, Tape B securities are Derivative Securities Products and some Tape A and C securities are Derivative Securities Products. For securities priced $1/share or more and which are executed in the Regular Trading Session, the Exchange seeks to eliminate the payment of provide credits pursuant to Section E.1. of the Fee Schedule for all non-Derivative Securities Products priced $1/share or more and simultaneously extend the provide credit to transactions in Derivative Securities Products priced $1/share or more. Thus, some Tape B securities which are not Derivative Securities Products would no longer be eligible for a provide credit in the Regular Trading Session and certain Derivative Securities Products which are Tape A and C securities would be eligible for a provide credit. As a category, Derivative Securities Products are heavily traded in the National Market System. By this proposal, the Exchange seeks to pay a provide credit for transactions in such securities in order to incent additional order flow in these issues to the Exchange.

Pursuant to the Exchange's proposed new fee and rebate structure, Participants would be charged a fee of $0.003/share to take liquidity and given a rebate of $0.0022/share for providing liquidity in the Regular Trading Session for securities priced $1.00/share or more which are Derivative Securities Products. For transactions in non-Derivative Securities Products priced $1/share or more which were executed in the Regular Trading Session, the Exchange proposes to charge a fee of $0.003/share to take liquidity while giving no rebate for providing liquidity. A liquidity removal fee of $0.003/share and a provide credit of $0.0022/share would be assessed for transactions in securities priced $1/share or more in the Exchange's Early and Late Trading Sessions. Participants would be assessed a liquidity removal fee of 0.30% of trade value and given a provide credit of $0.00009/share in all issues priced less than $1/share in all trading sessions.

The Exchange proposes similar changes to the fee and rebate structure for single-sided orders executed in the Matching System which were submitted through an Exchange-registered Institutional Broker. These changes in essence substitute the term ''Derivatives Securities Products'' for ''Tape B securities'' within the applicable section of the Exchange's Fee Schedule (Section E.1.). Thus, a provide credit of $0.0022/share in transactions involving Derivatives Securities products executed in the Regular Trading Session would be paid to the Institutional Broker representing the Participant which originated the order.[8] The Exchange proposes to replace references to ''Tape A, B and C'' securities with an all-inclusive reference to ''any'' or ''all'' securities in the text governing the provide credit paid to Institutional Brokers for transactions in the Early and Late Trading Sessions and in securities priced under $1/share in any trading session.

The Exchange proposes to add the definition of a Derivative Securities Product, taken from Rule 19b–4(e) of the Exchange Act, to the Fee Schedule for purposes of clarity.[9] The Exchange also proposes to replace all references in Section E. of the Fee Schedule to the term ''issue'' with that to [sic] ''securities,'' which is a more accurate and well-defined term.[10] The Exchange proposes to remove all other references in various sections of the Fee Schedule to Tape A, B and C securities, since those categories would no longer be relevant in assessing fees to CHX Participants. Finally, the Exchange proposes to replace the references to Exchange Traded Funds (''ETFs''), Exchange Traded Notes (''ETNs'') or Exchange Traded Vehicles (''ETVs'') in Section E.8. (Order Cancellation Fee (Regular Trading Session only)) with a reference to Derivative Securities Products.[11] The Exchange believes that these references are functionally equivalent as applied to trading on the Exchange and use of a common term throughout the Fee Schedule should provide additional clarity to Exchange Participants.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act [12] in general, and furthers the objectives of Section 6(b)(4) of the Act [13] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and other persons using any facility or system which the Exchange operates or controls. Because the proposed structure will apply to all single sided orders executed in the CHX Matching System, with the limited exception of take fees for Institutional Brokers, which have their own, previously approved, fee structure, the Exchange believes the proposed fee and rebate structure will equitably allocate the same reasonable rebate rates among Participants in a non-discriminatory nature. Furthermore, because quoting and trading activity is different among certain categories of securities, such as Derivative Securities Products, the Exchange believes that it is fair and reasonable to create different fee and rebate structures for Derivative Securities Products and all other securities in order to better incent activity by Participants on the

[5] ''Derivative Securities Product'' is defined under Rule 19b–4(e) as any type of option, warrant, hybrid securities product or any other security, other than a single equity option or a security futures product, whose value is based, in whole or in part, upon the performance of, or interest in, an underlying instrument. *See,* 17 CFR 240.19b–4(e).

[6] Tape A securities are those equity securities for which the New York Stock Exchange, Inc. is the primary listing market. Tape C securities are those issues for which the Nasdaq Stock Exchange, Inc. is the primary listing center. Tape B securities are those issues for which some other national securities exchange is the primary listing market.

[7] Among other things, the Exchange proposes to correct a typographical error in its Fee Schedule to clarify that the provide credit paid pursuant to Section E.1. for issues priced $1/share or more is $.00022 *per share.*

[8] Currently, the same amount is paid to the Institutional Broker for transactions in Tape B securities.

[9] 17 CFR 240.19b–4(e).

[10] The Exchange also proposes to replace the references to the term ''issue'' in Section I (Listing Fees) to the different types of securities ''listed on the Exchange'' in order to be consistent.

[11] The Exchange also proposes to delete the reference to the effective date of the Cancellation Fees, since that date is now a number of months in the past.

[12] 15 U.S.C. 78f.

[13] 15 U.S.C. 78f(b)(4).

Exchange's trading facilities in those particular categories.

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 either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The proposed rule change is to take effect pursuant to Section 19(b)(3)(A)(ii) of the Act [14] and subparagraph (f)(2) of Rule 19b–4 thereunder [15] because it establishes or changes a due, fee or other charge applicable to the Exchange's members and non-members, which renders the proposed rule change effective upon filing.

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.

As more fully discussed above, the Exchange believes that the proposed changes represent a fair and reasonable structure designed to create different fee and rebate amounts to incent activity among all Participants within the Exchange's trading facilities.

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 email to *rule-comments@sec.gov.* Please include File Number SR–CHX–2012–01 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–CHX–2012–01. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CHX–2012–01 and should be submitted on or before February 8, 2012.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2012–779 Filed 1–17–12; 8:45 am]

BILLING CODE 8011–01–P

[14] 15 U.S.C. 78s(b)(3)(A)(ii).

[15] 17 CFR 240.19b–4(f)(2).

[16] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–66138; File No. SR–NYSE–2011–70]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending the NYSE Price List To Revise Its Schedule of Rebates Paid to Designated Market Makers for Providing Liquidity on the Exchange and To Delete References to Round and Odd Lot Transactions

January 11, 2012.

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 December 30, 2011, New York Stock Exchange LLC (''NYSE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its Price List to revise its schedule of rebates paid to Designated Market Makers (''DMMs'') for providing liquidity on the Exchange and to delete references to round and odd lot transactions. The text of the proposed rule change is available at the Exchange, the Commission's Public Reference Room, and *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] 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 Exchange proposes to amend its Price List to revise its schedule of rebates paid to DMMs for providing liquidity on the Exchange and to delete references to round and odd lot transactions.

Currently, DMMs earn a rebate of $0.0030 per share when adding liquidity in More Active Securities [3] if the More Active Security has a stock price of $1 or more and the DMM meets (i) the More Active Securities Quoting Requirement [4] and (ii) the More Active Securities Quoted Size Ratio Requirement.[5] The Exchange proposes to modify this rebate as follows:

- DMMs will continue to earn a rebate of $0.0030 per share for adding liquidity that is 20% or less than NYSE's total intraday adding liquidity in shares of each More Active Security for that month if the More Active Security has a stock price of $1 or more and the DMM meets (i) the More Active Securities Quoting Requirement and (ii) the More Active Securities Quoted Size Ratio Requirement.
- DMMs adding liquidity in those same securities will earn a rebate of $0.0026 per share for any incremental adding liquidity in each such security for that month that exceeds 20% of NYSE's total intraday adding liquidity.
- For the purposes of paying the DMM rebate, the NYSE total intraday adding liquidity will be totaled monthly [6] and will include all NYSE adding liquidity, excluding NYSE open and NYSE close volume, by all NYSE participants, including Supplemental Liquidity Providers (''SLP''), customers, Floor brokers, and DMMs.

Rebates will be applied when (i) posting displayed and non-displayed orders on Display Book, including s-quote and s-quote reserve orders; (ii) when providing liquidity on non-displayed interest using the Capital Commitment Schedule; and (iii) when executing trades in the crowd and at Liquidity Replenishment Points.[7]

For example, in a More Active Security (with a stock price of $1 or more) in a given month where the DMM meets the More Active Securities Quoting Requirement and the More Active Securities Quoted Size Ratio Requirement, if a DMM's intraday adding liquidity for that month is 30,000,000 shares, and total NYSE intraday adding liquidity is 100,000,000 shares, the DMM will earn a rebate of $0.0030 per share for the first 20,000,000 shares of adding liquidity because those shares are at or below the 20% intraday adding share threshold. The DMM will earn a rebate of $0.0026 per share for the remaining 10,000,000 shares because those shares exceed the 20% intraday adding share threshold. For other More Active Securities, with a stock price of $1 or more, where the DMM meets the More Active Securities Quoting Requirement and the More Active Securities Quoted Size Ratio Requirement, and the DMM's share of intraday adding liquidity is at or below the 20% intraday adding share threshold, the DMM will earn a rebate of $0.0030 per share for all adding liquidity for the More Active Securities.

Finally, the Exchange proposes to delete references to round and odd lot transactions in the Price List, which are outdated in light of the decommissioning of the odd lot system.[8] Since the decommissioning of the odd lot system, all per share transaction fees and credits have been applied at the round lot rate.

The proposed rule filing will be effective January 1, 2012[.] [sic]

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6 of the Securities Exchange Act of 1934 (the ''Act''),[9] in general, and Section 6(b)(4) [10] of the Act, in particular, in that it is designed to provide for the equitable allocation of reasonable dues, fees, and other charges among its members and other persons using its facilities. The Exchange believes that the proposed rebates are equitably allocated and not unfairly discriminatory because they will apply equally to all DMMs. NYSE believes that the rebate of $0.0026 for intraday adding liquidity that exceeds 20% share of NYSE total adding liquidity as described above is reasonable because DMMs have greater obligations than SLPs,[11] so it is reasonable to pay DMMs a $0.0026 rebate, which is still slightly higher than the SLPs' rebate of up to $0.0022. Additionally, the $0.0026 rebate is reasonable because it is still higher than the $0.0025 rebate that DMMs receive when they only meet the More Active Securities Quoting Requirement, but not the More Active Securities Quoted Size Ratio Requirement. At the same time, the Exchange believes the proposed rule change will encourage multiple sources of market liquidity (e.g. SLPs, Floor Brokers, and other market participants), which will help to promote a more robust, fair, and orderly market. The Exchange believes that removing outdated references to round and odd lots in the Price List will add clarity to the Price List.

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 foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A) [12] of the Act and subparagraph (f)(2) of Rule 19b–4 [13] thereunder, because it establishes a due, fee, or other charge imposed by the NYSE.

At any time within 60 days of the filing of such proposed rule change, the

[3] ''More Active Securities'' are securities with an average daily consolidated volume (''ADV'') in the previous month equal to or greater than 1,000,000 shares per month.

[4] The ''More Active Securities Quoting Requirement'' is met if the More Active Security has a stock price of $1.00 or more and the DMM quotes at the National Best Bid or Offer (''NBBO'') in the applicable security at least 10% of the time in the applicable month.

[5] A DMM meets the ''More Active Securities Quoted Size Ratio Requirement'' when the DMM Quoted Size for an applicable month is 15% of the NYSE Quoted Size. The ''NYSE Quoted Size'' is calculated by multiplying the average number of shares quoted on the NYSE at the NBBO by the percentage of time the NYSE had a quote posted at the NBBO. The ''DMM Quoted Size'' is calculated by multiplying the average number of shares of the applicable security quoted at the NBBO by the DMM by the percentage of time during which the DMM quoted at the NBBO.

[6] The Exchange currently sends each DMM a daily file with that DMM's daily and month to date volumes and quoting performance for each individual DMM stock. The Exchange includes in that daily file the DMM's intraday providing volume and NYSE intraday providing volume by DMM stock, which will allow each DMM to track their month to date status for the monthly rebates, which will be totaled on a monthly basis.

[7] *See* n. 6 of the Price List.

[8] *See* Securities Exchange Act Release No. 62578 (July 27, 2010), 75 FR 45185 (August 2, 2010) (SR–NYSE–2010–43).

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(4).

[11] *Compare* NYSE Rule 104 (obligations for DMMs) versus NYSE Rule 107B (obligations for SLPs).

[12] 15 U.S.C. 78s(b)(3)(A).

[13] 17 CFR 240.19b–4(f)(2).

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 email to *rule-comments@sec.gov*. Please include File Number SR–NYSE–2011–70 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–2011–70. This file number should be included on the subject line if email 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 publicly available. All submissions should refer to File Number SR–NYSE–2011–70 and should be submitted on or before February 8, 2012.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2012–778 Filed 1–17–12; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–66137; File No. SR–NYSEAmex–2011–106]

Self-Regulatory Organizations; NYSE Amex LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending NYSE Amex Equities Rule 128, Which Governs Clearly Erroneous Executions, To Extend the Effective Date of The Pilot by Which Portions of Such Rule Operate Until July 31, 2012

January 11, 2012.

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 December 28, 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 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 NYSE Amex Equities Rule 128, which governs clearly erroneous executions, to extend the effective date of the pilot by which portions of such Rule operate until July 31, 2012. The text of the proposed rule change is available at the Exchange, the Commission's Public Reference Room, *www.nyse.com,* and *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 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 amend NYSE Amex Equities Rule 128, which governs clearly erroneous executions, to extend the effective date of the pilot by which portions of such Rule operate, until July 31, 2012. The pilot is currently scheduled to expire on January 31, 2012.[4]

On September 10, 2010, the Commission approved, on a pilot basis, market-wide amendments to exchanges' rules for clearly erroneous executions to set forth clearer standards and curtail discretion with respect to breaking erroneous trades. In connection with this pilot initiative, the Exchange amended NYSE Amex Equities Rule 128(c), (e)(2), (f), and (g). The amendments provide for uniform treatment of clearly erroneous execution reviews (1) in Multi-Stock Events[5] involving twenty or more securities, and (2) in the event transactions occur that result in the issuance of an individual security trading pause by the primary market and subsequent transactions that occur before the trading pause is in effect on the Exchange.[6] The amendments also eliminated appeals of certain rulings made in conjunction with other exchanges with respect to clearly erroneous transactions and limited the Exchange's discretion to deviate from Numerical Guidelines set

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[14] 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. 62886 (September 10, 2010), 75 FR 56613 (September 16, 2010) (SR–NYSEAmex–2010–60). *See also* Securities Exchange Act Release Nos. 63480 (December 9, 2010), 75 FR 78333 (December 15, 2010) (SR–NYSEAmex–2010–116); 64233 (April 7, 2011), 76 FR 20736 (April 13, 2011) (SR–NYSEAmex–2011–24); and 65066 (August 9, 2011), 76 FR 50506 (August 15, 2011) (SR–NYSEAmex–2011–58).

[5] Terms not defined herein are defined in NYSE Amex Equities Rule 128.

[6] Separately, the Exchange has proposed extending the effective date of the trading pause pilot under NYSE Amex Equities Rule 80C, which requires to the Exchange to pause trading in an individual security listed on the Exchange if the price moves by a specified percentage as compared to prices of that security in the preceding five-minute period during a trading day. *See* SR–NYSEAmex–2011–105.

forth in the Rule in the event of system disruptions or malfunctions.

If the pilot were not extended, the prior versions of paragraphs (c), (e)(2), (f), and (g) of NYSE Amex Equities Rule 128 would be in effect, and the NYSE Amex would have different rules than other exchanges and greater discretion in connection with breaking clearly erroneous transactions. The Exchange proposes to extend the pilot amendments to NYSE Amex Equities Rule 128 until July 31, 2012 in order to maintain uniform rules across markets and allow the pilot to continue to operate without interruption during the same period that the Rule 80C trading pause rule pilot is also in effect. Extension of the pilot would permit the Exchange, other national securities exchanges and the Commission to further assess the effect of the pilot on the marketplace, including whether additional measures should be added, whether the parameters of the rule should be modified or whether other initiatives should be adopted in lieu of the current pilot.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b)[7] of the Act, in general, and furthers the objectives of Section 6(b)(5)[8] 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, 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. More specifically, the NYSE Amex believes that the extension of the pilot would help assure that the determination of whether a clearly erroneous trade has occurred will be based on clear and objective criteria, and that the resolution of the incident will occur promptly through a transparent process. The proposed rule change would also help assure consistent results in handling erroneous trades across the U.S. markets, thus furthering fair and orderly markets, the protection of investors and the public interest.

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[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) 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.[11]

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 email to *rule-comments@sec.gov*. Please include File No. SR–NYSEAmex–2011–106 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 No. SR–NYSEAmex–2011–106. This file number should be included on the subject line if email 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 No. SR–NYSEAmex–2011–106 and should be submitted on or before February 8, 2012.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2012–777 Filed 1–17–12; 8:45 am]

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[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).

[11] 17 CFR 240.19b–4(f)(6). Pursuant to Rule 19b–4(f)(6)(iii) under the Act, the Exchange is required 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.

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–66136; File No. SR–NYSE–2011–69]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending NYSE Rule 128, Which Governs Clearly Erroneous Executions, to Extend the Effective Date of The Pilot by Which Portions of Such Rule Operate Until July 31, 2012

January 11, 2012.

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 December 28, 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 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 NYSE Rule 128, which governs clearly erroneous executions, to extend the effective date of the pilot by which portions of such Rule operate until July 31, 2012. The text of the proposed rule change is available at the Exchange, the Commission's Public Reference Room, *www.nyse.com,* and *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 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.

[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 amend NYSE Rule 128, which governs clearly erroneous executions, to extend the effective date of the pilot by which portions of such Rule operate, until July 31, 2012. The pilot is currently scheduled to expire on January 31, 2012.[4]

On September 10, 2010, the Commission approved, on a pilot basis, market-wide amendments to exchanges' rules for clearly erroneous executions to set forth clearer standards and curtail discretion with respect to breaking erroneous trades. In connection with this pilot initiative, the Exchange amended NYSE Rule 128(c), (e)(2), (f), and (g). The amendments provide for uniform treatment of clearly erroneous execution reviews (1) in Multi-Stock Events [5] involving twenty or more securities, and (2) in the event transactions occur that result in the issuance of an individual security trading pause by the primary market and subsequent transactions that occur before the trading pause is in effect on the Exchange.[6] The amendments also eliminated appeals of certain rulings made in conjunction with other exchanges with respect to clearly erroneous transactions and limited the Exchange's discretion to deviate from Numerical Guidelines set forth in the Rule in the event of system disruptions or malfunctions.

If the pilot were not extended, the prior versions of paragraphs (c), (e)(2), (f), and (g) of Rule 128 would be in effect, and the NYSE would have different rules than other exchanges and greater discretion in connection with breaking clearly erroneous transactions. The Exchange proposes to extend the pilot amendments to NYSE Rule 128 until July 31, 2012 in order to maintain uniform rules across markets and allow the pilot to continue to operate without interruption during the same period that the Rule 80C trading pause rule pilot is also in effect. Extension of the pilot would permit the Exchange, other national securities exchanges and the Commission to further assess the effect of the pilot on the marketplace, including whether additional measures should be added, whether the parameters of the rule should be modified or whether other initiatives should be adopted in lieu of the current pilot.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) [7] of the Act, in general, and furthers the objectives of Section 6(b)(5) [8] 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, 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. More specifically, the NYSE believes that the extension of the pilot would help assure that the determination of whether a clearly erroneous trade has occurred will be based on clear and objective criteria, and that the resolution of the incident will occur promptly through a transparent process. The proposed rule change would also help assure consistent results in handling erroneous trades across the U.S. markets, thus furthering fair and orderly markets, the protection of investors and the public interest.

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.

[4] *See* Securities Exchange Act Release No. 62886 (September 10, 2010), 75 FR 56613 (September 16, 2010) (SR–NYSE–2010–47). *See also* Securities Exchange Act Release Nos. 63479 (December 9, 2010), 75 FR 78274 (December 15, 2010) (SR–NYSE–2010–80); 64232 (April 7, 2011), 76 FR 20735 (April 13, 2011) (SR–NYSE–2011–17); and 65064 (August 9, 2011), 76 FR 50505 (August 15, 2011) (SR–NYSE–2011–41).

[5] Terms not defined herein are defined in NYSE Rule 128.

[6] Separately, the Exchange has proposed extend the effective date of the trading pause pilot under NYSE Rule 80C, which requires to the Exchange to pause trading in an individual security listed on the Exchange if the price moves by a specified percentage as compared to prices of that security in the preceding five-minute period during a trading day. *See* SR–NYSE–2011–68.

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

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) 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.[11]

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 email to *rule-comments@sec.gov.* Please include File No. SR–NYSE–2011–69 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 No. SR–NYSE–2011–69. This file number should be included on the subject line if email 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 No. SR–NYSE–2011–69 and should be submitted on or before February 8, 2012.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Kevin M. O'Neill,

Deputy Secretary.

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[9] 15 U.S.C. 78s(b)(3)(A)(iii).

[10] 17 CFR 240.19b–4(f)(6).

[11] 17 CFR 240.19b–4(f)(6). Pursuant to Rule 19b–4(f)(6)(iii) under the Act, the Exchange is required 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.

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–66135; File No. SR–NYSEArca–2011–100]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending NYSE Arca Rule 7.10, Which Governs Clearly Erroneous Executions, To Extend the Effective Date of the Pilot by Which Portions of Such Rule Operate Until July 31, 2012

January 11, 2012.

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 December 28, 2011, NYSE Arca, Inc. (the ''Exchange'' or ''NYSE Arca'') 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 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 NYSE Arca Rule 7.10, which governs clearly erroneous executions, to extend the effective date of the pilot by which portions of such Rule operate until July 31, 2012. The pilot is currently scheduled to expire on January 31, 2012. The text of the proposed rule change is available at the Exchange, the Commission's Public Reference Room, *www.nyse.com,* and *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 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 amend NYSE Arca Equities Rule 7.10, which governs clearly erroneous executions, to extend the effective date of the pilot by which portions of such Rule operate, until July 31, 2012. The pilot is currently scheduled to expire on January 31, 2012.[4]

On September 10, 2010, the Commission approved, on a pilot basis,

[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. 62886 (September 10, 2010), 75 FR 56613 (September 16, 2010) (SR–NYSEArca–2010–58). *See also* Securities Exchange Act Release Nos. 63482 (December 9, 2010), 75 FR 78331 (December 15, 2010) (SR–NYSEArca-2010–113); 64234 (April 7, 2011), 76 FR 20399 (April 12, 2011) (SR–NYSEArca–2011–15); and 65065 (August 9, 2011), 76 FR 50502 (August 15, 2011) (SR–NYSEArca–2011–56).

market-wide amendments to exchanges' rules for clearly erroneous executions to set forth clearer standards and curtail discretion with respect to breaking erroneous trades. In connection with this pilot initiative, the Exchange amended NYSE Arca Equities Rule 7.10(c), (e)(2), (f), and (g). The amendments provide for uniform treatment of clearly erroneous execution reviews (1) in Multi-Stock Events [5] involving twenty or more securities, and (2) in the event transactions occur that result in the issuance of an individual security trading pause by the primary market and subsequent transactions that occur before the trading pause is in effect on the Exchange.[6] The amendments also eliminated appeals of certain rulings made in conjunction with other exchanges with respect to clearly erroneous transactions and limited the Exchange's discretion to deviate from Numerical Guidelines set forth in the Rule in the event of system disruptions or malfunctions.

If the pilot were not extended, the prior versions of paragraphs (c), (e)(2), (f), and (g) of NYSE Arca Equities Rule 7.10 would be in effect, and NYSE Arca would have different rules than other exchanges and greater discretion in connection with breaking clearly erroneous transactions. The Exchange proposes to extend the pilot amendments to NYSE Arca Equities Rule 7.10 until July 31, 2012 in order to maintain uniform rules across markets and allow the pilot to continue to operate without interruption during the same period that the Rule 7.11 trading pause rule pilot is also in effect. Extension of the pilot would permit the Exchange, other national securities exchanges and the Commission to further assess the effect of the pilot on the marketplace, including whether additional measures should be added, whether the parameters of the rule should be modified or whether other initiatives should be adopted in lieu of the current pilot.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) [7] of the Act, in general, and furthers the objectives of Section 6(b)(5) [8] 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, 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. More specifically, the NYSE Arca believes that the extension of the pilot would help assure that the determination of whether a clearly erroneous trade has occurred will be based on clear and objective criteria, and that the resolution of the incident will occur promptly through a transparent process. The proposed rule change would also help assure consistent results in handling erroneous trades across the U.S. markets, thus furthering fair and orderly markets, the protection of investors and the public interest.

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 [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) 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.[11]

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 email to *rule-comments@sec.gov*. Please include File No. SR–NYSEArca–2011–100 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 No. SR–NYSEArca-2011–100. This file number should be included on the subject line if email 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

[5] Terms not defined herein are defined in NYSE Arca Equities Rule 7.10.

[6] Separately, the Exchange has proposed extending the effective date of the trading pause pilot under NYSE Arca Equities Rule 7.11, which requires to the Exchange to pause trading in an individual security listed on the Exchange if the price moves by a specified percentage as compared to prices of that security in the preceding five-minute period during a trading day. *See* SR–NYSEArca–2011–99.

[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).

[11] 17 CFR 240.19b–4(f)(6). Pursuant to Rule 19b–4(f)(6)(iii) under the Act, the Exchange is required 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.

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 No. SR–NYSEArca–2011–100 and should be submitted on or before February 8, 2012.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Kevin M. O'Neill,

Deputy Secretary.

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[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–66134; File No. SR–NYSE–2011–68]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Amending NYSE Rule 80C, Which Provides for Trading Pauses in Individual Securities Due to Extraordinary Market Volatility, To Extend the Effective Date of the Pilot Until July 31, 2012

January 11, 2012.

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 December 28, 2011, New York Stock Exchange LLC (''NYSE'' or the ''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 prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend NYSE Rule 80C, which provides for trading pauses in individual securities due to extraordinary market volatility, to extend the effective date of the pilot by which such rule operates from the current scheduled expiration date of January 31, 2012, until July 31, 2012. The text of the proposed rule change is available at the Exchange, the Commission's Public Reference Room, and *www.nyse.com.*

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

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 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 amend NYSE Rule 80C, which provides for trading pauses in individual securities due to extraordinary market volatility, to extend the effective date of the pilot by which such rule operates from the current scheduled expiration date of January 31, 2012,[3] until July 31, 2012.

NYSE Rule 80C requires the Exchange to pause trading in an individual security listed on the Exchange if the price moves by a specified percentage as compared to prices of that security in the preceding five-minute period during a trading day, which period is defined as a ''Trading Pause.'' The pilot was developed and implemented as a market-wide initiative by the Exchange and other national securities exchanges in consultation with the Commission staff and is currently applicable to all NMS stocks and specified exchange-traded products.[4]

The extension proposed herein would allow the pilot to continue to operate without interruption while the Exchange, other national securities exchanges and the Commission further assess the effect of the pilot on the marketplace or whether other initiatives should be adopted in lieu of the current pilot.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Securities Exchange Act of 1934 (the ''Act''),[5] in general, and furthers the objectives of Section 6(b)(5) of the Act,[6] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. The Exchange believes that the change proposed herein meets these requirements in that it promotes uniformity across markets concerning decisions to pause trading in a security when there are significant price movements. Additionally, extension of the pilot until July 31, 2012 would allow the pilot to continue to operate without interruption while the Exchange and the Commission further assess the effect of the pilot on the marketplace or whether other initiatives should be adopted in lieu of the current pilot.

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.

[3] *See* Securities Exchange Act Release No. 65090 (August 10, 2011), 76 FR 50790 (August 16, 2011) (SR–NYSE–2011–40).

[4] The Exchange notes that the other national securities exchanges and the Financial Industry Regulatory Authority have adopted the pilot in substantially similar form. *See* Securities Exchange Act Release No. 62252 (June 10, 2010), 75 FR 34186 (June 16, 2010) (File Nos. SR–BATS–2010–014; SR–EDGA–2010–01; SR–EDGX–2010–01; SR–BX–2010–037; SR–ISE–2010–48; SR–NYSE–2010–39; SR–NYSEAmex–2010–46; SR–NYSEArca–2010–41; SR–NASDAQ–2010–061; SR–CHX–2010–10; SR–NSX–2010–05; and SR–CBOE–2010–047) and Securities Exchange Act Release No. 62251 (June 10, 2010), 75 FR 34183 (June 16, 2010) (SR–FINRA–2010–025). *See also* Securities Exchange Act Release No. 62884 (September 10, 2010), 75 FR 56618 (September 16, 2010) (File Nos. SR–BATS–2010–018; SR–BX–2010–044; SR–CBOE–2010–065; SR–CHX–2010–14; SR–EDGA–2010–05; SR–EDGX–2010–05; SR–ISE–2010–66; SR–NASDAQ–2010–079; SR–NYSE–2010–49; SR–NYSEAmex–2010–63; SR–NYSEArca–2010–61; and SR–NSX–2010–08 and Securities Exchange Act Release No. 62883 (September 10, 2010), 75 FR 56608 (September 16, 2010) (SR–FINRA–2010–033). *See also* Securities Exchange Act Release No. 63500 (December 9, 2010), 75 FR 78309 (December 15, 2010) (SR–NYSE–2010–81). A proposal to, among other things, expand the pilot to include all NMS stocks not already included therein was implemented on August 8, 2011. *See* Securities Exchange Act Release No. 64735 (June 23, 2011), 76 FR 38243 (June 29, 2011) (File Nos. SR–BATS–2011–016; SR–BYX–2011–011; SR–BX–2011–025; SR–CBOE–2011–049; SR–CHX–2011–09; SR–EDGA–2011–15; SR–EDGX–2011–14; SR–FINRA–2011–023; SR–ISE–2011–028; SR–NASDAQ–2011–067; SR–NYSE–2011–21; SR–NYSEAmex–2011–32; SR–NYSEArca–2011–26; SR–NSX–2011–06; and SR–Phlx–2011–64).

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

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 [7] and Rule 19b–4(f)(6) thereunder.[8] 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 [9] and Rule 19b–4(f)(6)(iii) thereunder.[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.

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 email to *rule-comments@sec.gov.* Please include File No. SR–NYSE–2011–68 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 No. SR–NYSE–2011–68. This file number should be included on the subject line if email 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 No. SR–NYSE–2011–68 and should be submitted on or before February 8, 2012.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2012–774 Filed 1–17–12; 8:45 am]

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[7] 15 U.S.C. 78s(b)(3)(A)(iii).

[8] 17 CFR 240.19b–4(f)(6).

[9] 15 U.S.C. 78s(b)(3)(A).

[10] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[11] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–66133; File No. SR–NYSEAmex–2011–105]

Self-Regulatory Organizations; NYSE Amex LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Amending NYSE Amex Equities Rule 80C, Which Provides for Trading Pauses in Individual Securities Due to Extraordinary Market Volatility, To Extend the Effective Date of The Pilot Until July 31, 2012

January 11, 2012.

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 December 28, 2011, NYSE Amex LLC (the ''Exchange'' or ''NYSE Amex'') 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 Substance of the Proposed Rule Change

The Exchange proposes to amend NYSE Amex Equities Rule 80C, which provides for trading pauses in individual securities due to extraordinary market volatility, to extend the effective date of the pilot by which such rule operates from the current scheduled expiration date of January 31, 2012, until July 31, 2012. The text of the proposed rule change is available at the Exchange, the Commission's Public Reference Room, and *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 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 parts 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 the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend NYSE Amex Equities Rule 80C, which provides for trading pauses in individual securities due to extraordinary market volatility, to extend the effective date of the pilot by which such rule operates from the current scheduled expiration date of January 31, 2012,[3] until July 31, 2012.

NYSE Amex Equities Rule 80C requires the Exchange to pause trading in an individual security listed on the Exchange if the price moves by a specified percentage as compared to prices of that security in the preceding five-minute period during a trading day, which period is defined as a ''Trading Pause.'' The pilot was developed and implemented as a market-wide initiative by the Exchange and other national securities exchanges in consultation with the Commission staff and is currently applicable to all NMS stocks and specified exchange-traded products.[4]

The extension proposed herein would allow the pilot to continue to operate without interruption while the Exchange, other national securities exchanges and the Commission further assess the effect of the pilot on the marketplace or whether other initiatives should be adopted in lieu of the current pilot.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Securities Exchange Act of 1934 (the ''Act''),[5] in general, and furthers the objectives of Section 6(b)(5) of the Act,[6] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. The Exchange believes that the change proposed herein meets these requirements in that it promotes uniformity across markets concerning decisions to pause trading in a security when there are significant price movements. Additionally, extension of the pilot until July 31, 2012 would allow the pilot to continue to operate without interruption while the Exchange and the Commission further assess the effect of the pilot on the marketplace or whether other initiatives should be adopted in lieu of the current pilot.

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[7] and Rule 19b–4(f)(6) thereunder.[8] 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[9] and Rule 19b–4(f)(6)(iii) thereunder.[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.

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 email to *rule-comments@sec.gov.* Please include File No. SR–NYSEAmex–2011–105 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 No. SR–NYSEAmex–2011–105. This file number should be included on the subject line if email 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

[3] *See* Securities Exchange Act Release No. 65089 (August 10, 2011), 76 FR 50791 (August 16, 2011) (SR–NYSEAmex–2011–57).

[4] The Exchange notes that the other national securities exchanges and the Financial Industry Regulatory Authority have adopted the pilot in substantially similar form. *See* Securities Exchange Act Release No. 62252 (June 10, 2010), 75 FR 34186 (June 16, 2010) (File Nos. SR–BATS–2010–014; SR–EDGA–2010–01; SR–EDGX–2010–01; SR–BX–2010–037; SR–ISE–2010–48; SR–NYSE–2010–39; SR–NYSEAmex–2010–46; SR–NYSEArca–2010–41; SR–NASDAQ–2010–061; SR–CHX–2010–10; SR–NSX–2010–05; and SR–CBOE–2010–047) and Securities Exchange Act Release No. 62251 (June 10, 2010), 75 FR 34183 (June 16, 2010) (SR–FINRA–2010–025). *See also* Securities Exchange Act Release No. 62884 (September 10, 2010), 75 FR 56618 (September 16, 2010) (File Nos. SR–BATS–2010–018; SR–BX–2010–044; SR–CBOE–2010–065; SR–CHX–2010–14; SR–EDGA–2010–05; SR–EDGX–2010–05; SR–ISE–2010–66; SR–NASDAQ–2010–079; SR–NYSE–2010–49; SR–NYSEAmex–2010–63; SR–NYSEArca–2010–61; and SR–NSX–2010–08 and Securities Exchange Act Release No. 62883 (September 10, 2010), 75 FR 56608 (September 16, 2010) (SR–FINRA–2010–033). *See also* Securities Exchange Act Release No. 63501 (December 9, 2010), 75 FR 78307 (December 15, 2010) (SR–NYSEAmex–2010–117). A proposal to, among other things, expand the pilot to include all NMS stocks not already included therein was implemented on August 8, 2011. *See* Securities Exchange Act Release No. 64735 (June 23, 2011), 76 FR 38243 (June 29, 2011) (File Nos. SR–BATS–2011–016; SR–BYX–2011–011; SR–BX–2011–025; SR–CBOE–2011–049; SR–CHX–2011–09; SR–EDGA–2011–15; SR–EDGX–2011–14; SR–FINRA–2011–023; SR–ISE–2011–028; SR–NASDAQ–2011–067; SR–NYSE–2011–21; SR–NYSEAmex–2011–32; SR–NYSEArca–2011–26; SR–NSX–2011–06; and SR–Phlx–2011–64).

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

[7] 15 U.S.C. 78s(b)(3)(A)(iii).

[8] 17 CFR 240.19b–4(f)(6).

[9] 15 U.S.C. 78s(b)(3)(A).

[10] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

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 No. SR–NYSEAmex–2011–105 and should be submitted on or before February 8, 2012.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2012–773 Filed 1–17–12; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–66131; File No. SR–C2–2011–043]

Self-Regulatory Organizations; C2 Options Exchange, Incorporated; Notice of Filing of a Proposed Rule Change Relating to Changes to Rule 6.51

January 11, 2012.

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 December 30, 2011, C2 Options Exchange, Incorporated (the ''Exchange'' or ''C2'') 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 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 filing proposes to make changes to C2's Automated Improvement Mechanism (''AIM'') rule. The text of the proposed rule change is available on the Exchange's Web site (*http://www.c2exchange.com*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend C2 Rule 6.51 to (i) allow TPHs to enter Agency Orders for fewer than 50 contracts into AIM at the NBBO; and (ii) allow Initiating TPHs to designate a limit price if it elects to auto-match.

This proposed rule change would make AIM more similar to current rules of the Boston Options Exchange Group, LLC (''BOX'')[3] and the International Securities Exchange, LLC (''ISE'')[4] relating to the Price Improvement Period (''PIP'') and Price Improvement Mechanism (''PIM''), respectively, which are automated price improvement mechanisms.[5]

AIM allows a TPH to submit an Agency Order along with a contra-side second order (a principal order or a solicited order for the same size as the Agency Order) into an Auction where other participants could compete with the Initiating TPH's second order to execute against the Agency Order, which guarantees that the Agency Order will receive an execution. Once an Auction commences, the Initiating TPH cannot cancel it.[6]

Under this proposal, Agency Orders of all sizes submitted to AIM will be guaranteed execution at a price at least as good as the NBBO while providing the opportunity for execution at a price better than the NBBO. The proposal will incent more TPHs to initiate and participate in Auctions and will allow even broader participation in Auctions by all types of market participants. As a result, C2 expects the proposal will increase the number of and participation in Auctions, which would enhance competition in the Auctions. The Exchange believes that this proposal will ultimately provide additional opportunities for price improvement over the NBBO for its customers.

Elimination of Entry Price Restriction on Agency Orders for Fewer Than 50 Contracts

C2 Rule 6.51(a)(2) and (3) currently provides that if an Initiating TPH submits an Agency Order to AIM for 50 contracts or more, the Initiating TPH must enter its contra-side second order (or stop the Agency Order) at the better of the NBBO or the Agency Order's limit price (if the order is a limit order); however, if an Initiating TPH submits an Agency Order to AIM for fewer than 50 contracts, the Initiating TPH must stop the entire Agency Order at the better of the NBBO price improved by one minimum price improvement increment or the Agency Order's limit price (if the order is a limit order). The Exchange is proposing to eliminate this distinction and allow Initiating TPHs to submit to AIM Agency Orders of any size at the NBBO.

The Exchange believes this proposal will increase the likelihood that TPHs will initiate Auctions for Agency Orders for fewer than 50 contracts because the TPH will only be required to guarantee an execution at the NBBO, which will provide additional customer orders with an opportunity for price improvement over the NBBO. The Exchange believes the proposal will also encourage increased participation in AIM by TPHs willing to trade with an Agency Order for fewer than 50 contracts at the NBBO but not better than the NBBO.

In support of this proposal, the Exchange notes that both BOX[7] and

[11] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* BOX Rules Chapter V, Section 18.

[4] *See* ISE Rule 723.

[5] AIM, PIP and PIM have certain characteristics in common with each other. All three mechanisms (a) provide for the opportunity for customer price improvement, (b) have certain periods where the initial orders are exposed for potential price improvement, (c) have certain guidelines regarding the types of orders that may be eligible for price improvement, and (d) have certain defined rules related to the allocation of trades within price improvement auctions.

[6] *See* C2 Rule 6.51(b)(1)(A).

[7] *See supra* note 3; *see also* Securities Exchange Act Release No. 34–59654 (March 30, 2009), 74 FR 15551 (April 6, 2009) (SR–BX–2009–08) (order approving proposed rule change allowing entry of orders into PIP at the NBBO when BOX's best bid

Continued

ISE[8] allow entry of orders into PIP and PIM, respectively, at the NBBO without distinguishing between orders of more than or fewer than 50 contracts. Because BOX and ISE are currently able to offer their customers price improvement for orders of fewer than 50 contracts at the NBBO in PIP and PIM, respectively, the Exchange has determined that it is important for competitive purposes that it be able to offer the same opportunities to its customers for price improvement on C2 through AIM.

The Exchange notes that certain allocation differences exist between AIM and PIM as well as AIM and PIP. As proposed, our AIM change would make the handling of AIM trades over 50 contracts consistent with AIM trades under 50 contracts.[9] However, unlike PIM, which requires auctions to commence at prices better than the ISE best bid or offer and thus precludes an auction initiator from establishing priority ahead of any resting ISE interest, an AIM Auction can begin and conclude at the C2 best bid or offer. This means that, like for orders of 50 or more contracts on C2, the Initiating TPH can trade at a price in which resting interest existed and can establish priority over resting broker-dealer interest. Although PIP allows auctions to occur at the BOX best bid or offer, PIP uses an order allocation structure based on price-time priority sequence with priority for public customer orders (like C2) and secondary priority for non-BOX Participant broker-dealers. On C2, when an Auction concludes at the C2 best bid or offer, first priority is for public customers, second priority is for the Initiating TPH (for 40%), third priority is for nonpublic customer resting orders or quotes that are unchanged from when the Auction began, and last priority is for RFR responses. The Exchange references these differences for informational purposes but does not believe that the differences are material to the Exchange's goals of handling AIM orders of all sizes the same and allowing Auctions of orders smaller than 50 contracts at the NBBO (like PIP and PIM).

The Exchange further notes that certain components of AIM were approved on a pilot basis, including that there is no minimum size requirement for orders to be eligible for the Auction. In connection with the pilot programs, the Exchange will submit to the Commission reports providing detailed AIM Auction and order execution data, including monthly data regarding executions through AIM of Agency Orders for more or fewer than 50 contracts, as supporting evidence that, among other things, there is meaningful competition for all size orders.

Addition of Option To Designate Auto-Match Limit Price

C2 Rule 6.51(b)(1)(A) currently allows an Initiating TPH to enter its contra-side second order in one of two formats: (1) A specified single price; or (2) a non-price specific commitment to auto-match all Auction responses achieved during the Auction. In this case, the Initiating TPH would have no control over the match price. The Exchange is proposing to provide Initiating TPHs with the additional option to auto-match competing prices from other market participants *up to a designated limit price.* The Initiating TPH will still not be able to cancel the auto-match instruction after an Auction commences and will have no control over the prices at which it receives an allocation of the Auction other than the outside boundary established by the designated limit price.

The Exchange notes that when the Initiating TPH selects the auto-match feature prior to the start of an Auction (with or without a designated limit price), the available liquidity at improved prices is increased and competitive final pricing is out of the Initiating TPH's control. The Exchange believes the proposal will encourage increased participation in AIM because it allows TPHs willing to trade with an Agency Order at a price better than the NBBO, but only up to a certain price, to initiate an Auction.

In support of this proposal, the Exchange also notes that both PIP[10] and PIM[11] permit initiating participants to elect to auto-match up to a designated limit price. The Exchange believes that AIM, and in turn the customers that benefit from AIM, would be disadvantaged if TPHs are not provided with the option to auto-match up to a designated limit price because this lack of flexibility reduces the number of Auctions and, as a result, opportunities for price improvement. Because BOX and ISE currently allow initiating participants or members, respectively, the option to auto-match up to the NBBO achieved during an auction or up to a designated limit price, the Exchange believes it is important for competitive purposes that it be able to offer the same opportunities for price improvement on C2 through AIM.

The Exchange will provide the Commission with the following data: (1) The percentage of trades effected through AIM in which the Initiating TPH submitted an Agency Order with an auto-match instruction that included a designated limit price and the percentage that did not include a designated limit price; and (2) the average amount of price improvement provided to AIM Agency Orders when the Initiating TPH submitted an auto-match instruction that included a designated limit price and the average amount that did not include a designated limit price, versus the average amount of price improvement provided to AIM Agency Orders when the Initiating TPH submitted a single price (no auto-match instruction).

After effectiveness of the proposal, and at least one week prior to implementation, C2 will issue a notice to TPHs informing them of the implementation of the additional auto-match feature. This will give TPHs an opportunity to make any necessary modifications to coincide with the implementation date.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6(b) of the Act.[12] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[13] requirements that the rules of an exchange be designed to promote just and equitable principles of trade, to prevent fraudulent and manipulative acts, to remove impediments to and to perfect the mechanism for a free and open market and a national market system, and, in general, to protect investors and the public interest.

In particular, the Exchange believes this proposed rule change is a reasonable modification designed to

or offer is inferior to the NBBO with no order size distinction).

[8] *See supra* note 4; *see also* Securities Exchange Act Release No. 34–57847 (May 21, 2008), 73 FR 30987 (May 29, 2008) (SR–ISE–2008–29) (order approving proposed rule change allowing entry of orders into PIM at the NBBO when ISE's best bid or offer is inferior to the NBBO with no order size distinction).

[9] PIP and PIM also do not distinguish between orders over 50 contracts and orders under 50 contracts.

[10] *See supra* note 3; *see also* Securities Exchange Act Release No. 34–61805 (March 31, 2010), 75 FR 17454 (April 6, 2010) (SR–BX–2010–22) (order approving implementation of auto-match feature with the option to auto-match up to a designated limit price).

[11] *See supra* note 4; *see also* Securities Exchange Act Release No. 34–62644 (August 4, 2010), 75 FR 48395 (August 10, 2010) (SR–ISE–2010–61) (order approving implementation of auto-match feature with the option to auto-match up to a designated limit price).

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(5).

provide additional flexibility for TPHs to obtain executions on behalf of their customers while continuing to provide meaningful, competitive Auctions. The Exchange also believes that that proposed rule change will ultimately enhance competition in the AIM Auctions and provide customers with additional opportunities for price improvement. These changes are consistent with changes made by other exchanges and they serve to remove impediments to and to perfect the mechanism for a free and open market and a national market system.

B. Self-Regulatory Organization's Statement on Burden on Competition

C2 does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–C2–2011–043 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–C2–2011–043. This file number should be included on the subject line if email 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 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–C2–2011–043, and should be submitted on or before February 8, 2012.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2012–771 Filed 1–17–12; 8:45 am]

BILLING CODE 8011–01–P

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–66129; File No. SR–EDGX–2011–39]

Self-Regulatory Organizations; EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Amendments to the EDGX Exchange, Inc. Fee Schedule

January 11, 2012.

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 December 30, 2011, the EDGX Exchange, Inc. (the ''Exchange'' or the ''EDGX'') 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 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

EDGX Exchange, Inc. (''EDGX'' or the ''Exchange''), proposes to amend its fees and rebates applicable to Members [3] of the Exchange pursuant to EDGX Rule 15.1(a) and (c). Text of the proposed rule change is attached as Exhibit 5.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections A, B and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

Purpose

The Exchange proposes to amend its fee schedule to add footnote b to it to

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] A Member is any registered broker or dealer, or any person associated with a registered broker or dealer, that has been admitted to membership in the Exchange.

specify that trading activity on days when the market closes early[4] does not count toward any volume tiers, which are currently found in footnotes 1, 6, and 11.

The Exchange proposes to amend the Super Tier to lower the rebate from $0.0030 per share to $0.0028 per share.

The Exchange proposes to amend the following tier to lower the rebate to $0.0028 per share as well: Members that post 0.065% of the TCV in average daily volume more than their February 2011 average daily volume added to EDGX will qualify for a $0.0029 per share rebate (unless they otherwise qualify for a higher rebate) (the ''0.065% TCV Tier'').

The Exchange proposes to add another method to qualify for the Mega Tier rebate of $0.0032 per share if Members add or route at least 4,000,000 shares of average daily volume prior to 9:30 a.m. or after 4 p.m. (includes all flags except 6) and adds a minimum of .20% of the Total Consolidated Volume (TCV) on a daily basis measured monthly, including during both market hours and/or pre and post-trading hours.

The Exchange proposes to implement these amendments to its fee schedule on January 1, 2012.

Basis

The Exchange believes that the proposed rule change is consistent with the objectives of Section 6 of the Exchange Act,[5] in general, and furthers the objectives of Section 6(b)(4),[6] in particular, as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its members and other persons using its facilities.

The Exchange proposes to amend its schedule to add footnote b to specify that trading activity on days when the market closes early does not count toward volume tiers (footnotes 1, 6, and 11). Since the Exchange is only open until 1PM Eastern Time (''ET'') on these days (e.g., the day after Thanksgiving),[7] the Exchange believes that counting volume on these days towards the tiers would not be illustrative of typical market activity or liquidity provision, since the trading day is shortened. Therefore, the Exchange proposes to exclude such shortened trading days from any volume tier calculations, as presently found in footnotes numbers 1, 6, and 11. The Exchange believes that the proposed amendment is non-discriminatory in that it applies uniformly to all Members and would more accurately represent their trading volume. In addition, the proposed amendment is in accordance with the practices employed by other Exchanges.[8]

The reduction in rebate of the Super Tier from $0.0030 per share to $0.0028 per share is an equitable allocation of reasonable dues, fees, and other charges as the additional revenue that results from the lower rebate enables the Exchange to cover increased infrastructure and administrative expenses. In addition, when the Exchange lowered its removal rate from $0.0030 per share to $0.0029 per share (October 2012), a more significant percentage of EDGX members achieved inverted rates, where the rebate paid to Members for adding liquidity was more than the removal rate of $0.0029 per share. Given this result, and since the Super Tier has less stringent criteria than either the Mega Tier or Ultra Tier, the Exchange is proposing to moderate the rate and decrease the rebate so that the maker/taker spread is no longer inverted for such a large percentage of Members.

The Exchange believes that the reduced rebate for the Super Tier and the alternative criteria to qualify for the Mega Tier rebate of $0.0032 per share also represents an equitable allocation of reasonable dues, fees, and other charges since higher rebates are directly correlated with more stringent criteria.

The Mega Tier rebates of $0.0034/$0.0032 per share have the most stringent criteria associated with them, and are $0.0003/$0.0001 greater than the Ultra Tier rebate ($0.0031 per share) and $0.0006/$0.0004 greater than the proposed Super Tier rebate ($0.0028 per share).

For example, in order for a Member to qualify for the Mega Tier rebate of $0.0034, the Member would have to add or route at least 4,000,000 shares of average daily volume during pre and post-trading hours and add a minimum of 20,000,000 shares of average daily volume on EDGX in total, including during both market hours and pre and post-trading hours. The criteria for this tier is the most stringent as fewer Members generally trade during pre and post-trading hours because of the limited time parameters associated with these trading sessions. The Exchange believes that this higher rebate awarded to Members would incent liquidity during these trading sessions. Such increased volume increases potential revenue to the Exchange, and would allow the Exchange to spread its administrative and infrastructure costs over a greater number of shares, leading to lower per share costs. These lower per share costs would allow the Exchange to pass on the savings to Members in the form of a higher rebate.

Another way a Member can qualify for the Mega Tier (with a rebate of $0.0032 per share) would be to post 0.75% of TCV. Based on average TCV for November 2011 (8.0 billion), this would be 60 million shares on EDGX. A second method to qualify for the rebate of $0.0032 per share would be to post 0.12% of the TCV (9.6 million shares) more than the Member's February 2011 average daily volume added to EDGX. Assuming the Member's February 2011 ADV is 1 million shares, the Exchange believes that requiring Members to post 10.6 million more shares than a February 2011 baseline average daily volume encourages Members to add increasing amounts of liquidity to EDGX each month. Such increased volume increases potential revenue to the Exchange, and would allow the Exchange to spread its administrative and infrastructure costs over a greater number of shares, leading to lower per share costs. These lower per share costs would allow the Exchange to pass on the savings to Members in the form of a higher rebate. The increased liquidity also benefits all investors by deepening EDGX's liquidity pool, offering additional flexibility for all investors to enjoy cost savings, supporting the quality of price discovery, promoting market transparency and improving investor protection. Volume-based rebates such as the one proposed herein have been widely adopted in the cash equities markets, and are equitable because they are open to all members on an equal basis and provide discounts that are reasonably related to the value to an exchange's market quality associated with higher levels of market activity, such as higher levels of liquidity provision and introduction of higher volumes of orders into the price and volume discovery processes.

In order to qualify for the proposed Mega Tier rebate of $0.0032 per share, a Member would have to add or route at least 4,000,000 shares of average daily volume prior to 9:30 a.m. or after 4 p.m. (includes all flags except 6) and add a minimum of .20% of the Total Consolidated Volume (''TCV'') on a daily basis measured monthly, including during both market hours and/or pre and post-trading hours.

[4] In 2012, these days include July 3, 2012, November 23, 2012, and December 24, 2012.

[5] 15 U.S.C. 78f.

[6] 15 U.S.C. 78f(b)(4).

[7] In 2012, these days include July 3, 2012, November 23, 2012, and December 24, 2012.

[8] *See* fee schedules of Nasdaq and NYSE Arca found at: *http://www.nasdaqtrader.com/Trader.aspx?id=PriceListTrading2;* and *https://usequities.nyx.com/sites/usequities.nyx.com/files/nyse_arca_marketplace_fees_12_1_2011.pdf*

Based on an average TCV for November 2011 (8.0 billion shares), a Member would qualify by adding 16 million shares during both market hours and/or pre and post-trading hours and adding or routing at least 4,000,000 shares of average daily volume during pre and post-trading hours. The Exchange notes that fewer Members generally trade during pre and post-trading hours because of the limited time parameters associated with these trading sessions. Therefore, the amount of shares that the Exchange requires to be added or routed to satisfy this tier is less than for the Ultra Tier,[9] for example, which is based on posting liquidity to EDGX during regular trading hours. The Exchange believes that this higher rebate awarded to Members would incent liquidity during these trading sessions. Such increased volume increases potential revenue to the Exchange, and would allow the Exchange to spread its administrative and infrastructure costs over a greater number of shares, leading to lower per share costs. These lower per share costs would allow the Exchange to pass on the savings to Members in the form of a higher rebate. The Exchange believes that the proposed amendment is non-discriminatory in that it applies uniformly to all Members.

In order to qualify for the Ultra Tier, which has less stringent criteria than the Mega Tier, the Member would have to post 0.50% of TCV. Based on average TCV for November 2011 (8.0 billion shares), this would be 40 million shares on EDGX.

Finally, the Super Tier has the least stringent criteria of the tiers mentioned above. In order for a Member to qualify for this rebate, the Member would have to post at least 10 million shares on EDGX and would qualify for the amended rebate of $0.0028 per share. As stated above, these rebates also result, in part, from lower administrative and other costs associated with higher volume. The reduction in rebate would allow the Exchange to recoup additional revenue to recover increased infrastructure and administrative expenses. This rebate also results, in part, from lower administrative and other costs associated with higher volume. The Exchange believes that the proposed amendment is non-discriminatory in that it applies uniformly to all Members.

The reduction in rebate of the 0.065% TCV Tier from $0.0030 per share to $0.0028 per share is an equitable allocation of reasonable dues, fees, and other charges as the additional revenue that results from the lower rebate enables the Exchange to cover increased infrastructure and administrative expenses. This tier allows Members even greater flexibility with respect to achieving an additional rebate and rewards growth patterns in volume by Members as this rebate's conditions encourage Members to add increasing amounts of liquidity to EDGX each month. Based on an average daily volume in February 2011 (baseline) of 1,000,000 shares, the Member would have to add 6.2 million shares total to qualify for such rebate. This rebate also results, in part, from lower administrative and other costs associated with higher volume. The Exchange believes that the proposed amendment is non-discriminatory in that it applies uniformly to all Members.

The Exchange also notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive. The proposed rule change reflects a competitive pricing structure designed to incent market participants to direct their order flow to the Exchange. The Exchange believes that the proposed rates are equitable and non-discriminatory in that they apply uniformly to all Members. The Exchange believes the fees and credits remain competitive with those charged by other venues and therefore continue to be reasonable and equitably allocated to Members.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Act [10] and Rule 19b–4(f)(2) [11] thereunder. 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 email to *rule-comments@sec.gov.* Please include File Number SR–EDGX–2011–39 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–2011–39. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make

[9] *See* discussion in next paragraph regarding Ultra Tier.

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 19b–4(f)(2).

available publicly. All submissions should refer to File Number SR–EDGX–2011–39 and should be submitted on or before February 8, 2012.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2012–769 Filed 1–17–12; 8:45 am]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #12984 and #12985]

Massachusetts Disaster #MA–00046

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of Massachusetts (FEMA–4051–DR), dated 01/06/2012.

Incident: Severe Storm and Snowstorm.

Incident Period: 10/29/2011 through 10/30/2011.

Effective Date: 01/06/2012.

Physical Loan Application Deadline Date: 03/06/2012.

Economic Injury (EIDL) Loan Application Deadline Date: 10/09/2012.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 01/06/2012, Private Non-Profit organizations that provide essential services of governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Berkshire, Franklin, Hampden, Hampshire, Middlesex, Worcester.

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations With Credit Available Elsewhere ...	3.125.
Non-Profit Organizations Without Credit Available Elsewhere	3.000.
For Economic Injury:	
Non-Profit Organizations Without Credit Available Elsewhere	3.000.

The number assigned to this disaster for physical damage is 12984B and for economic injury is 12985B.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2012–863 Filed 1–17–12; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Revocation of License of Small Business Investment Company

Pursuant to the authority granted to the United States Small Business Administration by the Wind-Up Order of the United States District Court for the Northern District of California, dated July 30, 2010, the United States Small Business Administration hereby revokes the license of AltoTech II, L.P., a California Limited Partnership, to function as a small business investment company under the Small Business Investment Company License No. 09790431 issued to AltoTech II, L.P. on December 04, 2000 and said license is hereby declared null and void as of July 30, 2010.

United States Small Business Administration.

Dated: October 24, 2011.

Sean J. Greene,

Associate Administrator for Investment.

[FR Doc. 2012–882 Filed 1–17–12; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Surrender of License of Small Business Investment Company

Pursuant to the authority granted to the United States Small Business Administration under the Small Business Investment Act of 1958, under Section 309 of the Act and Section 107.1900 of the Small Business Administration Rules and Regulations (13 CFR 107.1900) to function as a small business investment company under the Small Business Investment Company License No. 01/71–0390 issued to RockPort Capital Partners, LP and said license is hereby declared null and void.

Dated: October 27, 2011.

Sean J. Greene,

Associate Administrator for Investment.

[FR Doc. 2012–852 Filed 1–17–12; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Surrender of License of Small Business Investment Company

Pursuant to the authority granted to the United States Small Business Administration under the Small Business Investment Act of 1958, under Section 309 of the Act and Section 107.1900 of the Small Business Administration Rules and Regulations (13 CFR 107.1900) to function as a small business investment company under the Small Business Investment Company License No. 01/71–0392 issued to Venture Capital Fund of New England IV, LP and said license is hereby declared null and void.

United States Small Business Administration.

Dated: September 15, 2011.

Sean J. Greene,

AA/Investment.

[FR Doc. 2012–853 Filed 1–17–12; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Surrender of License of Small Business Investment Company

Pursuant to the authority granted to the United States Small Business Administration under the Small Business Investment Act of 1958, under Section 309 of the Act and Section 107.1900 of the Small Business Administration Rules and Regulations (13 CFR 107.1900) to function as a small business investment company under the Small Business Investment Company License No. 05/75–0220 issued to Piper Jaffray Healthcare Capital, L.P., and said license is hereby declared null and void.

United States Small Business Administration.

Dated: October 27, 2011.

Sean J. Greene,

Associate Administrator for Investment.

[FR Doc. 2012–861 Filed 1–17–12; 8:45 am]

BILLING CODE 8025–01–P

[12] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRTATION

Surrender of License of Small Business Investment Company

Pursuant to the authority granted to the United States Small Business Administration under the Small Business Investment Act of 1958, under Section 309 of the Act and Section 107.1900 of the Small Business Administration Rules and Regulations (13 CFR 107.1900) to function as a small business investment company under the Small Business Investment Company License No. 01/71–0390 issued to RockPort Capital Partners, L.P., and said license is hereby declared null and void.

United States Small Business Administration.

Dated: October 27, 2011.

Sean J. Greene,

Associate Administrator for Investment.

[FR Doc. 2012–891 Filed 1–17–12; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Surrender of License of Small Business Investment Company

Pursuant to the authority granted to the United States Small Business Administration under the Small Business Investment Act of 1958, under Section 309 of the Act and Section 107.1900 of the Small Business Administration Rules and Regulations (13 CFR 107.1900) to function as a small business investment company under the Small business Investment Company License No. 02/72–0623 issued to Red Rock Ventures II, L.P., and said license is hereby declared null and void.

United States Small Business Administration.

Dated: October 27, 2011.

Sean J. Greene,

Associate Administrator for Investment.

[FR Doc. 2012–889 Filed 1–17–12; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Surrender of License of Small Business Investment Company

Pursuant to the authority granted to the United States Small Business Administration under the Small Business Investment Act of 1958, under Section 309 of the Act and Section 107.1900 of the Small Business Administration Rules and Regulations (13 CFR 107.1900) to function as a small business investment company under the Small business Investment Company License No. 09/79–0419 issued to Red Rock Ventures II, L.P., and said license is hereby declared null and void.

United States Small Business Administration.

Dated: September 19, 2011.

Sean J. Greene,

Associate Administrator for Investment.

[FR Doc. 2012–887 Filed 1–17–12; 8:45 am]

BILLING CODE 8024–01–P

DEPARTMENT OF STATE

[Public Notice 7753]

30-Day Notice of Proposed Information Collection: DS–4164 OMB Control #1405–XXXX

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:* Risk Analysis and Management.
- *OMB Control Number:* None.
- *Type of Request:* New Collection.
- *Originating Office:* Bureau of Administration—A/LM/RAM.
- *Form Number:* DS–4184.
- *Respondents:* Potential Contractors and Grantees.
- *Estimated Number of Respondents:* 1250.
- *Estimated Number of Responses:* 6250.
- *Average Hours per Response:* 75 minutes.
- *Total Estimated Burden:* 7,813 hours.
- *Frequency:* On occasion.
- *Obligation To Respond:* Voluntary.

DATES: Submit comments to the Office of Management and Budget (OMB) for up to February 17, 2012.

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:

- *Email:* *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 Edward H. Vazquez, U.S. Department of State, who may be reached on (703) 812–02308 or at *Vazquezeh@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 Collection

The information collected from the individuals is specifically used to conduct screening to ensure that State funded activities are not purposefully or inadvertently uses to provide support to entities or individuals deemed to be a risk to national security.

Methodology

The State Department, at the direction of the Congress in the FY 2010 Department of State, Foreign Operations, and Related Programs Appropriations Act, carried forward in the FY 2011 Continuing Resolution, is implementing a Risk Analysis and Management Program to vet potential contractors and grantees to mitigate the risk that foreign assistance funds might benefit terrorists or their supporters. To conduct this vetting program the Department envisions collecting information from contractors, sub-contractors, grantees and sub-grantees regarding their directors, officers or key employees. The information collected will be compared to information gathered from commercial, public, and U.S. government databases to determine the risk that the applying organization, entity or individual might divert Department funds to terrorist entities.

Dated: January 6, 2012.

Catherine I. Ebert-Gray,

Deputy Assistant Secretary, Bureau of Administration, Office of Logistics Management, Department of State.

[FR Doc. 2012–575 Filed 1–17–12; 8:45 am]

BILLING CODE 4710–24–P

DEPARTMENT OF STATE

[Public Notice 7768]

60-Day Notice of Proposed Information Collection: Form DS–7002, Training/Internship Placement Plan, OMB Control Number 1405–0170

ACTION: Notice of request for public comments.

SUMMARY: The Department of State is seeking Office of Management and Budget (OMB) approval for the information collection described below. The purpose of this notice is to allow 60 days for public comment in the **Federal Register** preceding submission to OMB. We are conducting this process in accordance with the Paperwork Reduction Act of 1995.

- *Title of Information Collection:* Exchange Visitor Program—Training/Internship Placement Plan.
- *OMB Control Number:* 1405–0170.
- *Type of Request:* Revision of a Currently Approved Collection.
- *Originating Office:* Bureau of Educational and Cultural Affairs, ECA/EC.
- *Form Number:* Form DS–7002.
- *Respondents:* Entities designated by the Department of State as sponsors of exchange visitor programs in the trainee or intern categories and U.S. businesses that provide the training or internship opportunity.
- *Estimated Number of Respondents:* 160.
- *Estimated Number of Responses:* 30,000.
- *Average Hours per Response:* 2 hours.
- *Total Estimated Burden:* 60,000.
- *Frequency:* On occasion depending on the number of exchange participants annually.
- *Obligation to Respond:* Required to Obtain or Retain Benefits.
- *Date(s):* The Department will accept comments from the public up to March 19, 2012.

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

- Persons with access to the Internet may view and comment on this notice by going to the regulations.gov Web site at *http://www.regulations.gov/#!home.* You can search by selecting ''Notice'' under Document Type, enter the Public Notice number, and check ''Open for Comment''. Search, and then to view the document, select an Agency.
- *Email: JExchanges@State.gov.*
- *Mail (paper, disk, or CD–ROM submissions):* U.S. Department of State, ECA/EC/, SA–5, Floor 5, 2200 C Street NW., Washington, DC 20522–0505, ATTN: **Federal Register** Notice Response.

You must include the DS form number (if applicable), information collection title, and OMB control number in any correspondence.

FOR FURTHER INFORMATION CONTACT: Rick A. Ruth, Deputy Assistant Secretary for Private Sector Exchange, Acting, U.S. Department of State, SA–5, Floor 5, 2200 C Street NW., Washington, DC 20522; or email at *JExchanges@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

The collection is the continuation of information collected and needed by the Bureau of Educational and Cultural Affairs in administering the Exchange Visitor Program (J–Visa) under the provisions of the Mutual Educational and Cultural Exchange Act, as amended. Trainee/Internship Placement Plans are to be completed by designated program sponsors. A Training/Internship Placement Plan is required for each trainee or intern participant. It will set forth the training or internship program to be followed and includes the skills the trainee or intern will obtain, whether the trainee or intern will receive any remuneration for housing and living expenses (and if so, the amount), and estimates of the living expenses and other costs the trainees or interns are likely to incur while in the United States. The plan must be signed by the trainee or intern, sponsor, and the third party placement organization, if a third party organization is used in the conduct of the training or internship. Upon request, trainees or interns must present fully executed Trainee/Internship Placement Plans on Form DS–7002 to any Consular Official interviewing them in connection with the issuance of J–1 visas.

Methodology

The collection will be submitted to the Department by mail or fax as requested by DoS during the review of program sponsor files, redesignations, incidents, etc.

Dated: January 9, 2012.

Rick A. Ruth,

Deputy Assistant Secretary for Private Sector Exchange, Acting, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2012–877 Filed 1–17–12; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 7770]

Culturally Significant Objects Imported for Exhibition

Determinations: ''Princely Treasures: European Masterpieces 1600–1800 From the Victoria and Albert Museum.''

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 (and, as appropriate, Delegation of Authority No. 257 of April 15, 2003), I hereby determine that the objects to be included in the exhibition ''Princely Treasures: European Masterpieces 1600–1800 from the Victoria and Albert Museum,'' 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 Oklahoma City Museum of Art, Oklahoma City, Oklahoma from on or about February 16, 2012, until on or about May 13, 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 list of the exhibit objects, contact Ona M. Hahs, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: (202) 632–6473). The mailing address is U.S. Department of State, SA–5, L/PD, Fifth Floor (Suite 5H03), Washington, DC 20522–0505.

Dated: January 11, 2012.

J. Adam Ereli,

Principal Deputy Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2012–868 Filed 1–17–12; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 7769]

Culturally Significant Objects Imported for Exhibition Determinations: ''Princes and Painters in Mughal Delhi, 1707–1857''

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 (and, as appropriate, Delegation of Authority No. 257 of April 15, 2003), I hereby determine that the objects to be included in the exhibition ''Princes and Painters in Mughal Delhi, 1707–1857,'' 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 Asia Society, New York, NY from on or about February 7, 2012, until on or about May 6, 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 list of the exhibit objects, contact Ona M. Hahs, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: (202) 632–6473). The mailing address is U.S. Department of State, SA–5, L/PD, Fifth Floor (Suite 5H03), Washington, DC 20522–0505.

Dated: January 11, 2012.

J. Adam Ereli,

Principal Deputy Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2012–873 Filed 1–17–12; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Air Traffic Procedures Advisory Committee

AGENCY: Federal Aviation Administration (FAA), DOT.

SUMMARY: The FAA is issuing this notice to advise the public that a meeting of the Federal Aviation Administration Air Traffic Procedures Advisory Committee (ATPAC) will be held to review present air traffic control procedures and practices for standardization, revision, clarification, and upgrading of terminology and procedures.

DATES: The meeting will be held Tuesday, February 7, and Wednesday, February 8, 2012 from 8:30 a.m. to 5 p.m.

ADDRESSES: The meeting will be held at FAA Building FOB 10A, 800 Independence Avenue SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: Mr. Gary Norek, ATPAC Executive Director, 800 Independence Avenue SW., Washington, DC 20591.

SUPPLEMENTARY INFORMATION: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. 2), notice is hereby given of a meeting of the ATPAC to be held Tuesday, February 7, and Wednesday, February 8, 2012 from 8:30 a.m. to 5 p.m.

The agenda for this meeting will cover a continuation of the ATPAC's review of present air traffic control procedures and practices for standardization, revision, clarification, and upgrading of terminology and procedures. It will also include:

1. Approval of Minutes;
2. Submission and Discussion of Areas of Concern;
3. Discussion of Potential Safety Items;
4. Report from Executive Director;
5. Items of Interest; and
6. Discussion and agreement of location and dates for subsequent meetings.

Attendance is open to the interested public but limited to space available. With the approval of the Chairperson, members of the public may present oral statements at the meeting. Persons desiring to attend and persons desiring to present oral statements should notify Mr. Gary Norek no later than January 25, 2012. Any member of the public may present a written statement to the ATPAC at any time at the address given above.

Issued in Washington, DC, on January 5, 2012.

Gary A. Norek,

Executive Director, Air Traffic Procedures Advisory Committee.

[FR Doc. 2012–802 Filed 1–17–12; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Public Notice for Waiver of Aeronautical Land-Use Assurance; Willow Run Airport; Detroit, MI

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of intent of waiver with respect to land.

SUMMARY: The Federal Aviation Administration (FAA) is considering a proposal to authorize the release of approximately 29.5 acres of airport property for sale. The land consists of portions of the original airport parcels. These parcels were acquired by the Wayne County Road Commissioners of Wayne County, Michigan, its successors and assigns (Wayne County Airport Authority) from the U.S. Government, General Services Administration without federal participation. This property was previously released for non-aeronautical use. There are no requirements to retain the land for airport use. There are no impacts to the airport by allowing the Wayne County Airport Authority to sell the property. The land is not needed for aeronautical use. Approval does not constitute a commitment by the FAA to financially assist in the sale of the subject airport property nor a determination of eligibility for grant-in-aid funding from the FAA. The disposition of proceeds from the sale of the airport property will be in accordance with FAA's Policy and Procedures Concerning the Use of Airport Revenue, published in the **Federal Register** on February 16, 1999.

In accordance with section 47107(h) of title 49, United States Code, this notice is required to be published in the **Federal Register** 30 days before modifying the land-use assurance that requires the property to be used for an aeronautical purpose.

DATES: Comments must be received on or before February 17, 2012.

ADDRESSES: Written comments on the Sponsor's request must be delivered or mailed to: Irene R. Porter, Program Manager, Detroit Airports District Office, 11677 South Wayne Road Suite 107, Romulus, MI 48174.

FOR FURTHER INFORMATION CONTACT: Irene R. Porter, Program Manager, Federal Aviation Administration, Great Lakes Region, Detroit Airports District Office, DET ADO–607, 11677 South Wayne Road Suite 107, Romulus, Michigan 48174. Telephone Number (734) 229–2915)/Fax Number (734) 229–2950). Documents reflecting this FAA action may be reviewed at this same location or at Willow Run Airport, Detroit, Michigan.

SUPPLEMENTARY INFORMATION:

Exhibit ''A''

Part of Section 12, Town 3 South, Range 7 East, Ypsilanti Township, Washtenaw County, Michigan and being more particularly described as follows: Commencing at the Northeast corner of Section 12, Town 3 South, Range 7 East, Ypsilanti Township, Washtenaw County, Michigan; Running thence the following courses and distances along the Easterly and Southerly line of the General Motors Corporation, Hydra-Matic Division, Willow Run Plant Property, South 01 degree 27 minutes 26 seconds West along the East line of said Section 12, a distance of 33.00 feet to the Northwest corner of Section 7, Town 3 South, Range 8 East, Van Buren Township, Wayne County, Michigan; thence North 87 degrees 37 minutes 30 seconds East along the North line of said Section 7, a distance of 33.07 feet to a point; thence South 01 degree 27 minutes 26 seconds West, 525.40 feet to a point; thence North 89 degrees 59 minutes 56 seconds East, 153.16 feet to a point; thence South 00 degrees 00 minutes 04 seconds West, 275.00 feet to a point; thence South 89 degrees 59 minutes 56 seconds West across the line common to said Sections 7 and 12 and into said Section 12, a distance of 425.10 feet to a point; thence South 00 degrees 00 minutes 35 seconds West, 534.67 feet to a point; thence South 24 degrees 17 minutes 05 seconds East across the line common to said Sections 12 and 7 and into said Section 7, a distance of 741.25 feet to a point; thence South, 768.31 feet to a point; thence South 41 degrees 23 minutes 40 seconds West across the line common to said Sections 7 and 12 and into said Section 12, a distance of 225.25 feet to a point; thence South 64 degrees 28 minutes 25 seconds West, 125.00 feet to a point; thence North, 40.00 feet to a point; thence North 75 degrees 54 minutes 30 seconds West, 404.79 feet to a point; thence West, 473.73 feet to a point; thence South 00 degrees 08 minutes 45 seconds West a measured distance of 241.25 feet (described 243.27 feet) to a point; thence South 77 degrees 57 minutes 35 seconds West a distance of 4.93 feet to the point of beginning of the parcel of land herein being described; Proceeding thence from said point of beginning South 00 degrees 03 minutes 01 second West along the Easterly edge of an existing concrete roadway, a distance of 1102.78 feet to a point of curve in said roadway; thence continuing along the Easterly edge of said roadway, along the arc of a curve, concave to the Northeast, having a radius 334.72 feet, a central angle of 50 degrees 31 minutes 07 seconds, an arc distance of 295.13 feet (chord bears South 25 degrees 12 minutes 33 seconds East 285.66 feet) to a point; thence North 64 degrees 36 minutes 55 seconds West, along a line not tangent to the foregoing curve, a distance of 204.04 feet to a point of curve; thence along the arc of a curve concave to the Northeast, having a radius of 3233.20 feet, a central angle of 08 degrees 03 minutes 00 seconds, an arc distance of 454.26 (chord bears North 60 degrees 35 minutes 25 seconds West 453.89 feet) to a point of tangent; thence North 56 degrees 33 minutes 55 seconds West, a distance of 1484.43 feet to a point of curve; thence along the arc of a curve, concave to the Northeast, having a radius of 3739.90 feet, a central angle of 01 degrees 59 minutes 46 seconds, an arc distance of 130.30 feet (chord North 55 degrees 34 minutes 02 seconds West 103.29 feet) to a point of tangent; thence North 54 degrees 34 minutes 09 seconds West, a distance of 359.56 feet to a point on the Southerly line of said General Motors Corporation, Hydra-Matic Division, Willow Run Plant Property; thence the following courses and distance along the Southerly line of said Hydra-Matic Division, Willow Run Plant Property, South 89 degrees 55 minutes 54 seconds East, 61.04 feet to a point; thence South 56 degrees 33 minutes 55 seconds East, 215.23 feet to a point; thence South 75 degrees 32 minutes 00 seconds East 172.85 feet to a point; thence South 80 degrees 44 minutes 00 seconds East 75.00 feet to a point; thence South 87 degrees 23 minutes 00 seconds East 70.12 feet to a point; thence East 1059.88 feet to a point; thence North 24.27 feet to a point; thence North 77 degrees 57 minutes 35 seconds East a distance of 497.22 feet to the point of beginning.

Exhibit ''B''

Part of Section 12, Town 3 South, Range 7 East, Ypsilanti Township, Washtenaw County, and part of Section 7, Town 3 South, Range 8 East, Van Buren Township, Wayne County, Michigan and being more particularly described as follows: Commencing at the Northeast corner of Section 12, Town 3 South, Range 7 East, Ypsilanti Township, Washtenaw County, Michigan; Running thence the following courses and distances along the Easterly line of the General Motors Corporation, Hydra-Matic Division, Willow Run Plant Property, South 01 degree 27 minutes 26 seconds West along the East line of said Section 12, a distance of 33.00 feet to the Northwest corner of Section 7, Town 3 South, Range 8 East, Van Buren Township, Wayne County, Michigan; thence North 87 degrees 37 minutes 30 seconds East along the North line of said Section 7, a distance of 33.07 feet to a point; thence South 01 degree 27 minutes 26 seconds West, 525.40 feet to a point; thence North 89 degrees 59 minutes 56 seconds East, 153.16 feet to a point; thence South 00 degrees 00 minutes 04 seconds West, 275.00 feet to a point; thence South 89 degrees 59 minutes 56 seconds West across the line common to said Sections 7 and 12 and into said Section 12, a distance of 425.10 feet to a point; thence South 00 degrees 00 minutes 35 seconds West, 534.67 feet to a point; thence South 24 degrees 17 minutes 05 seconds East, a distance of 102.37 feet to the point of beginning of the parcel of land herein being described; Proceeding thence from said point of beginning South 74 degrees 42 minutes 16 seconds East along the line of a six foot chain link fence, a distance of 32.84 feet to an angle point in said fence line; thence continuing along said fence line, South 89 degrees 58 minutes 36 seconds East across the line common to said Sections 12 and 7 and into said Section 7, a distance of 231.08 feet to a point; thence South, along the Northerly extension of a portion of the Easterly line of said General Motors Corporation, Hydra-Matic Division, Willow Run Plant Property, a distance of 573.60 feet to a point on the Easterly line of said Hydra-Matic Division Property; thence North 24 degrees 17 minutes 05 seconds West along said property line, a distance of 638.88 feet to the point of beginning.

Exhibit ''C''

Part of Section 12, Town 3 South, Range 7 East, Ypsilanti Township, Washtenaw County, and part of Section 7, Town 3 South, Range 8 East, Van Buren Township, Wayne County, Michigan and being more particularly described as follows: Commencing at the Northeast corner of Section 12, Town 3 South, Range 7 East, Ypsilanti Township, Washtenaw County, Michigan; Running thence the following courses and distances along the Easterly line of the General Motors Corporation, Hydra-Matic Division, Willow Run

Plant Property, South 01 degree 27 minutes 26 seconds West along the East line of said Section 12, a distance of 33.00 feet to the Northwest corner of Section 7, Town 3 South, Range 8 East, Van Buren Township, Wayne County, Michigan; thence North 87 degrees 37 minutes 30 seconds East along the North line of said Section 7, a distance of 33.07 feet to a point; thence South 01 degree 27 minutes 26 seconds West, 525.40 feet to a point; thence North 89 degrees 59 minutes 56 seconds East, 153.16 feet to a point; thence South 00 degrees 00 minutes 04 seconds West, 275.00 feet to a point; thence South 89 degrees 59 minutes 56 seconds West across the line common to said Sections 7 and 12 and into said Section 12, a distance of 425.10 feet to a point; thence South 00 degrees 00 minutes 35 seconds West, 534.67 feet to a point; thence South 24 degrees 17 minutes 05 seconds East across the line common to said Sections 12 and 7 and into said Section 7, a distance of 741.25 feet to a point; thence South, a distance of 768.31 feet to the point of beginning of the parcel of land herein described; Proceeding thence from said point of beginning South, along the Southerly extension of a portion of the Easterly line of said General Motors Corporation, Hydra-Matic Division, Willow Run Plant Property, a distance of 221.53 feet to a point; thence South 89 degrees 42 minutes 46 seconds West along the line of a six foot chain link fence, a distance of 261.75 feet to a point on the Southerly line of said General Motors Corporation, Hydra-Matic Division, Willow Run Plant Property; thence North 64 degrees 28 minutes 25 seconds East along said property line, a distance of 125.00 feet to an angle point in said property line; thence continuing along said property line North 41 degrees 23 minutes 40 seconds East a distance of 225.25 feet to the point of beginning.

Issued in Romulus, Michigan, on December 21, 2011.

John L. Mayfield, Jr.,

Manager, Detroit Airports District Office, FAA, Great Lakes Region.

[FR Doc. 2012–796 Filed 1–17–12; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Public Notice for Waiver of Aeronautical Land-Use Assurance; Gerald R. Ford International Airport, Grand Rapids, MI

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of intent of waiver with respect to land.

SUMMARY: The Federal Aviation Administration (FAA) is considering a proposal to change a portion of the airport from aeronautical use to non-aeronautical use and to authorize the lease of the airport property. The proposal consists of 2 parcels of land with the lease portion totaling approximately 5.4 acres. Current use and present condition is partially developed land compatible with local commercial/industrial zoning classification. The land was acquired under the FAA Project Numbers 9–20–072–6001, 3–26–0039–02, and 3–26–0055–44208. There are no impacts to the airport by allowing the airport to lease the property, since the land is no longer needed for aeronautical use. Subject land will provide for the development and expansion of the west Michigan Aviation Academy (WMAA); and through its lease would result in generating a predictable long-term revenue stream for the airport. Approval does not constitute a commitment by the FAA to financially assist in the disposal of the subject airport property nor a determination of eligibility for grant-in-aid funding from the FAA. The disposition of proceeds from the lease of the airport property will be in accordance FAA's Policy and Procedures Concerning the Use of Airport Revenue, published in the **Federal Register** on February 16, 1999.

In accordance with section 47107(h) of title 49, United States Code, this notice is required to be published in the **Federal Register** 30 days before modifying the land-use assurance that requires the property to be used for an aeronautical purpose.

DATES: Comments must be received on or before February 17, 2012.

ADDRESSES: Documents reflecting this FAA action may be reviewed at the Detroit Airports District Office.

FOR FURTHER INFORMATION CONTACT: Marlon Pena, Program Manager, Detroit Airports District Office, Federal Aviation Administration, 11677 South Wayne Road, Romulus, Michigan 48174. Telephone Number (734) 229–2909 Fax Number (734) 229–2950. Documents reflecting this FAA action may be reviewed at this same location or at Gerald R. Ford International Airport, Grand Rapids, Michigan.

SUPPLEMENTARY INFORMATION: Following is a legal description of the property located in Grand Rapids, Kent County, Michigan, and described as follows:

Parcel 23 Description

The south 96 acres of the southeast ¼, except the south 858 feet of the west 812.50 feet and except the south 183 feet of the east 100 feet of the west 912.50 feet. Also, except that part of the remainder lying westerly of a line commencing 858 feet north and 73 feet east of the south one-quarter corner and extended northwesterly in a straight line to center of section, Section 19, Township 6 North, Range 10 West, Kent County, Michigan.

Parcel 24 Description

All that part of Section 19, Township 6 North, Range 10 West, Kent County, Michigan, described as follows: Commencing at a point 812.50 feet east of the southwest corner of the southeast ¼ of said Section 19, thence north 183 feet, thence east 100 feet, thence south 183 feet, thence west 100 feet to the point of beginning.

Lease Description (5.40 Acres)

That part of the Southeast ¼, Section 19, T6N, R10W, City of Grand Rapids, Kent County, Michigan, described as: Commencing at the South ¼ corner of said Section; thence N89°40′32″ E 788.16 feet along the South line of said Section; thence perpendicular to said South line N01°07′28″ W 607.00 feet; thence N64°31′06″ E 347.80 feet; thence S49°50′22″ E 30.47 feet to the Point of Beginning; thence S49°50′22″ E 424.98 feet; thence Southwesterly 61.25 feet along a 158.36 foot radius curve to the right, said curve having a central angle of 22°09′40″, and a chord bearing S32°17′33″ W 60.87 feet; thence S48°53′40″ W 241.86 feet; thence Southwesterly 210.52 feet along a 402.51 foot radius curve to the right, said curve having a central angle of 29°57′59″, and a chord bearing S62°49′41'' W 208.13 feet; thence S77°48′40″ W 115.40 feet; thence N49°52′31″ W 49.80 feet; thence S37°27′16″ W 46.94 feet; thence N52°32′44″ W 59.81 feet; thence N00°49′48″ W 104.01 feet; thence Northeasterly 551.88 feet along a 500.00 foot radius curve to the right, said curve having a central angle of 63°14′29″, and a chord bearing N30°47′27″ E 524.29 feet; thence N62°24′41″ E 39.65 feet to the Point of Beginning. Containing 5.40 acres more or less.

Issued in Romulus, Michigan, on December 13, 2011.

John L. Mayfield, Jr.,

Manager, Detroit Airports District Office FAA, Great Lakes Region.

[FR Doc. 2012–800 Filed 1–17–12; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2011–0102]

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that by a document dated

December 1, 2011, the Union Pacific Railroad (UP) 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 229.129(c)(7), requiring cab-mounted horns to be tested with microphones at 4 feet above the height of the rail. FRA assigned the petition Docket Number FRA–2011–0102.

UP's request follows a similar CSX Transportation (CSX) waiver request that was approved by FRA. In its waiver request (Docket Number FRA–2007–28612), CSX requested permission to test cab-mounted horns at 15 feet due to the effects of the acoustic shadows and ground reflection on the measurements when using a microphone at the 4-foot height. CSX also provided documentation of a study that clear1y demonstrated the effects of acoustic shadows and ground reflection on testing cab-mounted locomotive horns at the 4-foot height, compared to the 15-foot height. In the December 21, 2007, decision letter (FRA–2007–28612–0004), FRA granted CSX permission to test cab-mounted horns at the 15-foot height.

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 U.S. Department of Transportation's (DOT) 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 March 5, 2012 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 January 10, 2012.

Ron Hynes,

Acting Deputy Associate Administrator for Regulatory and Legislative Operations.

[FR Doc. 2012–751 Filed 1–17–12; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket ID PHMSA–2012–0004]

Pipeline Safety: Random Drug Testing Rate

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

ACTION: Notice of Minimum Annual Percentage Rate for Random Drug Testing.

SUMMARY: PHMSA has determined that the minimum random drug testing rate for covered employees will remain at 25 percent during calendar year 2012.

DATES: Effective January 1, 2012, through December 31, 2012.

FOR FURTHER INFORMATION CONTACT: Stanley Kastanas, Program Manager, Substance Abuse Prevention Program, PHMSA, U.S. Department of Transportation, telephone (202) 550–0629 or email *stanley.kastanas@dot.gov.*

SUPPLEMENTARY INFORMATION: Operators of gas, hazardous liquid, and carbon dioxide pipelines and operators of liquefied natural gas facilities must select and test a percentage of covered employees for random drug testing. Pursuant to 49 CFR 199.105(c)(2), (3), and (4), the PHMSA Administrator's decision on whether to change the minimum annual random drug testing rate is based on the reported random drug test positive rate for the pipeline industry. The data considered by the Administrator comes from operators' annual submissions of Management Information System (MIS) reports required by 49 CFR 199.119(a). If the reported random drug test positive rate is less than one percent, the Administrator may continue the minimum random drug testing rate at 25 percent. In 2010, the random drug test positive rate was less than one percent. Therefore, the minimum random drug testing rate will remain at 25 percent for calendar year 2012.

On January 19, 2010, PHMSA published an Advisory Bulletin (75 FR 2926) implementing the annual collection of contractor MIS drug and alcohol testing data. All applicable § 199.119 (drug testing) and § 199.229 (alcohol testing) MIS reporting operators are responsible for the submission of all contractor MIS reports to PHMSA, as well as their own, by March 15, 2012.

Contractors with employees in safety-sensitive positions who performed, as defined in § 199.3 of 49 CFR Part 199, covered functions, must submit these reports only through the auspices of each operator for whom these covered employees performed those covered functions (i.e., maintenance, operations or emergency response).

Authority: 49 U.S.C. 5103, 60102, 60104, 60108, 60117, and 60118; 49 CFR 1.53.

Issued in Washington, DC on January 6, 2012.

Jeffrey D. Wiese,

Associate Administrator for Pipeline Safety.

[FR Doc. 2012–740 Filed 1–17–12; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Unblocking of Specially Designated Nationals and Blocked Persons Pursuant to Executive Order 12978

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (''OFAC'') is publishing the names of 15 individuals and 29 entities whose property and interests in property have been unblocked pursuant to Executive Order 12978 of October 21, 1995, ''Blocking Assets and Prohibiting

Transactions With Significant Narcotics Traffickers''.

DATES: The unblocking and removal from the list of Specially Designated Nationals and Blocked Persons (''SDN List'') of the 15 individuals and 29 entities identified in this notice whose property and interests in property were blocked pursuant to Executive Order 12978 of October 21, 1995, is effective on January 10, 2012.

FOR FURTHER INFORMATION CONTACT: Assistant Director, Sanctions Compliance & Evaluation, Department of the Treasury, Office of Foreign Assets Control, Washington, DC 20220, Tel: (202) 622–2490.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

This document and additional information concerning OFAC are available from OFAC's Web site (*http://www.treasury.gov/ofac*) or via facsimile through a 24-hour fax-on demand service at (202) 622–0077.

Background

On October 21, 1995, the President, invoking the authority, *inter alia,* of the International Emergency Economic Powers Act (50 U.S.C. 1701–1706) (''IEEPA''), issued Executive Order 12978 (60 FR 54579, October 24, 1995) (the ''Order''). In the Order, the President declared a national emergency to deal with the threat posed by significant foreign narcotics traffickers centered in Colombia and the harm that they cause in the United States and abroad.

Section 1 of the Order blocks, with certain exceptions, all property and interests in property that are in the United States, or that hereafter come within the United States or that are or hereafter come within the possession or control of United States persons, of: (1) The foreign persons listed in an Annex to the Order; (2) any foreign person determined by the Secretary of Treasury, in consultation with the Attorney General and the Secretary of State: (a) to play a significant role in international narcotics trafficking centered in Colombia; or (b) to materially assist in, or provide financial or technological support for or goods or services in support of, the narcotics trafficking activities of persons designated in or pursuant to the Order; and (3) persons determined by the Secretary of the Treasury, in consultation with the Attorney General and the Secretary of State, to be owned or controlled by, or to act for or on behalf of, persons designated pursuant to the Order.

On January 10, 2012, the Director of OFAC removed from the SDN List the 15 individuals and 29 entities listed below, whose property and interests in property were blocked pursuant to the Order:

Individuals

1. ABADIA BASTIDAS, Carmen Alicia (a.k.a. ABADIA DE RAMIREZ, Carmen Alicia), c/o DISDROGAS LTDA., Yumbo, Valle, Colombia; c/o RAMIREZ ABADIA Y CIA. S.C.S., Cali, Colombia; Calle 9 No. 39–65, Cali, Colombia; DOB 15 Jul 1934; POB Palmira, Valle, Colombia; Cedula No. 29021074 (Colombia) (INDIVIDUAL) [SDNT]
2. ESCALONA, Victor Julio, c/o C A V J CORPORATION LTDA., Bogota, Colombia; c/o VOL PHARMACYA LTDA., Cucuta, Colombia; c/o C.A. V.J. CORPORATION, Barquisimeto, Lara, Venezuela; Passport A0229910 (Venezuela) C.I.N. 7353289 (Venezuela) (INDIVIDUAL) [SDNT]
3. GAVIRIA PRICE, Juan Pablo, Carrera 4 No. 11–33 Ofc. 710, Cali, Colombia; c/o CRIADERO LA LUISA E.U., Cali, Colombia; DOB 09 Jul 1960; POB Cali, Valle, Colombia; Cedula No. 16639081 (Colombia); Passport 16639081 (Colombia) (individual) [SDNT]
4. GIL RODRIGUEZ, Ana Maria, c/o AMPARO R. DE GIL Y CIA. S.C.S.; c/o DROBLAM S.A.; DOB 24 Aug 1978; Passport 67020296 (Colombia) Cedula No. 67020296 (Colombia) (INDIVIDUAL) [SDNT]
5. GIL RODRIGUEZ, Angela Maria, c/o AQUILEA S.A., Cali, Colombia; c/o AMPARO R. DE GIL Y CIA. S.C.S., Cali, Colombia; c/o DROBLAM S.A., Cali, Colombia; DOB 21 Feb 1980; Passport 52721666 (Colombia) Cedula No. 52721666 (Colombia) (INDIVIDUAL) [SDNT]
6. GIRALDO ARBELAEZ, Fernando, c/o INMOBILIARIA U.M.V. S.A., Cali, Colombia; DOB 27 Nov 1952; Cedula No. 16249351 (Colombia) (INDIVIDUAL) [SDNT]
7. JAAR JACIR, Armando Jacobo (a.k.a. JAAR JASSIR, Armando Jacobo), c/o ALMACAES S.A., Bogota, Colombia; c/o ARMANDO JAAR Y CIA. S.C.S., Barranquilla, Colombia; c/o BLACKMORE INVESTMENTS A.V.V., Oranjestad, Aruba; c/o CORPORACION DE ALMACENES POR DEPARTAMENTOS S.A., Bogota, Colombia; c/o G.L.G. S.A., Bogota, Colombia; c/o ILOVIN S.A., Bogota, Colombia; c/o JACARIA FLORIDA, INC., Miami, FL, United States; c/o RAMAL S.A., Bogota, Colombia; c/o CIPE INVESTMENTS CORPORATION, Panama City, Panama; c/o RICARDO JAAR Y CIA. S.C.S., Barranquilla, Atlantico, Colombia; Calle 72 No. 65–56, Barranquilla, Colombia; Calle 81 No. 57–56, Barranquilla, Colombia; Calle 118 No. 19–38, Bogota, Colombia; DOB 20 Jan 1947; POB Barranquilla, Colombia; Cedula No. 7432263 (Colombia) Passport P015313 (Colombia) (INDIVIDUAL) [SDNT]
8. JAAR JASSIR, Ricardo (a.k.a. JAAR JACIR, Ricardo), c/o ALMACAES S.A., Bogota, Colombia; c/o CONFECCIONES LORD S.A., Barranquilla, Atlantico, Colombia; c/o CORPORACION DE ALMACENES POR DEPARTAMENTOS S.A., Bogota, Colombia; c/o GIMBER INVESTING CORPORATION, Virgin Islands, British; c/o G.L.G. S.A., Bogota, Colombia; c/o ILOVIN S.A., Bogota, Colombia; c/o JACARIA FLORIDA, INC., Miami, FL, United States; c/o RAMAL S.A., Bogota, Colombia; DOB 29 Sep 1940; POB Barranquilla, Colombia; citizen Colombia; Cedula No. 3714973 (Colombia) Passport AF665413 (Colombia) (INDIVIDUAL) [SDNT]
9. MARIN GOMEZ, Mallerly Alejandra, c/o LEMOFAR LTDA., Bogota, Colombia; DOB 2 Jul 1982; Cedula No. 52719053 (Colombia); Passport 52719053 (Colombia) (individual) [SDNT]
10. PINZON POVEDA, Marco Antonio, c/o DEPOSITO POPULAR DE DROGAS S.A., Cali, Colombia; c/o DISTRIBUIDORA DE DROGAS CONDOR LTDA., Bogota, Colombia; Carrera 65 No. 13B–125 apt. 307, Cali, Colombia; DOB 21 Dec 1948; Cedula No. 17801803 (Colombia) (INDIVIDUAL) [SDNT]
11. RAMIREZ PONCE, Omar, c/o DISDROGAS LTDA., Yumbo, Valle, Colombia; c/o RAMIREZ ABADIA Y CIA. S.C.S., Cali, Colombia; Carrera 38 No. 13–138, Cali, Colombia; DOB 01 Jan 1940; POB Cali, Colombia; Cedula No. 6064636 (Colombia) Passport 6064636 (Colombia) (INDIVIDUAL) [SDNT]
12. RENTERIA CAICEDO, Beatriz Eugenia, c/o INVERSIONES AGROINDUSTRIALES DEL OCCIDENTE LTDA., Bogota, Colombia; c/o COMPANIA AGROPECUARIA DEL SUR LTDA., Bogota, Colombia; c/o CANADUZ S.A., Cali, Colombia; Diagonal 130 No. 7–20, Apt. 806, Bogota, Colombia; Avenida 11 No. 7N–166, Cali, Colombia; 85 Brainerd Road, Townhouse 9, Allston, MA 02134, United States; 18801 Collins

Avenue, Apt. 322–3, Sunny Isles Beach, FL 33160, United States; Calle 90 No. 10–05, Bogota, Colombia; DOB 30 Nov 1977; citizen Colombia; nationality Colombia; SSN 594–33–3351 (United States) Passport AG034865 (Colombia) Cedula No. 52424737 (Colombia) Passport AE309750 (Colombia) (INDIVIDUAL) [SDNT]

13. SAIEH JAMIS, Carlos Ernesto, c/o ALMACAES S.A., Bogota, Colombia; c/o ALM INVESTMENT FLORIDA, INC., Miami, FL, United States; c/o BLACKMORE INVESTMENTS A.V.V., Oranjestad, Aruba; c/o CARLOS SAIEH Y CIA. S.C.S., Barranquilla, Atlantico, Colombia; c/o CONFECCIONES LORD S.A., Barranquilla, Atlantico, Colombia; c/o CONSTRUCTORA ALTAVISTA INTERNACIONAL S.A., Barranquilla, Colombia; c/o CORPORACION DE ALMACENES POR DEPARTAMENTOS S.A., Bogota, Colombia; c/o ELIZABETH OVERSEAS INC., Panama City, Panama; c/o FINANZAS DEL NORTE LUIS SAIEH Y CIA. S.C.A., Barranquilla, Colombia; c/o G.L.G. S.A., Bogota, Colombia; c/o GRANADA ASSOCIATES, INC., Miami, FL, United States; c/o ILOVIN S.A., Bogota, Colombia; c/o INVERSIONES DEL PRADO ABDALA SAIEH Y CIA. S.C.A., Barranquilla, Colombia; c/o KAREN OVERSEAS, INC., Panama City, Panama; c/o KAREN OVERSEAS FLORIDA, INC., Miami, FL, United States; c/o KATTUS II CORPORATION, Panama City, Panama; c/o MARC LLC, Miami, FL, United States; c/o MOISES SAIEH Y CIA. S.C.A., Barranquilla, Atlantico, Colombia; c/o RAMAL S.A., Bogota, Colombia; c/o RIXFORD INVESTMENT CORPORATION, Panama City, Panama; c/o URBANIZADORA ALTAVISTA INTERNACIONAL S.A., Barranquilla, Colombia; c/o VILLAROSA INVESTMENTS FLORIDA, INC., Miami, FL, United States; c/o BRUNELLO LTD., Grand Cayman, Cayman Islands; c/o C.W. SALMAN PARTNERS, Miami, FL, United States; c/o SALMAN CORAL WAY PARTNERS, Miami, FL, United States; 780 NW Le Jeune Rd, Suite 516, Miami, FL 33126, United States; 780 NW 42nd Avenue, Suite 516, Miami, FL 33126, United States; Carrera 56 No. 79–102 Piso-10, Barranquilla, Colombia; Nine Island Avenue, Unit 1411, Miami Beach, FL, United States; 9100 South Dadeland Boulevard, Suite 912, Miami, FL 33156, United States; c/o MLA INVESTMENTS, INC., Virgin Islands, British; DOB 24 Feb 1964; POB Barranquilla, Colombia; citizen Colombia; nationality Colombia; Cedula No. 8739066 (Colombia) Passport AH006864 (Colombia) (INDIVIDUAL) [SDNT]

14. SAIEH MUVDI, Moises Abdal, c/o ALMACAES S.A., Bogota, Colombia; c/o ALM INVESTMENT FLORIDA, INC., Miami, FL, United States; c/o CARLOS SAIEH Y CIA. S.C.S., Barranquilla, Atlantico, Colombia; c/o CONFECCIONES LORD S.A., Barranquilla, Atlantico, Colombia; c/o CONSTRUCTORA ALTAVISTA INTERNACIONAL S.A., Barranquilla, Colombia; c/o CORPORACION DE ALMACENES POR DEPARTAMENTOS S.A., Bogota, Colombia; c/o ELIZABETH OVERSEAS INC., Panama City, Panama; c/o G.L.G. S.A., Bogota, Colombia; c/o GRANADA ASSOCIATES, INC., Miami, FL, United States; c/o ILOVIN S.A., Bogota, Colombia; c/o INVERSIONES DEL PRADO ABDALA SAIEH Y CIA. S.C.A., Barranquilla, Colombia; c/o KAREN OVERSEAS, INC., Panama City, Panama; c/o KAREN OVERSEAS FLORIDA, INC., Miami, FL, United States; c/o KATTUS II CORPORATION, Panama City, Panama; c/o MOISES SAIEH Y CIA. S.C.A., Barranquilla, Atlantico, Colombia; c/o RAMAL S.A., Bogota, Colombia; c/o RIXFORD INVESTMENT CORPORATION, Panama City, Panama; c/o SUNSET & 97TH HOLDINGS, LLC., Miami, FL, United States; c/o URBANIZADORA ALTAVISTA INTERNACIONAL S.A., Barranquilla, Colombia; c/o VILLAROSA INVESTMENTS FLORIDA, INC., Miami, FL, United States; c/o JAMCE INVESTMENTS LTD., Georgetown, Grand Cayman, Cayman Islands; c/o KATTUS CORPORATION, Bridgetown, St. Michael, Barbados; c/o VILLAROSA INVESTMENTS CORPORATION, Panama City, Panama; c/o C.W. SALMAN PARTNERS, Miami, FL, United States; c/o SALMAN CORAL WAY PARTNERS, Miami, FL, United States; Carrera 56 No. 79–40, Apt 7, Barranquilla, Colombia; 19667 NE 36 Court A 12–G, North Miami Beach, FL 33180, United States; 780 NW Le Jeune Rd, Suite 516, Miami, FL 33126, United States; 780 NW 42nd Avenue, Suite 516, Miami, FL 33126, United States; 1405 SW 107th Ave, Ste 301B, Miami, FL, United States; 19667 Turnberry Way, Unit 12G, Miami, FL 33180, United States; 20301 W Country Club Drive, Apt 824, Aventura, FL 33180, United States; 9100 South Dadeland Boulevard, Suite 912, Miami, FL 33156, United States; c/o MLA INVESTMENTS, INC., Virgin Islands, British; DOB 06 Jun 1945; POB Pamplona, Norte de Santander; citizen Colombia; Cedula No. 7427466 (Colombia) (INDIVIDUAL) [SDNT]

15. SIMAN DE JAAR, Carmen Elena (a.k.a. SIMAN DADA DE JAAR, Carmen Elena; a.k.a. JAAR, Carmen E.; a.k.a. S DE JAAR, Carmen Elena), c/o ARMANDO JAAR Y CIA. S.C.S., Barranquilla, Colombia; c/o CIPE INVESTMENTS CORPORATION, Panama City, Panama; 325 Poinciana Island Drive, Sunny Island Beach, FL 33160, United States; DOB 01 Nov 1953; Cedula No. 1629942 (El Salvador) Passport B296684 (El Salvador) (INDIVIDUAL) [SDNT]

Entities

1. ALM INVESTMENT FLORIDA, INC., 780 NW 42nd Avenue, Suite 516, Miami, FL 33126, United States; 780 NW Le Jeune Rd, Suite 516, Miami, FL 33126, United States; 9100 South Dadeland Boulevard, Suite 912, Miami, FL 33156, United States; US FEIN 65–0336852 (United States) [SDNT]
2. ARMANDO JAAR Y CIA. S.C.S., Carrera 74 No. 76–150, Barranquilla, Colombia; NIT #890114337–6 (Colombia) [SDNT]
3. BRUNELLO LTD., Grand Cayman, Cayman Islands; Nine Island Avenue, Unit 1411, Miami Beach, FL, United States; C.R. No. 68557 (Cayman Islands) [SDNT]
4. CARLOS SAIEH Y CIA. S.C.S., Carrera 74 No. 76—150, Barranquilla, Atlantico, Colombia; NIT #800180437–8 (Colombia) [SDNT]
5. CIPE INVESTMENTS CORPORATION, Panama City, Panama; RUC #2209651197910 (Panama) C.R. No. 197910/22096/0051 (Panama) [SDNT]
6. CONFECCIONES LORD S.A., Carrera 74 No. 76–150, Barranquilla, Atlantico, Colombia; NIT #890101890–1 (Colombia) [SDNT]
7. CONSTRUCTORA ALTAVISTA INTERNACIONAL S.A. (a.k.a. CONASA S.A.), Calle 77 B No. 57–141, Ofc. 917, Barranquilla, Colombia; NIT #802019866–4 (Colombia) [SDNT]

8. C.W. SALMAN PARTNERS, 1401 Brickell Avenue, Miami, FL 33131, United States; US FEIN 65–0111089 (United States) [SDNT]
9. ELIZABETH OVERSEAS INC., Panama City, Panama; RUC #2172202194798 (Panama) C.R. No. 194798/21722 (Panama) [SDNT]
10. FINANZAS DEL NORTE LUIS SAIEH Y CIA. S.C.A. (f.k.a. FINANZAS DEL NORTE LTDA.), Calle 77 B No. 57–141, Ofc. 917, Barranquilla, Colombia; NIT #890108715–2 (Colombia) [SDNT]
11. GIMBER INVESTING CORPORATION, Virgin Islands, British; [SDNT]
12. GRANADA ASSOCIATES, INC., 780 NW Le Jeune Road, Suite 516, Miami, FL 33126, United States; 780 NW 42nd Avenue, Suite 516, Miami, FL 33126, United States; 9100 South Dadeland Boulevard, Suite 912, Miami, FL 33156, United States; citizen Colombia; US FEIN 65–0336843 (United States) [SDNT]
13. INVERSIONES DEL PRADO ABDALA SAIEH Y CIA. S.C.A., Calle 77 B No. 57–141, Ofc. 901, Barranquilla, Colombia; NIT #890108452–0 (Colombia) [SDNT]
14. JACARIA FLORIDA, INC., 1149 SW 27th Avenue Suite 203, Miami, FL 33135, United States; 9400 South Dadeland Boulevard Suite 601, Miami, FL 33156, United States; US FEIN 592804133 (United States) [SDNT]
15. JAMCE INVESTMENTS LTD., Georgetown, Grand Cayman, Cayman Islands; C.R. No. 93989 (Cayman Islands) [SDNT]
16. KAREN OVERSEAS FLORIDA, INC., 780 NW Le Jeune Road, Suite 516, Miami, FL 33126, United States; 780 NW 42nd Avenue, Suite 516, Miami, FL 33126, United States; 9100 South Dadeland Boulevard, Suite 912, Miami, FL 33156, United States; US FEIN 592827636 (United States) [SDNT]
17. KAREN OVERSEAS, INC., Panama City, Panama; RUC #2172211194799 (Panama) C.R. No. 194799/0011 (Panama) [SDNT]
18. KATTUS CORPORATION, Bridgetown, St. Michael, Barbados; Registration ID 67199901 (Barbados) [SDNT]
19. KATTUS II CORPORATION, Panama City, Panama; RUC #1724681390286 (Panama) C.R. No. 390286/172468 (Panama) [SDNT]
20. MARC LLC, 780 Le Jeune Road, Suite 516, Miami, FL 33126, United States; 780 NW 42nd Avenue, Suite 516, Miami, FL 33126, United States; 9100 South Dadeland Boulevard, Suite 912, Miami, FL 33156, United States; [SDNT]
21. MLA INVESTMENTS INC., Virgin Islands, British; C.R. No. IBC 525487 (Virgin Islands, British) [SDNT]
22. MOISES SAIEH Y CIA. S.C.A., Carrera 74 No. 76–150, Barranquilla, Atlantico, Colombia; NIT #890114338–3 (Colombia) [SDNT]
23. RICARDO JAAR Y CIA. S.C.S., Carrera 74 No. 76–150, Barranquilla, Atlantico, Colombia; NIT #890114336–9 (Colombia) [SDNT]
24. RIXFORD INVESTMENT CORPORATION, Panama City, Panama; RUC #1963801394709 (Panama) [SDNT]
25. SALMAN CORAL WAY PARTNERS, 2731 Coral Way, Miami, FL 33145, United States; US FEIN 59–2276524 (United States) [SDNT]
26. SUNSET & 97TH HOLDINGS, LLC. (a.k.a. SUNSET AND 97TH HOLDINGS, LLC.), 19667 Turnberry Way, Unit 12 G, Miami, FL 33180, United States; 9100 South Dadeland Boulevard, Suite 912, Miami, FL 33156, United States; 780 NW Le Jeune Road, Suite 516, Miami, FL 33126, United States; 780 NW 42nd Avenue, Suite 516, Miami, FL 33126, United States; P.O. Box 51314, Calle 72 No. 6556, Barranquilla, Colombia; US FEIN 260064717 (United States) [SDNT]
27. URBANIZADORA ALTAVISTA INTERNACIONAL S.A. (a.k.a. URBAVISTA; f.k.a. TELNET S.A.), Calle 77 B No. 57–141, Ofc. 917, Barranquilla, Colombia; NIT #802014697–3 (Colombia) [SDNT]
28. VILLAROSA INVESTMENTS CORPORATION, Panama City, Panama; C.R. No. 312563/48824/0058 (Panama) [SDNT]
29. VILLAROSA INVESTMENTS FLORIDA, INC., 780 NW Le Jeune Road, Suite 516, Miami, FL 33126, United States; 780 NW 42nd Avenue, Suite 516, Miami, FL 33126, United States; 9100 South Dadeland Boulevard, Suite 912, Miami, FL 33156, United States; US FEIN 650439600 (United States) [SDNT]

Dated: January 10, 2012.

Adam J. Szubin,

Director, Office of Foreign Assets Control.

[FR Doc. 2012–722 Filed 1–17–12; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Unblocking of Specially Designated Nationals and Blocked Persons Pursuant to the Foreign Narcotics Kingpin Designation Act

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (''OFAC'') is publishing the names of one individual and one entity whose property and interests in property have been unblocked pursuant to the Foreign Narcotics Kingpin Designation Act (''Kingpin Act'') (21 U.S.C. 1901–1908, 8 U.S.C. 1182).

DATES: The unblocking and removal from the list of Specially Designated Nationals and Blocked Persons (''SDN List'') of one individual and one entity identified in this notice whose property and interests in property were blocked pursuant to the Kingpin Act, is effective on January 10, 2012.

FOR FURTHER INFORMATION CONTACT: Assistant Director, Sanctions Compliance & Evaluation, Department of the Treasury, Office of Foreign Assets Control, Washington, DC 20220, Tel: (202) 622–2420.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

This document and additional information concerning OFAC are available from OFAC's Web site at *www.treasury.gov/ofac* or via facsimile through a 24-hour fax-on demand service at (202) 622–0077.

Background

On December 3, 1999, the Kingpin Act was signed into law by the President of the United States. The Kingpin Act provides a statutory framework for the President to impose sanctions against significant foreign narcotics traffickers and their organizations on a worldwide basis, with the objective of denying their businesses and agents access to the U.S. financial system and to the benefits of trade and transactions involving U.S. persons and entities.

The Kingpin Act blocks all property and interests in property, subject to U.S. jurisdiction, owned or controlled by significant foreign narcotics traffickers as identified by the President. In addition, the Secretary of the Treasury consults with the Attorney General, the Director of the Central Intelligence Agency, the Director of the Federal

Bureau of Investigation, the Administrator of the Drug Enforcement Administration, the Secretary of Defense, the Secretary of State, and the Secretary of Homeland Security when designating and blocking the property or interests in property, subject to U.S. jurisdiction, of persons or entities found to be: (1) Materially assisting in, or providing financial or technological support for or to, or providing goods or services in support of, the international narcotics trafficking activities of a person designated pursuant to the Kingpin Act; (2) owned, controlled, or directed by, or acting for or on behalf of, a person designated pursuant to the Kingpin Act; and/or (3) playing a significant role in international narcotics trafficking.

On January 10, 2012, the Director of OFAC removed from the SDN List one individual and one entity listed below, whose property and interests in property were blocked pursuant to the Kingpin Act.

Individual

1. LOMELI BOLANOS, Carlos, c/o LOMEDIC, S.A. DE C.V., Guadalajara, Jalisco, Mexico; DOB 05 Aug 1959; POB Guadalajara, Mexico; citizen Mexico; nationality Mexico; C.U.R.P. LOBC590805HJCMLR02 (Mexico) (INDIVIDUAL) [SDNTK]

Entity

1. LOMEDIC, S.A. DE C.V. (a.k.a. MEDIC EXPRESS, S.A. DE C.V.; a.k.a. GRUPO LOMEDIC), Av. del Parque #489, Col. San Andres, Guadalajara, Jalisco 44810, Mexico; Calle Chicle 234, Colonia El Colli Industrial, Zapopan, Jalisco 45069, Mexico; R.F.C. LOM–990211–KQ2 (Mexico) [SDNTK]

Dated: January 10, 2012.

Adam J. Szubin,

Director, Office of Foreign Assets Control.

[FR Doc. 2012–723 Filed 1–17–12; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Small Business/Self-Employed Decreasing Non-Filers Project Committee

AGENCY: Internal Revenue Service (IRS) Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Small Business/Self-Employed Decreasing Non-Filers Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Tuesday, February 21, 2012.

FOR FURTHER INFORMATION CONTACT: Patricia Robb at 1–(888) 912–1227 or (414) 231–2360.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Small Business/Self-Employed Decreasing Non-Filers Project Committee will be held Tuesday, February 21, 2012, at 10 a.m. Eastern Time via telephone conference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Ms. Patricia Robb. For more information please contact Ms. Robb at 1–(888) 912–1227 or (414) 231–2360, or write TAP Office, Stop 1006MIL, 211 West Wisconsin Avenue, Milwaukee, WI 53203–2221, or post comments to the Web site: *http://www.improveirs.org.*

The agenda will include various IRS issues.

Dated: January 11, 2012.

Shawn Collins,

Director, Taxpayer Advocacy Panel.

[FR Doc. 2012–760 Filed 1–17–12; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Refund Processing Communications Project Committee

AGENCY: Internal Revenue Service (IRS) Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Refund Processing Communications Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Thursday, February 2, 2012.

FOR FURTHER INFORMATION CONTACT: Ellen Smiley at 1–(888) 912–1227 or (414) 231–2360.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Refund Processing Communications Project Committee will be held Thursday, February 2, 2012 at 2 p.m. Eastern Time via telephone conference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Ms. Ellen Smiley. For more information please contact Ms. Smiley at 1–(888) 912–1227 or (414) 231–2360, or write TAP Office Stop 1006MIL, 211 West Wisconsin Avenue, Milwaukee, WI 53203–2221, or post comments to the web site: *http://www.improveirs.org.*

The agenda will include various IRS issues.

Dated: January 10, 2012.

Shawn Collins,

Director, Taxpayer Advocacy Panel.

[FR Doc. 2012–762 Filed 1–17–12; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Toll-Free Project Committee

AGENCY: Internal Revenue Service (IRS) Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Toll-Free Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Tuesday, February 7, 2012.

FOR FURTHER INFORMATION CONTACT: Marianne Dominguez at 1–(888) 912–1227 or (954) 423–7978.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Toll-Free Project Committee will be held Tuesday, February 7, 2012, at 11 a.m. Eastern Time via telephone conference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Marianne Dominguez. For more information please contact Ms.

Dominguez at 1–(888) 912–1227 or (954) 423–7978, or write TAP Office, 1000 South Pine Island Road, Suite 340, Plantation, FL 33324, or contact us at the Web site: *http://www.improveirs.org*.

The agenda will include various IRS issues.

Dated: January 10, 2012.

Shawn Collins,

Director, Taxpayer Advocacy Panel.

[FR Doc. 2012–763 Filed 1–17–12; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Face-to-Face Service Methods Project Committee

AGENCY: Internal Revenue Service (IRS) Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Face-to-Face Service Methods Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Tuesday, February 14, 2012.

FOR FURTHER INFORMATION CONTACT: Donna Powers at 1–(888) 912–1227 or (954) 423–7977.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that a meeting of the Taxpayer Advocacy Panel Face-to-Face Service Methods Project Committee will be held Tuesday, February 14, 2012, at 2 p.m. Eastern Time via telephone conference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Donna Powers. For more information please contact Ms. Powers at 1–(888) 912–1227 or (954) 423–7977, or write TAP Office, 1000 South Pine Island Road, Suite 340, Plantation, FL 33324, or contact us at the Web site: *http://www.improveirs.org.*

The agenda will include various IRS Issues.

Dated: January 11, 2012.

Shawn Collins,

Director, Taxpayer Advocacy Panel.

[FR Doc. 2012–761 Filed 1–17–12; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open meeting of Taxpayer Advocacy Panel Taxpayer Burden Reduction Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Taxpayer Burden Reduction Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Wednesday, February 15, 2012.

FOR FURTHER INFORMATION CONTACT: Audrey Y. Jenkins at 1–(888) 912–1227 or (718) 488–2085.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10 (a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Taxpayer Burden Reduction Project Committee will be held Wednesday, February 15, 2012, at 2:30 p.m. Eastern Time via telephone conference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Ms. Jenkins. For more information please contact Ms. Jenkins at 1–(888) 912–1227 or (718) 488–2085, or write TAP Office, 10 MetroTech Center, 625 Fulton Street, Brooklyn, NY 11201, or post comments to the Web site: *http://www.improveirs.org.*

The agenda will include various IRS issues.

Dated: January 11, 2012.

Shawn Collins,

Director, Taxpayer Advocacy Panel.

[FR Doc. 2012–759 Filed 1–17–12; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Return Processing Delays Project Committee

AGENCY: Internal Revenue Service (IRS) Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Return Processing Delays Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Tuesday, February 7, 2012.

FOR FURTHER INFORMATION CONTACT: Janice Spinks at 1–(888) 912–1227 or (206) 220–6098.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Return Processing Delays Project Committee will be held Tuesday, February 7, 2012, at 9:30 a.m. Pacific Time via telephone conference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notifications of intent to participate must be made with Ms. Janice Spinks. For more information please contact Ms. Spinks at 1–(888) 912–1227 or (206) 220–6098, or write TAP Office, 915 2nd Avenue, MS W–406, Seattle, WA 98174 or post comments to the Web site: *http://www.improveirs.org.*

The agenda will include various IRS issues.

Dated: January 11, 2012.

Shawn Collins,

Director, Taxpayer Advocacy Panel.

[FR Doc. 2012–756 Filed 1–17–12; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Bankruptcy Compliance Project Committee

AGENCY: Internal Revenue Service (IRS) Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Bankruptcy Compliance Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Tuesday, February 14, 2012.

FOR FURTHER INFORMATION CONTACT: Timothy Shepard at 1–(888) 912–1227 or (206) 220–6095.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section

10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that a meeting of the Taxpayer Advocacy Panel Bankruptcy Compliance Project Committee will be held Tuesday, February 14, 2012, at 9 a.m. Pacific Time via telephone conference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Timothy Shepard. For more information please contact Mr. Shepard at 1–(888) 912–1227 or (206) 220–6095, or write TAP Office, 915 2nd Avenue, MS W–406, Seattle, WA 98174, or contact us at the Web site: *http://www.improveirs.org.*

The agenda will include various IRS Issues.

Dated: January 11, 2012.

Shawn Collins,

Director, Taxpayer Advocacy Panel.

[FR Doc. 2012–757 Filed 1–17–12; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Tax Forms and Publications Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Tax Forms and Publications Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Wednesday, February 8, 2012.

FOR FURTHER INFORMATION CONTACT: Marisa Knispel at 1–(888) 912–1227 or (718) 488–3557.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Tax Forms and Publications Project Committee will be held Wednesday, February 8, 2012, at 2 p.m. Eastern Time via telephone conference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Ms. Knispel. For more information please contact Ms. Knispel at 1–(888) 912–1227 or (718) 488–3557, or write TAP Office, 10 MetroTech Center, 625 Fulton Street, Brooklyn, NY 11201, or post comments to the Web site: *http://www.improveirs.org.*

The agenda will include various IRS issues.

Dated: January 11, 2012.

Shawn Collins,

Director, Taxpayer Advocacy Panel.

[FR Doc. 2012–758 Filed 1–17–12; 8:45 am]

BILLING CODE 4830–01–P

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H.R. 1540/P.L. 112–81

National Defense Authorization Act for Fiscal Year 2012 (Dec. 31, 2011; 125 Stat. 1298)

H.R. 515/P.L. 112–82

Belarus Democracy and Human Rights Act of 2011 (Jan. 3, 2012; 125 Stat. 1863)

H.R. 789/P.L. 112–83

To designate the facility of the United States Postal Service located at 20 Main Street in Little Ferry, New Jersey, as the "Sergeant Matthew J. Fenton Post Office". (Jan. 3, 2012; 125 Stat. 1869)

H.R. 1059/P.L. 112–84

To protect the safety of judges by extending the authority of the Judicial Conference to redact sensitive information contained in their financial disclosure reports, and for other purposes. (Jan. 3, 2012; 125 Stat. 1870)

H.R. 1264/P.L. 112–85

To designate the property between the United States Federal Courthouse and the Ed Jones Building located at 109 South Highland Avenue in Jackson, Tennessee, as the "M.D. Anderson Plaza" and to authorize the placement of a historical/identification marker on the grounds recognizing the achievements and philanthropy of M.S. Anderson. (Jan. 3, 2012; 125 Stat. 1871)

H.R. 1801/P.L. 112–86

Risk-Based Security Screening for Members of the Armed Forces Act (Jan. 3, 2012; 125 Stat. 1874)

H.R. 1892/P.L. 112–87

Intelligence Authorization Act for Fiscal Year 2012 (Jan. 3, 2012; 125 Stat. 1876)

H.R. 2056/P.L. 112–88

To instruct the Inspector General of the Federal Deposit Insurance Corporation to study the impact of insured depository institution failures, and for other purposes. (Jan. 3, 2012; 125 Stat. 1899)

H.R. 2422/P.L. 112–89

To designate the facility of the United States Postal Service located at 45 Bay Street, Suite 2, in Staten Island, New York, as the "Sergeant Angel Mendez Post Office". (Jan. 3, 2012; 125 Stat. 1903)

H.R. 2845/P.L. 112–90

Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 (Jan. 3, 2012; 125 Stat. 1904)

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